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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:

NO. S-06-096-07-CO01

PARAMOUNT TITLE & ESCROW, LLC, and  
BENJAMIN M. SOTO, Owner,

CONSENT ORDER

Respondents.

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COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and Paramount Title & Escrow, LLC (hereinafter Respondent Paramount) and Benjamin M. Soto, Owner (hereinafter Respondent Soto), and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 18.44 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

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**AGREEMENT AND ORDER**

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The Department of Financial Institutions, Division of Consumer Services (Department) and Respondents have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. S-06-096-07-01 (Statement of Charges), entered October 4, 2007, (copy attached hereto). Pursuant to chapter 18.44 RCW, the Escrow Agent Registration Act (Act), and RCW 34.05.060 of the Administrative Procedure Act, Respondents hereby agree to the Department's entry of this Consent Order and further agree that the issues raised in the above captioned matter may be economically and efficiently

1 settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the  
2 Statement of Charges and agree that Respondents do not admit any wrongdoing by its entry.

3 Respondents are agreeing not to contest the Statement of Charges in consideration of the terms of this  
4 Consent Order.

5 Based upon the foregoing:

6 **A. Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of  
7 the activities discussed herein.

8 **B. Waiver of Hearing.** It is AGREED that Respondents have been informed of the right to a  
9 hearing before an administrative law judge, and that they have waived their right to a hearing and any and  
10 all administrative and judicial review of the issues raised in this matter, or of the resolution reached  
11 herein.

12 **C. No Admission of Liability.** The parties intend this Consent Order to fully resolve the  
13 Statement of Charges and agree that Respondents do not admit to any wrongdoing by its entry.

14 **D. Prohibition from Industry.** It is AGREED that Respondents are prohibited from performing  
15 any "escrow"<sup>1</sup> transaction for any Washington resident or property and from participating in the conduct  
16 of the affairs of any escrow agent licensed by the Department for five (5) years from the date of entry of  
17 this Consent Order in any capacity, including but not limited to: (1) any financial capacity whether active  
18 or passive, or (2) as an officer, director, principal, or employee, or (3) any management, control,  
19 oversight, or maintenance of any trust account(s) in any way related to any escrow transaction, or (4)  
20 receiving, disbursing, managing, or controlling in any way, consumer funds in any way related to any  
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24 <sup>1</sup> As that term is defined in RCW 18.44.011(4).

1 escrow transaction. It is further AGREED that Respondents are prohibited from performing any escrow  
2 transaction for any Washington resident or property at any time later than five (5) years from the date of  
3 entry of this Consent Order without first having obtained a license to do so from the Department.

4 **E. Application for Escrow Agent License.** It is AGREED that Respondents shall not apply to  
5 the Department for any license issued pursuant to chapter 18.44 RCW under any name for a period of  
6 five (5) years from the date of entry of this Consent Order. It is further AGREED that, should  
7 Respondents apply to the Department for an escrow agent license at any time later than five (5) years  
8 from the date of entry of this Consent Order, Respondents shall be required to meet any and all  
9 application requirements in effect at that time.

10 **F. Fine.** It is AGREED that Respondents shall pay to the Department a fine of \$5000, in the  
11 form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent  
12 Order.

13 **G. Investigation Fee.** It is AGREED that Respondents shall pay to the Department an  
14 investigation fee of \$1000, in the form of a cashier's check made payable to the "Washington State  
15 Treasurer," upon entry of this Consent Order. Respondents may pay both the fine and investigation fee  
16 together in one cashier's check made payable to the "Washington State Treasurer," upon entry of this  
17 Consent Order.

18 **H. Non-Compliance with Order.** It is AGREED that Respondents understand that failure to  
19 abide by the terms and conditions of this Consent Order may result in further legal action by the  
20 Director. In the event of such legal action, Respondents may be responsible to reimburse the Director  
21 for the cost incurred in pursuing such action, including, but not limited to, attorney fees.

