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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington
by:

INTEGRITY CLOSING AND ESCROW, LLC,
DENNIS E. CHILBERG,
47.5% Owner,
ALOAR D. DURHEIM,
47.5% Owner, and
DARALEE B. NEISESS,
5% Owner and Designated Escrow Officer,

Respondents.

NO. C-09-029-10-CO02

CONSENT ORDER

INTEGRITY CLOSING AND ESCROW, LLC
and
ALOAR D. DURHEIM

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Integrity Closing and Escrow, LLC (Respondent Integrity) and Aloar D. Durham (Respondent Durham), and finding that the issues raised in the above-captioned matter may be economically and efficiently settled solely as they relate to Respondents Integrity and Durham, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 18.44 of the Revised Code of Washington (RCW) and RCW 34.05.060 of the Administrative Procedure Act based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents Integrity and Durham have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-09-029-09-SC01 (Statement of Charges), entered January 8, 2010 (copy attached hereto), solely as they relate to Respondents Integrity and Durham. Pursuant to chapter 18.44 RCW, the Escrow Agent Registration Act (Act), and RCW 34.05.060 of the Administrative Procedure

CONSENT ORDER
C-09-029-10-CO02
Integrity Closing and Escrow, LLC
Aloar D. Durham

1

DEPARTMENT OF FINANCIAL INSTITUTIONS
Division of Consumer Services
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 Act, Respondents Integrity and Durham hereby agree to the Department's entry of this Consent Order
2 and further agree that the issues raised in the above-captioned matter, solely as they relate to Respondents
3 Integrity and Durham, may be economically and efficiently settled by entry of this Consent Order. The
4 Department and Respondents Integrity and Durham intend this Consent Order to fully resolve the
5 Statement of Charges solely as they relate to Respondents Integrity and Durham. Respondents Integrity
6 and Durham are agreeing not to contest the Statement of Charges in consideration of the terms of this
7 Consent Order.

8 Based upon the foregoing:

9
10 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of
11 the activities discussed herein.

12 B. **Waiver of Hearing.** It is AGREED that Respondents Integrity and Durham have been
13 informed of the right to a hearing before an administrative law judge, and that they hereby waive the right
14 to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the
15 resolution reached herein. Accordingly, by the authorized signatures below, Respondents Integrity and
16 Durham hereby withdraw their appeals.

17 C. **No Admission of Liability.** It is AGREED that Respondents Integrity and Durham do not
18 admit to any wrongdoing by entry of this Consent Order.

19 D. **License Surrender.** It is AGREED that the Department will accept the voluntary surrender
20 of Respondents Integrity and Durham's license to conduct business as an Escrow Agent.

21 E. **Fine.** It is AGREED that Respondents Integrity and Durham shall pay to the Department a
22 fine of \$1,000 in the form of a cashier's check made payable to the "Washington State Treasurer" upon
23 entry of this Consent Order.
24

1 F. **Examination Fee.** It is AGREED that Respondents Integrity and Durham shall pay to the
2 Department an examination fee of \$3,000 in the form of a cashier's check made payable to the
3 "Washington State Treasurer" upon entry of this Consent Order. Respondents Integrity and Durham
4 may pay both the fine and examination fee in the form of a single cashier's check made payable to the
5 "Washington State Treasurer."

6 G. **Agreement not to Apply.** It is AGREED that Respondents Integrity and Durham,
7 individually or in the capacity as an owner, principal, share holder, or holder of any other type of
8 ownership interest, shall not apply for a license to conduct business as an Escrow Agent or Escrow
9 Officer for five years from the date of entry of this Consent Order.
10

11 H. **Non-Compliance with Order.** It is AGREED that Respondents Integrity and Durham
12 understand that failure to abide by the terms and conditions of this Consent Order may result in further
13 legal action by the Director. In the event of such legal action, Respondents Integrity and Durham may
14 be responsible to reimburse the Director for the costs incurred in pursuing such action, including but
15 not limited to, attorney fees.

16 I. **Authority to Execute Order.** It is AGREED that Respondent Durham has represented and
17 warranted that he has the full power and right to execute this Consent Order on behalf of Respondents
18 Integrity and Durham.
19

20 J. **Voluntarily Entered.** It is AGREED that Respondents Integrity and Durham have
21 voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

22 K. **Completely Read, Understood, and Agreed.** It is AGREED that Respondents Integrity and
23 Durham have read this Consent Order in its entirety and fully understand and agree to all of the same.
24
25

1 **RESPONDENTS:**

2 **Integrity Closing and Escrow, LLC**

3 **By:**

4 *aw* SEE ATTACHED

5 Aloar D. Durham
6 Owner

_____ Date

7 *me* SEE ATTACHED

8 Aloar D. Durham
9 Individually

_____ Date

10 **DO NOT WRITE BELOW THIS LINE**

11 THIS ORDER ENTERED THIS 24th DAY OF August, 2010.



12
13 *Deborah Bortner*

14 DEBORAH BORTNER
15 Director
16 Division of Consumer Services
17 Department of Financial Institutions

18 Presented by:

19 *Steven C. Sherman*

20 STEVEN C. SHERMAN
21 Financial Legal Examiner

22 Approved by:

23 *James R. Brusselback*

24 JAMES R. BRUSSELBACK
25 Enforcement Chief

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RESPONDENTS:

Integrity Closing and Escrow, LLC

By:

Aloar D. Durham

ALOAR D. DURHEIM
Owner

8-9-10

Date

Aloar D. Durham

ALOAR D. DURHEIM
Individually

8-9-10

Date

DO NOT WRITE BELOW THIS LINE

THIS ORDER ENTERED THIS _____ DAY OF _____, 2010.

