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STATE OF CALIFORNIA
BUSINESS, TRANSPORTATION AND HOUSING AGENCY
DEPARTMENT OF CORPORATIONS

TO: Deposit Guard, LLC
www.depositguard.com
James Alan Lane, a/k/a Alan Lane
1515 S Capital of Texas Hwy
Austin, TX 78746-6579

DESIST AND REFRAIN ORDER
(For violations of sections 17200 and 17403 of the California Financial Code)

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

1. Deposit Guard, LLC, depositguard.com, and James Alan Lane, also known as Alan Lane, have engaged in business as escrow agents by advertising escrow services over the Internet at www.depositguard.com from at least December 20, 2012 to the present as follows:

a.) depositguard.com represents on its website that it provides “secure rental transactions between parties” and increases transparency, accountability and confidence. It claims to collect and safeguard payments between renter and owner, including rental payments and security deposits, and to safely hold them in a “neutral account” until the day after the rental begins so that the renter may verify the property. Similarly, property owners and managers are told that the renter’s security deposit will be released once the renter has departed and the property has been verified to be left in good condition.

b.) Owners and property managers are told to go to depositgaurd.com to set up a free account. They create an agreement between both parties with details such as the rental dates, payment terms

1 and cancellation policies and email it to the renter to sign. The renter then submits rental payments
2 and security deposits via credit/debit card or electronic check. Depositguard.com claims to handle
3 every payment, including “Same Day Commissions”® for property managers, real estate and travel
4 agents, and claims to help quickly and professionally resolve disagreements.

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6 2. Neither Deposit Guard, LLC, depositguard.com, nor James Alan Lane has been issued a
7 license from the Commissioner authorizing any of them to conduct business as an escrow agent, as
8 required by California Financial Code section 17200.

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10 3. Neither Deposit Guard, LLC, depositguard.com, nor James Alan Lane has been issued a
11 license from the Commissioner authorizing any of them to use words indicating that any of them are
12 in the escrow business, as required by California Financial Code section 17403.

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14 Based upon the foregoing findings, the California Corporations Commissioner is of the
15 opinion that Deposit Guard, LLC, depositguard.com, and James Alan Lane, and their officers,
16 directors, partners, agents, employees and/or servants are in violation of California Financial Code
17 sections 17200 and 17403(a). Pursuant to California Financial Code section 17416, Deposit Guard,
18 LLC, depositguard.com, and James Alan Lane, also known as Alan Lane, are hereby ordered to desist
19 and refrain from engaging in the business of receiving escrows for deposit or delivery without first
20 obtaining a license from the Commissioner. Pursuant to California Financial Code section 17403(b),
21 Deposit Guard, LLC, depositguard.com, and James Alan Lane, also known as Alan Lane, are further
22 ordered to immediately desist and refrain from issuing, circulating, or publishing any advertisement
23 by means of any communication, including any website, or making use of or circulating any
24 letterheads, billheads, blank notes, blank receipts, blank escrow instructions, certificates, circulars, or
25 any written or printed paper containing any fictitious or corporate name or other words indicating that
26 any of them are in the escrow business.

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28 This Order is necessary, in the public interest, for the protection of investors and is consistent

1 with the purposes, policies and provisions of the California Escrow Law. This order shall remain in
2 full force and effect until further order of the California Corporations Commissioner.

3 Dated: June 27, 2013
4 Sacramento, California

5 JAN LYNN OWEN
6 California Corporations Commissioner

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8 By: _____
9 MARY ANN SMITH
10 Deputy Commissioner
11 Enforcement Division
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