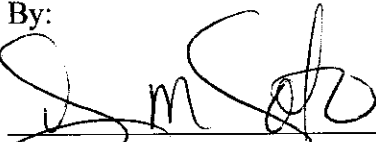
1 I. **Voluntarily Entered.** It is AGREED that the undersigned Respondents have voluntarily  
2 entered into this Consent Order, which is effective when signed by the Director's designee.

3 J. **Completely Read, Understood, and Agreed.** It is AGREED that Respondents have read  
4 this Consent Order in its entirety and fully understand and agree to all of the same.

5 **RESPONDENTS:**

6 **Paramount Title & Escrow, LLC**

7 By:

8 

9 Benjamin M. Soto  
As Owner and Individually

1/27/07  
Date

11 **DO NOT WRITE BELOW THIS LINE**

12 THIS ORDER ENTERED THIS 4<sup>th</sup> DAY OF February, 2008

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

18 Prepared by:

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20 Steven C. Sherman  
Financial Legal Examiner

21 Approved by:

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23 James R. Brusselback  
24 Enforcement Chief



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3 **STATE OF WASHINGTON**  
4 **DEPARTMENT OF FINANCIAL INSTITUTIONS**  
5 **DIVISION OF CONSUMER SERVICES**

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

10 PARAMOUNT TITLE & ESCROW, LLC, and  
11 BENJAMIN M. SOTO, Owner,

12 Respondents.

NO. S-06-096-07-SC01

STATEMENT OF CHARGES and  
NOTICE OF INTENT TO BAN FROM  
INDUSTRY, IMPOSE FINE, AND COLLECT  
INVESTIGATION FEE

13 **INTRODUCTION**

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

20 **I. FACTUAL ALLEGATIONS**

21 **1.1 Respondents.**

22 **A. Paramount Title & Escrow, LLC, (Paramount)** is headquartered in Washington,  
23 D.C., and has two branch offices in Maryland. Paramount has never been licensed by the Department  
24 of Financial Institutions of the State of Washington (Department) to conduct business as an escrow  
25 agent in the State of Washington.



1 **2.3 Requirement to Obtain and Maintain License.** Based on the factual allegations set forth in  
2 Section I above, Respondents are in apparent violation of RCW 18.44.021 for engaging in business as an  
3 escrow agent by performing escrows or any of the functions of an escrow agent within this state or  
4 with respect to transactions that involve personal property or real property located in this state without  
5 first obtaining a license.

### 6 **III. AUTHORITY TO IMPOSE SANCTIONS**

7 **3.1 Authority to Impose Fines.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), the  
8 Director may impose a fine of up to \$100 per day for each day's violation of the Act.

9 **3.2 Authority to Prohibit from the Industry.** Pursuant to RCW 18.44.430(3), the Director may  
10 prohibit from participation in the conduct of the affairs of a licensed escrow agent, any officer,  
11 controlling person, director, employee, or licensed escrow officer.

12 **3.3 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410 and WAC 208-680G-050,  
13 the expense of an investigation pursuant to WAC 208-680G-020 shall be borne by the entity which is the  
14 subject of the investigation.  
15

### 16 **IV. NOTICE OF INTENTION TO ENTER ORDER**

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

22 **4.1** That Respondent Paramount Title & Escrow, LLC, be prohibited from participation in the  
23 conduct of the affairs of any licensed escrow agent for five (5) years.

24 **4.2** That Respondent Benjamin M. Soto be prohibited from participation in the conduct of the  
25 affairs of a licensed escrow agent as an officer, principal, or employee of any licensed  
escrow agent or any person subject to licensing under this chapter for five (5) years.

1           **4.3**    That Respondents Paramount Title & Escrow, LLC, and Benjamin M. Soto jointly and  
2                   severally pay a fine in the amount of \$5,000;

3           **4.4**    That Respondents Paramount Title & Escrow, LLC, and Benjamin M. Soto jointly and  
4                   severally, pay an investigation fee in the amount of \$1000.00 calculated at \$62.50 per  
5                   hour for sixteen (16) total staff hours devoted to the investigation.

6           **4.5**    That Respondent Paramount Title & Escrow, LLC, its officers, employees, and agents  
7                   maintain all records involving Washington escrow transactions for a minimum of six (6)  
8                   years following the closing or termination of the escrow transaction.

