

# Terms Completed

## ORDER SUMMARY – Case Number: C-09-033

**Name(s):** Data Search, Inc.

**Order Number:** C-09-033-09-CO01

**Effective Date:** January 6, 2010

**License Number:**   
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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

|  |         |   |  |                |
|--|---------|---|--|----------------|
| <b>Investigation Costs</b>             | \$750   | Due: 0  | Paid<br><input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Date: Jan 6/10 |
|  |         |   |  |                |
| <b>Fine</b>                            | \$5,000 | Due: 0  | Paid<br><input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Date: Jan 6/10 |
|  |         |   |  |                |
| <b>Examination Fee</b>                 | \$      | Due:  | Paid<br><input type="checkbox"/> Y <input type="checkbox"/> N            | Date:          |
|  |         |   |  |                |
| <b>Restitution</b>                     | \$      | Due:  | Paid<br><input type="checkbox"/> Y <input type="checkbox"/> N            | Date:          |
|  |         |   |  |                |
| <b>Judgment</b>                        | \$      | Due   | Paid<br><input type="checkbox"/> Y <input type="checkbox"/> N            | Date:          |
|  |         |   |  |                |
| <b>Satisfaction of Judgment Filed?</b> |         | <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-09-033-09-CO01

Data Search, Inc.,

Respondent.

CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Data Search, Inc. (hereinafter 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-09-033-09-SC01 (Statement of Charges), entered June 3, 2009, (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. Respondent is agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

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-09-033-09-CO01  
Data Search, Inc.

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 and through the signature of its authorized representative below, hereby withdraws its appeal.

5           **C. No Admission of Liability.** It is AGREED that Respondent does not admit to any violations of the  
6 Act by entry of this Consent Order.

7           **D. Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$5,000 in the form of a  
8 cashier's check made payable to the "Washington State Treasurer" upon entry of this Consent Order.

9           **E. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee  
10 of \$750 in the form of a cashier's check made payable to the "Washington State Treasurer" upon entry of this  
11 Consent Order. The fine and investigation fee may be paid in the form of a single cashier's check made payable to  
12 the "Washington State Treasurer."

13           **F. Records Retention.** It is AGREED that Respondent, its officers, employees, and agents shall  
14 maintain all records involving Washington escrow transactions for a minimum of six years following the closing  
15 or termination of the escrow transaction.

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

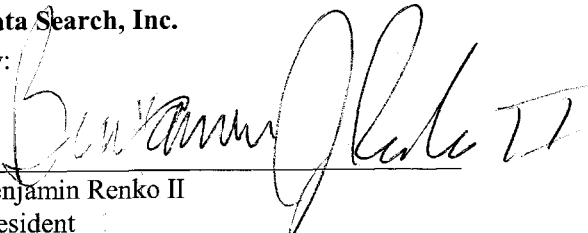
18           **H. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to abide  
19 by the terms and conditions of this Consent Order may result in further legal action by the Director. In the  
20 event of such legal action, Respondent may be responsible to reimburse the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

22           **I. Voluntarily Entered.** It is AGREED that the Respondent has voluntarily entered into this Consent  
23 Order, which is effective when signed by the Director's designee.

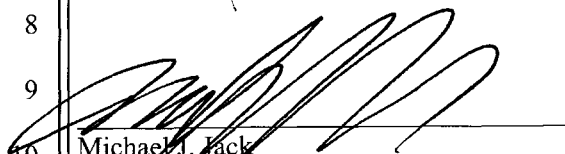
1 J. Completely Read, Understood, and Agreed. It is AGREED that Respondent has read this Consent  
2 Order in its entirety and fully understands and agrees to all of the same.

