

ORDER SUMMARY
Consumer Services Division Case Number C-23-3531

Consent Orders resolve investigations. In these, companies and individuals work with us to agree to terms that resolve the alleged issues in the investigation.

Name(s)	Des Moines Escrow Inc., NMLS #18538 Susan Marie Berry NMLS #21023
Order Number	C-23-3531-23-CO01
Date issued	March 17, 2023

What does this Consent Order require?

- **All terms of this order are complete.**
- Must pay a fine of \$875.00. (paid)
- Must pay an investigation fee of \$125.00. (paid)
- Respondents' licenses to conduct business are not affected by this agreement.

Need more information?

You can contact the Consumer Services Division, Enforcement unit at (360) 902-9703 or cseforcecomplaints@dfi.wa.gov. *Please remember that we cannot provide financial or legal advice to members of the public. We also cannot release confidential information.*

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-23-3531-23-CO01

CONSENT ORDER

5 DES MOINES ESCROW, INC., # 18538, and
6 SUSAN MARIE BERRY, # 21023,

Respondents.

7
8 COMES NOW the Director of the Department of Financial Institutions (Director), through his
9 designee Lucinda Fazio, Director, Division of Consumer Services, Des Moines Escrow, Inc. and
10 Susan Marie Berry (Respondents), and finding that the issues raised in the above-captioned matter
11 may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent
12 Order is entered pursuant to Revised Code of Washington (RCW) 18.44, the Escrow Agent
13 Registration Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, based upon the
14 following:

15 FINDINGS OF FACT

16 **1.1 Respondent Des Moines Escrow, Inc. (Respondent Des Moines Escrow)** was licensed by
17 the Washington State Department of Financial Institutions' Division of Consumer Services
18 (Department) to conduct business as an Escrow Agent on or about January 15, 2011, and continues to
19 be licensed to date.

20 **1.2 Respondent Susan Marie Berry (Respondent Berry)** was licensed by the Department to
21 conduct business as an Escrow Officer on or about January 15, 2011, and was designated as the
22 Designated Escrow Officer (DEO) for Respondent Des Moines Escrow. Respondent Berry failed to
23 renew her Escrow Officer license for 2022. Respondent Berry's Escrow Officer license expired on

24 CONSENT ORDER
C-23-3531-23-CO01
DES MOINES ESCROW, INC.
SUSAN MARIE BERRY

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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 May 20, 2022. As a result, Respondent Des Moines Escrow had no DEO and was no longer
2 authorized to conduct the business of an Escrow Agent. In November 2022, the Department and
3 Respondent Berry discovered that Respondent Berry did not receive an invoice from the Department
4 for renewing her DEO license. Respondent Berry cooperated with the Department, retested, and
5 renewed her Escrow Officer license on December 1, 2022.

6 **1.3 Escrow Transactions.** On or about February 21, 2023, Respondent Berry reported to the
7 Department that Respondent Des Moines Escrow had approximately 75 escrow transactions during
8 the period that Respondent Berry's Escrow Officer license was expired.

9 CONCLUSIONS OF LAW

10 **2.1** Based upon the above Findings of Fact, Respondents violated RCW 18.44.071 and WAC
11 208-680-243(3) by conducting business as an Escrow Agent without a licensed DEO.

12 AGREEMENT AND ORDER

13 The Department and Respondents have agreed upon a basis for resolution of the Findings of
14 Fact and Conclusions of Law identified in this Consent Order. Pursuant to RCW 18.44, the Escrow
15 Agent Registration Act and RCW 34.05.060 of the Administrative Procedure Act, Respondents and
16 the Department agree to entry of this Consent Order and further agree that the matters alleged herein
17 may be economically and efficiently settled by the entry of this Consent Order. Respondents hereby
18 admit the Findings of Fact and Conclusions of Law identified in this Consent Order.

19 Based upon the foregoing:

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

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

4 **C. Escrow Agent License.** It is AGREED that Respondent Des Moines Escrow's license to
5 conduct business as an Escrow Agent is not affected by this action. Respondent Des Moines Escrow
6 AGREES that it will not conduct business as an Escrow Agent without a qualified and approved
7 DEO.

8 **D. Escrow Officer License.** It is AGREED that Respondent Berry's license to conduct business
9 as an Escrow Officer is not affected by this action. Respondents AGREE and understand that
10 Respondent Berry may not conduct business as an Escrow Officer or act as DEO without a license.

11 **E. Fine.** It is AGREED that Respondents shall jointly and severally pay a fine to the Department
12 in the amount of \$875.00, upon delivery of this Consent Order, properly dated and signed.

13 **F. Investigation Fee.** It is AGREED that Respondents shall jointly and severally pay an
14 investigation fee to the Department in the amount of \$125.00, upon delivery of this Consent Order,
15 properly dated and signed. It is FURTHER AGREED that the Fine and Investigation Fee shall be
16 paid together in one cashier's check in the amount of \$1,000.00, made payable to the "Washington
17 State Treasurer."

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


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

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


3 **J. Authority to Execute Order.** It is AGREED that the undersigned authorized representative
4 has represented and warranted that he has the full power and right to execute this Consent Order on
5 behalf of Respondents.

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

9 **RESPONDENTS:**
10 Des Moines Escrow, Inc.
11 Susan Marie Berry

11 By:
12 
13 Susan Marie Berry
14 Owner and Designated Broker for
15 Des Moines Escrow, Inc.

3/15/2023
Date

16 
17 Susan Marie Berry
18 Individually

3/15/2023
Date

18 DO NOT WRITE BELOW THIS LINE

19 THIS ORDER ENTERED THIS 17th DAY OF March, 2023, YEAR.



21 
22 LUCINDA FAZIO, Director
23 Division of Consumer Services
24 Department of Financial Institutions

24 CONSENT ORDER
C-23-3531-23-CO01
DES MOINES ESCROW, INC.
SUSAN MARIE BERRY

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

1 Presented by:



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4 AMANDA B. STARNES
Financial Legal Examiner

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6 Approved by:



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9 JACK McCLELLAN
Enforcement Chief

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