



State of Washington

DEPARTMENT OF FINANCIAL INSTITUTIONS  
DIVISION OF CONSUMER SERVICES

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Telephone (360) 902-8700 ● TDD (360) 664-8126 ● <http://www.dfi.wa.gov>

June 18, 2010

Douglas J. Edwards  
Attorney at Law  
Hennessey & Edwards, P.S.  
1403 S. Grand Blvd., Suite 201-S  
Spokane, WA 99203

RE: Revised No Action Letter for Hennessey & Edwards, P.S. under the Escrow Agent  
Registration Act

Dear Mr. Edwards,

This letter is revised in accordance with the June 10, 2010 draft of the Department of Financial Institution's interim guidance for attorneys who conduct escrow transactions, available at <http://dfi.wa.gov/cs/pdf/rulemaking/2010/eara-laws-2010-interim-guidance.pdf>.

The Department of Financial Institutions, Consumer Services Division ("the Division") has received and reviewed your letter of June 15, 2010, requesting a no-action letter regarding Hennessey & Edwards, P.S. and the recent changes to the Escrow Agent Registration Act, RCW 18.44 (the Act). As you know, Substitute House Bill 2564 (chapter 34, Laws of 2010) made significant changes to the attorney exception in the Act.

An escrow is a transaction where a person (the escrow agent) receives any written instrument, money, evidence of title to real or personal property, or other thing of value from a person or persons and transfers it to another person or persons, based on instructions from the principal parties to the transaction. This transaction must be for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property. Escrow does not include activities that require the exercise of legal discretion by an attorney. The Division considers an escrow transaction that involves exercise of legal discretion by an attorney as incidental to the practice of law and not subject to licensing under the Act.

In your request for a no action letter, you stated real estate closing services represent no more than a third of your business. You also state that you only advertise and identify yourself as an attorney, that you are only compensated for escrow services through your law practice, and that you or your partner are personally involved in every transaction your office conducts.

Based on the facts as you present them, the Division will not require you or your firm to submit an application for a license and will take no action against you for unlicensed escrow activity. Because this determination is based upon the representations set forth in your letter, it should be

noted that any different facts or conditions might result in a different conclusion. The Division reserves the right to make a different determination in the future, should either your circumstances or the law change.

This is an individual determination based on your specific circumstances, and has no effect or precedential value for persons in similar situations. Your exception is an individual exception based on your admission to practice law in Washington, and does not apply to any non-attorney employee that might conduct escrow transactions independent of your oversight.

Thank you for contacting DFI. If you have any questions, please let me know. I may be reached at (360) 902-8755 or at [pbrady@dfi.wa.gov](mailto:pbrady@dfi.wa.gov).

Sincerely,



Phil Brady  
Staff Attorney