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Deputy Commissioner
2 JUDY L. HARTLEY (CA BAR NO. 110628)
Senior Corporations Counsel
3 DEPARTMENT OF CORPORATIONS
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8
9 BEFORE THE DEPARTMENT OF CORPORATIONS
10 STATE OF CALIFORNIA

11 In The Matter of the Statement of) File No. 963-2542
12 Issues/Accusation of THE CALIFORNIA)
CORPORATIONS COMMISSIONER,) ORDER BARRING IMELDA JIMENEZ FROM
13) ANY POSITION OF EMPLOYMENT,
14 Complainant,) MANAGEMENT OR CONTROL OF ANY
) ESCROW AGENT
15 vs.)
)
16 DESTINY ESCROW, INC., OSCAR)
17 ROLANDO PORTILLO aka OSCAR)
18 ROLANDO PORTILLO ARRIAGA, and)
IMELDA JIMENEZ,)
19 Respondent.)

21 The California Corporations Commissioner (“Commissioner”) finds that:

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23 1. Destiny Escrow, Inc. (“Destiny”) holds an escrow agent’s license issued by the
24 California Corporations Commissioner (“Commissioner”) on or about June 30, 2008 under the
25 California Escrow Law (California Financial Code Section 17000 et seq.). Destiny has its principal
26 place of business located at 9653 Lakewood Boulevard, Downey, California 90240.

27 2. Imelda Jimenez (“Jimenez”) was an escrow officer and the proposed manager for
28 Destiny until on or about May 24, 2012. Jimenez was an escrow officer at MS Escrow Services

1 (“MS Escrow”), a former escrow agent licensee of the Commissioner, immediately prior to her
2 employment with Destiny.

3 3. Oscar Rolando Portillo aka Oscar Rolando Portillo Arriaga (“Portillo”) is the
4 president of Destiny and has been the president since on or about April 1, 2011. Portillo is also the
5 son-in-law of Sergia Marina Cardona (“Cardona”), the president and sole shareholder of MS
6 Escrow.

7 4. On May 14, 2012, the Commissioner, by and through staff, commenced a special
8 examination of the books and records of Destiny. The special examination was commenced after the
9 Department of Corporation’s (“Department”) investigation of MS Escrow disclosed unusual activity
10 at Destiny, and the Department discovered the persons operating Destiny were involved in the
11 activities at MS Escrow, for which the Commissioner had brought a bar action against Cardona. The
12 special examination disclosed that Destiny was operating without an approved manager in violation
13 of Financial Code section 17200.8 and had an unreported employee in violation of Financial Code
14 sections 17414.1(d) and 17419. The special examination further disclosed the following violations:

15 5. Escrow Number 10035-IJ:

16 (a) On February 7, 2012, Destiny, by and through at least Jimenez, disbursed
17 \$100,000.00 to Portillo, by and through his company known as RMS Remodeling, prior to close of
18 escrow without authorization from all escrow parties in violation of Financial Code section 17421.

19 (b) On February 7, 2012, Jimenez violated Financial Code section 17414(a)(2) by
20 misrepresenting the \$100,000.00 disbursement to Portillo as a refund to the buyer on the escrow
21 ledger.

22 (c) On February 7, 2012, Jimenez violated Financial Code section 17414(a)(2) by
23 preparing, or causing to be prepared, a wire transfer request that misrepresented the wire transfer of
24 \$100,000.00 to Portillo as going to the buyer.

25 (d) On May 31, 2012, Jimenez violated Financial Code section 17414(a)(2) again
26 by deleting and/or otherwise altering the escrow file in that (i) the conversation log documenting the
27 buyer’s request to have his deposit refunded had been removed; (ii) the copy of the buyer’s deposit
28 check had been removed; (iii) the outgoing wire transfer request to disburse the buyer’s \$100,000.00

1 deposit to the buyer, which never occurred, had been removed, and an outgoing wire transfer request
2 to disburse \$100,000.00 to Portillo through RMS remodeling had been substituted in its place; and
3 (iv) an instruction dated February 2, 2012 authorizing payment of \$100,000.00 to Portillo through
4 RMS Remodeling and an invoice from RMS Remodeling had been inserted into the file.

5 6. Escrow Number 10065-IJ:

6 (a) On April 4, 2012, Destiny, by and through at least Jimenez, disbursed
7 \$25,000.00 to Portillo, by and through his company RMS Remodeling, without authorization in
8 violation of Financial Code sections 17414(a)(1) and 17421.

9 (b) The unauthorized disbursement described in paragraph (a) above also violated
10 California Code of Regulations, title 10, section 1738.1 in that it caused a shortage to exist in the
11 trust account in the amount of \$25,000.00 from on or about April 4, 2012 until on or about May 18,
12 2012 when Destiny cured the shortage after written demand by the Commissioner.

13 7. It was discovered during the special examination of MS Escrow commenced on or
14 about January 3, 2012, that Jimenez, on March 14, 2011, had signed an unauthorized disbursement
15 of \$45,562.32 to Portillo in MS Escrow number 1488 in violation of Financial Code section
16 17414(a)(1).

17 8. On November 27, 2012, the Commissioner issued a Notice of Intention to Issue (1)
18 Order Revoking Escrow Agent's License; (2) Order Denying Change of Ownership Application; and
19 (3) Orders Pursuant to California Financial Code Section 17423 (Bar From Employment,
20 management or Control of Any Escrow Agent), Accusation and accompanying documents against
21 Destiny, Portillo and Jimenez based upon the above described findings and other allegations.
22 Jimenez was personally served with those documents on January 3, 2013.

23 9. The Commissioner has received no request for a hearing from Jimenez, and the time
24 period in which to request a hearing pursuant to Financial Code section 17423(b) has expired.

25 10. The above described violations constitute grounds under Financial Code section
26 17423 to bar a person from any position of employment, management or control of any escrow
27 agent.
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THEREFORE, it is hereby ordered that Respondent Imelda Jimenez is barred from any position of employment, management or control of any escrow agent. This Order is effective as of the date hereof.

Dated: January 22, 2013

JAN LYNN OWEN
California Corporations Commissioner

By _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division