

1 PRESTON DUFAUCHARD
California Corporations Commissioner
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9 Attorneys for Complainant

10
11 BEFORE THE DEPARTMENT OF CORPORATIONS
12 OF THE STATE OF CALIFORNIA
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14 _____
15 The Complainant is informed and believes and based upon such information and belief,
16 alleges and charges as follows:

17 **I.**

18 Abbie Escrow, Inc. (“Respondent”) is an escrow agent licensed by the California
19 Corporations Commissioner ("Commissioner" or "Complainant") pursuant to the Escrow Law of the
20 State of California (California Financial Code Section 17000 *et seq.*).

21 **II.**

22 Pursuant to Financial Code section 17406, all licensees under the Escrow Law are required to
23 file an annual audit report containing audited financial statements (“audit report”) within one
24 hundred and five (105) days after the close of their fiscal year. Respondent’s fiscal year end is
25 February 29, 2008. Accordingly, Respondent was required to file its audit report on or before June
26 15, 2008.

27 On or about January 7, 2008, Complainant notified Respondent in writing that its audit report
28 was due June 15, 2008. On or about June 11, 2008, Respondent requested an extension to file its

1 audit report to July 15, 2008. The Commissioner granted the extension of time to file the audit
2 reports. Respondent failed to file the audit report by July 15, 2008.

3 On or about August 26, 2008, a follow up letter was sent to Respondent concerning its failure
4 to file the audit report. Respondent was notified in the letter that failure to file the audit report could
5 result in assessment of penalties, a special examination and/or administrative action.

6 Respondent has yet to file the audit report as required by Financial Code section 17406.

7 **III.**

8 Financial Code section 17602.5 provides in pertinent part as follows:

9 If any licensed escrow agent fails to make any reports required by law
10 or by the commissioner within ten (10) days from the date designated
11 for the making of the reports, or within any extension of time granted
12 by the commissioner, . . . such failure shall constitute grounds for
the suspension or revocation of the license held by such escrow agent.

13 Financial Code section 17608 provides in pertinent part:

14 The commissioner may, after notice and a reasonable opportunity to
15 be heard, suspend or revoke any license if he finds that:

16 (b) The licensee has violated any provision of this division or any
17 rule made by the commissioner under and within the authority of this
18 division.

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21 **IV.**

22 Complainant finds that, by reason of the foregoing, Respondent has violated Financial Code
23 section 17406, which constitutes grounds for the revocation of its escrow agent's license.

24 WHEREFORE, IT IS PRAYED that the Respondent's escrow agent's license be revoked

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26 Dated: December 1, 2008
27 Sacramento, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

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By _____
Marisa I. Urteaga-Watkins
Corporations Counsel