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8 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
9 OF THE STATE OF CALIFORNIA

11 In the Matter of:)	
)	ACCUSATION IN SUPPORT OF ORDER
12 THE COMMISSIONER OF BUSINESS)	BARRING ASHLEY DENISE GRANT FROM
13 OVERSIGHT,)	ANY POSITION OF EMPLOYMENT,
)	MANAGEMENT, OR CONTROL OF ANY
14 Complainant,)	ESCROW AGENT PURSUANT TO
15 v.)	FINANCIAL CODE SECTION 17423
)	
16 ASHLEY DENISE GRANT, a.k.a.)	
17 ASHLEY DENISE GRANT-CONNELLY,)	
)	
18 Respondent.)	
)	

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20 The Commissioner of Business Oversight (Commissioner) is informed and believes, and
21 based upon such information and belief, alleges and charges Respondent Ashley Denise Grant, a.k.a.
22 Ashley Denise Grant-Connelly (Grant):

23 **I.**
24 **Jurisdiction and Venue**

25 1. The Commissioner brings this action under the Financial Code section 17423 and the
26 rules and regulations promulgated under the California Escrow Law (Fin. Code, § 17000 et seq.)
27 (Escrow Law).

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

II.
Statement of Facts

3. Futura Escrow Inc. (Futura Escrow) is an escrow agent licensed by the Commissioner under the Escrow Law since March 10, 2015. Futura Escrow has its principal place of business located at 4660 La Jolla Village Drive, Suite 100, San Diego, California 92122.

4. On or around November 21, 2017, the Department received Grant’s Statement of Identity and Employment Application to become Futura Escrow’s proposed manager.

5. On or around December 12, 2017, Futura Escrow notified the Department that Grant was terminated as an escrow officer effective November 29, 2017. Grant worked at Futura Escrow for two months – September 2017 through November 2017.

6. On February 6, 2019, a felony complaint was filed in the matter *The People of the State of California v. Ashley Denise Grant (People v. Grant)*, Case No. SCD280412, Superior Court of California, County of San Diego, Central Division. The felony complaint charged Grant with one count in violation of Penal Code section 487, subdivision (b)(3), grand theft by employee; and seven counts in violation of Penal Code section 530.5, subdivision (a), willfully obtaining personal identifying information of another and using that information for an unlawful purpose without that person’s consent.

7. On June 24, 2019, the District Attorney of the County of San Diego, State of California filed an information in the matter *People v. Grant*, Case No. SCD280412, to bring three additional felony charges against Grant. The information charged Grant with one count in violation of Penal Code section 487, subdivision (b)(3), grand theft by employee; nine counts in violation of Penal Code section 530.5, subdivision (a), willfully obtaining personal identifying information of another and using that information for an unlawful purpose without that person’s consent; and one count in violation Penal Code section 487, subdivision (a), grand theft of personal property.

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1 8. On August 30, 2019, Grant pled guilty to violating Penal Code section 487,
2 subdivision (a), grand theft by employee; and violating two counts of Penal Code section 530.5,
3 subdivision (a), willfully obtaining personal identifying information of another and using that
4 information for an unlawful purpose without that person’s consent.

5 9. On September 30, 2019, the Court sentenced Grant to three years formal probation
6 and ordered Grant to pay back \$19,968.77 in restitution to the victims and \$1,435.00 in court ordered
7 fees.

8 10. The felony minutes from *The People v. Grant* listed Futura Escrow as one of Grant’s
9 victims. The Court ordered Grant to pay \$16,650.00 in restitution to her former employer, Futura
10 Escrow, as part of her sentencing and judgment.

11 11. Grant’s 2019 felony convictions for violations of Penal Code sections 487(a) and
12 530.5(a) are offenses specified in Financial Code section 17414.1, subdivision (b), and pursuant to
13 Financial Code section 17423 – are reasonably related to the qualifications, functions, or duties of a
14 person engaged in the business in accordance with the provisions of the Escrow Law.

