

## FINAL ORDER SUMMARY – Case Number: C-10-315

**Name(s)** Precision Settlement Services

C-10-315-11-FO01

**Order Number**

**Effective Date** January 25, 2011

**License Number** Unlicensed

(Revoked, suspended, stayed, application denied or withdrawn)  
If applicable, you must specifically note the ending dates of terms.

**License Effect**

**Not Apply until**

**Prohibition/Ban until**

<b>Investigation Costs</b>	\$656.25	Due	Paid Y N X	Date
<b>Fine</b>	\$6,000	Due	Paid Y N X	Date
<b>Assessment(s)</b>	\$	Due	Paid Y N	Date
<b>Restitution</b>	\$	Due	Paid Y N	Date
	No. of Victims:	1		

**Other** Cease and Desist and maintain records for 6 yrs

**Special Instructions**

Distribution: Original to Enforcement File  
Copy to Licensing Supervisor with Licensing File and copy of Final/Consent Order  
Information to Database(s) – Branch, Individual, Contact Person

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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:

NO. C-10-315-11-FO01

PRECISION SETTLEMENT SERVICES,

FINAL ORDER

Respondents.

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**I. DIRECTOR'S CONSIDERATION**

A. Default. This matter has come before the Director of the Department of  
Financial Institutions of the State of Washington (Director), through his designee, Consumer Services  
Division Director Deborah Bortner, pursuant to RCW 34.05.440(1). On December 15, 2010, the  
Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of  
Charges and Notice of Intention to Enter an Order to Cease and Desist, Impose Fine, Collect  
Investigation Fee, and Maintain Records (Statement of Charges). A copy of the Statement of Charges  
is attached and incorporated into this order by this reference. The Statement of Charges was  
accompanied by a cover letter dated December 15, 2010, a Notice of Opportunity to Defend and  
Opportunity for Hearing, and blank Application for Adjudicative Hearing for Respondent. The  
Department served the Statement of Charges, cover letter, Notice of Opportunity to Defend and  
Opportunity for Hearing, and blank Application for Adjudicative Hearing on Respondent, on  
December 15, 2010, by United States Postal Service First-Class mail (First-Class mail) and Federal  
Express overnight delivery. On December 16, 2010, the documents sent via Federal Express overnight  
delivery were delivered. The documents sent via First-Class mail were not returned to the Department  
by the United States Postal Service.

1 Respondent did not request an adjudicative hearing within twenty calendar days after the  
2 Department served Respondent with the Notice of Opportunity to Defend and Opportunity for  
3 Hearing, as provided for in WAC 208-08-050(2).

4 B. Record Presented. The record presented to the Director's designee for her review and  
5 for entry of a final decision included the following: Statement of Charges, cover letter, Notice of  
6 Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for  
7 Respondent, with documentation of service.

8 C. Factual Findings and Grounds For Order. Pursuant to RCW 34.05.440(1), the  
9 Director's designee hereby adopts the Statement of Charges, which is attached hereto.

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11 II. FINAL ORDER

12 Based upon the foregoing, and the Director's designee having considered the record and  
13 being otherwise fully advised, NOW, THEREFORE:

14 A. IT IS HEREBY ORDERED, That:

- 15 1. Respondent Precision Settlement Services cease and desist from performing any  
16 escrow services in the State of Washington until such time as Respondent Precision  
17 Settlement Services obtains a license from the Department to provide escrow services  
18 in the State of Washington or meets an exclusion from licensing as delineated in the  
19 Act; and
- 20 2. Respondent Precision Settlement Services pay a fine totaling \$6,000; and
- 21 3. Respondent Precision Settlement Services pay an investigation fee totaling \$656.25;  
22 and
- 23 4. Respondent Precision Settlement Services, its officers, employees, and agents  
24 maintain all records involving Washington State escrow transactions for a period of  
25 six years from completion of the escrow transactions

B. Reconsideration. Pursuant to RCW 34.05.470, Respondent has the right to file a  
Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition

1 must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150  
2 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia,  
3 Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondent. The  
4 Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for  
5 Reconsideration a prerequisite for seeking judicial review in this matter.

6 A timely Petition for Reconsideration is deemed denied if, within twenty (20) days from the date  
7 the petition is filed, the agency does not (a) dispose of the petition or (b) serve the parties with a written  
8 notice specifying the date by which it will act on a petition.

