

Terms Completed

ORDER SUMMARY – Case Number: C-10-325

Name(s): Nations Title Agency

Order Number: C-10-325-11-CO01

Effective Date: December 13, 2011

License Number: Applied 11/15/11, #70749 (EARA)

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)

License Effect: If applicable, you must specifically note the ending dates of terms.

Not Apply Until:

Not Eligible Until:

Prohibition/Ban Until:

Investigation Costs	\$1,875	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
Fine	\$19,500	Due	Paid <input checked="" 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:

RECEIVED

DEC 05 2011

ENFORCEMENT UNIT
DIVISION OF CONSUMER SERVICES
DEPT OF FINANCIAL INSTITUTIONS

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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-10-325-11-CO01

NATIONS TITLE AGENCY,

CONSENT ORDER

Respondent.

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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 Nations Title Agency (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:

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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-10-325-11-SC01 (Statement of Charges), issued September 16, 2011 (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.

CONSENT ORDER
C-10-325-11-CO01
Nations Title Agency

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DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

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Based upon the foregoing:

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

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

C. No Admission of Liability: It is AGREED that Respondent does not admit to any wrongdoing by entry of this Consent Order.

D. Stipulation of Facts. It is AGREED that Respondent stipulates to the facts as outlined in the Factual Allegations in Section I of the Statement of Charges, which is incorporated herein by reference.

E. Cooperation with Investigation. It is AGREED that Respondent represents that, upon receiving notice from the Department about the facts giving rise to or underlying the Statement of Charges, Respondent immediately and voluntarily ceased business activities in the state of Washington pending the outcome of the Department's investigation of these facts. It is further AGREED that Respondent represents that it timely and fully responded to the Department's requests for information.

F. Application for License. It is AGREED that Respondent submitted an initial application for a license under the Escrow Agent Registration Act on or around November 15, 2011. It is further AGREED that upon submission of Respondent's completed application, the Department will process it pursuant to the relevant provisions of the Act. It is further AGREED that the conduct giving rise to the

1 issuance of the Statement of Charges will not be considered by the Department in the processing of
2 Respondent's escrow agent license application.

3 **G. Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$19,500 in the
4 form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent
5 Order.

6 **H. Investigation Fee.** It is AGREED that Respondent shall pay to the Department an
7 investigation fee of \$1,875, in the form of a cashier's check made payable to the "Washington State
8 Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee may be paid together in
9 one cashier's check in the amount of \$21,375, made payable to the "Washington State Treasurer."

10 **I. Records Retention.** It is AGREED that Respondent, its officers, employees, and agents shall
11 maintain all records involving Washington escrow transactions for a minimum of six years from
12 completion of the escrow transactions. It is further AGREED that Respondent has provided the
13 Department with the location of such records and the name, address, and telephone number of the
14 individual responsible for the maintenance of such records.

15 **J. Authority to Execute Order.** It is AGREED that the undersigned has represented and
16 warranted that he has the full power and right to execute this Consent Order on behalf of the party
17 represented.
18

19 **K. Non-Compliance with Order.** It is AGREED that Respondent understands that failure to
20 abide by the terms and conditions of this Consent Order may result in further legal action by the
21 Director. In the event the Department is the prevailing party in such legal action, Respondent may be
22 responsible to reimburse the Director for the cost incurred in pursuing such action, including but not
23 limited to, attorney fees.
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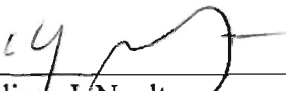
1 **L. Voluntarily Entered.** It is AGREED that Respondent has voluntarily entered into this
2 Consent Order, which is effective when signed by the Director's designee.

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

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6 **RESPONDENT:**

7 **Nations Title Agency**

8 By:

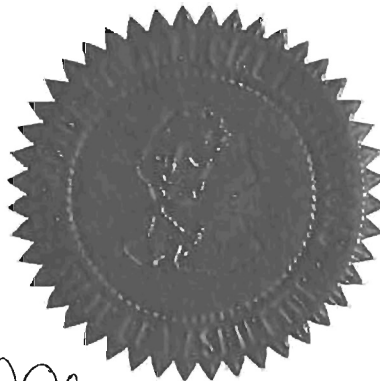
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10 _____
11 William J. Naulty
12 Senior Vice President

11-30-11

Date

11 **DO NOT WRITE BELOW THIS LINE**

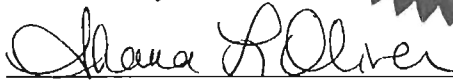
12 THIS ORDER ENTERED THIS 13th DAY OF December, 2011.



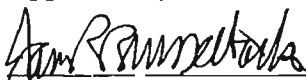
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15 DEBORAH BORTNER
16 Director
17 Division of Consumer Services
18 Department of Financial Institutions

19 Presented by:

20 
21 _____
22 MARISA E. BROGGEL Shana L. Oliver
23 Financial Legal Examiner

24 Approved by:

25 
26 _____
27 JAMES R. BRUSSELBACK
28 Enforcement Chief

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

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington by:
NATIONS TITLE AGENCY,
Respondent.

No.: C-10-325-11-SC01
STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO CEASE AND DESIST, IMPOSE
FINE, 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 Act¹ (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, Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondent Nations Title Agency (Respondent) is headquartered at 9415 Nall Avenue, Prairie Village, Kansas. Respondent 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.

