

Terms Completed

ORDER SUMMARY – Case Number: C-13-1189

Name(s): Bert Autore ; Point Break Escrow, Inc.

Order Number: C-13-1189-13-CO01

Effective Date: April 18, 2013

License Number: U/L

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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	\$287.50	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 4/16/13
Fine	\$1885	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 4/16/13
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**

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

No.: C-13-1189-13-CO01

CONSENT ORDER

POINT BREAK ESCROW, INC., and
BERT AUTORE, Owner,

Respondents.

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COMES NOW the Director of the Department of Financial Institutions (Director), through his
designee Deborah Bortner, Division Director, Division of Consumer Services, Point Break Escrow,
Inc. (Respondent Point Break), and Bert Autore (Respondent Autore), 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 the Revised Code
of Washington (RCW), the Escrow Agent Registration Act (Act), and RCW 34.05.060 of the
Administrative Procedure Act, based on the following:

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FINDINGS OF FACT

1.1 Respondent Point Break has never obtained an escrow agent license in accordance with the
Act from the Department of Financial Institutions of the State of Washington (Department).

1.2 From at least January 1, 2011, to February 25, 2013, Respondent Point Break performed
escrow agent activities for four properties located in Washington State.

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CONCLUSIONS OF LAW

2.1 Based on the above Findings of Fact, Respondents violated RCW 18.44.021 by engaging in
the business of an escrow agent in the state of Washington without first obtaining and maintaining a
license in accordance with the Act or meeting an exclusion from the Act.

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AGREEMENT AND ORDER

The Department and Respondents have agreed upon a basis for resolution of the Findings of Fact and Conclusions of Law identified in this Consent Order. Pursuant to chapter 18.44 RCW and RCW 34.05.060, Respondents and the Department agree to entry of this Consent Order and further agree that the matters alleged herein may be economically and efficiently settled by the entry of this Consent Order. Respondents hereby admit the Findings of Fact and Conclusions of Law identified in this Consent Order.

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Based upon the foregoing:

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

B. Waiver of Hearing. It is AGREED that Respondents hereby waive any rights they have to a hearing and any and all administrative and judicial review of the issues raised in this matter or the resolution reached herein.

C. Unlicensed Activity. It is AGREED that Respondent Point Break has never obtained an escrow agent license from the Department. It is further AGREED that from at least January 1, 2011, to February 25, 2013, Respondent Point Break engaged in the business of an escrow agent in the State of Washington without a license as required by the Act and without qualifying for an exclusion as delineated in the Act.

D. Escrow Agent License Required. It is AGREED that Respondents now understand that in order to engage in the business of an escrow agent in the state of Washington, Respondents must obtain an escrow agent license in accordance with the Act or qualify for an exclusion from licensing as delineated in the Act. It is further AGREED that Respondents will not engage in the business of

1 an escrow agent in the state of Washington until such time as Respondents obtain a license in
2 accordance with the Act or qualifies for an exclusion from licensing as delineated in the Act.

3 **E. Fine.** It is AGREED that Respondents shall pay a fine to the Department in the amount of
4 \$1,885, in the form of a cashier's check made payable to the "Washington State Treasurer," upon
5 entry of this Consent Order.

6 **F. Investigation Fee.** It is AGREED that Respondents shall pay an investigation fee to the
7 Department in the amount of \$287.50, in the form of a cashier's check made payable to the
8 "Washington State Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee
9 may be paid together in one cashier's check in the amount of \$2,172.50, made payable to the
10 "Washington State Treasurer."

11 **G. Records Retention.** It is AGREED that Respondent Point Break, its officers, employees, and
12 agents shall maintain records in compliance with the Act and provide the Director with the location
13 of the books, records and other information relating to Respondent Point Break's escrow agent
14 business, and the name, address and telephone number of the individual responsible for maintenance
15 of such records in compliance with the Act.

16 **H. Application for Escrow Agent License.** It is AGREED that the entry of this Consent Order
17 will not preclude Respondent Point Break from obtaining an escrow agent license or Respondent
18 Autore from obtaining an escrow officer license, SO LONG AS all requirements under chapter 18.44
19 RCW and 208-680 WAC are satisfactorily met and the applications are complete as determined by
20 the Department.

21 **I. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to
22 abide by the terms and conditions of this Consent Order may result in further legal action by the
23 Director. In the event of such legal action, Respondents may be responsible to reimburse the Director
24 for the cost incurred in pursuing such action, including but not limited to, attorney fees.

1 **J. Voluntarily Entered.** It is AGREED that Respondents have voluntarily entered into this
2 Consent Order, which is effective when signed by the Director's designee.
3 **K. Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read
4 this Consent Order in its entirety and fully understands and agrees to all of the same.
5 **L. Authority to Execute Order.** It is AGREED that the undersigned has represented and
6 warranted that he has the full power and right to execute this Consent Order on behalf of Respondent
7 Point Break.

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9 **RESPONDENTS:**

10 **Point Break Escrow, Inc.**

11 By:

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13 Bert Autore
14 President

15 4/12/13
Date

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17 Bert Autore
18 Individually

19 4/12/13
Date

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DO NOT WRITE BELOW THIS LINE

1 THIS ORDER ENTERED THIS 18th DAY OF April, 2013.



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3 [Redacted signature]

4 DEBORAH BORTNER
5 Director, Division of Consumer Services
6 Department of Financial Institutions

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8 Presented by:

9 [Redacted signature]

10 DEVON P. PHELPS
11 Financial Legal Examiner

12 Approved by:

13 [Redacted signature]

14 CHARLES E. CLARK
15 Enforcement Chief