DEBORAH BORTNER
Director
Division of Consumer Services
Department of Financial Institutions

Presented by:

STEVEN C. SHERMAN
Financial Legal Examiner

Approved by:

JAMES R. BRUSSELBACK
Enforcement Chief

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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

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IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Escrow Agent Registration Act of Washington
by:

INTEGRITY ESCROW AND CLOSING,
LLC,
DENNIS E. CHILBERG,
47.5% Owner,
ALOAR D. DURHEIM,
47.5% Owner, and
DARALEE B. NEISESS,
5% Owner and Designated Escrow Officer,

Respondents.

NO. C-09-029-09-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENT TO REVOKE
ESCROW OFFICER LICENSE, PROHIBIT
FROM INDUSTRY, IMPOSE FINE,
COLLECT EXAMINATION FEE, AND
COLLECT INVESTIGATION FEE

INTRODUCTION

Pursuant to RCW 18.44.410, the Director of the Department of Financial Institutions (Director) is responsible for the administration of chapter 18.44 RCW, the Escrow Agent Registration Act (the Act). After having conducted an investigation pursuant to RCW 18.44.420 and WAC 208-680G-020, and based upon the facts available as of the date of this Statement of Charges, the Director, through his designee Division of Consumer Services Director Deborah Bortner, institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. Integrity Escrow and Closing, LLC, (Respondent Integrity) was licensed by the Department to conduct the business of an escrow agent on December 10, 2008. Respondent Integrity surrendered its license effective August 31, 2009. Respondent Integrity was licensed to conduct business from one location at 1403 W. 3rd Avenue, Spokane, Washington.

1 **III. AUTHORITY TO IMPOSE SANCTIONS**

2 **3.1 Authority to Revoke License.** Pursuant to RCW 18.44.430(1)(b), the Director may revoke
3 the license of any escrow officer for violating any of the provisions of the Act or any lawful rules
4 made by the Director pursuant to the Act.

5 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 18.44.430(3), in addition to or in
6 lieu of license denial the Director may remove and/or prohibit from participation in the conduct of the
7 affairs of a licensed escrow agent, any officer, controlling person, director, employee, or licensed
8 escrow officer.

9 **3.3 Authority to Impose Fine.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in
10 addition to or in lieu of license denial the Director may impose a fine of up to \$100 per day for each day's
11 violation of the Act or rules adopted thereunder.

12 **3.4 Authority to Collect Examination and Investigation Fees** Pursuant to RCW 18.44.410 and
13 WAC 208-680G-050, the expense of an examination pursuant to WAC 208-680G-010 or an investigation
14 pursuant to WAC 208-680G-020 shall be borne by the entity which is the subject of the investigation.

15 **IV. NOTICE OF INTENTION TO ENTER ORDER**

16 Respondents' violations of the provisions of chapter 18.44 RCW as set forth in the above Factual
17 Allegations, Grounds For Entry Of Order, and Authority to Impose Sanctions constitute a basis for the
18 entry of an Order under RCW 18.44.410, RCW 18.44.430, RCW 18.44.301, and WAC 208-680G-030,
19 which authorize the Director to enforce all laws, rules, and regulations related to the registration of
20 escrow agents and licensing of escrow officers. Therefore, it is the Director's intention to ORDER that:
21

- 22 **4.1** Respondent Daralee B. Neisess, license to conduct the business of an escrow officer be revoked;
23 **4.2** Respondents Integrity Closing & Escrow, LLC, Dennis E. Chilberg, Aloar D. Durham, and
24 Daralee B. Neisess be prohibited from participating in the conduct of the affairs of any licensed escrow
25 agent, as officer, controlling person, director, employee, licensed escrow officer, or designated escrow
officer.

1 **4.3** Respondents Integrity Closing & Escrow, LLC, Dennis E. Chilberg, Aloar D. Durham, and
2 Daralee B. Neisess jointly and severally pay a fine which as of the date of these charges totals \$15,000;

3 **4.5** Respondents Integrity Closing & Escrow, LLC, Dennis E. Chilberg, Aloar D. Durham, and
4 Daralee B. Neisess jointly and severally pay an examination fee which as of the date of these charges
5 totals \$3,000.00, calculated at \$62.50 per hour for 48 staff hours devoted to the examination, plus
6 accrued interest;

7 **4.6** Respondents Integrity Closing & Escrow, LLC, Dennis E. Chilberg, Aloar D. Durham, and
8 Daralee B. Neisess jointly and severally pay an investigation fee which as of the date of these charges
9 totals \$812.50, calculated at \$62.50 per hour for 13 staff hours devoted to the investigation; and

10 **4.7** Respondents Integrity Closing & Escrow, LLC, Dennis E. Chilberg, Aloar D. Durham, and
11 Daralee B. Neisess maintain all records involving Washington escrow transactions for a minimum of six
12 years following the closing or termination of the escrow transaction.

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1 **V. AUTHORITY AND PROCEDURE**

2 This Statement of Charges and Notice of Intent to Revoke Escrow Officer License, Prohibit
3 from Industry, Impose Fine, Collect Examination Fee, and Collect Investigation Fee (Statement of
4 Charges) is entered pursuant to the provisions of RCW 18.44.410 and RCW 18.44.430, and is subject to
5 the provisions of chapter 34.05 RCW. Respondents may make a written request for a hearing as set forth
6 in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING
7 accompanying this Statement of Charges.

8
9 DATED this 8th day of January, 2010.

10
11 

12 DEBORAH BORTNER
13 Director
14 Division of Consumer Services
15 Department of Financial Institutions

16 Presented by:

17 

18 STEVEN C. SHERMAN
19 Financial Legal Examiner



20 Approved by:

21 
22 JAMES R. BRUSSELBACK
23 Enforcement Chief