

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER (CA BAR NO. 86717)
Deputy Commissioner
3 BRENT S.B. LINDGREN (CA BAR NO. 170360)
Senior Corporations Counsel
4 Department of Corporations
1515 K Street, Ste. 200
5 Sacramento, California 95814
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6 Attorneys for Complainant

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

11 In the Matter of the Accusation of THE) File No.: 963-2265
CALIFORNIA CORPORATIONS)
12 COMMISSIONER,) ORDER IMPOSING PENALTIES PURSUANT
13) TO CALIFORNIA FINANCIAL CODE
Complainant,) SECTION 17408
14)
15 vs.)
16 OLD TOWN ESCROW, INC.,)
17 Respondent.)
18)

19 TO: OLD TOWN ESCROW, INC.
20 145 Hurlbut Street, Suite 205
21 Pasadena, California 91105

22 NOW THEREFORE the California Corporations Commissioner (“Commissioner”) having
23 found that Old Town Escrow, Inc. failed to timely file its annual audit report containing audited
24 financial statements for its fiscal year ending December 31, 2008 as required by Financial Code
25 section 17406, Old Town Escrow, Inc. is hereby ordered, pursuant to Financial Code section 17408,
26 to pay to the Commissioner the sum of \$8,300.00.

27 Pursuant to Financial Code section 17406, Old Town Escrow, Inc. (“Old Town Escrow”) was
28 required to submit its annual audit report for the fiscal year ending December 31, 2008 (“2008 audit
report”) to the Commissioner on or before April 15, 2009.

1 On or about November 17, 2008, the Commissioner notified Old Town Escrow in writing
2 that its 2008 audit report was due April 15, 2009. Old Town Escrow failed to file the 2008 audit
3 report by April 15, 2009.

4 On or about June 26, 2009, a follow-up letter was sent via certified mail to Maximiliano Kiko
5 Pellegrini, the president of Old Town Escrow, concerning its failure to file the 2008 audit report.
6 Old Town Escrow was notified that failure to file the 2008 audit report could result in assessment of
7 penalties, a special examination and/or administrative action. This letter was certified as delivered
8 on July 2, 2009.

9 Old Town Escrow did not file its 2008 audit report until September 28, 2009 – 163 days after
10 the time 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.

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(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.

Dated: October 6, 2009
Sacramento, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
Alan S. Weinger, Deputy Commissioner