

## ORDER SUMMARY – Case Number: C-09-498

**Name(s):** Hoa Thi Nguyen  
 \_\_\_\_\_  
 \_\_\_\_\_

**Order Number:** C-09-498-12-CO03  
 \_\_\_\_\_

**Effective Date:** January 10, 2013  
 \_\_\_\_\_

**License Number:** 540-EO-46105 (expired)  
 \_\_\_\_\_

**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  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  
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 \_\_\_\_\_

**Not Apply Until:** Never apply for any license under any name  
 \_\_\_\_\_

**Not Eligible Until:** N/A  
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**Prohibition/Ban Until:** Permanently prohibited from participation, in any ownership or management or employee capacity, in the conduct of the affairs of any escrow agent licensed by the Department or subject to licensure or regulation by the Department  
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<b>Investigation Costs</b>	\$1,000	Due NOW	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 1/7/2013
<b>Fine</b>	\$5,000	Due NOW	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 1/7/2013
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <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-09-498-12-CO03

**CONSENT ORDER  
HOA THI NGUYEN**

ALPINE ESCROW, INC.,  
WILLIAM JOHN MOLL, III, Owner, Officer,  
and Designated Escrow Officer,  
HOA THI NGUYEN, Owner, Officer, and  
Escrow Officer, and  
VIENNA THUC LE, 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 Hoa Thi Nguyen  
(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 the 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  
Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges  
No. C-09-498-12-SC01 (Statement of Charges), entered March 22, 2012, (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

1 resolve the Statement of Charges and agree that Respondent does not admit any wrongdoing by its  
2 entry.

3 Based upon the foregoing:

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

6 B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a  
7 hearing before an administrative law judge, and hereby waives her right to a hearing and any and all  
8 administrative and judicial review of the issues raised in this matter, or of the resolution reached  
9 herein. Accordingly, Respondent, by her signature below, withdraws her appeal to the Office of  
10 Administrative Hearings.

11 C. **Prohibition from Industry.** It is AGREED that Respondent is permanently prohibited  
12 from participating, in any ownership or management or employee capacity, in the conduct of the  
13 affairs of any escrow agent licensed by the Department or subject to licensure or regulation by the  
14 Department.

15 D. **Application for License.** It is AGREED that Respondent shall never apply to the  
16 Department for any license under any name.

17 E. **Declaration of Financial Condition and Confession of Judgment.** It is AGREED that  
18 Respondent has provided the Department with a Declaration comprehensively describing her current  
19 financial condition and representing her current inability to pay the fine agreed to in Paragraph F of  
20 this Consent Order. It is further AGREED that, based on this Declaration, the Department has  
21 accepted a Confession of Judgment from Respondent for the fine agreed to in Paragraph F of this  
22 Consent Order. A copy of this Confession of Judgment is attached and incorporated into this Consent  
23 Order by this reference. Consistent with RCW 4.60, the Department may immediately seek entry of

1 the judgment. Respondent shall, upon the Department's request, fully and promptly cooperate with  
2 the Department in its efforts to get the judgment entered by the superior court.

3 **F. Confession of Judgment for Fine.** It is AGREED that Respondent has entered into a  
4 Confession of Judgment for a fine in the amount of \$5,000 owed to the Department.

5 **G. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an  
6 investigation fee of \$1,000, in the form of a cashier's check made payable to the "Washington State  
7 Treasurer," upon entry of this Consent Order.

8 **H. Records.** Respondent, by her signature below, declares that she does not possess any  
9 records involving Washington state escrow transactions performed by Alpine Escrow, Inc.

10 **I. Complete Cooperation with the Department (Statements).** It is AGREED that, upon  
11 written request by the Department, Respondent shall provide the Department truthful and complete  
12 sworn statements outlining her activities with respect to Alpine Escrow, Inc. (Alpine) and any and all  
13 persons involved or in any way associated with Alpine, including but not limited to owners,  
14 employees, independent contractors, agents, businesses and persons with whom Alpine dealt,  
15 communicated, or otherwise related. The "sworn statements" may take the form of affidavits,  
16 declarations, or deposition testimony, at the Department's discretion. A failure to cooperate fully,  
17 truthfully, and completely is a breach of this Consent Order.