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10 C. Stay of Order. The Director's designee has determined not to consider a Petition  
11 to Stay the effectiveness of this order. Any such requests should be made in connection with a Petition  
12 for Judicial Review made under chapter 34.05 RCW and RCW 34.05.550.

13 D. Judicial Review. Respondent has the right to petition the superior court for judicial  
14 review of this agency action under the provisions of chapter 34.05 RCW. For the requirements for filing  
15 a Petition for Judicial Review, see RCW 34.05.510 and sections following.

16 E. Non-compliance with Order. If you do not comply with the terms of this order, the  
17 Department may seek its enforcement by the Office of Attorney General to include the collection of the  
18 fines, restitution, and fees imposed herein.

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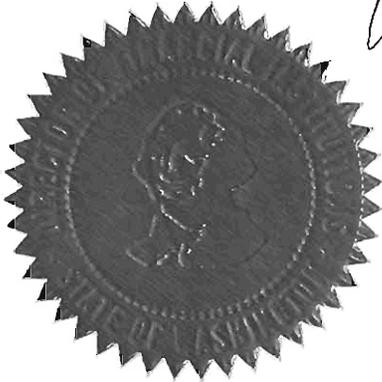
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1 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
2 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
3 attached hereto.

4 DATED this 25<sup>th</sup> day of January, 2011.



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6 STATE OF WASHINGTON  
DEPARTMENT OF FINANCIAL INSTITUTIONS

7 [REDACTED]  
8 DEBORAH BORTNER  
9 DIRECTOR  
DIVISION OF CONSUMER SERVICES

1 STATE OF WASHINGTON  
2 DEPARTMENT OF FINANCIAL INSTITUTIONS  
3 DIVISION OF CONSUMER SERVICES

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

8 PRECISION SETTLEMENT SERVICES,  
9 Respondent.

NO. C-10-315-10-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENTION TO ENTER AN  
ORDER TO CEASE AND DESIST, IMPOSE  
FINE, COLLECT INVESTIGATION FEE,  
AND MAINTAIN RECORDS

10 INTRODUCTION

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

17 I. FACTUAL ALLEGATIONS

18 **1.1 Respondent Precision Settlement Services (Respondent)** is located at 4790 Irvine  
19 Boulevard, Suite 105240, Irvine, California, 92620. Respondent has never been licensed by the  
20 Department of Financial Institutions of the State of Washington (Department) to conduct business as  
21 an escrow agent in the State of Washington.

22 **1.2 Unlicensed Activity.** Between at least October 1, 2009, and November 6, 2009, Respondent  
23 performed escrow functions in at least one Washington residential mortgage loan transaction.  
24 Respondent received fees totaling approximately \$1,735 for this transaction.

25 **1.3 Failure to Comply.** On or about May 25, 2010, the Department issued a Subpoena Compelling  
Production of Records and an Explanation (subpoena) requesting information from Respondent. On or

1 about May 27, 2010, the subpoena was served on Respondent by both United States Postal Service First-  
2 Class mail (First-Class mail) and Federal Express overnight delivery. On or about May 28, 2010, the  
3 subpoena sent via Federal Express overnight delivery was delivered. The subpoena sent by First-Class  
4 mail was not returned to the Department by the United States Postal Service. Respondent did not comply  
5 with the subpoena.

6 **1.4** On or about July 15, 2010, the Department served another subpoena on Respondent by First-Class  
7 mail. The subpoena was not returned to the Department by the United States Postal Service. To date,  
8 Respondent has not complied with the Department's subpoenas.

9 **1.5 On-Going Investigation.** The Department's investigation into the alleged violations of the Act  
10 by Respondent continues to date.

## 11 **II. GROUNDS FOR ENTRY OF ORDER**

12 **2.1 Definition of Escrow.** Pursuant to RCW 18.44.011(4), "Escrow" means any transaction wherein  
13 any person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer,  
14 encumbrance, or lease of real or personal property to another person or persons, delivers any written  
15 instrument, money, evidence of title to real or personal property, or other thing of value to a third  
16 person to be held by such third person until the happening of a specified event or the performance of a  
17 prescribed condition or conditions, when it is then to be delivered by such third person, in compliance  
18 with instructions under which he or she is to act, to a grantee, grantor, promisee, promisor, obligee,  
19 obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.