1.2 Unlicensed Activity. Between at least December 1, 2007, and May 1, 2011, Respondent performed escrow functions in at least 144 Washington residential mortgage loan transactions. Respondent received approximately \$57,112.03 as “fees” for those loans. Respondent did not have

¹ 18.44 RCW (2006) and (2008); 208-680 WAC (2007)
STATEMENT OF CHARGES 1
C-10-325-11-SC01
NATIONS TITLE AGENCY

1 an Escrow Agent, Designated Escrow Officer, or Escrow Officer license issued by the Department
2 during any of the time in question.

3 **1.3 On-Going Investigation.** The Department's investigation into the alleged violations of the
4 Act by Respondent continues to date.

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

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

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

17 **2.3 Requirement to Obtain and Maintain License.** Based on Factual Allegations set forth in
18 Section I above, Respondent is in apparent violation of RCW 18.44.021, RCW 18.44.070, RCW
19 18.44.101 and RCW 18.44.171 for engaging in the business of an escrow agent without a license or
20 designated escrow officer.

21 **2.4 Requirement to Maintain Records in the State of Washington.** Based on the Factual
22 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 18.44.400 and
23

1 WAC 208-680D-030 for failing to maintain transaction records in the State of Washington for a
2 period of six years from completion of the transaction.

3 4 **III. AUTHORITY TO IMPOSE SANCTIONS**

5 **3.1 Authority to Issue an Order to Cease and Desist.** Pursuant to RCW 18.44.440 and WAC
6 208-680G-030, if the Director determines after notice and hearing that a person has: violated any
7 provision of the Act; or engaged in any false, unfair and deceptive, or misleading advertising or
8 promotional activity or business practices; the director may issue an order requiring the person to
9 cease and desist from the unlawful practice and to take such affirmative action as in the judgment of
10 the director will carry out the purposes of the Act.

11 **3.2 Authority to Impose Fine.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in
12 addition to or in lieu of license denial the Director may impose a fine up to \$100 per day for each
13 day's violation of the Act.

14 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410 and WAC 208-680G-
15 050, the expense of an investigation pursuant to WAC 208-680G-020 shall be borne by the entity
16 which is the subject of the investigation.

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

18 Respondent's violations of the provisions of chapter 18.44 RCW as set forth in the above
19 Factual Allegations and Grounds for Entry of Order constitute a basis for the entry of an Order under
20 RCW 18.44.400, RCW 18.44.410, RCW 18.44.430, RCW 18.44.440 and WAC 208-680G-030,
21 which authorize the Director to enforce all laws, rules, and regulations related to the registration of
22 escrow agents and licensing of escrow officers. Therefore, it is the Director's intention to ORDER
23 that:

1 4.1 Respondent Nations Title Agency cease and desist from performing escrow services or any of
2 the functions of escrow services in the state of Washington until such time as Respondent
3 obtains a license from the Department to provide escrow services in the state of Washington
4 or meets an exclusion from licensing as delineated in the Act.

4 4.2 Respondent Nations Title Agency pay a fine, which as of the date of this Statement of
Charges totals \$28,800.

5 4.3 Respondent Nations Title Agency pay an investigation fee, which as of the date of this
6 Statement of Charges totals \$1,437.50, calculated at \$62.50 per hour for twenty-three (23)
staff hours.

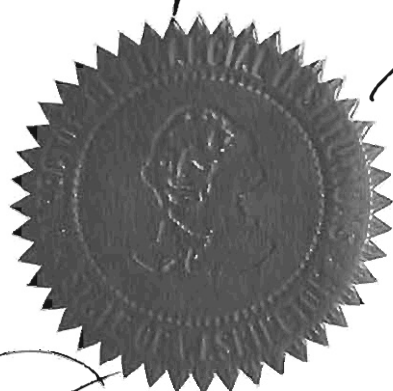
7 4.4 Respondent Nations Title Agency its officers, employees, and agents maintain all records
8 involving Washington State escrow transactions within the state of Washington for a period of
six years from completion of the escrow transactions.

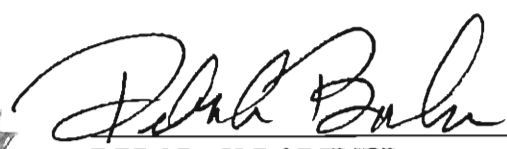
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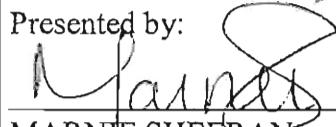
1 **V. AUTHORITY AND PROCEDURE**

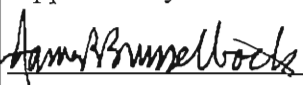
2 This Statement of Charges is entered pursuant to the provisions of RCW 18.44.410, RCW
3 18.44.430, and RCW 18.44.440, and is subject to the provisions of chapter 34.05 RCW (The
4 Administrative Procedure Act). Respondent may make a written request for a hearing as set forth in
5 the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
6 accompanying this Statement of Charges.

7
8 Dated this 16th day of September, 2011



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10 
11 DEBORAH BORTNER
12 Director
13 Division of Consumer Services
14 Department of Financial Institutions

15 Presented by:
16 
17 MARNIE SHEERAN
18 Financial Legal Examiner

19 Approved by:
20 
21 JAMES R. BRUSSELBACK
22 Enforcement Chief