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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:

No.: C-19-2650-20-CO01

CONSENT ORDER

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WHEATON WAY ESCROW, INC,  
and  
JANIE M. TURNER, Owner and Designated  
Escrow Officer,

Respondents.

COMES NOW the Director of the Department of Financial Institutions (Director), through his  
designee Lucinda Fazio, Division of Consumer Services Director, and Wheaton Way Escrow, Inc,  
Janie M Turner, Owner and Designated Escrow Officer (Respondents), 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:

**AGREEMENT AND ORDER**

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-19-2650-19-SC01 (Statement of Charges), entered December 3, 2019 (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.

1 Based on 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 Respondents have been informed of the right to a  
5 hearing before an administrative law judge, and hereby waive 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  
7 herein. Accordingly, Respondents, by their signatures and the signature of their representative below,  
8 withdraw their appeal to the Office of Administrative Hearings.

9 C. **Prohibition from Industry.** It is AGREED that Respondents are prohibited from  
10 participating, in any capacity, in the conduct of the affairs of any escrow agent licensed by the  
11 Department or subject to licensure or regulation by the Department.

12 D. **Application for License.** It is AGREED that Respondents shall not apply to the  
13 Department for any escrow agent or designated escrow officer license under any name.

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

18 F. **Voluntarily Entered.** It is AGREED that Respondents have voluntarily entered into this  
19 Consent Order, which is effective when signed by the Director's designee.

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

1 H. **Counterparts.** This Consent Order may be executed in any number of counterparts,  
2 including by facsimile or e-mail of a .pdf or similar file, each of which shall be deemed to be an  
3 original, but all of which, taken together, shall constitute one and the same Consent Order.

4 **RESPONDENTS:**

5 **Wheaton Way Escrow, Inc**

6 By:

7 /s/  
8 Janie M. Turner  
9 Owner and Designated Escrow Officer

6-8-20  
Date

10 /s/  
11 Janie M. Turner  
12 Individually

6-8-20  
Date

13 **DO NOT WRITE BELOW THIS LINE**

14 THIS ORDER ENTERED THIS 11th DAY OF June, 2020.

15  
16 /s/  
17 Lucinda Fazio, Director  
18 Division of Consumer Services  
19 Department of Financial Institutions

20 Presented by:

20 Approved by:

21  
22 /s/  
23 AMANDA J. HERNDON  
24 Financial Legal Examiner

/s/  
STEVEN C. SHERMAN  
Enforcement Chief



1           **B. Janie M. Turner (Respondent Turner)** was licensed by the Department to conduct  
2           business as an escrow officer on or about July 8, 1996, and continued to be licensed until  
3           her license expired on or about July 3, 2016. Respondent Turner was owner and  
4           designated escrow officer of Respondent Wheaton Way at all times relevant to this  
5           Statement of Charges.

6           **1.2 Reconciliation Reports.** Respondent Wheaton Way had funds in its trust account (Trust  
7           Account) when Respondent Wheaton Way closed in December 2015. For that reason, Respondents  
8           Wheaton Way and Turner were required to file monthly reports and reconciliations of the Trust  
9           Account to the trial balance (Monthly Reports) with the Department. Respondents Wheaton Way and  
10          Turner have not filed Monthly Reports with the Department since at least April 2016.

11          **1.3 Untimely Winding Up of Business.** Between Respondent Wheaton Way's closure and late  
12          February 2016, checks drawn on the Trust Account were being negotiated and the Trust Account's  
13          balance was reduced to about \$1,938.38. Between about February 29, 2016, and May 20, 2016,  
14          several small adjustments were made to the Trust Account, which left a balance of approximately  
15          \$1,942.04. Between about February 29, 2016, and December 18, 2017, no checks drawn on the Trust  
16          Account were negotiated and the balance remained approximately \$1,942.04. On or about December  
17          19, 2017, a \$45.94 check drawn on the Trust Account negotiated, which left a balance of  
18          approximately \$1,896.10. Since about December 19, 2017, no other checks drawn on the Trust  
19          Account have been negotiated.