18 **J. Complete Cooperation with the Department.** In addition to providing the sworn  
19 statements as described in Paragraph I, it is AGREED that, upon written request by the Department,  
20 Respondent shall cooperate fully, truthfully, and completely with the Department and provide any  
21 and all information known to her relating in any manner to Alpine and any and all persons involved  
22 or in any way associated with Alpine, including but not limited to owners, employees, independent  
23 contractors, agents, businesses and persons with whom Alpine dealt, communicated, or otherwise

1 related. It is further AGREED that, upon written request by the Department, Respondent shall  
2 provide any and all documents, writings or materials, or objects or things of any kind in her  
3 possession or under her care, custody, or control that she is authorized to possess, obtain, or distribute  
4 relating directly or indirectly to all areas of inquiry and investigation. It is further AGREED that  
5 Respondent shall testify fully, truthfully, and completely at any and all proceedings related to any  
6 Department investigation or enforcement action or both related to any and all persons involved or in  
7 any way associated with Alpine, and any respondents named therein. A failure to cooperate fully,  
8 truthfully, and completely is a breach of this Consent Order.

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

13 **L. Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily  
14 entered into this Consent Order, which is effective when signed by the Director's designee.

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

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1 **RESPONDENT:**

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3 /s/  
4 Hoa Thi Nguyen

1/4/2013  
Date

5 **DO NOT WRITE BELOW THIS LINE**

6 THIS ORDER ENTERED THIS 10<sup>th</sup> DAY OF JANUARY, 2013

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8 /s/  
9 DEBORAH BORTNER  
10 Director  
11 Division of Consumer Services  
12 Department of Financial Institutions

11 Presented by:

12 /s/  
13 MARK T. OLSON  
14 Financial Legal Examiner

15 Approved by:

16 /s/  
17 CHARLES E. CLARK  
18 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:

ALPINE ESCROW, INC.,  
WILLIAM JOHN MOLL, III, Owner, Officer, and  
Designated Escrow Officer,  
HOA THI NGUYEN, Owner, Officer, and Escrow  
Officer, and  
VIENNA THUC LE, Owner

Respondents.

No. C-09-498-10-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER AN  
ORDER TO PROHIBIT FROM INDUSTRY,  
ASSESS FINE, FILE QUARTERLY  
REPORTS, COMPLY WITH ESCROW  
AGENT CLOSURE REQUIREMENTS,  
COLLECT INVESTIGATION FEE, AND  
MAINTAIN RECORDS

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**INTRODUCTION**

Pursuant to RCW 18.44.410, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 18.44 RCW, the Escrow Agent Registration Act (Act), and chapter 208-680 WAC.<sup>1</sup> 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, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

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**I. FACTUAL ALLEGATIONS**

**1.1 Respondents.**

A. **Alpine Escrow, Inc. (Respondent Alpine)** is a Washington corporation that was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as an Escrow Agent from 1995<sup>2</sup> until the license expired December 31, 2009.

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<sup>1</sup> RCW 18.44 (2008) and WAC 208-680 (2007)

<sup>2</sup> Prior to 1995, escrow agents were regulated by the Washington State Department of Licensing.

1           **B. William John Moll, III (Respondent Moll)** has been an Officer of Respondent  
2 Alpine since at least 1995, and was an owner of Respondent Alpine from at least 1995 until in or  
3 around June 2007. Respondent Moll was licensed by the Department as an Escrow Officer from  
4 1995 until the license expired December 31, 2009. Respondent Moll has been Respondent Alpine's  
5 Designated Escrow Officer since 1995.

6           **C. Hoa Thi Nguyen (Respondent Nguyen)** has been an Officer and owner of  
7 Respondent Alpine since at least in or around June 2007. Respondent Nguyen was licensed by the  
8 Department as an Escrow Officer from on or about December 21, 2007 until the license expired  
9 December 21, 2010. Respondent Nguyen's Escrow Officer license was associated with Respondent  
10 Alpine from its issuance until in or around April 2009, when the Department received a letter from  
11 Respondent Moll stating Respondent Nguyen was no longer an employee of Respondent Alpine.

12           **D. Vienna Thuc Le (Respondent Le)** has been an owner of Respondent Alpine since at  
13 least in or around June 2007. Respondent Le applied for an Escrow Officer license from the  
14 Department in or around December 2004, however, Respondent Le has never been licensed by the  
15 Department.

