

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**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:  
  
GUARDIAN TITLE SERVICES,  
Respondent.

NO. C-06-134-08-FO01

FINAL ORDER

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 October 2, 2008, the Director, through Consumer Services Division Director Deborah Bortner, entered a Statement of Charges and Notice of Intention to Enter an Order to Prohibit from Industry, 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 October 6, 2008, a Notice of Opportunity to Defend and Opportunity for Hearing, and blank Applications for Adjudicative Hearing for Guardian Title Services. The Department served the Statement of Charges, cover letter dated October 6, 2008, Notice of Opportunity to Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing for Guardian Title Services on Respondent and on Respondents' Registered Agent, Warren R. Whitted Jr., on October 10, 2008, by first class mail and Federal Express overnight delivery. On October 13, 2008, the documents sent via Federal Express overnight delivery were delivered to the Respondent's

1 registered agent. The documents sent via first class mail were not returned to the Department by the  
2 United States Post Office as undeliverable. The Registered Agent for Respondent forwarded the  
3 documents sent from the Department to Respondent's attorney Robert F. Peterson, who acknowledged  
4 receipt of the documents and contacted the Department.

5 Respondent's attorney, Robert F. Peterson, informed the Department that the Respondent  
6 would not be requesting an administrative hearing as provided for in WAC 208-08-050(2).

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

10  
11 B. Record Presented. The record presented to the Director's designee for her review and  
12 for entry of a final decision included the following:

- 13 1. Statement of Charges, cover letter dated October 6, 2008, Notice of Opportunity to  
14 Defend and Opportunity for Hearing, and blank Application for Adjudicative Hearing  
for Guardian Title Services, with documentation of service;
- 15 2. Letter from Respondent's attorney dated October 23, 2008, informing Department the  
16 Respondent will not be requesting an administrative hearing.

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

19 //

20 //

21 //

22 //

23 //

24 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

II. FINAL ORDER

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

A. IT IS HEREBY ORDERED, That:

1. Respondent Guardian Title Services is banned from participation in the conduct of the affairs of any escrow agent subject to licensure by the Director, in any manner, for a period of 5 years; and
2. Respondent Guardian Title Services Respondent Guardian Title Services cease and desist from providing escrow services in the State of Washington until such time as Respondent Guardian Title Services obtains the appropriate license from the Department or meets an exclusion delineated in RCW 18.44.021; and
3. Respondent Guardian Title Services pay a fine of \$30,000;
4. Respondents Guardian Title Services pay an investigation fee of \$812.50.
5. Respondents Guardian Title Services, its officers, employees, and agents maintain all records involving Washington State escrow transactions within the State of Washington for a minimum of six (6) years following the completion of the escrow transactions.

B. Reconsideration. Pursuant to RCW 34.05.470, Respondents have the right to file a Petition for Reconsideration stating the specific grounds upon which relief is requested. The Petition must be filed in the Office of the Director of the Department of Financial Institutions by courier at 150 Israel Road SW, Tumwater, Washington 98501, or by U.S. Mail at P.O. Box 41200, Olympia, Washington 98504-1200, within ten (10) days of service of the Final Order upon Respondents. The Petition for Reconsideration shall not stay the effectiveness of this order nor is a Petition for Reconsideration a prerequisite for seeking judicial review in this matter.

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

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

7 D. Judicial Review. Respondents have the right to petition the superior court for  
8 judicial review of this agency action under the provisions of chapter 34.05 RCW. For the requirements  
9 for filing a Petition for Judicial Review, see RCW 34.05.510 and sections following.

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

13 F. Service. For purposes of filing a Petition for Reconsideration or a Petition for  
14 Judicial Review, service is effective upon deposit of this order in the U.S. mail, declaration of service  
15 attached hereto.  
16

17 DATED this 17th day of November, 2008.

18 STATE OF WASHINGTON  
19 DEPARTMENT OF FINANCIAL INSTITUTIONS



20  
21   
22 DEBORAH BORTNER  
23 DIRECTOR  
24 DIVISION OF CONSUMER SERVICES