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16 **III.**
17 **Applicable Statues**

- 18 12. Financial Code section 17414.1, provides in pertinent part:
19 (a) Any person who has been convicted of or pleaded nolo contendere
20 to any crime specified in subdivision (b) within the past 10 years, .
21 . . or any of the provisions specified in subdivision (b), shall not
22 serve in any capacity as an officer, director, stockholder, trustee,
23 agent or employee of an escrow agent, . . .
24 (b) Subdivision (a) applies to criminal convictions of, pleas of nolo
25 contendere to, or civil or administrative judgments entered for
26 offenses including the following:
27 . . .
28 (7) Offenses involving . . . theft, embezzlement, fraud, . . .

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13. Financial Code section 17423, provides:

(a) The commissioner may, after appropriate notice and opportunity for hearing, by order, censure or suspend for a period not exceeding 12 months, or bar from any position of employment, management, or control any escrow agent, or any other person, if the commissioner finds either of the following:

(1) That the censure, suspension, or bar is in the public interest and that the person has committed or caused a violation of this division or rule or order of the commissioner, which violation was either known or should have been known by the person committing or causing it or has caused material damage to the escrow agent or to the public.

(2) That the person has been convicted of or pleaded nolo contendere to any crime, or has been held liable in any civil action by final judgment, or any administrative judgment by any public agency, if that crime or civil or administrative judgment involved any offense specified in subdivision (b) of Section 17414.1, or any other offense reasonably related to the qualifications, functions, or duties of a person engaged in the business in accordance with the provisions of this division.

(b) Within 15 days from the date of a notice of intention to issue an order pursuant to subdivision (a), the person may request a hearing under the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code). Upon receipt of a request, the matter shall be set for hearing to commence within 30 days after such receipt unless the person subject to this division consents to a later date. If no hearing is requested within 15 days after the mailing or service of such notice and none is ordered by the commissioner, the failure to request a hearing shall constitute a waiver of the right to a hearing.

(c) Upon receipt of a notice of intention to issue an order pursuant to this section, the person who is the subject of the proposed order is immediately prohibited from engaging in any escrow processing activities, including disbursing any trust funds in the escrow agent’s possession, custody or control, and the financial institution holding trust fluids shall be so notified by service of the notice, accusation and other administrative pleadings. The prohibition against disbursement of trust funds may be set aside, in whole or in part, by the commissioner for good cause.

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(d) Fidelity Corporation shall disclose to all licensees the identity of persons who have been censured, suspended, or barred from any position of employment, management, or control.

(e) Persons suspended or barred under this section are prohibited from participating in any business activity of a licensed escrow agent and from engaging in any business activity on the premises where a licensed escrow agent is conducting escrow business. This subdivision shall not be construed to prohibit suspended or barred persons from having their personal escrow transactions processed by a licensed escrow agent.

(f) This section shall apply to any violation, conviction, plea, or judgment occurring at any time prior to and after the enactment of this section.

(g) The provisions of Section 17414.1 exempting convictions for which a person has obtained a certificate of rehabilitation from the prohibition against serving as an officer, director, stockholder, trustee, agent, or employee of an escrow agent, or in any position involving any duties with an escrow agent, shall not apply to permit the reinstatement of any person barred by the commissioner pursuant to this section, nor to prohibit the commissioner from bringing any action pursuant to this section.

(h) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

IV.
Prayer

The Commissioner finds that, by reason of the foregoing grounds exist to bar Ashley Denise Grant, a.k.a. Ashley Denise Grant-Connelly from any position of employment, management, or control of any escrow agent pursuant to Financial Code section 17423.

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WHEREFORE, IT IS PRAYED that under Financial Code section 17423, Grant be barred from any position of employment, management, control or any escrow agent.

Dated: November 21, 2019
San Diego, California

MANUEL P. ALVAREZ
Commissioner of Business Oversight

By _____
Vanessa T. Lu
Counsel
Enforcement Division