



1 **1.3** On three separate occasions, July 9, 2014, July 28, 2014, and August 5, 2014, the Department's  
2 Examination unit sent a request to Respondents to provide the manager's questionnaire and supporting  
3 documentation. As of the date of this TCD, Respondents have not provided the requested documents.

4 **1.4** On or about October 8, 2014, the Department began an examination of the books and records  
5 of Respondent Barrett Escrow. The Department noted that Respondents had not reconciled the  
6 contract collection trust account since November 2013, and the escrow trust account had not been  
7 reconciled since May 2014.

8 **1.5** On or about November 4, 2014, the Department served a subpoena on Respondents to provide  
9 copies of reconciled trust account records for the contract collection account for every month from  
10 October 2013 to September 2014. The records were due to the Department no later than 5 p.m. on  
11 November 19, 2014.

12 **1.6** As of the date of this TCD, Respondents have not provided copies of the reconciled trust  
13 account records as required by the subpoena.

14 **1.7** In addition, Respondents did not file a quarterly report for the second quarter of 2014, and filed  
15 the quarterly reports late for the entirety of 2013 and the first and third quarters of 2014.

## 16 **II. GROUNDS FOR ENTRY OF ORDER**

17 **2.1 Failure to Reconcile.** Based on the Factual Findings set forth in Section I above, Respondents  
18 are in apparent violation of RCW 18.44.400(1), WAC 208-680-410, and WAC 208-680-425 for failing  
19 to reconcile the trust accounts.

20 **2.2 Failure to Provide Required Records.** Based on the Factual Findings set forth in Section I  
21 above, Respondents are in apparent violation of RCW 18.44.301(10) for failing to provide the records  
22 required in the Department's subpoena and WAC 208-680-425 for failing to file the quarterly reports  
23 within the time period specified.

1                   **III. AUTHORITY TO ISSUE TEMPORARY ORDER TO CEASE AND DESIST**

2   **3.1     Authority to Issue Temporary Order to Cease and Desist.** Pursuant to RCW 18.44.440, if  
3 the Director determines that a person has violated any provision of the Act or has violated any order or  
4 rule of the Director the Director may issue an order requiring the person to cease and desist from the  
5 unlawful practice and to take such affirmative action as in the judgment of the director will carry out  
6 the purposes of the Act. The Director is authorized to issue a temporary order to cease and desist  
7 whenever the Director makes a finding, in writing, that the public interest will be irreparably harmed  
8 by delay in issuing a cease and desist order.

9                   **IV. ORDER**

10           Based on the above Factual Findings, Grounds for Entry of Order, and Authority, and pursuant  
11 to RCW 18.44.440, the Director finds that the public interest will be irreparably harmed by delay in  
12 issuing a cease and desist order. Therefore, the Director ORDERS that:

- 13           **4.1**     Respondents Barrett Escrow, Inc. and Jenny A. Barrett cease and desist from accepting  
14                   new escrow or contract collection clients.
- 15           **4.2**     Respondents Barrett Escrow, Inc. and Jenny A. Barrett resolve or transfer all open  
16                   escrow files and transfer all contract collection accounts within 60 days.
- 17           **4.3**     Respondents Barrett Escrow, Inc. and Jenny A. Barrett, within 15 days of completion of  
18                   escrow services, provide the Department with copies of all escrow documents for all  
19                   escrow settlements that were not transferred.
- 20           **4.4**     Respondents Barrett Escrow, Inc. and Jenny A. Barrett, within 5 business days of  
21                   issuance of this TCD, provide written notice to all principals of open escrows or  
22                   contract collection accounts of the receipt of the TCD. The notice shall include the  
23                   reason for the issuance of the TCD and the estimated date for completing the escrow.  
              The notice shall also afford the principals the right to transfer or withdraw the escrow or  
              transfer the contract collection account.
- 4.5**     This order shall take effect immediately and shall remain in effect unless set aside,  
                          limited, or suspended in writing by an authorized court.

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WITHIN 10 DAYS AFTER YOU HAVE BEEN SERVED WITH THIS TCD, YOU MAY APPLY TO THE SUPERIOR COURT IN THE COUNTY OF YOUR PRINCIPAL PLACE OF BUSINESS FOR AN INJUNCTION SETTING ASIDE, LIMITING, OR SUSPENDING THIS ORDER PENDING THE COMPLETION OF THE ADMINISTRATIVE PROCEEDINGS PURSUANT TO THIS NOTICE.

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2 DATED this 3<sup>rd</sup> day of December, 2014.



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DEBORAH BORTNER  
Director, Division of Consumer Services  
Department of Financial Institutions

Presented by:

DEVON P. PHELPS  
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Approved by:

CHARLES E. CLARK  
Enforcement Chief