

**ORDER SUMMARY – Case Number: C-19-2699**

**Name(s):** Latah County Title and Escrow Company  
David Kiblen  
Sundae Kiblen

**Order Number:** C-19-2699-21-CO02

**Effective Date:** 2/23/2021

**License Number:** N/A  
**Or NMLS Identifier [U/L]**

**License Effect:** N/A

**Not Apply Until:** N/A

**Not Eligible Until:** N/A

**Prohibition/Ban Until:** N/A

<b>Investigation Costs</b>	\$ 3,125		Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 10/7/20
<b>Fine</b>	\$ 5,000	Due	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 10/7/20
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$23,369 \$1,839.52	Due 2/23/21	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date 2/23/21
<b>Financial Literacy and Education</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Cost of Prosecution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
	No. of Victims:			

Comments: This order amended Consent Order C-19-2699-20-CO01 to reduce the amount of restitution owed to consumers by \$138.60.

---



---



---

1 **STATE OF WASHINGTON**  
2 **DEPARTMENT OF FINANCIAL INSTITUTIONS**  
3 **DIVISION OF CONSUMER SERVICES**

4 IN THE MATTER OF DETERMINING  
Whether there has been a violation of the Escrow  
Agent Registration Act of Washington by:

No.: C-19-2699-21-CO02

AMENDED CONSENT ORDER

5 LATAH COUNTY TITLE AND ESCROW  
COMPANY, DAVID KIBLEN, Owner, and  
6 SUNDAE KIBLEN, Owner,

7 Respondents.

8 COMES NOW the Director of the Department of Financial Institutions (Director), through  
9 his designee Lucinda Fazio, Director, Division of Consumer Services, and Latah County Title and  
10 Escrow Company (Respondent Latah), David Kiblen, Owner (Respondent D. Kiblen), and Sundae  
11 Kiblen, Owner (Respondent S. Kiblen) agree to the entry of this Amended Consent Order. This  
12 Amended Consent Order is entered pursuant to Revised Code of Washington (RCW) 18.44, the  
13 Escrow Agent Registration Act (Act), and RCW 34.05.060 of the Administrative Procedure Act,  
14 based on the following:

15 **AGREEMENT AND ORDER**

16 The Department of Financial Institutions, Division of Consumer Services (Department) and  
17 Respondents entered into Consent Order No. C-19-2699-20-CO01 (Consent Order) on October 7,  
18 2020. It was agreed in the Consent Order that Respondents would pay refunds of setup and monthly  
19 service fees to Washington consumers whose loan accounts were serviced by Respondents in the  
20 aggregate amount of \$23,534.60. Following entry of the Consent Order and upon further  
21 investigation and discussion between the Department and Respondents, it was discovered that the  
22 consumers had only paid in the aggregate \$23,396, a difference of \$138.60. Based upon the  
23 foregoing:

1 **A. Refunds.** It is AGREED that Respondents shall provide refunds in the aggregate of \$23,396 to  
2 Washington consumers whose loan accounts were serviced by Respondents. It is further AGREED that  
3 Respondents have paid this amount in the aggregate to those consumers according to the amount each  
4 consumer had originally paid to Respondent.

5 **B. Additional Terms Shall Remain in Effect.** It is AGREED that all other terms of the Consent  
6 Order aside from that amended in Paragraph A of this Amended Consent Order shall remain in full  
7 force and effect.

8 **C. Voluntarily Entered.** It is AGREED that Respondents have voluntarily entered into this  
9 Amended Consent Order, which is effective when signed by the Director's designee.

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

12 **E. Authority to Execute Order.** It is AGREED that the undersigned authorized representative  
13 has represented and warranted that he has the full power and right to execute this Amended Consent  
14 Order on behalf of Respondent Latah.

15 **F. Counterparts.** This Amended Consent Order may be executed by Respondents in any  
16 number of counterparts, including by facsimile or e-mail of a .pdf or similar file, each of which shall  
17 be deemed to be an original, but all of which, taken together, shall constitute one and the same  
18 Amended Consent Order.

