1	STATE OF WASHINGTON DEPARTMENT OF FINANCIAL INSTITUTIONS		
2	CONSUMER SERVICES DIVISION		
3			
4			
5	5 ESCROW SERVICES OF WASHINGTON, LLC, and LYNN RIVERA, Owner and Designated Escrow	AKE	
6	6 Officer, Respondents.		
7	· · · · · · · · · · · · · · · · · · ·		
8	8 <b>THE STATE OF WASHINGTON TO:</b> Escrow Services of Washington, LLC and Lyn	n Rivera	
9	COMES NOW the Director of the Washington State Department of Financial Institutions (Director),		
10	by and through his designee Lucinda Fazio, Division Director, Division of Consumer Services (designee),		
11	and finding that the public interest will likely to be irreparably harmed by delay in issuing an order to cease		
12	and desist, enters this Temporary Order to Cease and Desist and Take Affirmative Action (Order) pursuant		
13	to chapter 18.44 RCW, the Escrow Agent Registration Act of Washington (Act), based on the following:		
14	I. FACTUAL FINDINGS		
15	5 1.1 Licensing Status of Respondents.		
16	6 A. The Washington State Department of Financial Institutions, Division of Consur	ner Services	
17	7 (Department) licensed Respondent Escrow Services of Washington LLC (Respondents Esc	(Department) licensed Respondent Escrow Services of Washington LLC (Respondents Escrow Services)	
18	8 as an escrow agent on or about January 29, 2021, and it continues to be licensed to date.	as an escrow agent on or about January 29, 2021, and it continues to be licensed to date.	
19	9 <b>B.</b> The Department licensed Respondent Lynn Rivera (Respondent Rivera), the ow	vner of	
20	0 Respondent Escrow Services, as its Designated Escrow Officer (DEO) on or about January	29, 2021,	
21	1 and she continues to be licensed to date. Respondent Rivera is also licensed by the Washin	gton State Bar	
22	Association (WSBA) as a Limited Practice Officer (LPO), and is required to maintain an Interest on		
23	Attorney Trust Account (IOLTA) to practice as a LPO.		
24	4 TEMPORARY ORDER TO CEASE AND DESIST AND Page 1 of 5 DEPARTMENT OF FINANCI	AL INSTITUTIONS	

TEMPORARY ORDER TO CEASE AND DESIST AND TAKE AFFIRMATIVE ACTION C-21-3240-21-TD01 ESCROW SERVICES OF WASHINGTON, LLC and AURORA LYNN RIVERA

via a Non-Sufficient Funds (NSF) check. Based on information and belief, approximately \$1.5 million Page 2 of 5 DEPARTMENT OF FINANCIAL INSTITUTIONS

Services, filed a complaint with the Federal Bureau of Investigation's Internet Crime Complaint Center (IC3). In her complaint, Respondent Rivera claimed that she had been subject to an extortion scheme;

that on September 15, 2021, she had wire transferred \$3.5 million to Turkey to assist a friend who was purportedly in danger; and that she was in fear for her life. Respondent Rivera digitally signed her complaint, affirming that the information provided was true and accurate to the best of her knowledge, and did so under penalty of Title 18 U.S.C Section 1001.

1.5 On or about November 10, 2021, Respondent Rivera sent an e-mail to some of Respondent Escrow Services' clients, admitting that she had not been "very truthful when I said that there was a problem

with my bank." She included a copy of the IC3 complaint she had filed with the FBI.

1

2

3

4

Division of Consumer Services PO Box 41200 Olympia, WA 98504-1200 (360) 902-8703

Service's IOLTA trust account. None of the funds transferred from the IOLTA account were done pursuant to written escrow instructions authorized by clients of Respondent Escrow Service. Beginning in October 2021, when closing disbursements from Respondent Escrow Service were not being made, Respondent Rivera initially explained to her clients that her bank account had been hacked. Though she repeatedly promised that she would make the transfers, and that the money was

**1.2** Failure to Properly Manage Trust Account Funds. On or about on September 15, 2021,

Respondent Rivera sent a \$3.5 million wire transfer to an unknown person or entity purportedly in

Turkey. Based on information and belief, while some of those funds came from a refinance of her

residential real estate, approximately \$1.5 million of those funds came from Respondent Escrow

from Respondent Escrow Services' IOLTA trust fund that was transferred to Turkey was not authorized 1 by the clients of Respondent Escrow Services, and the IOLTA trust fund is out of balance. 2

**1.7** Substantial Injury to Public. The effect of the above-described conduct by Respondent Escrow Services and Respondent Rivera (hereinafter Respondents) is that the public interest will be irreparably harmed by delay in issuing an order to cease and desist.

6 7

8

9

10

14

15

16

17

18

19

21

22

23

24

3

4

5

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

Based on the Factual Allegations set forth in Section I above, Respondents are in apparent 2.1 violation of RCW 18.44.301(1) through (3) for directly or indirectly engaging in an any scheme, device, or artifice to defraud or mislead any person; engaging in any unfair practice toward any person; and directly or indirectly obtaining property by fraud or misrepresentation.

