

Terms Completed

ORDER SUMMARY – Case Number: C-10-285

Name(s): Trust Title Company

Order Number: C-10-285-10-CO01

Effective Date: October 7, 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Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
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: Claim of Non-Applicability provided

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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-10-285-10-CO01

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TRUST TITLE COMPANY,

CONSENT ORDER

Respondent.

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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, and Trust Title Company (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-10-285-10-SC01 (Statement of Charges), entered August 23, 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 and agree that Respondent does not admit any wrongdoing by its entry.

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-10-285-10-CO01
Trust Title 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 hereby waives its right to a hearing and any and all administrative and
3 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent,
4 by the signature of its representative below, withdraws its appeal to the Office of Administrative Hearings.

5 **C. Escrow Agent License Required.** It is AGREED that Respondent understands it must obtain an
6 Escrow Agent license from the Department or meet an exclusion from licensing, as delineated in the Act, in order
7 to engage in business as an escrow agent by performing escrows or any of the functions of an escrow agent
8 described in the Act within the State of Washington or with respect to transactions that involve personal property
9 or real property located in the State of Washington.

10 **D. Claim of Non-Applicability.** Respondent has provided the Department with a declaration, signed
11 under penalty of perjury of the laws of the State of Washington, that:

- 12 1. Respondent is not engaging in the business of providing escrow services in the State of
13 Washington, as defined in RCW 18.44.011; and
- 14 2. Respondent will not engage in the business of providing escrow services in the State of
15 Washington until such time as Respondent obtains an Escrow Agent license from the Department
16 or meets an exclusion from licensing, as delineated in the Act.

17 **E. Application for License.** It is AGREED that nothing in this Consent Order, or the facts giving rise
18 to, or underlying the Statement of Charges, will be considered by the Department in the assessment of any future
19 application by Respondent for an escrow agent license under the Act in the event Respondent pursues such an
20 application. It is further AGREED that, should Respondent apply to the Department for a license to conduct
21 business as an escrow agent at any time in the future, Respondent shall be required to meet any and all application
22 requirements in effect at that time.

23 **F. Authority to Execute Order.** It is AGREED that the undersigned has represented and warranted that
24 he has the full power and right to execute this Consent Order on behalf of the Respondent.

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

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

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

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CONSENT ORDER
C-10-285-10-CO01
Trust Title Company

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

1 **RESPONDENT:**

2 **Trust Title Company**

3 **By:**



4 **C.W. "Kip" Gardner**
5 **President**

10-6-10
Date

6 **DO NOT WRITE BELOW THIS LINE**

7 THIS ORDER ENTERED THIS 7th DAY OF October, 2010.





9 **DEBORAH BORTNER**
10 **Director**
11 **Division of Consumer Services**
12 **Department of Financial Institutions**

12 **Presented by:**



15 **MARK T. OLSON**
16 **Financial Legal Examiner**

17 **Approved by:**



19 **JAMES R. BRUSSELBACK**
20 **Enforcement Chief**

25 **CONSENT ORDER**
C-10-285-10-CO01
Trust Title Company

1 STATE OF WASHINGTON
2 DEPARTMENT OF FINANCIAL INSTITUTIONS
3 DIVISION OF CONSUMER SERVICES

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

NO. C-10-285-10-SC01

7 TRUST TITLE COMPANY,

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO CEASE AND DESIST, IMPOSE
FINE, COLLECT INVESTIGATION FEE,
AND MAINTAIN RECORDS

Respondent.

8 INTRODUCTION

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

14 I. FACTUAL ALLEGATIONS

15 1.1 **Respondent Trust Title Company (Respondent)** is a Virginia corporation headquartered at 8230
16 Boone Boulevard, Suite 125, Vienna, Virginia. Respondent has never been licensed by the Department of
17 Financial Institutions of the State of Washington (Department) to conduct business as an escrow agent in the
18 State of Washington.

19 1.2 **Unlicensed Activity.** Between at least November 2007 and February 2010, Respondent performed escrow
20 functions in at least 14 Washington mortgage loan transactions. Respondent received approximately \$7,200 as
21 "fees" for those loans. As of the date of this Statement of Charges, Respondent advertises the ability to "close real
22 estate settlements throughout the U.S." and "[meet] your closing and settlement needs nationwide" on its website.¹

23 1.3 **On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
24 Respondent continues to date.
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¹ <http://trusttitle.com>

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

10 **2.2 Definition of Escrow Agent.** Pursuant to RCW 18.44.011(6) "Escrow Agent" means any person engaged
11 in the business of performing for compensation the duties of the third person referred to in RCW 18.44.011(4).

