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Deputy Commissioner
2 Department of Business Oversight
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4 Attorneys for Complainant
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8 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
9 OF THE STATE OF CALIFORNIA
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11 In the Matter of:)	ESCROW LICENSE NO. 963-1228
)	
12 THE COMMISSIONER OF BUSINESS)	STATEMENT OF FACTS IN SUPPORT OF
13 OVERSIGHT,)	ORDER REVOKING ESCROW AGENT’S
)	LICENSE UNDER FINANCIAL CODE
14 Complainant,)	SECTION 17207
)	
15 v.)	
)	
16)	
)	
17 SWIFT ESCROW COMPANY, INC.,)	
)	
18 Respondent.)	
)	
19)	
20)	

21 Jan Lynn Owen, the Commissioner of Business Oversight (Commissioner), is informed and
22 believes, and based upon such information and belief, alleges and charges Respondent Swift Escrow
23 Company, Inc. (Swift Escrow) as follows:

24 **I.**

25 **Jurisdiction and Venue**

26 1. The Commissioner brings this action under the provisions of Financial
27 Code section 17207 of the Escrow Law (Fin. Code, § 17000 et seq.) and the rules and regulations
28 promulgated thereunder.

1 2. The Commissioner is authorized to administer and enforce the provisions of the
2 Escrow Law and the rules issued under title 10 of the California Code of Regulations (CCR) that
3 regulate the business and activities of independent escrow agents in the State of California.

4 **II.**

5 **Statement of Facts**

6 3. On or about May 30, 2018, the Commissioner sent notification by mail to Swift
7 Escrow of its annual license fee under Financial Code section 17207, subdivision (e)(1), specifically
8 invoice number ES0583.

9 4. Swift Escrow's annual assessment under invoice number ES0583 was due by June 30,
10 30 days after receipt of notification by the Commissioner.

11 5. Swift Escrow has not paid the assessment as required under subdivision (e)(1) of
12 Financial Code section 17207.

13 **III.**

14 **Applicable Statutes**

15 6. Financial Code section 17207 provides in pertinent part:

16 The commissioner shall charge and collect the following fees and
17 assessments:

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20 (e)(1) Each escrow agent shall pay to the commissioner for the support
21 of this division for the ensuing year an annual license fee not to exceed
two thousand eight hundred dollars (\$2,800) for each office or location.

22 (2) On or before May 30 in each year, the commissioner shall notify
23 each escrow agent by mail of the amount of the annual license fee
24 levied against it, and that the payment of the invoice is payable by the
25 escrow agent within 30 days after receipt of notification by the
commissioner.

26 (3) If payment is not made within 30 days, the commissioner may
27 assess and collect a penalty, in addition to the annual license fee, of 10
28 percent of the fee for each month or part of a month that the payment is
delayed or withheld.

1 (4) If an escrow agent fails to pay the amount due on or before the June
2 30 following the day upon which payment is due, the commissioner
3 may by order summarily suspend or revoke the certificate issued to the
4 company.

5 (5) If, after an order is made pursuant to paragraph (4), a request for a
6 hearing is filed in writing and a hearing is not held within 60 days
7 thereafter, the order is deemed rescinded as of its effective date. During
8 any period when its certificate is revoked or suspended, a company
9 shall not conduct business pursuant to this division, except as may be
10 permitted by order of the commissioner. However, the revocation,
11 suspension, or surrender of a certificate shall not affect the powers of
12 the commissioner as provided in this division.

13 (f) Fifty dollars (\$50) for investigation services in connection with each
14 application for qualification of any person under Section 17200.8, other
15 than investigation services under subdivision (c) of this section.

16 (g) A fee not to exceed twenty-five dollars (\$25) for the filing of a
17 notice or report required by rules adopted pursuant to subdivision (a) or
18 Section 17203.1.

19 (h)(1) If costs and expenses associated with the enforcement of this
20 division, including overhead, are or will be incurred by the
21 commissioner during the year for which the annual license fee is levied,
22 and that will or could result in the commissioner's incurring of costs
23 and expenses, including overhead, in excess of the costs and expenses,
24 including overhead, budgeted for expenditure for the year in which the
25 annual license fee is levied, then the commissioner may levy a special
26 assessment on each escrow agent for each office or location in an
27 amount estimated to pay for the actual costs and expenses associated
28 with the enforcement of this division, including overhead, in an amount
not to exceed one thousand dollars (\$1,000) for each office or location.
The commissioner shall notify each escrow agent by mail of the
amount of the special assessment levied against it, and that payment of
the special assessment is payable by the escrow agent within 60 days of
receipt of notification by the commissioner. The funds received from
the special assessment shall be deposited into the State Corporations
Fund and shall be used only for the purposes for which the special
assessment is made.

(2) If payment is not made within 60 days, the commissioner may
assess and collect a penalty, in addition to the special assessment, of 10
percent of the special assessment for each month or part of a month that
the payment is delayed or withheld. If an escrow agent fails to pay the

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special assessment on or before 60 days following the day upon which payment is due, the commissioner may by order summarily suspend or revoke the certificate issued to the company. If an order is made under this subdivision, the provisions of paragraph (5) of subdivision (e) shall apply.

(3) If the amount collected pursuant to this subdivision exceeds the actual costs and expenses, including overhead, incurred in the administration and enforcement of this division and any deficit incurred, the excess shall be credited to each escrow agent on a pro rata basis.

IV.

**Order Revoking Escrow Agent’s License
(For violations of Financial Code section 17207)**

7. The Commissioner realleges and reincorporates by reference paragraphs 1. through 6. of this Statement of Facts in Support of Order Revoking Escrow Agent’s License as though fully set forth herein.

8. Financial Code section 17207, subdivision (e)(4), authorizes the Commissioner to issue an order to summarily suspend or revoke the license issued to the company, if an escrow agent fails to pay the amount due on or before the June 30 following the day upon which payment is due.

9. Based on the foregoing findings of fact, as set forth fully above in paragraphs 1. through 6., Swift Escrow has failed to pay its annual assessment that was due to the Commissioner by June 30.

1 WHEREFORE, good cause showing, and under Financial Code section 17207, subdivision
2 (e)(4), the Commissioner prays for an order revoking the escrow agent’s license issued to Swift
3 Escrow unless the company pays its annual assessment plus a penalty of ten percent of the fee for
4 each month or part of a month that the payment is delayed or withheld. Swift Escrow’s payment must
5 be received in good funds to the Department of Business Oversight Accounting Office located at
6 1515 K Street, Suite 200, Sacramento, California 95814-4052, no later than the close of business on
7 October 8, 2018. In the event the Revocation Order is issued, Swift Escrow will be ordered and
8 directed to immediately discontinue the acceptance or processing of any escrow or joint control
9 business, and the taking of any money, documents, or other property.

10 Dated: September 17, 2018
11 Los Angeles, California

JAN LYNN OWEN
Commissioner of Business Oversight

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14 By _____
15 PAUL LIANG
16 Special Administrator
17 Escrow Law
18 (213) 576-7535
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