20 **2.2 Definition of Escrow Agent.** Pursuant to RCW 18.44.011(6) "Escrow Agent" means any person  
21 engaged in the business of performing for compensation the duties of the third person referred to in  
22 RCW 18.44.011(4).  
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1 **2.3 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in  
2 Section I above, Respondent is in apparent violation of RCW 18.44.021, RCW 18.44.071, RCW  
3 18.44.101, and RCW 18.44.171 for engaging in business as an escrow agent by performing escrows or  
4 any of the functions of an escrow agent within the State of Washington or with respect to transactions  
5 that involve personal property or real property located in the State of Washington without first  
6 obtaining a license or designated escrow officer.

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8 **2.4 Requirement to Comply with a Department Subpoena.** Based on the Factual Allegations set  
9 forth in Section I above, Respondent is in apparent violation of RCW 18.44.420 for failure to comply  
10 with a subpoena issued by the Director or any officer designated by the Director.

11 **2.5 Requirement to Maintain Records in the State of Washington.** Based on the Factual  
12 Allegations set forth in Section I above, Respondent is in apparent violation of RCW 18.44.400 and  
13 WAC 208-680D-030 for failing to maintain transaction records in the State of Washington for a period of  
14 six years from completion of the transaction.

### 15 III. AUTHORITY TO IMPOSE SANCTIONS

16 **3.1 Authority to Issue Order to Cease and Desist.** Pursuant to RCW 18.44.440 and WAC 208-  
17 680G-030, if the director determines after notice and hearing that a person has: violated any provision  
18 of the Act; or engaged in any false, unfair and deceptive, or misleading advertising or promotional  
19 activity or business practices; the director may issue an order requiring the person to cease and desist  
20 from the unlawful practice and to take such affirmative action as in the judgment of the director will  
21 carry out the purposes of the Act.

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23 **3.2 Authority to Impose Fines.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in  
24 addition to or in lieu of license denial the Director may impose a fine of up to \$100 per day for each day's  
25 violation of the Act.

1 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410 and WAC 208-680G-  
2 050, the expense of an investigation pursuant to WAC 208-680G-020 shall be borne by the entity which  
3 is the subject of the investigation.

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

5 Respondent's violations of the provisions of chapter 18.44 RCW as set forth in the above Factual  
6 Allegations and Grounds For Entry Of Order constitute a basis for the entry of an Order under RCW  
7 18.44.400, RCW 18.44.410, RCW 18.44.430, RCW 18.44.440, and WAC 208-680G-030, which  
8 authorize the Director to enforce all laws, rules, and regulations related to the registration of escrow  
9 agents and licensing of escrow officers. Therefore, it is the Director's intention to ORDER that:  
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11 **4.1** Respondent Precision Settlement Services cease and desist from performing escrow services in  
12 the State of Washington until such time as Respondent Precision Settlement Services obtains a  
13 license from the Department to provide escrow services in the State of Washington or meets an  
14 exclusion from licensing as delineated in the Act.

15 **4.2** Respondent Precision Settlement Services pay a fine, which as of the date of this Statement of  
16 Charges totals \$6,000.

17 **4.3** Respondent Precision Settlement Services pay an investigation fee, which as of the date of this  
18 Statement of Charges totals \$656.25.

19 **4.4** Respondent Precision Settlement Services, its officers, employees, and agents maintain all  
20 records involving Washington State escrow transactions within the State of Washington for a  
21 period of six years from completion of the escrow transactions.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intention to Enter an Order to Cease and Desist, Impose Fine, Collect Investigation Fee, and Maintain Records (Statement of Charges) is entered pursuant to the provisions of RCW 18.44.410, RCW 18.44.430, and RCW 18.44.440, and is subject to the provisions of chapter 34.05 RCW. Respondent may make a written request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY FOR HEARING accompanying this Statement of Charges.

DATED this 15<sup>th</sup> day of December, 2010.



[Redacted signature]

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

[Redacted signature]

MARNIE SHEERAN  
Financial Legal Examiner

Approved by:

[Redacted signature]

JAMES R. BRUSSELBACK  
Enforcement Chief