

1 PRESTON DUFAUCHARD
California Corporations Commissioner
2 WAYNE STRUMPFER
Deputy Commissioner
3 ALAN S. WEINGER (BAR NO. 86717)
Lead Corporations Counsel
4 BLAINE A. NOBLETT (BAR NO. 235612)
Corporations Counsel
5 320 West 4th Street, Suite 750
Los Angeles, California 90013-2344
6 Telephone: (213) 576-1396 Fax: (213) 576-7181

7 Attorneys for Complainant

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

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12 In the Matter of the Accusation of THE
13 CALIFORNIA CORPORATIONS
COMMISSIONER,

) File No.: 963-2155
)

14

Complainant,

) **ACCUSATION**
)

15

v.

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EXCEL ESCROW CORP.,

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Respondent.

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

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I.

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24 Respondent Excel Escrow Corp. ("Excel Escrow") is an escrow agent licensed by the
25 California Corporations Commissioner ("Commissioner" or "Complainant") pursuant to the Escrow
26 Law of the State of California (California Financial Code, § 17000 et seq.) ("Escrow Law").

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II.

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28 Pursuant to Financial Code section 17406, all licensees under the Escrow Law are required to
file an annual audit report containing audited financial statements ("audit report") within one hundred

1 five (105) days after the close of their fiscal year. Excel Escrow's fiscal year-end is December 31st.
2 Accordingly, Excel Escrow was required to file its audit report for the fiscal year ended December
3 31, 2006 on or before April 16, 2007.

4 On or about November 14, 2006, the Commissioner notified Excel Escrow in writing that its
5 audit report was due by April 16, 2007.

6 On or about May 10, 2007, the Commissioner again notified Excel Escrow in writing of the
7 due date of the audit report.

8 Excel Escrow has yet to submit the audit report as required by Financial Code section 17406.

9 **III.**

10 Financial Code section 17406, subdivision (a) provides:

11 (a) Each licensee shall submit to the commissioner, at such licensee's own
12 expense, an audit report containing audited financial statements covering the
13 calendar year or, if such licensee has an established fiscal year, then for such
14 fiscal year, within 105 days after the close of each such calendar or fiscal year.
At such time, each licensee shall also file such additional relevant information
as the commissioner may require.

15 Financial Code section 17602.5 provides in pertinent part as follows:

16 If any licensed escrow agent fails to make any reports required by law or by
17 the commissioner within ten (10) days from the date designated for the making
18 of the reports, or within any extension of time granted by the commissioner, . .
19 . such failure shall constitute grounds for the suspension or revocation of the
license held by such escrow agent.

20 Financial Code section 17608 provides in pertinent part:

21 The commissioner may, after notice and a reasonable opportunity to be heard,
22 suspend or revoke any license if he finds that:

23 (b) The licensee has violated any provision of this division or any rule
24 made by the commissioner under and within the authority of this division.

25 **IV.**

26 The Complainant finds that, by reason of the foregoing, Excel Escrow, Inc. has violated
27 Financial Code section 17406 which constitutes grounds for the suspension of its escrow agent's
28 license.

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2 WHEREFORE, IT IS PRAYED that the escrow agent's license of Excel Escrow Corp. be
3 suspended for a period of two weeks, or until its annual audit report for the fiscal year ended
4 December 31, 2006 is filed, whichever is later.

5 DATED: September 13, 2007
6 Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

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By _____
Blaine A. Noblett
Corporations Counsel

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