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California Corporations Commissioner
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6 Attorneys for Complainant

7 BEFORE THE DEPARTMENT OF CORPORATIONS

8 OF THE STATE OF CALIFORNIA

9 In the Matter of the Accusation of THE) File No.: 963-2025
CALIFORNIA CORPORATIONS)
10 COMMISSIONER,)

11 Complainant,) **ACCUSATION**

12 vs.)

13)
14 NEOMI ESTRADA, also known as NAOMI)
ESTRADA,)

15)
16 Respondent.)
17)

18 The Complainant is informed and believes, and based upon such information and belief,
19 alleges and charges Respondent as follows:

20 I.

21 Respondent Neomi Estrada also known as Naomi Estrada ("Estrada" or "Respondent") is, or
22 was, at all times relevant herein, employed at Escrow of the West as an assistant/junior escrow
23 officer/freelancer. Estrada has been employed at Escrow of the West since at least November 2,
24 2009.

25 Escrow of the West is an escrow agent licensed by the California Corporations Commissioner
26 ("Commissioner" or "Complainant") pursuant to the Escrow Law of the State of California
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1 (California Financial Code §§17000 et seq.)¹. Escrow of the West has its principal place of business
2 located at 9440 Santa Monica Boulevard, Suite 310, Beverly Hills, California 90210.

3 Prior to her employment at Escrow of the West, Estrada was employed as an escrow officer at
4 C. Gull Escrows, Inc., from about August 2005 to about June 2006, and at Experience Escrows, Inc.,
5 (“Experience Escrows”) from about January 2, 2008 to about May 10, 2008.

6 II.

7 On or about April 30, 2007, the Commissioner commenced an administrative proceeding
8 (hereafter the “April 2007 proceeding”) against Estrada wherein the Commissioner sought to bar
9 Estrada from any position of employment, management or control of any escrow agent for violations
10 of several provisions of the Financial Code, including, but not limited to, knowingly or recklessly
11 disbursing or causing the disbursements of escrow funds in violation of Section 17414 (a), and California
12 Code of Regulations, Title 10, section 1738; failing to comply with the duty to act without partiality
13 to a party to an escrow transaction in violation of the California Code of Regulations, Title 10,
14 section 1740.1; and failing to follow escrow instructions in violation of California Code of
15 Regulations, Title 10, section 1738.2. Estrada violated the Financial Code provisions referenced
16 herein while employed at C. Gull Escrows, Inc.

17 On or about May 5, 2007, the Commissioner served upon Estrada by personal delivery, an
18 Accusation, and Notice of Intention to Issue Order Pursuant to California Financial Code Section
19 17423. Pursuant to section 17423(c), upon receipt of the Notice, Estrada was immediately prohibited
20 from engaging in any escrow processing activities, including disbursing any trust funds in the escrow
21 agent’s possession, custody, or control.

22 A hearing on the Notice began on December 4, 2007 and continued on May 12, 2008,
23 concluding on May 13, 2008.

24 On or about March 11, 2008 while the April 2007 proceeding was pending, the Commissioner
25 received information that Estrada was employed as an escrow officer at Experience Escrows from
26 about January 2, 2008 to about May 10, 2008, in violation of Section 17423(c). Estrada obtained
27 _____

28 ¹ All further statutory references are to the California Financial Code unless otherwise indicated.

1 employment at Experience Escrows as alleged herein despite being informed off the record on
2 December 2, 2007 during the April 2007 proceeding that she was prohibited from working as an
3 escrow officer until the disposition of the April 2007 proceeding.

4 On May 12, 2008, during cross-examination, the Commissioner's counsel questioned Estrada
5 as to whether or not she was employed as an escrow officer at Experience Escrows. Estrada testified
6 under oath that she was only employed as a public relations officer and that she did "P. R., public
7 relations," and answered the phones from time to time for Experience Escrows.

8 On June 11, 2008, Administrative Law Judge Eric Sawyer, issued an order suspending
9 Estrada for a period of 12 months from any position of employment, management or control of any
10 escrow agent, pursuant to Financial Code section 17423. On September 19, 2008, the Commissioner
11 adopted Hon. Eric Sawyer's decision.

12 In or about September 2008, the Commissioner commenced an examination of the books and
13 records of Experience Escrows. The examination showed that contrary to Estrada's testimony under
14 oath on May 12, 2008, Estrada was in fact employed as an escrow officer at Experience Escrows in
15 violation of California Code of Regulations section 17423(c) from about January 2, 2008 to about
16 May 5, 2008. Further, the examination showed that Estrada processed or handled at least eight
17 escrow files in violation of Financial Code section 17423(c).

18 Additionally, the examination revealed that Estrada attempted to conceal her false testimony
19 and to destroy evidence by requesting that escrow documents bearing her name be destroyed.

20 Estrada acted in violation of the Financial Code provisions referenced herein in that she
21 engaged in escrow processing activities in at least eight escrows as follows:

- 22 1. Escrow Number 200721-NE;
- 23 2. Escrow Number 200724-NE;
- 24 3. Escrow Number 200735-DM;
- 25 4. Escrow Number 200746-DM;
- 26 5. Escrow Number 200750-DM;
- 27 6. Escrow Number 200763-DM;
- 28 7. Escrow Number 200772-DM; and

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VII.

Complainant finds that, by reason of the foregoing, Neomi Estrada also known as Naomi Estrada has violated California Financial Code sections 17423(c), in addition to testifying falsely under oath, and attempting to destroy evidence in an effort to conceal her false testimony, it is in the best interests of the public to permanently bar Neomi Estrada from any position of employment, management or control of any escrow agent.

WHEREFORE, IT IS PRAYED that Neomi Estrada also known as Naomi Estrada be barred from any position of employment, management or control of any escrow agent.

Dated: December 29, 2009
Los Angeles, California

PRESTON DuFAUCHARD
California Corporations Commissioner

By: _____
Uche L. Enenwali
Corporations Counsel
Enforcement Division