

Terms Completed

ORDER SUMMARY – Case Number: C-11-0842

Name(s): Security National Escrow Inc;

Order Number: C-11-0842-12-CO01

Effective Date: December 19, 2012

License Number: Unlicensed

Or NMLS Identifier [U/L] (Revoked, suspended, stayed, application denied or withdrawn)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: December 19, 2017

Not Eligible Until: December 19, 2017

Prohibition/Ban Until: December 19, 2017

Investigation Costs	\$712.50	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 12/13/12
Fine	\$15,000.00	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 12/13/12
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 13 2012

Enforcement Unit
Division of Consumer Services
Dept. of Financial Institutions

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-11-0842-12-CO01

CONSENT ORDER

SECURITY NATIONAL ESCROW, INC., and
IRMA TRIKAS, President,

SECURITY NATIONAL ESCROW, INC.

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Security National Escrow, Inc. (Respondent Security), by and through its attorney, Seth A. Rosenberg, and finding that the issues raised in the above-captioned matter may be economically and efficiently settled, as related to Respondent Security only, 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:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Security have agreed upon a basis for resolution of the matters, as related to Respondent Security only, alleged in Statement of Charges No. C-11-0842-12-SC01 (Statement of Charges), entered June 26, 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 Security 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, as related to Respondent Security only, by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges as to Respondent Security.

CONSENT ORDER
C-11-0842-12-CO01
SECURITY NATIONAL ESCROW, INC.

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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

1 Based upon the foregoing:

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

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

9 C. **Unlicensed Activity.** It is AGREED that Respondent Security has never obtained an
10 escrow agent license from the Department. It is further AGREED that prior to November 3, 2011,
11 Respondent Security engaged in the business of an escrow agent in the state of Washington without a
12 license as required by the Act and without qualifying for an exclusion as delineated in the Act.

13 D. **Escrow Agent License Required.** It is agreed that Respondent Security now understands
14 that in order to engage in the business of an escrow agent in the state of Washington, Respondent
15 Security must obtain an escrow agent license as required by the Act or qualify for an exclusion from
16 licensing as delineated in the Act. It is further AGREED that Respondent Security will not engage in
17 the business of an escrow agent in the state of Washington until such time as Respondent Security
18 obtains an escrow agent license as required by the Act or qualifies for an exclusion from licensing as
19 delineated in the Act.

20 E. **Application for License.** It is AGREED that, for a period of five years from the date of
21 entry of this Consent Order, Respondent Security shall not apply to the Department for any license
22 under any name. It is further AGREED that, should Respondent Security apply to the Department for
23 any license under any name at any time later than five years from the date of entry of this Consent

1 Order, Respondent Security shall be required to meet any and all application requirements in effect at
2 that time.

3 F. **Fine.** It is AGREED that Respondent Security shall pay a fine to the Department in the
4 amount of \$15,000, in the form of a cashier's check made payable to the "Washington State
5 Treasurer," upon entry of this Consent Order.

6 G. **Investigation Fee.** It is agreed that Respondent Security shall pay an investigation fee to
7 the Department in the amount of \$712.50, in the form of a cashier's check made payable to the
8 "Washington State Treasurer," upon entry of this Consent Order. The Fine and Investigation Fee
9 may be paid together in the amount of \$15,712.50, in the form of a cashier's check made payable to
10 the "Washington State Treasurer."

11 H. **Rights of Non-Parties.** It is AGREED that the Department does not represent or have the
12 consent of any person or entity not a party to this Consent Order to take any action concerning their
13 personal legal rights. It is further AGREED that for any person or entity not a party to this Consent
14 Order, this Consent Order does not limit or create any private rights or remedies against Respondent
15 Security, limit or create liability of Respondent Security, or limit or create defenses of Respondent
16 Security to any claims.

17 I. **Records Retention.** It is AGREED that Respondent Security, its officers, employees, and
18 agents shall maintain records in compliance with the Act and provide the Director with the location
19 of the books, records and other information relating to Respondent Security's escrow agent business,
20 and the name, address and telephone number of the individual responsible for maintenance of such
21 records in compliance with the Act.

1 **J. Authority to Execute Order.** It is AGREED that the undersigned have represented and
2 warranted that they have the full power and right to execute this Consent Order on behalf of the
3 parties represented.

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

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

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

13 **RESPONDENT SECURITY:**

14 **Security National Escrow, Inc.**

15 By: 

16 _____
17 Irma Trikas
18 President

12-12-12

Date

18 
19 Seth A. Rosenberg, WSBA No. 41660
20 Attorney for Security National Escrow, Inc.

12-13-12

Date

21 **DO NOT WRITE BELOW THIS LINE**

1 THIS ORDER ENTERED THIS 19th DAY OF December, 2012



2 [Redacted Signature]

3 DEBORAH BORTNER
4 Director
5 Division of Consumer Services
6 Department of Financial Institutions

7 Presented by:

8 [Redacted Signature]

9 KENNETH J. SUGIMOTO
10 Financial Legal Examiner

11 Approved by:

12 [Redacted Signature]

13 CHARLES E. CLARK
14 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:

SECURITY NATIONAL ESCROW, INC., and
IRMA TRIKAS, President,

Respondents.

