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California Corporations Commissioner
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Acting Deputy Commissioner
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8 BEFORE THE DEPARTMENT OF CORPORATIONS
9 OF THE STATE OF CALIFORNIA

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

File No.: 963-2001

ACCUSATION

12 Complainant,

13 vs.
14

15 ORACLE ESCROW, INC.,

16 Respondent.

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18 The Complainant is informed and believes and based upon such information and belief, alleges and
19 charges as follows:

20 I

21 Oracle Escrow, Inc. (“Respondent” or “Oracle”) is an escrow agent licensed by the
22 California Corporations Commissioner ("Commissioner" or "Complainant") pursuant to the Escrow
23 Law of the State of California (California Financial Code Section 17000 et seq.).

24 II

25 Pursuant to Financial Code section 17406, all licensees under the Escrow Law are required to
26 file an annual audit report containing audited financial statements (“audit report”) within one
27 hundred and five (105) days after the close of their fiscal year. Respondent’s fiscal year end for
28 2006 and 2007 is the 31st day of July. Accordingly, Respondent was required to file its audit reports

1 on or before November 15, 2006 and November 15, 2007 respectively.

2 On or about June 14, 2006, the Commissioner notified Oracle Escrow, Inc. that its 2006 audit
3 report was due and that the report “must be filed with the Department no later than November 15,
4 2006.” On December 7, 2006 Oracle was notified that it had failed to file its audit report by the due
5 date of November 15, 2006 and that Oracle could be subject to “the assessment of penalties and/or
6 administrative action” for the failure to file the report.

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

8 III

9 On or about June 4, 2007, Complainant notified Respondent in writing that its audit report
10 for fiscal year ending July 31, 2007 was due November 15, 2007. The notice in writing stated “The
11 audit report must be filed with the Department not later than November 15, 2007,” and further stated
12 “Failure to file the report within ten days from the due date...may result in the suspension or
13 revocation of the escrow agent’s license in accordance with the provisions of Financial Code section
14 17602.5...” Respondent failed to file the audit report by November 15, 2007. Respondent has yet to
15 file the audit report as required by Financial Code section 17406.

16 IV

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

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

22 Financial Code section 17608 provides in pertinent part:

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

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

27 Complainant finds that, by reasons of the foregoing, Respondent has violated Financial Code
28 section 17406, which constitutes ground for the revocation of its escrow agent’s license.

WHEREFORE, IT IS PRAYED that Respondents escrow agent’s license be revoked.

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Dated: July 28, 2008

San Francisco, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

By: _____
John R. Drews
Corporations Counsel
California Department of Corporations