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SUPERIOR COURT OF THE STATE OF CALIFORNIA

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FOR THE COUNTY OF ALAMEDA

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THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through the
12 CALIFORNIA CORPORATIONS
COMMISSIONER,
13

Case No.: [2002-040483](#)

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Plaintiff,

**COMPLAINT FOR PERMANENT
INJUNCTION, CIVIL PENALTIES AND
ANCILLARY RELIEF**

15

vs.

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WILSON REID OGG, an individual;
17 PATRICIA PEREZ; SANDRA BOOTH; and
DOES 1 through 10, inclusive

(Financial Code §§ 17000, 17200, *et seq.*)

18

Defendants.

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Demetrios A. Boutris, California Corporations Commissioner, acting to protect the
21 public from the unlawful operation of an escrow company and unlicensed escrow activity,
22 brings this action in the public interest in the name of the People of the State of California.

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The People of the State of California allege:

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VENUE AND JURISDICTION

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1. Plaintiff, by this action and pursuant to California Financial Code §17000, *et*
26 *seq.* seeks to enjoin defendants, WILSON REID OGG, PATRICIA PEREZ and SANDRA
27 BOOTH and Does 1 through 10, inclusive, from engaging in business as an escrow agent in
28 this state without having secured from the Commissioner a license authorizing defendants

1 to act in that capacity and from performing any services as an escrow agent in violation of
2 the California "Escrow Law." Plaintiff further seeks appropriate civil penalties for past and
3 continuing violations of the Escrow Law.

4 2. Defendants at all times mentioned herein have engaged in unlawful activity
5 throughout the State of California while operating in the County of Alameda, State of
6 California. The violations of law hereinafter described have been committed wholly or in
7 part in the County of Alameda.

8 3. Plaintiff is informed and believes, and thereon alleges, that for the past ten
9 years, defendants, WILSON REID OGG, PATRICIA PEREZ and SANDRA BOOTH, and
10 each of them, have been engaged in a joint enterprise offering services as escrow agents
11 operating an escrow company, as those terms are defined by the Escrow Law. During that
12 time, defendants have provided escrow services on hundreds of transactions, mostly
13 involving the sale of mobile homes and other private escrow transactions. In doing do,
14 defendants have failed and refused to operate as a corporation as required by Financial
15 Code section 17200 and have not obtained the appropriate licenses, or otherwise complied
16 with the requirements of the Escrow Law, even after being informed by the Commissioner
17 that they were engaged in unlicensed activity.

18 **DEFENDANTS**

19 4. Defendant WILSON REID OGG is a natural person residing in the County of
20 Alameda. At all relevant times hereto, WILSON REID OGG, an attorney licensed to practice
21 in the State of California, engaged in the unlicensed and unregistered business as an
22 escrow agent, or escrow company, individually and under the fictitious name of ESCROW
23 SERVICES, in violation of the Financial Code Sections 17000 *et seq.*, hereafter referred to
24 as the "Escrow Law."

25 5. Defendant PATRICIA PEREZ is a natural person residing in the County of
26 Alameda. At all relevant times hereto, PATRICIA PEREZ engaged in the unlicensed and
27 unregistered business as an escrow agent, or escrow company, individually and under the
28 fictitious name of ESCROW SERVICES, in violation of the Financial Code Sections 17000

1 *et seq.*, hereafter referred to as the “Escrow Law.”

2 6. Defendant SANDRA BOOTH is a natural person residing in the County of
3 Alameda. At all relevant times hereto, SANDRA BOOTH engaged in the unlicensed and
4 unregistered business as an escrow agent, or escrow company, individually and under the
5 fictitious name of ESCROW SERVICES and/or SANDRA BOOTH ESCROW SERVICES, in
6 violation of the Financial Code Sections 17000 *et seq.*, hereafter referred to as the “Escrow
7 Law.”

8 7. Defendants sued herein under the fictitious names DOES 1 through 10,
9 inclusive, are unknown to plaintiff who therefore sues such defendants by such fictitious
10 names. Plaintiff will amend this complaint to show the true name of each such defendant
11 when the same has been ascertained.