3 **RESPONDENT:**

4 **Data Search, Inc.**

5 By:   
6 Benjamin Renko II  
7 President

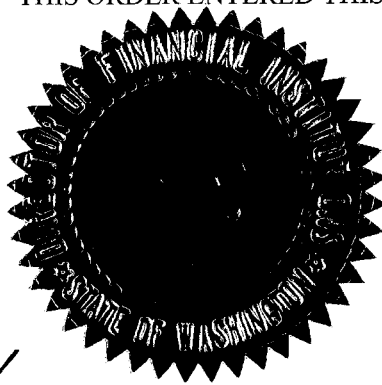
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Date


8   
9 Michael J. Jack  
10 Attorney at Law  
11 Attorney for Respondent

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Date


12 DO NOT WRITE BELOW THIS LINE

13 THIS ORDER ENTERED THIS 6<sup>th</sup> DAY OF January, 2010.



15   
16 DEBORAH BORTNER  
17 Director  
18 Division of Consumer Services  
19 Department of Financial Institutions

20 Presented by:

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22 STEVEN C. SHERMAN  
23 Financial Legal Examiner

24 Approved by:

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JAMES R. BRUSSELBACK  
Enforcement Chief

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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:

DATA SEARCH, INC.,

Respondent.

NO. C-09-033-09-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENT TO IMPOSE FINE  
AND COLLECT INVESTIGATION FEE

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**INTRODUCTION**

Pursuant to RCW 18.44.410, the Director of the Department of Financial Institutions (Director) is responsible for the administration of chapter 18.44 RCW, the Escrow Agent Registration Act (the Act). After having conducted an investigation pursuant to RCW 18.44.420 and WAC 208-680G-020, 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:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondent. Data Search, Inc., (Data Search)** is headquartered in Glen Burnie, Maryland. Respondent Data Search has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as an escrow agent in the State of Washington. On April 21, 2009, Respondent Data Search filed with the Department an Agreement to Cease and Desist from performing escrow functions for Washington transactions without a license issued by the Department.

**1.2 Unlicensed Activity.** Between at least February 6, 2008, and June 25, 2008, Respondent Data Search performed escrow functions in at least 14 Washington residential mortgage loan transactions. Respondent Data Search received approximately \$4,450 as "settlement" fees for those loans.

1 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the Act  
2 by Respondent Data Search continues to date.

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

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

13 **2.2 Definition of Escrow Agent.** Pursuant to RCW 18.44.011(6) "Escrow Agent" means any person  
14 engaged in the business of performing for compensation the duties of the third person referred to in  
15 RCW 18.44.011(4).

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

22 **III. AUTHORITY TO IMPOSE SANCTIONS**

23 **3.1 Authority to Impose Fines.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in  
24 addition to or in lieu of license denial the Director may impose a fine of up to \$100 per day for each day's  
25 violation of the Act.

1 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410 and WAC 208-680G-  
2 050, the expense of an investigation pursuant to WAC 208-680G-020 shall be borne by the entity which  
3 is the subject of the investigation.

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5 **IV. NOTICE OF INTENTION TO ENTER ORDER**

6 Respondent's violations of the provisions of chapter 18.44 RCW as set forth in the above Factual  
7 Allegations and Grounds For Entry Of Order constitute a basis for the entry of an Order under RCW  
8 18.44.410, RCW 18.44.430, RCW 18.44.301, and WAC 208-680G-030, which authorize the Director to  
9 enforce all laws, rules, and regulations related to the registration of escrow agents and licensing of escrow  
10 officers. Therefore, it is the Director's intention to ORDER that:

- 11 **4.1** Respondent Data Search, Inc., pay a fine which as of the date of these charges totals  
\$10,000; and
- 12 **4.2** Respondent Data Search, Inc., pay an investigation fee which as of the date of these  
13 charges totals \$750.00, calculated at \$62.50 per hour for twelve staff hours devoted to  
the investigation to date; and
- 14 **4.3** Respondent Data Search, Inc., its officers, employees, and agents maintain all records  
15 involving Washington escrow transactions for a minimum of six years following the  
closing or termination of the escrow transaction.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intent to Impose Fine and Collect Investigation Fee (Statement of Charges) 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. 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 3rd day of June, 2009.



DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:



STEVEN C. SHERMAN  
Financial Legal Examiner



Approved by:



JAMES R. BRUSSELBACK  
Enforcement Chief