19 //

20 //

21 //

22 //

23 //

1 **RESPONDENTS:**

Latah County Title and Escrow Company

2 By:

3 /s/ \_\_\_\_\_  
David Kiblen, Owner

2/19/21 \_\_\_\_\_  
Date

4  
5 /s/ \_\_\_\_\_  
David Kiblen, Individually

2/19/21 \_\_\_\_\_  
Date

6  
7 /s/ \_\_\_\_\_  
Sundae Kiblen, Individually

Feb 19,2021 \_\_\_\_\_  
Date

8  
9 **DO NOT WRITE BELOW THIS LINE**

10 THIS ORDER ENTERED THIS 23rd DAY OF February, 2021.

11  
12 /s/ \_\_\_\_\_  
Lucinda Fazio, Director  
13 Division of Consumer Services  
14 Department of Financial Institutions

15 Presented by:

16  
17 /s/ \_\_\_\_\_  
BRETT CARNAHAN  
18 Financial Legal Examiner

19 Approved by:

20  
21 /s/ \_\_\_\_\_  
STEVEN C. SHERMAN  
22 Enforcement Chief



1 collecting such payments on 33 seller-financed mortgage loan accounts.<sup>1</sup> Respondent Latah collected  
2 a monthly fee for its collections service, in most cases from both the seller and the borrower.

### 3 CONCLUSIONS OF LAW

4 **2.1** Based on the above Findings of Fact, Respondents violated RCW 18.44.021(1) by engaging  
5 in the business of an escrow agent in the state of Washington without first obtaining and maintaining  
6 a license in accordance with the Act or meeting an exception under RCW 18.44.021(1).

### 7 AGREEMENT AND ORDER

8 The Department and Respondents have agreed upon a basis for resolution of the Findings of  
9 Fact and Conclusions of Law identified in this Consent Order. Pursuant to RCW 18.44.413 and  
10 RCW 34.05.060, Respondents and the Department agree to entry of this Consent Order and further  
11 agree that the matters alleged herein may be economically and efficiently settled by the entry of this  
12 Consent Order. Respondents hereby admit the Findings of Fact and Conclusions of Law identified in  
13 this Consent Order.

14 Based upon the foregoing:

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

17 **B. Waiver of Hearing.** It is AGREED that Respondents hereby waive any right they have to a  
18 hearing and any and all administrative and judicial review of the issues raised in this matter or the  
19 resolution reached herein.

20 **C. Escrow Agent License Required.** It is AGREED that Respondents understand that in  
21 order to perform escrow activities in Washington, including, but not limited to, collection and  
22 processing of payments on seller-financed loans secured by a lien on real or personal property,  
23

24 <sup>1</sup> These accounts include borrower T.B., who brought this matter to the Department's attention.

1 Respondent Latah must obtain an escrow agent license and a designated escrow officer license in  
2 accordance with the Act or qualify for an exception from licensing as delineated in the Act. For  
3 purposes of this Consent Order, the Department acknowledges and accepts Respondents'  
4 representation that they were unaware of the licensing requirement prior to being contacted by the  
5 Department. It is further AGREED that Respondents provided the Department with assurance that  
6 Respondents would not accept any new contracts to perform escrow services until such time as  
7 Respondents obtain licenses required in accordance with the Act.

8 **D. Affirmative Action.** It is AGREED that no later than 30 days after entry of this Consent  
9 Order, Respondents will transfer to a Department-licensed escrow company, all accounts involving  
10 Washington borrowers or properties for which Respondents have been providing escrow services.  
11 Upon completion of transfer, Respondents will provide to the Department documented evidence of  
12 these transfers to the licensed escrow company.

13 **E. Refunds.** It is AGREED that, within 60 days of entry of this Consent Order, Respondents  
14 shall provide refunds of setup and monthly service fees to Washington consumers whose loan  
15 accounts were serviced by Respondents in the aggregate amount of \$23,534.60. In addition, it is  
16 further AGREED that Respondents shall refund \$1,839.52 to Borrower T.B. within 60 days of entry.  
17 Upon completion of payments, Respondents will provide to the Department documentation reflecting  
18 proof of all payments made to all affected parties.