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V. AUTHORITY AND PROCEDURE

This Statement of Charges and Notice of Intent to Ban from Industry, Impose Fine, and Collect Investigation Fee is entered pursuant to the provisions of RCW 18.44.410 and RCW 18.44.430, and is subject to the provisions of chapter 34.05 RCW. Respondents 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 and Notice of Intent to Ban from Industry, Impose Fine, and Collect Investigation Fee.

DATED this 4<sup>th</sup> day of October, 2007.

*Deborah Bortner*

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

*Steven C. Sherman*

STEVEN C. SHERMAN  
Financial Legal Examiner



Approved by:

*James R. Brusselback*

JAMES R. BRUSSELBACK  
Enforcement Chief

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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:

S-06-096-07-SC01

PARAMOUNT TITLE & ESCROW, LLC, and  
BENJAMIN M. SOTO, Owner,  
Respondent.

NOTICE OF OPPORTUNITY TO DEFEND  
AND OPPORTUNITY FOR HEARING

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THE STATE OF WASHINGTON TO:      PARAMOUNT TITLE & ESCROW, LLC, and  
BENJAMIN M. SOTO

YOU ARE HEREBY NOTIFIED that a STATEMENT OF CHARGES has been filed by the Department  
of Financial Institutions, a true and correct copy of which is attached and made a part hereof.

YOU ARE HEREBY NOTIFIED that you may file an application for an adjudicative hearing before the  
Washington State Department of Financial Institutions on the Statement of Charges. Service of this notice is  
deemed complete upon deposit in the United States mail. YOUR APPLICATION MUST BE RECEIVED BY  
THE DEPARTMENT OF FINANCIAL INSTITUTIONS WITHIN TWENTY (20) DAYS FROM THE DATE  
YOU RECEIVED THIS NOTICE. If you demand a hearing, you will be notified of the time and place for the  
hearing at least seven (7) days in advance of the hearing date.

At the hearing, you may appear personally, and by counsel, if you desire. The hearing will be as informal  
as is practical within the requirements of the Administrative Procedure Act (see chapter 34.05 RCW). The hearing  
will be recorded. The primary concern will be getting to the truth of the matter insofar as the Statement of Charges  
is concerned. Technical rules of evidence will not be binding at the hearing except for the rules of privilege  
recognized by law. You have the right to present evidence and witnesses in your own behalf, and to cross-examine  
those witnesses presented in support of the Statement of Charges. You may require the attendance of witnesses by

1 subpoena. If you are limited English- speaking or hearing impaired, you have the right to have an interpreter  
2 appointed at no cost to you, as discussed below.

3 INTERPRETER AVAILABILITY. If you or a witness for you is a person who, because of non-English-  
4 speaking cultural background, cannot readily speak or understand the English language, or if you or a witness for  
5 you is a person who, because of a hearing impairment or speech defect, cannot readily understand or communicate  
6 in spoken language, including persons who are deaf, deaf and blind, or hard of hearing, AND YOU NEED AN  
7 INTERPRETER, then a qualified interpreter will be appointed at no cost to you or to the witness. You may request  
8 the appointment of a qualified interpreter by indicating your request on the attached Application for Adjudicative  
9 Hearing form.

10 YOU ARE FURTHER NOTIFIED that if the Department of Financial Institutions does not RECEIVE the  
11 Application for Adjudicative Hearing form within twenty (20) days from the date you received this notice, this will  
12 constitute a waiver of your right to a hearing and the Director will find that you do not contest the allegations of the  
13 Statement of Charges. Upon such a finding by the Director a final order will be immediately entered disposing of  
14 this matter as described in the Statement of Charges. If you desire a hearing in this matter, please return the  
15 attached Application for Adjudicative Hearing to:

16 Department of Financial Institutions  
17 Division of Consumer Services  
18 Attn: Fatima Batie  
19 PO Box 41200  
20 Olympia, Washington 98504-1200

21 Dated this 4th day of October, 2007.



22 *Deborah Bortner*

23 DEBORAH BORTNER  
24 Director  
25 Division of Consumer Services  
Department of Financial Institutions