

1 PRESTON DuFAUCHARD
California Corporations Commissioner
2 ALAN S. WEINGER
Acting Deputy Commissioner
3 AFSANEH EGHBALDARI (CA BAR NO. 250107)
Corporations Counsel
4 Department of Corporations
5 1350 Front Street, Room 2034
6 San Diego, California 92101
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8 Attorneys for Complainant

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

11 In the Matter of THE CALIFORNIA) OAH: 2008070353
12 CORPORATIONS COMMISSIONER,) File No. 963-2047
13)
14 Complainant,) **ORDER SUSPENDING ESCROW**
15 vs.) **AGENT’S LICENSE PURSUANT TO**
16) **CALIFORNIA FINANCIAL CODE**
17 MDA ESCROW SOLUTIONS OF) **SECTION 17608**
18 CALIFORNIA, INC., formerly known as)
19 TRANS UNION ESCROW SOLUTIONS OF) Date: September 9, 2008
20 CALIFORNIA, INC.) Time: 9:00 a.m.
21 Respondent.) Place: 320 West Fourth St., Suite 630
22) Los Angeles, CA 90013
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20 Pursuant to the Settlement Agreement entered into between the California Corporations
21 Commissioner ("Commissioner") and MDA Escrow Solutions of California, Inc. formerly known as
22 Trans Union Escrow Solutions of California, Inc. ("Respondent") on August 25, 2008, attached and
23 incorporated herein as Exhibit A, it is hereby ordered that the escrow agent’s license issued to
24 Respondent is suspended for a period of ten (10) days to be served in two five (5) consecutive day
25 periods as follows: Monday, September 8, 2008 through Friday, September 12, 2008 and Monday,
26 September 15, 2008 through Friday, September 19, 2008 during which periods Respondent shall not
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1 accept any new escrow business, but may continue to process existing and open escrows, in
2 accordance with California Financial Code section 17609.

3 It is further ordered that Respondent shall provide the Commissioner, attention Kathleen
4 Partin via facsimile and U.S. Mail, at close of business, the day immediately preceding the date on
5 which the suspension(s) is to commence a list of all open escrows with escrow numbers and escrow
6 party names along with a copy of the signed escrow instructions and/or signed deposit receipt(s) for
7 the last open escrow. Open escrow means an escrow wherein the parties to such escrow have
8 already entered into a binding agreement and monies and/or escrow instructions have been submitted
9 to Respondent regarding the transaction.

10 Pursuant to the terms of the Settlement Agreement, Respondent admits the following for
11 purposes of this Order and any future proceedings initiated by or brought before the California
12 Corporations Commissioner only:

13 1. The Commissioner of the Department of Corporations (“Department”) issued to the
14 Respondent an escrow license pursuant to the California Escrow Law (California Financial Code
15 Section 17000 et seq.) on December 3, 2003.

16 2. Respondent has its place of business at 333 South Anita Drive, 10th Floor, Orange,
17 California, 92868.

18 3. Pursuant to California Financial Code section 17406, all licensees under the Escrow Law
19 are required to file an annual audit report containing audited financial statements (“audit report”)
20 within one hundred and five (105) days after the close of their fiscal year. Respondent’s fiscal year
21 end was December 31, 2006 and December 31, 2007 respectively. Accordingly, Respondent was
22 required to file its audit report on or before April 15, 2007 and April 15, 2008.

23 4. On November 14, 2006, Complainant notified Respondent in writing that its audit report
24 was due on April 15, 2007. Respondent failed to file the audit report by the due date. On or about
25 May 16, 2007, a follow up letter was sent to Respondent concerning its failure to file the audit
26 report.

27 5. On November 13, 2007, the Commissioner notified Respondent in writing that its 2007
28 audit report was due April 15, 2008. Respondent failed to file the 2007 audit report by April 15,

1 2008. On May 8, 2008, a follow up letter was sent to Respondent concerning its failure to file the
2 2007 audit report.

3 6. Respondent was notified in the May 16, 2007 and May 8, 2008 letters that failure to file
4 the audit report could result in assessment of penalties, a special examination and/or administrative
5 action.

6 7. Respondent did not timely file its audit reports as required by California Financial Code
7 section 17406, which constitutes grounds under the Financial Code sections 17602.5 and 17608 for
8 the suspension of its escrow agent’s license.

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10 Dated: September 2, 2008
11 Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

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13 By _____

14 ALAN S. WEINGER
15 Acting Deputy Commissioner
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