12 **2.3 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section I
13 above, Respondent is in apparent violation of RCW 18.44.021 for engaging in business as an escrow agent by
14 performing escrows or any of the functions of an escrow agent within the State of Washington or with respect to
15 transactions that involve personal property or real property located in the State of Washington without first
16 obtaining a license.

17 **2.4 Requirement to Maintain Records in the State of Washington.** Based on the Factual Allegations set
18 forth in Section 1 above, Respondent is in apparent violation of RCW 18.44.400 and WAC 208-680D-030 for
19 failing to maintain transaction records in the State of Washington for a period of six years from completion of the
20 transaction.

21 **III. AUTHORITY TO IMPOSE SANCTIONS**

22 **3.1 Authority to Issue Order to Take Affirmative Action and to Cease and Desist.** Pursuant to RCW
23 18.44.440 and WAC 208-680G-030, if the director determines after notice and hearing that a person has:
24 violated any provision of the Act; or engaged in any false, unfair and deceptive, or misleading advertising or
25 promotional activity or business practices; the director may issue an order requiring the person to cease and

1 desist from the unlawful practice and to take such affirmative action as in the judgment of the director will carry
2 out the purposes of the Act.

3 **3.2 Authority to Impose Fines.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in addition to
4 or in lieu of license denial the Director may impose a fine of up to \$100 per day for each day's violation of the Act.

5 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410 and WAC 208-680G-050, the
6 expense of an investigation pursuant to WAC 208-680G-020 shall be borne by the entity which is the subject of the
7 investigation.

8 IV. NOTICE OF INTENTION TO ENTER ORDER

9 Respondent's violations of the provisions of chapter 18.44 RCW as set forth in the above Factual
10 Allegations and Grounds For Entry Of Order constitute a basis for the entry of an Order under RCW 18.44.400,
11 RCW 18.44.410, RCW 18.44.430, RCW 18.44.440, and WAC 208-680G-030, which authorize the Director to
12 enforce all laws, rules, and regulations related to the registration of escrow agents and licensing of escrow officers.
13 Therefore, it is the Director's intention to ORDER that:

14 **4.1** Respondent Trust Title Company cease and desist from performing escrow services in the State of
15 Washington and from advertising the ability to perform escrow services in the State of Washington until
16 such time as Respondent Trust Title Company obtains a license from the Department to provide escrow
17 services in the State of Washington or meets an exclusion from licensing as delineated in the Act.

18 **4.2** Respondent Trust Title Company pay a fine. As of the date of this Statement of Charges, the fine totals
19 \$10,000.

20 **4.3** Respondent Trust Title Company pay an investigation fee. As of the date of this Statement of Charges,
21 the investigation fee totals \$750.

22 **4.4** Respondent Trust Title Company, its officers, employees, and agents maintain all records involving
23 Washington State escrow transactions within the State of Washington for a period of six years from
24 completion of the escrow transactions.
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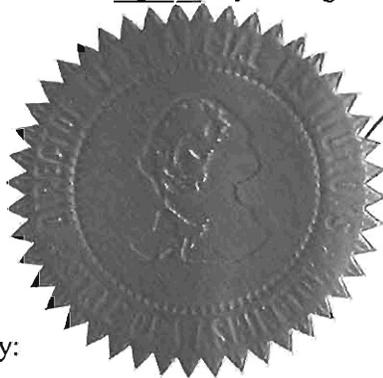
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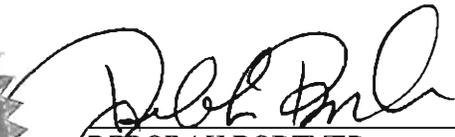
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V. AUTHORITY AND PROCEDURE

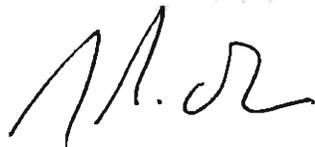
This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Impose Fine, Collect Investigation Fee, and Maintain Records (Statement of Charges) is entered pursuant to the provisions of RCW 18.44.410, RCW 18.44.430, and RCW 18.44.440, and is subject to the provisions of chapter 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 23rd day of August, 2010.




DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:



MARK T. OLSON
Financial Legal Examiner

Approved by:


JAMES R. BRUSSELBACK
Enforcement Chief