

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER
Deputy Commissioner
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Corporations Counsel
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6 Attorneys for Complainant

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

10 In the Matter of THE CALIFORNIA)
11 CORPORATIONS COMMISSIONER,)

File No.: 963-2341

12 Complainant,)

**STIPULATION TO AMENDED
STATEMENT OF FACTS AND AMENDED
ORDER TO DISCONTINUE UNSAFE OR
INJURIOUS PRACTICES PURSUANT TO
FINANCIAL CODE SECTION 17603**

13 v.)
14)

15 JD ESCROW, INC.,)

16 Respondent.)
17)
18)

19 IT IS HEREBY STIPULATED BY AND BETWEEN RESPONDENT JD ESCROW, INC.
20 ("JD Escrow") AND PRESTON DuFAUCHARD, THE CALIFORNIA CORPORATIONS
21 COMMISSIONER ("Commissioner"), AS FOLLOWS:

22 WHEREAS, JD Escrow is a corporation in good standing, duly formed and existing pursuant
23 to the laws of the State of California, and authorized to conduct business in California.

24 WHEREAS, JD Escrow is an escrow agent licensed by the Commissioner pursuant to the
25 Escrow Law of the State of California (Fin. Code, §§ 17000 et seq.) ("Escrow Law") with its
26 principal place of business located at 10161 Bolsa Avenue, Suite 207-A, Westminster, California.

27 WHEREAS, on November 16, 2009, the Commissioner issued his Notice of Intent to Make
28 Order Final, Statement of Facts, and Order to Discontinue Unsafe or Injurious Practices Pursuant to

1 Financial Code section 17603 ("Order") against JD Escrow for violations of the Escrow Law.

2 WHEREAS, on or about December 10, 2009, JD Escrow filed a request for hearing with the
3 Commissioner concerning his Notice of Intent and Order and further consented to a date later than
4 fifteen (15) business days for the hearing to commence.

5 WHEREAS, JD Escrow disputed certain allegations contained in the Commissioner's
6 November 16, 2009 Statement of Facts and Order. Specifically, JD Escrow has demonstrated that it
7 did not violate Financial Code section 17414, subdivision (a)(1), as was alleged in the November 16,
8 2009 Statement of Facts and Order.

9 WHEREAS, on the basis of JD Escrow's submission of proof that it did not violate Financial
10 Code section 17414, subdivision (a)(1), the Commissioner, on or about January 19, 2010, issued an
11 Amended Statement of Facts and Amended Order to Discontinue Unsafe or Injurious Practices
12 Pursuant to Financial Code section 17603 ("Amended Order"), attached and incorporated herein
13 collectively as **Exhibit A**.

14 WHEREAS, the parties now seek to resolve the concerns of the Commissioner by entering
15 into this Stipulation regarding the Commissioner's Amended Statement of Facts and Amended Order.

16 WHEREAS, the Commissioner finds that this action is appropriate and in the public interest
17 and consistent with the purposes fairly intended by the policy and provisions of the Escrow Law.

18 NOW, THEREFOR, the parties acknowledge that JD Escrow has the right to a hearing under
19 the Escrow Law in connection with the Notice of Intent to Make Order Final and Amended Order and
20 hereby voluntarily waives its right to a hearing, and to any reconsideration, appeal, or other right to
21 review which might be afforded pursuant to the Escrow Law, the Administrative Procedure Act, the
22 Code of Civil Procedure, or any other provision of law, and by waiving such rights consents to the
23 Amended Order becoming final. JD Escrow further agrees to provide the Commissioner with a
24 written withdrawal of its hearing request concerning the Commissioner's Order not later than January
25 27, 2010.

26 1. JD Escrow acknowledges that this Stipulation does not preclude the Commissioner
27 from seeking additional remedies against JD Escrow for violating the Amended Order or any law
28 under the Commissioner's jurisdiction not related to the present action. These remedies include, but

1 are not limited to, administrative actions, civil injunctive and ancillary relief, and making a criminal
2 referral pursuant to California law;

3 2. JD Escrow acknowledges that nothing in this Stipulation shall preclude the
4 Commissioner, or his agents or employees, to the extent authorized by law, from assisting or
5 cooperating in any investigation and/or action brought by any federal, state or county agency. JD
6 Escrow further agrees that this Stipulation shall not bind or otherwise prevent any other federal, state
7 or county agency from the performance of its duties;

8 3. JD Escrow enters into this Stipulation voluntarily and without coercion and
9 acknowledges that no promises, threats, or assurances have been made by the Commissioner or any
10 officer, or agent thereof, about this Stipulation;

11 4. JD Escrow and the Commissioner agree that this Stipulation may be executed in one
12 or more counterparts, each of which when so executed, shall be deemed original. A faxed signature
13 shall be deemed the same as an original signature. Such counterparts shall together constitute and be
14 one and the same instrument; and

15 5. Each signator hereto covenants that he/she possesses all necessary capacity and
16 authority to sign and enter into this Stipulation.

17 DATED: January 19, 2010

PRESTON DuFAUCHARD
California Corporations Commissioner

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19
20 BY: _____
21 ALAN S. WEINGER
22 Deputy Commissioner

23 DATED: January 19, 2010

TDL INTERNATIONAL LAW FIRM, APLC

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25
26 BY: _____
27 KEN D. DUONG, ESQ.

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3 DATED: January 19, 2010

JD ESCROW, INC.

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BY: _____

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JULIE DAO, President
JD Escrow, Inc.

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