



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

Jordan M. Hecker
Hecker Wakefield & Feilberg, P.S.
321 First Avenue West
Seattle, WA 98119

RE: Revised No Action Letter for Hecker Wakefield & Feilberg, P.S. under the Escrow Agent Registration Act

Dear Mr. Hecker,

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 9, 2010, requesting a no-action letter regarding your legal practice, Hecker Wakefield & Feilberg, 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 state that fees from escrow services represent less than 20% of your firm's revenues, indicating that your firm is not principally engaged in the escrow business. You state that Hecker Wakefield & Feilberg, P.S. does not advertise regularly, and would identify itself as a law firm if it did advertise. You also state that your attorneys are only compensated for escrow services through the law practice, and that attorneys actively supervise every escrow file that comes through the firm.

We noticed that your website refers to your escrow personnel as "escrow officers." Because this is a term used by DFI to describe natural persons licensed to conduct escrow transactions, this

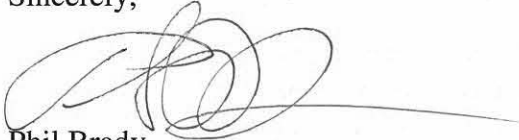
could imply to a potential customer that they are licensed escrow officers, which to the best of our knowledge they are not. To avoid potential confusion, we recommend that you either change their titles, or have them licensed as escrow officers with the Division.

Based on the facts as you present them, the Division will not require Hecker Wakefield & Feilberg, P.S. to apply for an escrow license and will take no action against your attorneys or the firm itself 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 the firm's circumstances or the law change.

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

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Phil Brady', with a long horizontal line extending to the right.

Phil Brady
Staff Attorney