16 **1.2 Sale of Respondent Alpine.** Respondent Moll sold Respondent Alpine to Respondents  
17 Nguyen and Le in or around June 2007. Respondents did not notify the Department of the sale of  
18 Respondent Alpine and did not provide the Department with any of the information required prior to  
19 a change in a principal officer or controlling person of a licensed escrow agent. After the sale,  
20 Respondent Alpine continued to conduct business as an escrow agent, Respondent Moll remained as  
21 Respondent Alpine's Designated Escrow Officer, and Respondents Moll and Nguyen held various  
22 Officer positions with Respondent Alpine.



1 **1.3 Requirement to File Quarterly Reports.** A completed “Escrow Agent Quarterly Report  
2 Form” (Quarterly Report) is due to the Department from a licensed escrow agent within thirty days  
3 following the end of each fiscal quarter.

4 **1.4 False Statements to the Department.** The Quarterly Report includes the following question:  
5 “Has there been any change in ownership of the above named escrow agent?” From in or around  
6 August 2007 through in or around February 2009, Respondent Alpine submitted seven Quarterly  
7 Reports to the Department for the fiscal quarters ended June 30, 2007, through December 31, 2008,  
8 each answering this question “no.” Respondent Moll signed each of these Quarterly Reports, under  
9 penalty of perjury, as Designated Escrow Officer for Respondent Alpine.

10 **1.5 Failure to File Quarterly Reports.** Respondents did not file Quarterly Reports with the  
11 Department relating to any fiscal quarters ending later than December 31, 2008. According to the  
12 last Quarterly Report that Respondents filed with the Department, the balance of Respondent  
13 Alpine’s trust bank account was over \$430,000 as of December 31, 2008.

14 **1.6 Closure of Respondent Alpine.** During a conversation with a member of the Department’s  
15 Examination Unit in or around August 2009, Respondent Moll disclosed the prior sale of Respondent  
16 Alpine to Respondents Nguyen and Le, and further stated that Respondent Alpine had closed in or  
17 around June 2009 due to a legal dispute between Respondents Nguyen and Le. In or around  
18 September 2009, the Department received a letter from Respondent Moll which included the  
19 following statement: “This letter will constitute my resignation as the Designated Escrow Officer of  
20 Alpine Escrow Inc.” In or around November 2009, the Department received a letter from  
21 Respondent Moll providing a summary of the sale of Respondent Alpine in or around June 2007 and  
22 enclosing documents related to the sale, including an agreement for the sale complete with the  
23 apparent signatures of Respondents Moll, Nguyen, and Le.

1 In or around November 2009, the Department received a letter from an attorney representing  
2 Respondent Le providing an explanation of the sale of Respondent Alpine and the operation of  
3 Respondent Alpine after the sale. The letter stated that “no documentation ever completed the  
4 alleged sale from Mr. Moll to Ms. Nguyen and Ms. Le” and that after the sale, Respondent Nguyen  
5 operated Respondent Alpine as if it were a sole proprietorship, “freezing Ms. Le out of ownership  
6 and operations.” The letter further stated that Respondent Le filed a lawsuit against Respondent  
7 Nguyen in or around February 2008, and enclosed Findings of Fact and Conclusions of Law for King  
8 County Superior Court Case Number 08-2-06667-3, dated October 19, 2009. While the Findings of  
9 Fact and Conclusions of Law does state that Respondent Nguyen “ran the business of Alpine as if  
10 Nguyen were the sole shareholder” and “Le was excluded from and was not able to participate in the  
11 management or operations of Alpine,” it also states that “[i]n June of 2007, Le and Nguyen each  
12 purchased 50% of the stock of Defendant Alpine Escrow, Inc. (Alpine) from William Moll” and  
13 further that “Le and Nguyen remain shareholders in Alpine.”

14 Respondents did not comply with the closure requirements for a licensed escrow agent,  
15 including the requirements to notify the Department of the closure and provide the contact  
16 information for the person responsible for the escrow agent’s records within twenty-four hours,  
17 deliver original escrow licenses to the Department within five working days, and provide the  
18 Department with a detailed accounting of the funds held in the escrow agent’s trust bank account and  
19 the location of the escrow agent’s records within thirty days.

20 **1.7 Respondent Alpine’s Trust Account.** As discussed in paragraph 1.5 of this Statement of  
21 Charges, Respondents did not provide Quarterly Reports for any fiscal quarters ending after  
22 December 31, 2008, when the balance in Respondent Alpine’s trust bank account was over \$430,000.  
23 After the closure of Respondent Alpine, Respondents did not provide the Department with the

1 quarterly reconciliations of the trust bank account that are required until a licensed escrow agent's  
2 trust bank account balance is zero.

