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8 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
9 OF THE STATE OF CALIFORNIA

11 In the Matter of:	)	ESCROW LICENSE NO.: 963-5094
12 THE COMMISSIONER OF BUSINESS	)	ORDER REVOKING ESCROW AGENT’S
13 OVERSIGHT,	)	LICENSE
14 Complainant,	)	(FIN. CODE, § 17608)
15 v.	)	
16 ENE ELITE NATIONAL ESCROW INC.,	)	
17 Respondent.	)	

18  
19 The Commissioner of Business Oversight (Commissioner) finds:

20 **I.**

21 **Parties**

- 22 1. ENE Elite National Escrow Inc. (ENE) is a California corporation with its principal  
23 place of business at 818 Mendocino Avenue, Suite 101, Santa Rosa, California 95401.
- 24 2. On November 29, 2012, the Commissioner issued an escrow agent’s license to ENE  
25 under license number 963-5094.

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**II.**

**Jurisdiction**

3. The Commissioner has jurisdiction over the licensing and regulation of persons and entities engaged in the business of receiving escrows for deposit or delivery under the Escrow Law (Fin. Code, § 17000 et seq.).

4. Under Financial Code section 17608, subdivision (b), the Commissioner may suspend or revoke an escrow agent’s license if the “licensee has violated any provision of [the Escrow Law] or any rule made by the commissioner under and within the authority of [the Escrow Law].”

**III.**

**Failure to File Annual Audit Report**

5. Under Financial Code section 17406, subdivision (a), all licensees must “submit to the commissioner, at the licensee’s own expense, an audit report containing audited financial statements covering the calendar year or, if the licensee has an established fiscal year, then for that fiscal year, within 105 days after the close of the calendar or fiscal year, as applicable.”

6. ENE’s established fiscal year end was June 30. Accordingly, it was required to file an annual audit report for the fiscal year ending June 30, 2016, by October 17, 2016.

7. On May 26, 2016, the Commissioner reminded ENE that its annual report was due on October 17, 2016, by sending notice to its designated email address.

8. The Commissioner did not receive the 2016 annual report by October 17, 2016. Thus, the Commissioner sent a letter dated October 25, 2016, to ENE by certified mail, requesting that it file its annual audit report and warning that failure to do so within 10 days from the date of the letter could result in suspension or revocation of its license.

9. On November 9, 2016, the Commissioner had not received ENE’s annual audit report. That day, the Commissioner sent a copy of the 10-day demand letter to ENE by email.

10. Financial Code section 17602.5 provides: “If any licensed escrow agent fails to make any reports required by law or by the commissioner within ten (10) days from the day designated for the making of the reports, or within any extension of time granted by the commissioner, or fails

1 to include therein any matter required by law or by the commissioner, such failure shall constitute  
2 grounds for the suspension or revocation of the license held by such escrow agent.”

3 11. To date, ENE has not filed its annual audit report.

4 12. Accordingly, ENE failed to file an annual audit report in violation of Financial Code  
5 section 17406. ENE also failed to file a report required by law within 10 days from the day  
6 designated for the making of the report in violation of Financial Code section 17602.5. Under  
7 section 17602.5, such failure constitutes grounds for suspension or revocation of ENE’s license.

8 **IV.**

9 **Failure to Submit Closing Audit Report**

10 13. Under Financial Code section 17600, subdivision (b), a licensee wishing to surrender  
11 its license must submit a closing audit report within 105 days of its notice to the Commissioner. A  
12 license is not surrendered until the Commissioner has reviewed and accepted the closing audit  
13 report, has determined that acceptance of the surrender is in the public interest, and accepts in  
14 writing the tender of the license.

15 14. On February 24, 2017, ENE notified the Commissioner that it wished to surrender its  
16 license and tendered its license.

17 15. In a letter dated March 7, 2017, the Commissioner provided ENE with information  
18 regarding the surrender of its license, including the requirement that it submit a closing audit report  
19 within 105 days after its notice of surrender.

20 16. ENE was required under Financial Code section 17600, subdivision (b), to submit a  
21 closing audit report by June 9, 2017.

22 17. In a letter dated June 8, 2017, the Commissioner notified ENE that she had not  
23 received its closing audit report, that the report was due within 10 days after the date of the letter,  
24 and that failure to file the report could result in the revocation of its escrow agent’s license.

25 18. To date, ENE has not filed its closing audit report.

26 19. Accordingly, ENE failed to file a closing audit report in violation of Financial Code  
27 section 17600, subdivision (b). ENE also failed to file a report required by law within 10 days from  
28 the day designated for the making of the report in violation of Financial Code section 17602.5.

1 Under section 17602.5, such failure constitutes grounds for suspension or revocation of ENE’s  
2 license.

3 V.

4 **Notice of Intention to Issue Order Revoking and Accusation**

5 20. On May 22, 2018, the Commissioner issued a Notice of Intention to Issue Order  
6 Revoking Escrow Agent’s License, Accusation, and accompanying documents.

7 21. On May 23, 2018, the documents were served on ENE by certified mail at ENE’s  
8 latest address on file.

9 22. ENE did not request a hearing, and the time for doing so has expired.

10 Based on the foregoing, IT IS ORDERED pursuant to Financial Code section 17608,  
11 subdivision (b), that ENE Elite National Escrow Inc.’s license is revoked. This Order is effective  
12 immediately.

13  
14 Dated: June 18, 2018  
15 Los Angeles, California

JAN LYNN OWEN  
Commissioner of Business Oversight

16  
17 By: \_\_\_\_\_  
18 MARY ANN SMITH  
19 Deputy Commissioner  
20 Enforcement Division  
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