

1 PRESTON DuFAUCHARD  
California Corporations Commissioner  
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Deputy Commissioner  
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8 Attorneys for Complainant

9  
10 BEFORE THE DEPARTMENT OF CORPORATIONS  
11 OF THE STATE OF CALIFORNIA

12 In the Matter of the Accusation of THE ) File No.: 963-2269  
13 CALIFORNIA CORPORATIONS )  
14 COMMISSIONER, ) ORDER IMPOSING PENALTIES PURSUANT  
15 Complainant, ) TO CALIFORNIA FINANCIAL CODE  
16 vs. ) SECTION 17408  
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21 TO: ELENDER ESCROW, INC.  
Att: President  
22 32 Journey, Suite 100  
23 Aliso Viejo, California 92656

24 NOW THEREFORE the California Corporations Commissioner (“Commissioner”) having  
25 found that Elender Escrow, Inc. failed to file its annual audit report containing audited financial  
26 statements for its fiscal year ended December 31, 2006 as required by Financial Code section 17406,  
27 Elender Escrow, Inc. is hereby ordered, pursuant to Financial Code section 17408, to pay to the  
28 Commissioner the sum of \$33,400.00, plus an additional \$100.00 a day for each day after March 14,  
2008 that the annual audit report is not filed.

1 Pursuant to Financial Code section 17406, Elender Escrow, Inc. (“Respondent”) was required  
2 to submit its annual audit report for the fiscal year ended December 31, 2006 (“2006 audit report”) to  
3 the Commissioner on or before April 15, 2007.

4 On or about November 16, 2006, the Commissioner notified Respondent in writing that its  
5 2006 audit report was due April 15, 2007. Respondent failed to file the 2006 audit report by April  
6 15, 2007.

7 On or about May 10, 2007, a follow up letter was sent to Respondent concerning its failure to  
8 file the 2006 audit report. Respondent was notified in the letter that failure to file the 2006 audit  
9 report could result in assessment of penalties, a special examination and/or administrative action.

10 Respondent has yet to file the 2006 audit report as required by Financial Code section 17406.

11 Financial Code Section 17408, subdivisions (b) – (e) provides as follows:

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

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

25 (d) If the person fails to file a written request for a hearing within 30 days  
26 of the date of service of the order, the order imposing the penalty shall be  
27 deemed a final order of the commissioner, and the penalty shall be paid within  
28 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.

26 Dated: March 14, 2008  
27 Los Angeles, CA

PRESTON DuFAUCHARD  
California Corporations Commissioner

By \_\_\_\_\_  
Alan Weinger, Lead Corporations Counsel