3 In or around June 2010, a member of the Department's Enforcement Unit spoke with  
4 Respondent Moll about the missing Quarterly Reports, trust account reconciliations, and the balance  
5 of the trust bank account. Respondent Moll stated he disbursed all of the money in the trust bank  
6 account to the appropriate parties by June 2009, with the exception of about \$3,000 to \$4,000.  
7 Respondent Moll stated this remaining balance was supposed to be sent to the Department of  
8 Revenue as unclaimed property but he did not know if that had been done. Respondent Moll said he  
9 would look into the remaining issues, but did not provide the Department with any of further  
10 information about Respondent Alpine. According to bank records obtained by the Department  
11 directly from the bank in or around July 2010, the balance of Respondent Alpine's trust bank account  
12 was over \$10,000 as of May 31, 2010.

13 **1.8 On-Going Investigation.** The Department's investigation into the alleged violations of the  
14 Act by Respondents continues to date.

## 15 II. GROUNDS FOR ENTRY OF ORDER

16 **2.1 Definition of Person.** Pursuant to RCW 18.44.011, "Person" means a natural person, firm,  
17 association, partnership, corporation, limited liability company, or the plural thereof, whether  
18 resident, nonresident, citizen, or not.

19 **2.2 Definition of Controlling Person.** Pursuant to RCW 18.44.011, "Controlling Person" is any  
20 person who owns or controls ten percent or more of the beneficial ownership of any escrow agent,  
21 regardless of the form of business organization employed and regardless of whether such interest  
22 stands in such person's true name or in the name of a nominee.

1 **2.3 Definition of Officer.** Pursuant to WAC 208-680A-040, "Officers" of the escrow agent shall  
2 include the president, secretary, treasurer, vice-president, and any other persons with control over  
3 management decisions of the escrow agent.

4 **2.4 Definition of Designated Escrow Officer.** Pursuant to RCW 18.44.011, "Designated Escrow  
5 Officer" means any licensed escrow officer designated by a licensed escrow agent and approved by  
6 the Director as the licensed escrow officer responsible for supervising that agent's handling of escrow  
7 transactions, management of the agent's trust account, and supervision of all other licensed escrow  
8 officers employed by the agent.

9 **2.5 Responsibilities of Designated Escrow Officer.** Pursuant to RCW 18.44.071, every licensed  
10 escrow agent shall ensure that all escrow transactions are supervised by a licensed escrow officer. In  
11 the case of a corporation, the designated escrow officer shall be an officer of the corporation and shall  
12 act on behalf of the corporation.

13 Pursuant to WAC 208-680D-010, the designated escrow officer shall be responsible for the  
14 custody, safety, and correctness of entries of all required escrow records. The escrow officer retains  
15 this responsibility even though another person or persons may be assigned by the escrow officer the  
16 duties of preparation, custody, recording or disbursing. Prior to issuing a new license reflecting a  
17 change of the designated escrow officer of a registered escrow agent, evidence must be submitted that  
18 the responsibility for preexisting escrows is transferred to the incoming designated escrow officer.  
19 Such evidence shall be a statement signed by both the outgoing designated escrow officer and the  
20 incoming designated escrow officer, listing all outstanding trust liabilities and certifying that funds in  
21 hand in the trust account maintained by the agent are adequate to meet all such trust liabilities.

22 Pursuant to WAC 208-680E-011, the designated escrow officer shall be responsible for that  
23 agent's management of the agent's trust account, including depositing, holding, disbursing, and

1 accounting for funds in trust. Pursuant to WAC 208-680E-011(9), the agent shall be responsible for  
2 preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust  
3 account bank statement and the trust account receipts and disbursement records. The reconciliation  
4 will be signed by the designated escrow officer and such reconciliations are to be retained as  
5 permanent records. Pursuant to WAC 208-680E-011(16), unclaimed funds are governed by RCW  
6 63.29. If the agent has funds classified as unclaimed, the designated escrow officer shall contact the  
7 Department of Revenue for disposition instructions. The agent shall maintain a record of the  
8 correspondence relating to unclaimed funds for a period of five years.