20          **1.4 Trust Funds Not Held in the Trust Account.** The remaining balance of the Trust Account  
21          was reduced to a cashier's check on or about December 29, 2017. The cashier's check was last  
22          known to be in the possession of Respondents Wheaton Way and Turner. As of approximately  
23          December 10, 2018, the cashier's check had not been negotiated. As of the date of this Statement of  
24          Charges, the status of the cashier's check is unknown.

1 **1.5 Unclaimed Funds.** Respondents Wheaton Way and Turner have had approximately  
2 \$1,896.10 of unclaimed funds in their possession since at least December 2015. As of the date of this  
3 Statement of Charges, Respondents Wheaton Way and Turner have not disposed of the unclaimed  
4 funds.

5 **1.6 Closure of Trust Account.** The Trust Account was closed at some point between December  
6 29, 2017, and January 31, 2018. Respondent Turner did not notify the Department that the Trust  
7 Account had been closed until on or about December 10, 2018.

8 **1.7 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).

22 **2.3 Improper Closure.** Based on the Factual Allegations set forth in Section I above,  
23 Respondents Wheaton Way and Turner are in apparent violation of RCW 18.44.301(2) and WAC  
24

1 208-680-245(4) and (5) for failing to file Monthly Reports and wind up business in a reasonably  
2 prompt manner.

3 **2.4 Failure to File Reports.** Based on the Factual Allegations set forth in Section I above,  
4 Respondents Wheaton Way and Turner are in apparent violation of RCW 18.44.301(10), WAC 208-  
5 680-245(4), and WAC 208-680-265(2)(a) for failing to file Monthly Reports and report any change to  
6 the trust status of the Trust Account.

7 **2.5 Failure to Hold Trust Funds in the Trust Account.** Based on the Factual Allegations set  
8 forth in Section I above, Respondents Wheaton Way and Turner are in apparent violation of RCW  
9 18.44.301(2) and WAC 208-680-410(1) and (15) for failing to hold funds in the Trust Account and  
10 making a disbursement of funds for an unauthorized purpose.

11 **2.6 Failure to Dispose of Unclaimed Funds as Required.** Based on the Factual Allegations set  
12 forth in Section I above, Respondents Wheaton Way and Turner are in apparent violation of RCW  
13 18.44.301(2) and WAC 208-680-410(17) for not disposing of unclaimed funds as required by chapter  
14 63.29 RCW.

### 15 III. AUTHORITY TO IMPOSE SANCTIONS

16 **3.1 Authority to Issue an Order to Take Affirmative Action and Cease and Desist.** Pursuant  
17 to RCW 18.44.440 and WAC 208-680-630, if the Director determines after notice and hearing that a  
18 person has violated any provision of the Act or engaged in any false, unfair and deceptive, or  
19 misleading business practices, the Director may issue an order requiring the person to cease and  
20 desist from the unlawful practice and to take such affirmative action as in the judgment of the  
21 Director will carry out the purposes of the Act.

22 **3.2 Authority to Revoke License.** Pursuant to RCW 18.44.430(1)(b), the Director may, upon  
23 notice to the escrow agent, revoke the license of any escrow agent or escrow officer if the Director



1 finds that the escrow agent or any officer or controlling person has violated any provisions of the Act  
2 or any lawful rules made by the Director pursuant to the Act.

3 **3.3 Authority to Prohibit from Industry.** Pursuant to RCW 18.44.430(3), in addition to or in  
4 lieu of license revocation, the Director may prohibit from participating in the conduct of the affairs of  
5 any licensed escrow agent, any officer, controlling person, or licensed escrow officer.

6 **3.4 Authority to Impose Fine.** Pursuant to RCW 18.44.430(3), in addition to or in lieu of  
7 license revocation, the Director may impose a fine up to \$100 per day for each day's violation of the  
8 Act on any licensed escrow agent, any officer, controlling person, or licensed escrow officer.

9 **3.5 Authority to Order Restitution.** Pursuant to RCW 18.44.430(4), in addition to or in lieu of  
10 license revocation or fines, the Director may order an escrow agent, officer, controlling person, or  
11 licensed escrow officer violating the Act to make restitution to an injured consumer.

