

Terms Completed

ORDER SUMMARY – Case Number: C-07-167

Name(s): Informed Escrow
Marilyn Jackson

Order Number: C-07-167-07-CO01

Effective Date: August 6, 2007

License Number: None -was not licensed

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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: Respondents are prohibited from the conduct of licensed escrow
 for 5 yrs

Not Apply Until: _____

Not Eligible Until: _____

Prohibition/Ban Until: 8/7/2012

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: _____

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

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

NO. C-07-167-07-CO01

CONSENT ORDER

INFORMED ESCROW INC and
MARILYN L. JACKSON, President and
Owner,

Respondents.

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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 Informed Escrow Inc. and Marilyn L. Jackson, President and Owner (hereinafter Respondents), and finding that the issues raised in the 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:

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AGREEMENT AND ORDER

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The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-07-167-07-SC01 (Statement of Charges), entered June 26, 2007, (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, Respondents hereby agree to the Department's entry of this Consent Order and further agree 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.

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1 Based upon the foregoing:

2 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the
3 activities discussed herein.

4 B. **Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a hearing
5 before an administrative law judge, and that they have waived their right to a hearing and any and all
6 administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.

7 C. **Prohibition from Industry.** It is AGREED that Respondents are prohibited from participating in the
8 conduct of the affairs of a licensed escrow agent as an officer, principal, or employee of any licensed escrow agent
9 or any person subject to licensing under this chapter for five (5) years from the date of entry of this Consent Order.

10 D. **Records.** It is AGREED that Respondents shall maintain records for a period of six (6) years from
11 completion of the transaction and shall provide the Department with the location of books, records, and other
12 information relating to Respondents' escrow agent business, and the name, address and telephone number of the
13 individual responsible for maintenance of such records.

14 E. **Authority to Execute Order.** It is AGREED that the undersigned Respondents have represented and
15 warranted that they have the full power and right to execute this Consent Order on behalf of the parties
16 represented.

17 F. **Non-Compliance with Order.** It is AGREED that Respondents understand that failure to abide
18 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the
19 event of such legal action, Respondents may be responsible to reimburse the Director for the cost incurred in
20 pursuing such action, including but not limited to, attorney fees.

21 G. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily entered into
22 this Consent Order, which is effective when signed by the Director's designee.

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1 H. Completely Read, Understood, and Agreed. It is AGREED that Respondents have read this
2 Consent Order in its entirety and fully understand and agree to all of the same.

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4 **RESPONDENTS:**

5 **Informed Escrow, Inc.**

6 By:

7 _____
8 Marilyn L. Jackson *J*
9 President and Owner

8-1-07
Date

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11 _____
12 Marilyn Jackson *J*
13 Individually

8-1-07
Date

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15 DO NOT WRITE BELOW THIS LINE

16 THIS ORDER ENTERED THIS 6th DAY OF August, 2007.



DEBORAH BÖRTNER
Director
Division of Consumer Services
Department of Financial Institutions

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington
by:

INFORMED ESCROW INC and
MARILYN L. JACKSON, President and
Owner

Respondents.

NO. C-07-167-07-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO IMPOSE FINE, and
PROHIBIT FROM INDUSTRY

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INTRODUCTION

Pursuant to RCW 18.44.410 and RCW 18.44.430, the Director of the Department of Financial Institutions (Director) is responsible for the administration of chapter 18.44 RCW, the Escrow Agent Registration Act (Act). After having conducted an investigation pursuant to RCW 18.44.420, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee, Deborah Bortner, Division Director, Division of Consumer Services, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Informed Escrow Inc (Respondent Informed Escrow) was an escrow company licensed in the State of California from at least January 2005 to October 2006. Respondent Informed Escrow is not and has never been licensed by the State of Washington to operate as an escrow agent.