9 **2.6 Prohibited Practices.** Based on the Factual Allegations set forth in Section I above,  
10 Respondents are in apparent violation of RCW 18.44.301, which states:

11 It is a violation of the Act for any escrow agent, controlling person, officer, designated  
12 escrow officer, independent contractor, employee of an escrow business, or other person  
subject to the Act to:

13 (7) Knowingly make or publish, or concur in making or publishing any written report,  
14 exhibit, or statement of its affairs or pecuniary condition containing any material  
statement which is false, or omit or concur in omitting any statement required by law to  
15 be contained therein; or

16 (10) Fail to make any report or statement lawfully required by the Director or other  
public official.

17 **2.7 Misuse of Escrow Officer License.** Based on the Factual Allegations set forth in Section I  
18 above, Respondent Moll is in apparent violation of WAC 208-680B-070 for permitting the use of his  
19 escrow officer license, whether for compensation or not, to enable any person to in fact establish and  
20 carry on an escrow agency wherein the escrow officer does not have full management and  
21 supervisory responsibilities as required by RCW 18.44.071 and these regulations.

1 **2.8 Change in Control of Licensed Escrow Agent.** Pursuant to WAC 208-680B-015, an escrow  
2 agent license may not be transferred. Based on the Factual Allegations set forth in Section I above,  
3 Respondents are in apparent violation of WAC 208-680B-015, which states:

4 (4) At least thirty days prior to a change in a principal officer or controlling person of a  
5 licensed escrow agent, the licensee shall provide the Director with all information  
6 required of a principal officer or controlling person when an application is made for a  
7 license. The Director shall make a determination prior to completion of the change,  
8 whether the proposed new principal officer or controlling person meets the requirements  
9 for licensing.

10 Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation  
11 of WAC 208-680B-020, which states:

12 (4) In the event that an escrow agent experiences a change in any principal officer(s) or  
13 controlling person(s), the escrow agent shall submit fingerprints and such other  
14 information as the Director may request under subsection (3) of this section to the  
15 Department thirty days prior to the effective date of the change in principal officer(s) or  
16 controlling person(s).

17 **2.9 Requirement to File Quarterly Reports.** Based on the Factual Allegations set forth in  
18 Section I above, Respondents are in apparent violation of WAC 208-680E-025, which states:

19 (1) For purposes of determining compliance with chapter 18.44 RCW and chapter 208-  
20 680 WAC, each escrow agent shall file with the Director, within thirty days following the  
21 end of each fiscal quarter, the following, in a form prescribed by the Director:

- 22 (a) A report concerning its operations;
- 23 (b) A report concerning the trust account administration; and
- 24 (c) A one page summary of the three way reconciliation form the last month of the  
quarter.

(2) As to trust account matters, the designated escrow officer of the escrow agent shall  
certify under penalty of perjury, in a manner consistent with RCW 9A.72.085, that he or  
she has reviewed the report and any exhibits filed with it and that the information  
contained in the report and in any exhibit is true and correct. The chief executive officer  
or chief financial officer of the escrow agent, or other knowledgeable person acceptable  
to the Director, may certify the information on the report not related to trust account  
matters.

1 (3) Failure to file the report within the time period specified in this rule shall be  
2 considered a violation of RCW 18.44.430.

3 **2.10 Closure of Licensed Escrow Agent – Notification** Based on the Factual Allegations set  
4 forth in Section I above, Respondents are in apparent violation of WAC 208-680C-045, which states:

5 (2) **Notification.** When either the main office or a branch office of an escrow agent  
6 closes, all responsible persons are jointly and severally obliged to notify the Department  
7 within twenty-four hours of closure.

8 (a) “Responsible person” means: The designated escrow officer; the owner of the  
9 firm; a controlling person as defined in RCW 18.44.011; and the officers, owners and  
10 partners of the entity. The Department may allow a person other than a responsible  
11 person as defined in this subsection to assume these duties.

12 (b) Additional notifications shall include:

13 (i) Delivery of all original escrow licenses for offices being closed to the  
14 Department within five working days of office closure. All licenses returned  
15 must be dated and signed. If the main office is closing, all licenses issued to the  
16 main and all branch offices must be returned.

17 (ii) Within thirty days of office closure, an itemized accounting of funds held in  
18 trust at the time of closure, including the names of the principal parties to the  
19 transaction, the escrow number, the amount of funds held and the purpose of the  
20 funds. If the trust bank account balance is zero, the escrow agent must provide a  
21 reconciliation of the trial balance supporting the zero balance.

22 (iii) Within twenty-four hours of office closure, the name, residence address and  
23 telephone number of the person responsible for the records.

24 (iv) Within thirty days of office closure, the street address where the records are  
located.

