

Terms Completed

ORDER SUMMARY – Case Number: C-10-189

Name(s): Mara Escrow Company

Order Number: C-10-189-10-CO01

Effective Date: September 3, 2010

License Number: n/a

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)

If applicable, you must specifically note the ending dates of terms.

License Effect: n/a

Not Apply Until: n/a

Not Eligible Until: n/a

Prohibition/Ban Until: n/a

Investigation Costs	\$562.50	Due 0	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: Sept 3/10
Fine	\$5,500.00	Due 0	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date: Sept 3/10
Assessment(s)	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Restitution	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Judgment	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Satisfaction of Judgment Filed?		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

Comments: _____

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington by::

NO. C-10-189-10-CO01

MARA ESCROW COMPANY,
Respondent.

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Mara Escrow Company (hereinafter Respondent), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 18.44 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-10-189-10-SC01 (Statement of Charges), entered July 29, 2010, (copy attached hereto). Pursuant to chapter 18.44 RCW, the Escrow Agent Registration Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

CONSENT ORDER
C-10-189-10-CO01
MARA ESCROW COMPANY

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 **B. Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing
2 before an administrative law judge, and that Respondent hereby waives its right to a hearing and any and all
3 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

4 **C. Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$5,500, in the form of a
5 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

6 **D. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee
7 of \$562.50, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this
8 Consent Order. The fine and investigation fee may be paid in one cashier's check.

9 **E. Authority to Execute Order.** It is AGREED that the undersigned Respondent has represented and
10 warranted that it has the full power and right to execute this Consent Order on behalf of the parties represented.

11 **F. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide
12 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
13 event of such legal action, Respondent may be responsible to reimburse the Director for the cost incurred in
14 pursuing such action, including but not limited to, attorney fees.

15 **G. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into
16 this Consent Order, which is effective when signed by the Director's designee.

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1 H. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent
2 Order in its entirety and fully understands and agrees to all of the same.

3 **RESPONDENTS:**

4 **Mara Escrow Company**

5 By: *Rick Dosa*

6 

7 RICK DOSA
Executive VP and Corporate Counsel

9/1/2010
Date

8 DO NOT WRITE BELOW THIS LINE

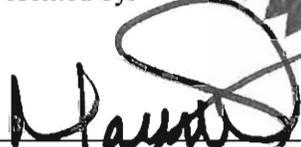
9 THIS ORDER ENTERED THIS *3rd* DAY OF *September*, 2010.





DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

13 Presented by:

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16 MARNIE SHIERAN
Financial Legal Examiner

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18 Approved by:

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21 JAMES R. BRUSSELBACK
Enforcement Chief

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington
by:

MARA ESCROW COMPANY,

Respondent.

NO. C-10-189-10-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO IMPOSE FINE,
AND COLLECT INVESTIGATION FEE

INTRODUCTION

Pursuant to RCW 18.44.410, the Director of the Department of Financial Institutions (Director) is responsible for the administration of chapter 18.44 RCW, the Escrow Agent Registration Act (the Act). After having conducted an investigation pursuant to RCW 18.44.420 and WAC 208-680G-020, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee Division of Consumer Services Director, Deborah Bortner, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondent Mara Escrow Company (Respondent) is incorporated in the State of California. Respondent has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as an escrow agent in the State of Washington.

1.2 Unlicensed Activity. Between at least July 1, 2008, and April 1, 2009, Respondent performed escrow services in at least seven Washington residential mortgage loan transactions. Respondent received fees totaling at least \$4,561.17 for these escrow services. Respondent did not have an Escrow Agent, Designated Escrow Officer or Escrow Officer license issued by the Department during any of the time in question.

1.4 On-Going Investigation. The Department's investigation into the alleged violations of the Act by Respondent continues to date.

1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Definition of Escrow.** Pursuant to RCW 18.44.011(4), "Escrow" means any transaction wherein
3 any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer,
4 encumbrance, or lease of real or personal property to another person or persons, delivers any written
5 instrument, money, evidence of title to real or personal property, or other thing of value to a third
6 person to be held by such third person until the happening of a specified event or the performance of a
7 prescribed condition or conditions, when it is then to be delivered by such third person, in compliance
8 with instructions under which he or she is to act, to a grantee, grantor, promisee, promisor, obligee,
9 obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

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11 **2.2 Definition of Escrow Agent.** Pursuant to RCW 18.44.011(6) "Escrow Agent" means any person
12 engaged in the business of performing for compensation the duties of the third person referred to in
13 RCW 18.44.011(4).

14 **2.3 Prohibition Against Unlicensed Activity.** Based on the factual allegations set forth in Section I
15 above, Respondent is in apparent violation of RCW 18.44.021, RCW 18.44.071, RCW 18.44.101, and
16 RCW 18.44.171 for conducting escrow transactions without a license or designated escrow officer.

17 **2.5 Requirement to Maintain Records in the State of Washington.** Based on the Factual
18 Allegations set forth in Section 1 above, Respondent is in apparent violation of RCW 18.44.400 and
19 WAC 208-680D-030 for failing to maintain transaction records in the State of Washington for a period of
20 six years from completion of the transaction.

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22 **III. AUTHORITY TO IMPOSE SANCTIONS**

23 **3.1 Authority to Impose Fine.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in
24 addition to or in lieu of license denial the Director may impose a fine of up to \$100 per day for each day's
25 violation of the Act or rules adopted thereunder.

1 **3.2 Authority to Collect Investigation Fees** Pursuant to RCW 18.44.410 and WAC 208-680G-
2 050, the expense of an investigation pursuant to WAC 208-680G-020 shall be borne by the entity which
3 is the subject of the investigation.

4 **IV. NOTICE OF INTENTION TO ENTER ORDER**

5 Respondent's violations of the provisions of chapter 18.44 RCW as set forth in the above Factual
6 Allegations, Grounds For Entry Of Order, and Authority to Impose Sanctions constitute a basis for the
7 entry of an Order under RCW 18.44.410, RCW 18.44.430, RCW 18.44.301, and WAC 208-680G-030,
8 which authorize the Director to enforce all laws, rules, and regulations related to the registration of
9 escrow agents and licensing of escrow officers. Therefore, it is the Director's intention to ORDER that:
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11 **4.1** Respondent Mara Escrow Company pay a fine, which as of the date of these charges totals
12 \$5,500;

13 **4.2** Respondent Mara Escrow Company pay an investigation fee, which as of the date of these
14 charges totals \$562.50 calculated at \$62.50 per hour for nine (9) staff hours devoted to the
investigation to date;

15 **4.5** Respondent Mara Escrow Company, its officers, employees, and agents maintain all records
16 involving Washington escrow transactions for a minimum of six years following the closing or
termination of the escrow transaction.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intent to Impose Fine and Collect Investigation Fee (Statement of Charges) is entered pursuant to the provisions of RCW 18.44.410 and RCW 18.44.430, and is subject to the provisions of chapter 34.05 RCW. Respondent may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

DATED this 29th day of July, 2010.



Deborah Bortner

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

Marnie Sheeran

MARNIE SHEERAN
Financial Legal Examiner

Approved by:

James R. Brusselback

JAMES R. BRUSSELBACK
Enforcement Chief