19 **F. Fine.** It is AGREED that Respondents shall pay a fine to the Department in the amount of  
20 \$30,000. It is further AGREED that the Department will stay \$25,000 of the fine. The stay may be  
21 lifted pursuant to Paragraph G.

22 **G. Lifting the Stay and Imposing the Fine.** It is AGREED that:

- 23 i. If the Department determines that Respondents have not complied with the terms of  
24 this Consent Order to a degree sufficient to warrant imposition of the full amount of

1 the fine, and the Department accordingly seeks to lift the stay and impose the full  
2 amount of the fine set forth in Paragraph F above, the Department will first notify  
3 Respondents in writing of its determination.

4 ii. The Department's notification will include:

5 a. A description of the alleged noncompliance;

6 b. A statement that because of the noncompliance, the Department seeks to lift the  
7 stay and impose the full amount of the fine;

8 c. The opportunity for Respondents to contest the Department's determination of  
9 noncompliance in an administrative hearing before an Administrative Law Judge  
10 (ALJ) of the Office of Administrative Hearings (OAH); and

11 d. A copy of this Consent Order. The notification and hearing process provided in  
12 this Consent Order applies only to this Consent Order. It is solely provided in the  
13 event Respondents choose to contest the Department's determination of  
14 noncompliance.

15 iii. Respondents will be afforded twenty (20) business days from the date of receipt of the  
16 Department's notification to submit a written request to the Department for an  
17 administrative hearing to be held before an ALJ from the OAH.

18 iv. The scope and issues of the hearing are limited solely to whether or not Respondents  
19 are in violation of the terms of this Consent Order to a degree sufficient to warrant  
20 imposition of the full amount of the fine.

21 v. At the conclusion of the hearing, the ALJ will issue an initial decision. Either party  
22 may file a Petition for Review with the Director of the Department.

23 **H. Investigation Fee.** It is AGREED that Respondents shall pay an investigation fee to the  
24 Department in the amount of \$3,125. The non-stayed portion of the fine and the investigation fee  
shall be paid together in the form of one cashier's check in the amount of \$8,125, made payable to the  
"Washington State Treasurer" upon delivery of this Consent Order to the Department, properly dated  
and signed.

**I. Rights of Non-Parties.** It is AGREED that the Department does not represent or have the  
consent of any person or entity not a party to this Consent Order to take any action concerning their  
personal legal rights. It is further AGREED that for any person or entity not a party to this Consent



1 Order, this Consent Order does not limit or create any private rights or remedies against Respondents,  
2 limit or create liability of Respondents, or limit or create defenses of Respondents to any claims.

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

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

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

11 **M. Authority to Execute Order.** It is AGREED that the undersigned authorized  
12 representative has represented and warranted that he has the full power and right to execute this  
13 Consent Order on behalf of Respondent Latah.

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

1 **RESPONDENT:**

Latah County Title and Escrow Company

2 By:

3 /s/  
David Kiblen, Owner

9/16/2020  
Date

4  
5 /s/  
David Kiblen, Individually

9/16/2020  
Date

6  
7 /s/  
Sundae Kiblen, Individually

9/16/2020  
Date

8 **APPROVED FOR ENTRY:**

9 By:

10 /s/  
Wynn Mosman, WSBA #22245  
11 Attorney for Respondent  
12 Mosman & Monson, Attorneys at Law

9-15-2020  
Date

13 **DO NOT WRITE BELOW THIS LINE**

14 THIS ORDER ENTERED THIS 7th DAY OF October, 2020.

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

18 Presented by:

19 /s/  
20 BRETT CARNAHAN  
Financial Legal Examiner

21 Approved by:

22 /s/  
23 STEVEN C. SHERMAN  
Enforcement Chief