(c) All responsible persons are jointly and severally obliged to notify the Department  
within thirty days of any change in the person responsible for the records or the place  
the records are maintained.

**2.11 Closure of Licensed Escrow Agent – Trust Account.** Based on the Factual Allegations set  
forth in Section I above, Respondents are in apparent violation of WAC 208-680C-045, which states:

(4) **Trust Account.** If the trust bank account contains client funds at the time of closure,  
the person responsible for the records shall provide the Department with quarterly  
reconciliations of the trust bank account to the trial balance, in compliance with WAC  
208-680E-011(9), until the trust bank account balance is zero. The responsible person

1 shall submit the reconciliations for the periods ending March, June, September and  
2 December. These reconciliations are due within thirty days of the end of the preceding  
3 period.

3 **2.12 Requirement to Maintain Records in the State of Washington.** Pursuant to RCW  
4 18.44.400, WAC 208-680C-045(3), WAC 208-680D-020, and WAC 208-680D-030, Respondents are  
5 required to maintain records in the state of Washington for a period of six years from completion of  
6 the transaction. The records shall be available upon demand of the Department during business hours  
7 and maintained in a manner to be readily retrievable.

### 8 III. AUTHORITY TO IMPOSE SANCTIONS

9 **3.1 Authority to Prohibit from Industry.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-  
10 040(2), in addition to or in lieu of license revocation, the Director may prohibit from participation in  
11 the conduct of the affairs of any licensed escrow agent, any officer, controlling person, director,  
12 employee, or licensed escrow officer.

13 **3.2 Authority to Assess Fine.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in  
14 addition to or in lieu of license revocation, the Director may assess a fine up to \$100 per day for each  
15 day's violation of the Act or rules adopted under the Act.

16 **3.3 Authority to Issue an Order to Take Affirmative Action.** Pursuant to RCW 18.44.440 and  
17 WAC 208-680G-030(1), if the Director determines after notice and hearing that a person has: (1)  
18 violated any provision of the Act; or (2) Directly, or through an agent or employee, engaged in any  
19 false, unfair and deceptive, or misleading advertising or promotional activity or business practices; or  
20 (3) Violated any lawful order or rule of the Director; the Director may issue an order requiring the  
21 person to take such affirmative action as in the judgment of the Director will carry out the purposes  
22 of the Act.



1 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410 and WAC 208-680G-  
2 050, the expense of an examination or investigation pursuant to WAC 208-680G-010 or WAC 208-  
3 680G-020 shall be borne by the entity which is the subject of the investigation.

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

5 Respondents' violations of the provisions of chapter 18.44 RCW and chapter 208-680 WAC,  
6 as set forth in the above Factual Allegations, Grounds for Entry of Order, and Authority to Impose  
7 Sanctions, constitute a basis for the entry of an Order under RCW 18.44.400, RCW 18.44.410, RCW  
8 18.44.430, RCW 18.44.440 and WAC 208-680G-030. Therefore, it is the Director's intention to  
9 ORDER that:

10 **4.1** Respondent William John Moll, III be prohibited from participation in the conduct of  
11 the affairs of any licensed escrow agent for a period of five years.

12 **4.2** Respondent Hoa Thi Nguyen be prohibited from participation in the conduct of the  
13 affairs of any licensed escrow agent for a period of five years.

14 **4.3** Respondent Vienna Thuc Le be prohibited from participation in the conduct of the  
15 affairs of any licensed escrow agent for a period of five years.

16 **4.4** Respondents Alpine Escrow, Inc., William John Moll, III, Hoa Thi Nguyen, and  
17 Vienna Thuc Le jointly and severally pay a fine. As of the date of this Statement of  
18 Charges, the fine totals \$50,000.

19 **4.5** Respondent William John Moll, III, pay a fine. As of the date of this Statement of  
20 Charges, the fine totals \$700.

21 **4.6** Respondents Alpine Escrow, Inc., William John Moll, III, Hoa Thi Nguyen, and  
22 Vienna Thuc Le provide the Department with completed Quarterly Reports, including  
23 all supporting documentation, for each fiscal quarter ending later than December 31,  
24 2008, through the date Respondent Alpine Escrow, Inc.'s trust account is reconciled to  
a zero balance.

**4.7** Respondents Alpine Escrow, Inc., William John Moll, III, Hoa Thi Nguyen, and  
Vienna Thuc Le provide the Department with all notifications and reconciliations  
required of an escrow agent that closes.

