

PRESTON DuFAUCHARD
California Corporations Commissioner
ALAN S. WEINGER
Deputy Commissioner
LINDSAY B. HERRICK (SBN 224986)
Corporations Counsel
Department of Corporations
1515 K Street, Ste. 200
Sacramento, California 95814
Telephone: (916) 322-6998 Fax: (916) 445-6985
Attorneys for Complainant

BEFORE THE DEPARTMENT OF CORPORATIONS
OF THE STATE OF CALIFORNIA

In the Matter of the Accusation of THE)	File No.: 963-2205
CALIFORNIA CORPORATIONS)	
COMMISSIONER,)	ORDER IMPOSING PENALTIES PURSUANT
)	TO CALIFORNIA FINANCIAL CODE
Complainant,)	SECTION 17408
)	
vs.)	
)	
WHITTIER ESCROW, INC.,)	
)	
Respondent.)	
)	

TO: WHITTIER ESCROW, INC.
16262 Whittier Blvd., #5
Whittier, California 90603

Whittier Escrow, Inc. holds an escrow agent's license, number 963-2205, issued by the California Corporations Commissioner ("Commissioner"), and maintains a business address of 16262 Whittier Blvd., #5, Whittier, California 90603.

Pursuant to Financial Code section 17406, Whittier Escrow, Inc. ("Whittier Escrow") was required to submit its annual audit report for the fiscal year ending September 30, 2008 ("2008 audit report") to the Commissioner on or before January 15, 2009.

1 On or about August 11, 2008, the Commissioner notified Whittier Escrow in writing that its
2 2008 audit report was due January 15, 2009. Whittier Escrow failed to file the 2008 audit report by
3 January 15, 2009.

4 On or about February 19, 2009, a follow-up letter was sent via certified mail to Nancy Ruiz,
5 the president of Whittier Escrow, concerning Whittier Escrow's failure to file the 2008 audit report.
6 Whittier Escrow was notified that a failure to file the 2008 audit report would result in Whittier
7 Escrow being assessed \$100 per day for each day the 2008 audit report is overdue, in addition to a
8 potential special examination, suspension and/or revocation of its escrow agent's license. This
9 letter was certified as delivered on February 23, 2009.

10 Whittier Escrow has still not filed its 2008 audit report as required by Financial Code
11 section 17406.

12 Financial Code section 17408, subdivisions (b) – (e), provides as follows:

13 (b) The commissioner may impose, by order, a penalty on any person
14 who fails, within the time specified in any written demand of the
15 commissioner, (1) to make and file with the commissioner any report
16 required by law or requested by the commissioner. . . . The amount of the
17 penalty may not exceed one hundred dollars (\$100) for each day for the first
18 five days the report or information is overdue and, thereafter may not exceed
19 five hundred dollars (\$500) for each day the report or information is overdue.

20 (c) If, after an order has been made under subdivision (b), a request for
21 hearing is filed in writing within 30 days of the date of service of the order by
22 the person to whom the order was directed, a hearing shall be held in
23 accordance with the Administrative Procedure Act, Chapter 5 (commencing
24 with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
25 Code, and the commissioner shall have all the powers granted under that
26 chapter.

27 (d) If the person fails to file a written request for a hearing within 30 days
28 of the date of service of the order, the order imposing the penalty shall be
deemed a final order of the commissioner, and the penalty shall be paid within
five business days.

(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
made.

1 NOW THEREFORE, the Commissioner having found that Whittier Escrow failed to timely
2 file its annual audit report containing audited financial statements for its fiscal year ending
3 September 30, 2008 as required by Financial Code section 17406, Whittier Escrow, Inc. is hereby
4 ordered, pursuant to Financial Code section 17408, to pay to the Commissioner the sum of \$100 per
5 day beginning ten (10) days from February 19, 2009, or March 2, 2009, totaling \$23,000 as of the
6 date of this Order, and an additional \$100 per day until the 2008 audit report is filed.

7
8 Dated: October 20, 2009
9 Sacramento, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

10 By _____
11 Alan S. Weinger
12 Deputy Commissioner
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28