

1 WAYNE STRUMPFER  
Acting California Corporations Commissioner  
2 ALAN S. WEINGER (CA BAR NO. 86717)  
Acting Deputy Commissioner  
3 JUDY L. HARTLEY (CA BAR NO. 110628)  
Senior Corporations Counsel  
4 Department of Corporations  
320 West 4<sup>th</sup> Street, Ste. 750  
5 Los Angeles, California 90013-2344  
Telephone: (213) 576-7604 Fax: (213) 576-7181

6 Attorneys for Complainant

8 BEFORE THE DEPARTMENT OF CORPORATIONS  
9 OF THE STATE OF CALIFORNIA

11 In the Matter of THE CALIFORNIA ) Case No.: 963-2000  
CORPORATIONS COMMISSIONER, )  
12 )  
Complainant, ) ORDER IMPOSING PENALTIES PURSUANT  
13 ) TO CALIFORNIA FINANCIAL CODE  
vs. ) SECTION 17408  
14 )  
15 A BETTER CHOICE ESCROW, INC., )  
16 )  
Respondent. )  
17 )  
18 )

19 TO: A BETTER CHOICE ESCROW, INC.  
20 5831 Firestone Boulevard  
21 South Gate, California 90280

22 NOW THEREFORE the California Corporations Commissioner (“Commissioner”) having  
23 found that A Better Choice Escrow, Inc. (i) failed to file its annual audit report containing audited  
24 financial statements for its fiscal years ended September 30, 2004 and September 30, 2005 as  
25 required by Financial Code section 17406, and (ii) failed to file its response to the regulatory  
26 examination report as required by Financial Code section 17348, is hereby ordered, pursuant to  
27 Financial Code section 17408, to pay to the Commissioner the sum of \$52,950.00, plus an additional  
28 \$150.00 a day for each day after May 10, 2006 that the annual audit reports and response to the  
regulatory examination report are not filed.

1 Pursuant to Financial Code section 17406, A Better Choice Escrow, Inc. was required to  
2 submit its annual audit report for the fiscal year ended September 30, 2004 (“2004 audit report”) to  
3 the Commissioner on or before January 15, 2005.

4 On or about August 18, 2004 and again on January 24, 2005, A Better Choice Escrow, Inc.  
5 was notified in writing of the due date of the 2004 audit report as well as the possibility of the  
6 imposition of fines if the 2004 audit report was filed late. To date, A Better Choice Escrow, Inc. has  
7 yet to file its 2004 audit report with the Commissioner.

8 Pursuant to Financial Code section 17406, A Better Choice Escrow, Inc. was required to  
9 submit its annual audit report for the fiscal year ended September 30, 2005 (“2005 audit report”) to  
10 the Commissioner on or before January 15, 2006.

11 On or about August 8, 2004 and again on January 23, 2006, A Better Choice Escrow, Inc.  
12 was notified in writing of the due date of the 2005 audit report as well as the possibility of the  
13 imposition of fines if the 2005 audit report was filed late. To date, A Better Choice Escrow, Inc. has  
14 yet to file its 2005 audit report with the Commissioner.

15 Pursuant to Financial Code section 17348, A Better Choice Escrow, Inc. was required to  
16 submit a response to the December 29, 2004 regulatory examination report issued by the  
17 Commissioner on or before January 28, 2005.

18 On or about December 29, 2004, February 4, 2005 and again on March 4, 2005, A Better  
19 Choice Escrow, Inc. was notified in writing of the due date of the regulatory examination report  
20 response as well as the possibility of the imposition of fines if the response was filed late. To date,  
21 A Better Choice Escrow, Inc. has yet to file a response to the regulatory examination report.

22 Financial Code Section 17408 (b) – (e) provides as follows:

23 (b) The commissioner may impose, by order, a penalty on any person  
24 who fails, within the time specified in any written demand of the  
25 commissioner, (1) to make and file with the commissioner any report  
26 required by law or requested by the commissioner. . . . The amount of the  
27 penalty shall be one hundred dollars (\$100) for each day for the first five  
28 days the report or information is overdue and, thereafter, five hundred dollars  
(\$500) for each day the report or information is overdue.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(c) If, after an order has been made under subdivision (b), a request for hearing is filed in writing within 30 days of the date of service of the order by the person to whom the order was directed, a hearing shall be held in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commissioner shall have all the powers granted under that chapter.

(d) If the person fails to file a written request for a hearing within 30 days of the date of service of the order, the order imposing the penalty shall be deemed a final order of the commissioner, and the penalty shall be paid within five business days.

(e) If a hearing is requested, the penalty shall be paid within five business days after the effective date of any decision in the case ordering payment to be paid.

Dated: May 10, 2006  
Los Angeles, CA

WAYNE STRUMPFER  
Acting California Corporations Commissioner

By \_\_\_\_\_  
Steven C. Thompson  
Special Administrator  
Escrow Law