12 8. Plaintiff is informed and believes, and thereon alleges, that defendants, and
13 each of them, were principals, agents, employers, employees, joint venturers, co-venturers,
14 or were otherwise authorized to act on behalf of each other, and, at all times mentioned
15 herein, were acting in such capacity, thereby imputing liability to each other for all acts
16 complained of.

17 **FIRST CAUSE OF ACTION**

18 UNLICENSED ESCROW AGENT ACTIVITY
19 (Financial Code §17000, *et seq.*)

20 9. Plaintiff realleges and incorporates herein by reference paragraphs 1 through
21 8, inclusive, as though set forth at length herein.

22 10. Financial Code § 17200 sets forth the escrow agent licensure requirement as
23 follows:

24 It shall be unlawful for any person to engage in business as an escrow
25 agent within the State except by means of a corporation duly organized for
that purpose licensed by the commissioner as an escrow agent.

26 11. Beginning at an exact date that is unknown to plaintiff, but ongoing and
27 continuing until the date of this Complaint, WILSON REID OGG, PATRICIA PEREZ and
28 SANDRA BOOTH, and each of them, individually and under their various fictitious names,

1 unlawfully engaged in the business of effecting escrow transactions as an escrow agent in
2 the State of California by acting in such capacity without conducting operations as a duly
3 licensed corporation, without securing from the Corporations Commissioner a license
4 authorizing such escrow agent activity and without complying with the licensing provisions of
5 the Escrow Law, including, but not limited to, Financial Code §17202 (bonding) and §17210
6 (net worth). None of the defendants is exempt from the requirements of the Escrow Law as
7 it relates to the activities complained of herein.

8 12. Defendants’ unlawful acts include, but are not limited to, performing escrow
9 agent services for private individuals and companies and obtaining a fee for the unlawful
10 escrow services performed. Defendants, and each of them, have operated in this capacity
11 for many years, handling hundreds of transactions, without obtaining the required license
12 and have continued to perform unlicensed escrow agent services after notice from the
13 Commissioner that their activity was illegal, thereby openly flaunting their legal obligations.

14 13. Plaintiff is informed and believes, and on that basis alleges, that unless
15 enjoined by the Court, defendants will continue to perform escrow agent services indefinitely
16 into the future, without obtaining the required license and without complying with the
17 provisions of the Escrow Law, which was enacted in the interests of protecting members of
18 the public who may require the services of an escrow agent or escrow company.

19 14. Financial Code §17607 permits the Commissioner to bring this action in the
20 name of the people of the State of California to “enjoin the acts or practices or to enforce
21 compliance with this law or any rule or order hereunder” Remedies may include
22 injunctive and equitable relief and “ancillary relief may be granted as appropriate.”

23 15. Financial Code §17701 states:
24 Any person who violates any provision of this division, or who violates any
25 rule or order under this division, shall be liable for a civil penalty not to
26 exceed two thousand five hundred dollars (\$2,500) for each violation

27 16. Defendants’ pattern of conduct, as set forth above, demonstrates the
28 necessity for granting injunctive and ancillary relief restraining such and similar acts in
violation of the Escrow Law.

1 WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as
2 follows:

3 1. That a permanent injunction be issued pursuant to section 17607 of the
4 Financial Code, enjoining and restraining defendants, WILSON REID OGG, PATRICIA
5 PEREZ and SANDRA BOOTH, and each of them, from effecting transactions as an escrow
6 agent or escrow company in this state without first securing from the Corporations
7 Commissioner the appropriate license authorizing defendants to act in that capacity and
8 without complying with the provisions of the Escrow Law.

9 2. That pursuant to section 17701 of the Financial Code defendants, WILSON
10 REID OGG, PATRICIA PEREZ and SANDRA BOOTH, and each of them, be assessed a
11 civil penalty in an amount not to exceed TWENTY FIVE HUNDRED DOLLARS (\$2,500) for
12 each separate violation of law perpetrated by defendants as alleged above, according to
13 proof at trial;

14 3. That plaintiff recover its costs of suit herein, including costs of investigation;

15 4. For such and further relief as the court may deem just and proper.

16 DATED: February 11, 2002

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18 DEMETRIOS A. BOUTRIS
 California Corporations Commissioner

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20 By: _____
 JAMES K. OPENSHAW
 Corporations Counsel
 Attorney for the People
 of the State of California