11 **2.2** Based on the Factual Allegations set forth in Section I above, Respondents are in apparent 12 violation of WAC 208-680-550 and RCW 18.44.301(2) for intentionally or negligently failing to 13 perform all acts required of the escrow agent as expeditiously as possible.

## **III. AUTHORITY**

## Authority to Issue Temporary Order to Cease and Desist and Take Affirmative Action. 3.1

Pursuant to RCW 18.44.440, if the Director or his designee makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order to cease and desist, the Director or his designee may issue a temporary cease and desist order.

## IV. ORDER

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

**4.1** Respondents shall immediately cease and desist from the unlawful practices alleged in Section II, the Grounds for Entry of Order.

Page 3 of 5

1 2	4.2	Respondents shall immediately cease and desist from accepting new escrow service customers, and shall not accept or disperse any funds from the IOLTA trust account or the general operating account.	
3	4.3	Respondents shall, within five business days from the date of this Order, produce to the Department the most recent IOLTA trust account reconciliation, and bank statements from the	
4		IOLTA trust account and general operating account since January 1, 2021.	
5	4.4	Respondents shall, within five business days from the date of this Order, produce to the Department a list of all open escrow accounts.	
6 7	4.5	Respondents shall, within ten business days from the date of this Order, produce to the Department copies of all open escrow files.	
8 9	4.6	Respondents shall, within five business days from the date of this Order, provide written notice to all principals of open escrow accounts with a copy of and notice of receipt of this Order. The notice shall afford principals the right to transfer or withdraw open escrow files.	
10 11	4.7	Respondents shall not withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information. Doing so may be a class B felony punishable under RCW 9A.20.021(1)(b), or punishable by a fine of not more than twenty thousand dollars,	
11		or both.	
13	4.8	Upon the Department's written request, Respondents shall immediately take affirmative action to assist the Department's continuing investigation of Respondents' conduct. Such affirmative	
14		action includes, but is not limited to, providing the Department with truthful and complete sworn or unsworn statements; timely producing all requested, documents, books, records; and providing any and all other information relevant to this matter.	
15 16	4.9	This order shall take effect immediately and shall remain in effect unless set aside, limited, or suspended in writing by an authorized court.	
17			
18		NOTICE	
19	PURSUANT TO CHAPTER 18.44 RCW, YOU ARE ENTITLED TO A HEARING TO		
20	DETERMINE WHETHER THIS ORDER SHALL BECOME PERMANENT. IF YOU DESIRE A		
21	HEARING, YOU MUST TIMELY RETURN THE ATTACHED APPLICATION FOR		
22	ADJUD	ICATIVE HEARING.	
23			
24	TAKE AFFI C-21-3240-2 ESCROW S	RY ORDER TO CEASE AND DESIST ANDPage 4 of 5DEPARTMENT OF FINANCIAL INSTITUTIONSIRMATIVE ACTIONDivision of Consumer Services21-TD01PO Box 41200ERVICES OF WASHINGTON, LLC andOlympia, WA 98504-1200YNN RIVERA(360) 902-8703	

1	FAILURE TO COMPLETE AND RETURN THE APPLICATION FOR ADJUDICATIVE		
2	HEARING SO THAT IT IS RECEIVED BY THE DEPARTMENT WITHIN TWENTY (20) DAYS OF		
3	THE DATE THIS ORDER WAS SERVED ON YOU WILL CONSTITUTE A DEFAULT AND WILL		
4	RESULT IN THE LOSS OF YOUR RIGHT TO A HEARING.		
5	SERVICE ON YOU IS DEFINED AS POSTING IN THE U.S. MAIL, POSTAGE PREPAID, TO		
6	YOUR LAST KNOWN ADDRESS. BE ADVISED THAT DEFAULT WILL RESULT IN THIS		
7	TEMPORARY ORDER TO CEASE AND DESIST BECOMING PERMANENT ON THE TWENTY-		
8	FIRST (21ST) DAY FOLLOWING SERVICE OF THIS ORDER.		
9			
10	Entered this 18 <sup>th</sup> day of November 2021.		
11			
12	Lucinda Fazio, Director Division of Consumer Services		
13	Department of Financial Institutions		
14	and the second sec		
15	Presented by: Approved by:		
16	/S/ /S/		
17	ANTHONY W. CARTERJACK R. McLELLANSenior Legal ExaminerEnforcement Chief		
18			
19			
20			
21			
22			
23			
24	TEMPORARY ORDER TO CEASE AND DESIST AND Page 5 of 5 DEPARTMENT OF FINANCIAL INSTITUTIONS TAKE AFFIRMATIVE ACTION C-21-3240-21-TD01 PO Box 41200 ESCROW SERVICES OF WASHINGTON, LLC and AURORA LYNN RIVERA (360) 902-8703		