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8

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

11
12 In the Matter of the Petition for Reinstatement) Case No.: 963-1635
of:)
13) ORDER DENYING PETITION FOR
14 ERIC MARK, JR.) REINSTATEMENT
15)
16)
17)
18)
19)

20 TO: BILL LOCKYER
21 ATTORNEY GENERAL, STATE OF CALIFORNIA
Department of Justice
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1 Petitioner, Eric Mark, Jr., having filed a petition for reinstatement in regards to the May 7,
2 1998 order barring Petitioner from any position of employment, management or control of an escrow
3 agent issued in proceedings brought by the California Corporations entitled In the Matter of the
4 Commissioner of Corporations of the State of California v. Millennium Escrow Corporation
5 formerly known as Principal Escrow and Eric Mark, Jr.; the petition and written argument having
6 been considered, this agency finds that:

7 Petitioner is not entitled to reinstatement of employment, management or control of an
8 escrow agent for the following reasons:

9 1. Petitioner, by way of his petition, continues to evidence his inability to act with the
10 integrity and character necessary to holding a position in the independent escrow industry.
11 Specifically, Petitioner declares under penalty of perjury in his petition that (i) this is his first
12 petition for reinstatement since his bar in 1998, (ii) he has not been employed with an escrow
13 company since 1998, and (iii) there have been no complaints to the Department of Corporations
14 since 1998. All three statements are false. Petitioner had previously filed a Petition for
15 Reinstatement with the Commissioner on or about March 23, 2000, which petition was denied.
16 Moreover, on or about April 30, 2001, Petitioner’s father, Eric Mark, Sr., was barred from any
17 position for employment, management or control requiring Eric Mark, Sr. to relinquish his
18 ownership of Millennium Escrow for allowing Petitioner to continue to engage in employment and
19 management activities on behalf of Millennium Escrow in violation of the May 7, 1998 bar order.

20 2. Petitioner discusses his past activities in the escrow business as if they only involved
21 the violations (violation of lender instructions and preparation of false receipts in connection
22 therewith) that led to the initial April 14, 1997 order in which Petitioner was suspended from
23 employment for thirty days and barred from any position of management or control for a period of
24 one year. Petitioner conveniently ignores that the May 7, 1998 Bar Order was a result of his having
25 violated the April 14, 1997 bar order and that he thereafter violated the May 7, 1998 bar order as
26 described in paragraph 1 above. As such, Petitioner continues in his failure to accept responsibility
27 for his actions, which include repeatedly violating orders of a state agency.
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3. Petitioner has attempted no educational training, which would assist in his rehabilitation process, other than what he was absolutely required to undertake to maintain his real estate license. Additionally, the main focus of the courses he did undertake were subjects relating to real estate sales and not issues pertinent to the independent escrow industry, such as escrow processing and handling and accounting of trust funds under the California Escrow Law. Mark has not otherwise demonstrated that he will not violate the Escrow Law and/or orders issued thereunder in the future, or that he possesses the technical skills or knowledge of the policies, procedures, and controls necessary to competently be employed with, or manage or control an escrow agent, in compliance with the Escrow Law and/or orders issued thereunder.

4. The only proof of rehabilitation offered by Petitioner outside his own self-serving statements, is one letter from an escrow company owner, which is quite vague as to the violations engaged in by Petitioner and appears to display an ignorance as to Petitioner’s escrow activities since 1998 with the comment “I do know that Eric has remained out of the escrow industry.” Accordingly, little weight can be given this letter of reference.

WHEREFORE, IT IS ORDERED that the Petition be denied.

Dated: January 8, 2007
Los Angeles, Ca

PESTON DuFAUCHARD
California Corporations Commissioner

By _____
Kathleen R. Partin
Special Administrator, Escrow Law