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

11 In the Matter of the )  
12 THE CALIFORNIA CORPORATIONS )  
13 COMMISSIONER, )

14 Complainant, )  
15 )  
16 )

17 v. )  
18 )  
19 )

18 MYESCROW.ORG; )  
19 SECURE.MYESCROW.ORG; SECURE )  
20 ESCROW SERVICES; and DOLORES BEN, )

21 Respondents. )  
22 )

Case No.:  
DESIST AND REFRAIN ORDER  
PURSUANT TO FINANCIAL CODE  
SECTIONS 17403 AND 17416

23 TO: MyEscrow.org  
24 Secure.MyEscrow.org  
25 Secure Escrow Services  
26 Dolores Ben  
1302 Kingspath Drive  
Rochester Hills, Michigan 48306

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The California Corporations Commissioner (“Commissioner”) finds that:

Myescrow.org, secure.Myescrow. org, Secure Escrow Services and Dolores Ben have engaged in the business of an escrow agent by advertising escrow services over the internet at myescrow.org and secure.myescrow.org from about June 2002 until November 2002 as follows:

(1) Myescrow.org claims on its website to protect online sellers and buyers from fraud and urges people to protect themselves with mysecrow.org, claiming to protect both the buyer and seller with a simple 5-step trust process.

(2) Myescrow.org further explains on its website how the process works. First, the buyer and seller agree to terms of the transaction, then the buyer pays myescrow.org, and then myescrow.org verifies the payment. Next, the seller ships the merchandise upon payment verification, the seller is authorized to ship merchandise and submit tracking information. Then myescrow.org verifies that the buyer receives the shipment. The buyer accepts the merchandise, has a set number of days for an inspection and the option to accept or reject the merchandise. Finally, myescrow.org pays the seller and the transaction is complete.

(3) Additionally, myescrow.org, secure.myescrow.org., Secure Escrow Services and Dolores Ben have represented themselves to be a licensed escrow agent by stating on the internet that the company is located at 3478 Buskirk Avenue, Suite 1032, Pleasant Hill, California 94523, telephone: (800) 279-2423; fax: (925) 941-6465; license: # 9635075.

This is the address, phone number, fax number, and license number for Commercial Escrow Services, Inc., an unrelated company that is licensed with the Department.

Myescrow.org, secure.Myescrow. org, Secure Escrow Services and Dolores Ben have not been issued a license from the Commissioner authorizing any of them to conduct business as an escrow agent as required by California Financial Code section 17200.

1 Myescrow.org, secure.Myescrow. org, Secure Escrow Services and Dolores Ben have not  
2 been issued a license from the Commissioner authorizing any of them to use words indicating that it  
3 is in the escrow business as required by California Financial Code section 17403.

4 Myescrow.org, secure.Myescrow. org, Secure Escrow Services and Dolores Ben are not  
5 exempted from the licensing requirement under California Financial Code section 17200.

6 California Financial Code section 17004 states:

7 “Escrow agent” means any person engaged in the business of receiving escrows for  
8 deposit or delivery.

9 California Financial Code section 17002.5 states:

10 “Person” means, in addition to the singular, persons, group of persons, co-operative,  
11 association, company, firm, partnership, corporation, limited liability company, or  
12 other legal entity.

13 California Financial Code section 17403 states:

14 (a) No person subject to this division shall issue, circulate, or publish any  
15 advertisement by any means of communication, or make use of or circulate any  
16 letterheads, billheads, blank notes, blank receipts, blank escrow instructions,  
17 certificates, circulars, or any written, printed, partially written or printed paper  
18 containing any fictitious or corporate name or other words indicating that the  
19 person is in the escrow business, unless the person is a licensed escrow agent.

20 (b) If, in the opinion of the commissioner, any person has violated this section, the  
21 commissioner may order that person to desist and refrain from that violation. If,  
22 within 30 days after the order is served, a request for hearing is filed in writing and  
23 the hearing is not held within 60 days thereafter, the order is rescinded.

24 California Financial Code section 17416 states:

25 Whenever in the opinion of the commissioner any person, except as named in section  
26 17006, is engaged, either actually or through subterfuge, in the business of receiving  
27 escrows for deposit or delivery, as defined in this division, without a license from the  
28 commissioner the commissioner may order that person to desist and to refrain from

1                   engaging in that business. If, within 30 days after such an order is served, a request  
2                   for a hearing is filed in writing and the hearing is not held within 60 days thereafter,  
3                   the order is rescinded.

4                   NOW, BASED UPON THE FOREGOING, IT IS HEREBY ORDERED, under the  
5 provisions of California Financial Code sections 17403 and 17416, that Myescrow.org,  
6 secure.Myescrow.org, Secure Escrow Services and Dolores Ben and their officers, directors,  
7 partners, agents, employees and/or servants immediately desist and refrain from engaging in the  
8 business of receiving escrows for deposit or delivery without first obtaining a license from the  
9 Commissioner, or otherwise being exempt, and from issuing, circulating, or publishing any  
10 advertisement by means of any communication, or making use of or circulating any letterheads,  
11 billheads, blank notes, blank receipts, blank escrow instructions, certificates, circulars, or any written  
12 or printed paper containing any fictitious or corporate name or other words indicating that any of  
13 them are in the escrow business.

14                   THIS ORDER shall remain in full force and effect until further order of the California  
15 Corporations Commissioner.

17 Dated: December 3, 2002  
18                   Los Angeles, California

DEMETRIOS A. BOUTRIS  
California Corporations Commissioner

20 By: \_\_\_\_\_  
21                   Steven C. Thompson  
22                   Special Administrator, Escrow Law