No.: C-11-0842-12-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER AN
ORDER TO PROHIBIT FROM INDUSTRY,
IMPOSE FINE, COLLECT INVESTIGATION
FEE, AND MAINTAIN RECORDS

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). After having conducted an investigation pursuant to RCW 18.44.420 and WAC 208-680-620, and based upon the facts available as of the date of this Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, Impose Fine, Collect Investigation Fee, and Maintain Records (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 Security National Escrow, Inc. (Respondent Security) is headquartered at 6 Hutton Centre, Suite 100, Santa Ana, CA 92707. Respondent Security 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 Respondent Irma Trikas (Respondent Trikas) is known to be President of Respondent Security.

1 **1.3 Unlicensed Activity.** On or about November 3, 2011, Respondents provided the Department
2 with a list of 91 loan transactions for which Respondents provided escrow services during the prior
3 25 months for properties located in the state of Washington. Respondents stated they received
4 \$43,001.57 as fees for those escrow services. On or about November 3, 2011, Respondents provided
5 the Department with an Agreement to Cease and Desist from providing escrow services in the state of
6 Washington until such time as Respondents obtain a license from the Department or meet an
7 exclusion from licensing as required by the Act.

8 **1.4 On-Going Investigation.** The Department's investigation into the alleged violations of the
9 Act by Respondents continues to date.

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

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

19 **2.2 Definition of Escrow Agent.** Pursuant to RCW 18.44.011(8) "Escrow Agent" means any
20 person engaged in the business of performing for compensation the duties of the third person referred
21 to in RCW 18.44.011(7).

1 **2.3 Requirement to Obtain and Maintain License.** Based on Factual Allegations set forth in
2 Section I above, Respondents are in apparent violation of RCW 18.44.021 for engaging in the
3 business of an escrow agent by performing escrows or any of the functions of an escrow agent within
4 the state of Washington or with respect to transactions that involve personal property or real property
5 located in the state of Washington without first obtaining a license.

6 **2.4 Requirement to Maintain Records in the State of Washington.** Based on the Factual
7 Allegations set forth in Section I above, Respondents are in apparent violation of RCW 18.44.400
8 and WAC 208-680-530 for failing to maintain transaction records in the state of Washington, unless
9 otherwise approved by the Director, for a period of six years from completion of the transaction.

10 III. AUTHORITY TO IMPOSE SANCTIONS

11 **3.1 Authority to Issue an Order to Take Affirmative Action.** Pursuant to RCW 18.44.440 and
12 WAC 208-680-630, if the Director determines after notice and hearing that a person has: violated any
13 provision of the Act; or engaged in any false, unfair and deceptive, or misleading advertising or
14 promotional activity or business practices; the Director may issue an order requiring the person to
15 take such affirmative action as in the judgment of the Director will carry out the purposes of the Act.

16 **3.2 Authority to Prohibit from Industry.** Pursuant to RCW 18.44.430(3) and WAC 208-680-
17 640, the Director may issue orders removing from office or prohibiting from participation in the
18 conduct of the affairs of any licensed escrow agent, any officer, controlling person, director,
19 employee, or licensed escrow officer, or any person subject to licensing under the Act for violating
20 any provisions of the Act or any lawful rules made by the Director pursuant thereto.

21 **3.3 Authority to Impose Fine.** Pursuant to RCW 18.44.430(3) and WAC 208-680-640, in
22 addition to or in lieu of license denial the Director may impose a fine up to \$100 per day for each
23 day's violation of the Act.

1 **3.4 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410 and WAC 208-680-
2 650, the expense of an investigation pursuant to WAC 208-680-620 shall be borne by the entity
3 which is the subject of the investigation.

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

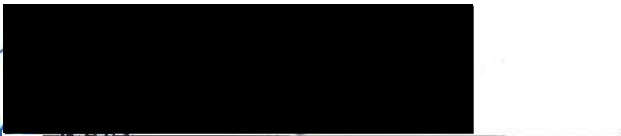
5 Respondents' violations of the provisions of chapter 18.44 RCW as set forth in the above
6 Factual Allegations and Grounds for Entry of Order constitute a basis for the entry of an Order under
7 RCW 18.44.400, RCW 18.44.410, RCW 18.44.430, RCW 18.44.440 and WAC 208-680-630, which
8 authorize the Director to enforce all laws, rules, and regulations related to the registration of escrow
9 agents and licensing of escrow officers. Therefore, it is the Director's intention to ORDER that:

- 10 **4.1** Respondent Security be prohibited from participation in the conduct of the affairs of
11 any escrow agent subject to licensure by the Director, in any manner, for a period of
12 five years.
- 12 **4.2** Respondent Trikas be prohibited from participation in the conduct of the affairs of any
13 escrow agent subject to licensure by the Director, in any manner, for a period of five
14 years.
- 14 **4.3** Respondents jointly and severally pay a fine. As of the date of this Statement of
15 Charges, the fine totals \$60,000.
- 16 **4.4** Respondents jointly and severally pay an investigation fee. As of the date of this
17 Statement of Charges, the investigation fee totals \$712.50.
- 17 **4.5** Respondent Security, its officers, employees, and agents maintain all records
18 involving Washington State escrow transactions within the state of Washington for a
19 period of six years from completion of the escrow transactions.

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). Respondents 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 26th day of June, 2012



DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

13 Presented by:



14
15 KENNETH J. SUGIMOTO
Financial Legal Examiner

16
17 Approved by:



18
19 CHARLES E. CLARK
Enforcement Chief