12 **3.6 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410, WAC 208-680-620,  
13 and WAC 208-680-650, every person investigated by the Director shall pay for the cost of the  
14 examination or investigation, calculated at the rate of \$62.50 per hour devoted to the examination or  
15 investigation.

16 **3.7 Recordkeeping.** Pursuant to RCW 18.44.400(1), every licensed escrow agent shall keep  
17 adequate records, as determined by rule by the director, of all transaction handled by or through the  
18 agent including itemization of all receipts and disbursements of each transaction. These records shall  
19 be maintained in Washington State, unless otherwise approved by the director, for a period of six  
20 years from completing of the transaction. These records shall be open to inspection by the director or  
21 the directors authorized representatives.

#### 22 **IV. NOTICE OF INTENT TO ENTER ORDER**

23 Respondents' violations of the provisions of chapter 18.44 RCW as set forth in the above

24 Factual Allegations and Grounds for Entry of Order constitute a basis for the entry of an Order under

1 RCW 18.44.400, RCW 18.44.410, RCW 18.44.430, RCW 18.44.440 and WAC 208-680-630, which  
2 authorize the Director to enforce all laws, rules, and regulations related to the registration of escrow  
3 agents and licensing of escrow officers. Therefore, it is the Director's intent to ORDER that:

- 4 **4.1** Respondents Wheaton Way Escrow, Inc. and Janie M. Turner cease and desist from  
5 violating the Act and chapter 208-680 WAC and take affirmative action required to  
6 dispose of unclaimed funds in Respondents' possession as required by WAC 208-680-  
7 410(17) and chapter 63.29 RCW.
- 8 **4.2** Respondent Wheaton Way Escrow, Inc.'s escrow agent license be revoked.
- 9 **4.3** Respondent Janie M. Turner's escrow officer license be revoked.
- 10 **4.4** Respondents Wheaton Way Escrow, Inc. and Janie M. Turner be prohibited from  
11 participating in the conduct of the affairs of any licensed escrow agent, any officer,  
12 controlling person, or licensed escrow officer.
- 13 **4.5** Respondents Wheaton Way Escrow, Inc. and Janie M. Turner jointly and severally  
14 pay a fine. As of the date of this Statement of Charges, the fine totals \$20,000.
- 15 **4.6** Respondents Wheaton Way Escrow, Inc. and Janie M. Turner jointly and severally  
16 pay restitution to all injured consumers whose unclaimed funds are or were in  
17 Respondents' possession.
- 18 **4.7** Respondents Wheaton Way Escrow, Inc. and Janie M. Turner jointly and severally  
19 pay an investigation fee. As of the date of this Statement of Charges, the investigation  
20 fee totals \$1,315.63.
- 21 **4.8** Respondents Wheaton Way Escrow, Inc. and Janie M. Turner and their officers,  
22 employees, and agents maintain all records involving Washington State escrow  
23 transactions within Washington State for a period of six years from completion of the  
24 escrow transactions.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intent to Enter an Order to Cease and Desist, Take  
3 Affirmative Action, Revoke Licenses, Prohibit from Industry, Impose Fine, Order Restitution,  
4 Collect Investigation Fee, and Maintain Records (Statement of Charges) is entered pursuant to the  
5 provisions of RCW 18.44.410, RCW 18.44.430, and RCW 18.44.440, and is subject to the provisions  
6 of chapter 34.05 RCW (the Administrative Procedure Act). Respondents may make a written request  
7 for a hearing as set forth in the NOTICE OF OPPORTUNITY FOR ADJUDICATIVE HEARING  
8 AND TO DEFEND accompanying this Statement of Charges.

9  
10 Dated this 3rd day of December, 2019.

11  
12 /s/  
13 RICHARD ST. ONGE  
14 Acting Director  
15 Division of Consumer Services  
16 Department of Financial Institutions

17 Presented by:

18 /s/  
19 AMANDA J. HERNDON  
20 Financial Legal Examiner

21 Approved by:

22 /s/  
23 STEVEN C. SHERMAN  
24 Enforcement Chief