1   CLOTHILDE V. HEWLETT
Commissioner
2   MARY ANN SMITH
Deputy Commissioner
3   AMY J. WINN
Assistant Chief Counsel
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Senior Counsel
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9   Attorneys for Complainant
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11   BEFORE THE DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION
12   OF THE STATE OF CALIFORNIA
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In the Matter of:)	ESCROW LICENSE NO.: 963-2006
)	
)	
THE COMMISSIONER OF FINANCIAL)	
PROTECTION AND INNOVATION,)	
)	**DEMAND FOR AND ORDER TAKING**
)	**POSSESSION OF THE TRUST FUNDS**
Complainant,)	**AND ESCROW RECORDS OF DRIVEN**
)	**ESCROW SERVICES, INC. PURSUANT TO**
v.)	**FINANCIAL CODE SECTION 17621**
)	
DRIVEN ESCROW SERVICES, INC.,)	
)	
)	
)	
Respondent.)	
)	

25   TO: DRIVEN ESCROW SERVICES, INC.
26   ANTHONY BAEZ
27   ▮▮▮▮▮▮▮▮▮▮▮▮▮▮
                    Yorba Linda, California 92887
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DRIVEN ESCROW SERVICES, INC.
1940 W. Orangewood Ave., Suite 110-3
Orange, California 92868

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PAMELA LALIA FALCON

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Corona, California 92881

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COMMERCEWEST BANK
2445 McCabe Way, Suite 300
Irvine, California 92614

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RBJ, Inc.
130 E Huntington Drive
Monrovia, California 91016

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11   WHEREAS, Clothilde V. Hewlett, the Commissioner of Financial Protection and Innovation

12   (Commissioner), has found that Driven Escrow Services, Inc. (Driven Escrow), an escrow agent

13   subject to the California Escrow Law (Fin. Code, §§ 17000 et seq.), is unable to remedy certain

14   financial conditions set forth in the Notice and Summary of Findings Pursuant to section 17621 of

15   the Financial Code issued by the Commissioner on May 24, 2024; and

16   WHEREAS, Driven Escrow is conducting its escrow business in an unsafe, injurious, and

17   unauthorized manner, so as to render further operations hazardous to the public or to customers in

18   that Driven Escrow has:

19   (a)   knowingly or recklessly made unauthorized transfers and disbursements of trust

20   funds, causing a total trust shortage of $536,700.02, in violation of Financial Code

21   section 17414, subdivision (a)(1) and California Code of Regulations, title 10,

22   sections 1738 and 1738.2;

23   (b)   knowingly or recklessly engaged in activity that constitutes theft or fraud in escrow

24   transactions in violation of Financial Code section 17414, subdivision (a)(1);

25   (c)   issued checks drawn on the trust account without sufficient credit balance to pay the

26   sellers' proceeds in violation of California Code of Regulations, title 10, section

27   1741.2;

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1   (d)   conducted escrow business in such an unsafe or injurious manner as to render further

2   operations hazardous to the public or to customers set forth in Financial Code

3   section 17415;

4   (e)   failed to provide the Commissioner with complete books and records, and escrow

5   files necessary to complete the special and regulatory examinations, in violation of

6   Financial Code section 17405, subdivision (b);

7   (f)   failed to file its 2022 annual audit report in violation of Financial Code section 17406,

8   subdivision (a);

9   (g)   failed to file its 2022 annual escrow liability report in violation of Financial Code

10   section 17348;

11   (h)   failed to maintain general ledgers and to reconcile general bank account with general

12   bank account statement at least once a month in violation of California Code of

13   Regulations, title 10, section 1732.2;

14   (i)   failed to meet liquid asset and tangible net worth requirements set forth in Financial

15   Code section 17210, subdivision (a);

16   (j)   failed to pay 2022-2023 special assessment in the amount of $1,000.00, in violation

17   of Financial Code section 17207, subdivision (h)(2); and

18   (k)   closed its business and failed to submit a closing audit report performed by an

19   independent certified public accountant in violation of Financial Code section 17600.

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1   NOW, GOOD CAUSE APPEARING, pursuant to Financial Code section 17621, the

2 Commissioner, effective this date, hereby demands and takes possession of the trust and general

3 accounts of Driven Escrow Services, Inc. and all bank and escrow records pertinent and any

4 indemnity funds paid or to be paid by the Escrow Agents' Fidelity Corporation, and all bank and

5 escrow records pertinent thereto, which include any and all computer equipment and storage media

6 containing such records, and will retain possession thereof until the Commissioner appoints a

7 conservator, or until its affairs are finally liquidated as provided for in Division 6, Chapter 6 of the

8 Financial Code, or until it resumes business with the consent and upon such conditions as the

9 Commissioner may prescribe.

10 Dated: May ____, 2024

CLOTHILDE V. HEWLETT
Commissioner of Financial Protection and Innovation

By: _____
MARY ANN SMITH
Deputy Commissioner
Enforcement Division

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