B. Marilyn L. Jackson (Respondent Jackson) is listed as President and Owner of Respondent Informed Escrow.

1.2 Unlicensed location. Respondents are known to have conducted business as an Escrow Agent in the State of Washington at the following location: 14752 Plaza Drive, Suite N, Tustin, California, 92780. To date, the

1 Department has not issued a license to Respondents to conduct the business of an escrow agent in the State of
2 Washington from that or any location.

3 **1.3 Unlicensed Activity.** Between January 1, 2005 and October 31, 2006, Respondents performed escrow
4 agent functions in connection with sixty-one loans made for properties located in Washington State. The total fees
5 collected by Respondents for these loans, was at least \$34,520.

6 **1.4 On-Going Investigation:** The Department's investigation into the alleged violations of the Act by
7 Respondents continues to date.

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

9 **2.1 Definition of Escrow.** Pursuant to RCW 18.44.011(4), "Escrow" means any transaction wherein any
10 person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance,
11 or lease of real or personal property to another person or persons, delivers any written instrument, money,
12 evidence of title to real or personal property, or other thing of value to a third person to be held by such third
13 person until the happening of a specified event or the performance of a prescribed condition or conditions, when
14 it is then to be delivered by such third person, in compliance with instructions under which he or she is to act, to
15 a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee
16 thereof.

17 **2.2 Definition of Escrow Agent.** Pursuant to RCW 18.44.011(6) "Escrow Agent" means any person engaged
18 in the business of performing for compensation the duties of the third person referred to in RCW 18.44.011(4).

19 **2.3 Requirement to Obtain and Maintain License.** Based on the factual allegations set forth in Section I
20 above, Respondents are in apparent violation of RCW 18.44.021 for engaging in business as an escrow agent by
21 performing escrows or any of the functions of an escrow agent within this state or with respect to transactions
22 that involve personal property or real property located in this state without first obtaining a license.

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III. AUTHORITY TO IMPOSE SANCTIONS

3.1 Authority to Prohibit from the Industry Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(2), the Director may remove and/or prohibit from participation in the conduct of the affairs of a licensed escrow agent, any officer, controlling person, director, employee, or licensed escrow officer in addition to, or in lieu of, license denial.

3.2 Authority to Impose Fines. Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), the Director may impose fines for violating any provisions of this Act.

IV. NOTICE OF INTENTION TO ENTER ORDER

Respondents' violations of the provisions of chapter 18.44 RCW as set forth in the above Factual Allegations, Grounds For Entry Of Order, and Authority to Impose Sanctions constitute a basis for the entry of an Order under RCW 18.44.410, RCW 18.44.430, RCW 18.44.301, and WAC 208-680G-030 which authorize the Director to enforce all laws, rules, and regulations related to the registration of escrow agents and licensing of escrow officers. Therefore, it is the Director's intention to ORDER that:

- 4.1 That Respondent Informed Escrow Inc. be prohibited from participation in the conduct of the affairs of a licensed escrow agent for two (2) years.
- 4.2 That Respondent Marilyn L. Jackson be prohibited from participation in the conduct of the affairs of a licensed escrow agent as an officer, principal, or employee of any licensed escrow agent or any person subject to licensing under this chapter for two (2) years.
- 4.3 That Respondents Informed Escrow, Inc. and Marilyn L. Jackson, jointly and severally, shall pay a fine in the amount of \$4575.
- 4.4 That Respondents Informed Escrow, Inc. and Marilyn L. Jackson maintain records in compliance with the Act and provide the Department with the location of the books, records, and other information relating to Respondent Informed Escrow, Inc.'s escrow agent business, and the name, address, and telephone number of the individual responsible for maintenance of such records in compliance with the Act.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intent to Impose Fine, and Prohibit from Industry is entered pursuant to the provisions of RCW 18.44.410 and RCW 18.44.430, and is subject to the provisions of chapter 34.05 RCW. Respondents 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 and Notice of Intent Impose Fine, and Prohibit from Industry.

DATED this 20th day of June 2007.

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

MARNIE SHEEKAN
Financial Legal Examiner



Approved by:

JAMES BRUSSELBACK
Enforcement Chief