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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

BURIEN ESCROW COMPANY, INC.,
a Washington corporation, CYNDI A.
OHRT, and CHAD K. OHRT,

NO. 03-2-07920-1 KNT

Petitioners,

v.

WASHINGTON STATE
DEPARTMENT OF FINANCIAL
INSTITUTIONS, an administrative
agency of the State of Washington, and
HELEN P. HOWELL, in her official
capacity as Director of the Washington
State Department of Financial
Institutions,

AGREED ORDER OF SETTLEMENT

AND

AGREED ORDER OF DISMISSAL
WITH PREJUDICE OF PETITION
FOR JUDICIAL REVIEW OF FINAL
ORDER

Respondents.

This matter came before the Court on October 16, 2003 on a joint Motion for Presentation of an Agreed Order of Settlement and Agreed Order of Dismissal of Petition for Judicial Review of Final Order. Petitioners Burien Escrow Company, Inc., Cyndi A. Ohrt, and Chad K. Ohrt are represented by and through Robert Leinbach, Attorney at Law. Respondents Washington State Department of Financial Institutions and Helen P. Howell, Director of the Washington State Department of Financial Institutions (hereinafter collectively "Department")

1 are represented by and through its attorneys Christine O. Gregoire, Attorney General, and G.
2 Marc Worthy, Assistant Attorney General.

3 **I. PROCEDURAL HISTORY**

4 A. On May 30, 2003, the Director through her designee Consumer Services Division
5 Director Mark Thompson, entered a Statement of Charges and Notice of Intention
6 to Enter an Order to Cease and Desist, to Deny Licenses, Prohibit from
7 Participation in the Industry, Collect Examination Fees, and Impose Monetary Fines
8 (“Statement of Charges”).

9 B. The Department served the Statement of Charges on Respondents Burien Escrow
10 Company, Inc., Cyndi A. Orht and Chad K. Orht by certified mail on June 2, 2003.

11 C. Respondents Burien Escrow Company, Inc., Cyndi A. Orht and Chad K. Orht did
12 not file a request for hearing.

13 D. The Director issued a Final Order on July 30, 2003.

14 E. Respondents Burien Escrow Company, Inc., Cyndi A. Orht and Chad K. Orht
15 served on the Department a Petition for Reconsideration of Final Order on August
16 8, 2003.

17 F. In her Order Denying Petition for Reconsideration and Reaffirmation of Director’s
18 Final Order Regarding Burien Escrow Company, inc., Cyndi A. Orht and Chad K.
19 Orht, the Director denied Respondents Burien Escrow Company, Inc., Cyndi A.
20 Orht and Chad K. Orht Petition for Reconsideration and reaffirmed the Director’s
21 Final Order of July 30, 2003.

22 G. On September 5, 2003 Respondents Burien Escrow Company, Inc., Cyndi A. Orht
23 and Chad K. Orht filed a Petition for Judicial Review of a Final Order of the
24 Washington State Department of Financial Institutions.

1 Having reviewed the pleadings and records contained in the court file and having been
2 fully advised in the premises, the Court finds that the parties reached a mutually acceptable
3 resolution of this matter and that the parties agree to the entry of the following order.

4 **II. ORDER.**

5 **IT IS HEREBY ORDERED THAT:**

6 A. Petitioners' Petition for Judicial Review of a Final Order of the Washington State
7 Department of Financial Institutions filed on September 5, 2003, pursuant to RCW
8 34.05.530 is DISMISSED WITH PREJUDICE and without assessment of costs to the
9 parties.

10 B. Subject to Sections E and F below, Cyndi A. Ohrt, and Chad K. Ohrt, shall
11 permanently CEASE AND DESIST from any and all escrow activity requiring a
12 license issued pursuant to chapter 18.44 RCW.

13 C. Burien Escrow Company, Inc.'s application for a license to conduct the business of
14 an escrow agent is DENIED;

15 D. Cyndi A. Ohrt's application for a license to act as an Escrow Officer is DENIED;

16 E. Cyndi A. Ohrt is PROHIBITED FROM PARTICIPATION in the conduct of the
17 affairs of any licensed escrow agent, in any manner, to include but not be limited to
18 holding the position of Designated Escrow Officer, escrow officer, officer, director,
19 partner, manager, controlling person, stockholder, employee, or independent contractor
20 of an escrow agent for a period of ten (10) years;

21 F. Chad K. Ohrt is PROHIBITED FROM PARTICIPATION in the conduct of the
22 affairs of any licensed escrow agent, in any manner, to include but not be limited to
23 holding the position of Designated Escrow Officer, escrow officer, officer, director,
24 partner, manager, controlling person, stockholder, employee, or independent contractor
25 of an escrow agent for a period of ten (10) years;

1 G. Burien Escrow Company, Inc., Cyndi A. Ohrt, and Chad K. Ohrt shall be
2 responsible for the maintenance of all books, records, and other information in
3 compliance with the Escrow Agent Registration Act and the rules adopted pursuant
4 thereto. Upon sale of Burien Escrow Company, Inc. to an individual or entity licensed
5 pursuant to RCW 18.44, Cyndi A. Ohrt, and Chad K. Ohrt shall be permitted to
6 transfer all books, records, and other information held in compliance with the Escrow
7 Agent Registration Act provided that the Department receives a written notice detailing
8 the reasonable disposition and handling of the books, records, and other information to
9 ensure their maintenance in compliance with the Escrow Agent Registration Act and
10 the rules adopted pursuant thereto.

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12 DATED this 16 day of October, 2003.

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14 /S/
HONORABLE JUDGE JAY V. WHITE

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24 Presented by:
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1 CHRISTINE O. GREGOIRE
Attorney General

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/S/

4 G. Marc Worthy, WSBA #
Assistant Attorney General
5 Attorneys for State of Washington,
Department of Financial Institutions
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/S/

10 Robert Leinbach, WSBA # _____
Attorney at Law
11 Attorney for Respondents
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13 Burien Escrow Company, Inc.
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15 By: /S/ _____
Cyndi A. Ohrt, President
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/S/

19 Cyndi A. Ohrt
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/S/

22 Chad K. Ohrt
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