

# Terms Completed

## ORDER SUMMARY – Case Number: C-10-321

**Name(s):** New Millennium Title Group

**Order Number:** C-10-321-10-CO01

**Effective Date:** December 15, 2010

**License Number:** n/a  
**Or NMLS Identifier [U/L]** (Revoked, suspended, stayed, application denied or withdrawn)  
 If applicable, you must specifically note the ending dates of terms.

**License Effect:** n/a

**Not Apply Until:** n/a

**Not Eligible Until:** n/a

**Prohibition/Ban Until:** n/a

<b>Investigation Costs</b>	\$450	Due 0	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Fine</b>	\$7,500	Due 0	Paid <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Assessment(s)</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Restitution</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Judgment</b>	\$	Due	Paid <input type="checkbox"/> Y <input type="checkbox"/> N	Date
<b>Satisfaction of Judgment Filed?</b>		<input type="checkbox"/> Y <input type="checkbox"/> N		
No. of Victims:				

**Comments:** \_\_\_\_\_

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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:  
  
NEW MILLENNIUM TITLE GROUP,  
  
Respondent.

NO. C-10-321-10-CO01  
  
CONSENT ORDER

COMES NOW the Director of the Department of Financial Institutions (Director), through his designee Deborah Bortner, Division Director, Division of Consumer Services, and New Millennium Title Group (Respondent), and finding that the issues raised in the above-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:

**AGREEMENT AND ORDER**

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-10-321-10-SC01 (Statement of Charges), entered October 29, 2010, (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, Respondent hereby agrees to the Department's entry of this Consent Order and further agrees that the issues raised in the above-captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges and agree that Respondent does not admit any wrongdoing by its entry. Respondent is agreeing not to contest the Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

CONSENT ORDER  
C-10-321-10-CO01  
NEW MILLENNIUM TITLE GROUP

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

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

3           B. **Waiver of Hearing.** It is AGREED that Respondent has been informed of the right to a hearing  
4 before an administrative law judge, and hereby waives its right to a hearing and any and all administrative and  
5 judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent,  
6 by its signature below, withdraws its appeal to the Office of Administrative Hearings.

7           C. **No Admission of Liability.** The parties intend this Consent Order to fully resolve the Statement of  
8 Charges and agree that Respondent does not admit to any wrongdoing by its entry.

9           D. **Fine.** It is AGREED that Respondent shall pay to the Department a fine of \$7,500, in the form of a  
10 cashier's check made payable to the "Washington State Treasurer," upon entry of this Consent Order.

11           E. **Investigation Fee.** It is AGREED that Respondent shall pay to the Department an investigation fee  
12 of \$450, in the form of a cashier's check made payable to the "Washington State Treasurer," upon entry of this  
13 Consent Order. The Fine and Investigation Fee may be paid together in one \$7,950 cashier's check made payable  
14 to the "Washington State Treasurer."

15           F. **Authority to Execute Order.** It is AGREED that the undersigned have represented and warranted  
16 that they have the full power and right to execute this Consent Order on behalf of the parties represented.

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

21           H. **Voluntarily Entered.** It is AGREED that the undersigned Respondent has voluntarily entered into  
22 this Consent Order, which is effective when signed by the Director's designee.

23           I. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent has read this Consent  
24 Order in its entirety and fully understands and agrees to all of the same.

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**RESPONDENT:**

**New Millennium Title Group**

By:

  
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Joe McCabe

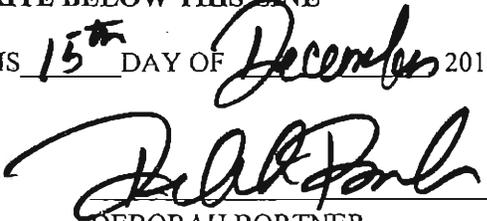
Title: GENERAL COUNSEL

12-6-10  
Date

**DO NOT WRITE BELOW THIS LINE**

THIS ORDER ENTERED THIS 15<sup>th</sup> DAY OF December 2010.



  
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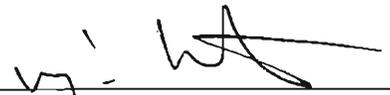
DEBORAH BORTNER

Director

Division of Consumer Services

Department of Financial Institutions

Presented by:

  
\_\_\_\_\_

WILLIAM HALSTEAD  
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**

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

NEW MILLENNIUM TITLE GROUP,  
Respondent.

NO. C-10-321-10-SC01

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

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**INTRODUCTION**

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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, Deborah Bortner, Division Director, Division of Consumer Services, institutes this proceeding and finds as follows:

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**I. FACTUAL ALLEGATIONS**

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**1.1 Respondent New Millennium Title Group (Respondent)** is headquartered in St. Paul, Minnesota. Respondent has never been licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as an escrow agent in the State of Washington.

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**1.2 Unlicensed Activity.** Between at least October 1, 2008, and February 27, 2009, Respondent performed escrow functions in at least 19 Washington residential mortgage loan transactions. On or about May 24, 2010, Respondent provided the Department with an Agreement to Cease and Desist from providing escrow services in the State of Washington until such time as Respondent obtains a license from the Department or meets an exclusion from licensing as delineated in the Act.

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

1 **II. GROUNDS FOR ENTRY OF ORDER**

2 **2.1 Definition of Escrow.** Pursuant to RCW 18.44.011(4), "Escrow" means any transaction wherein any  
3 person or persons, for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance,  
4 or lease of real or personal property to another person or persons, delivers any written instrument, money,  
5 evidence of title to real or personal property, or other thing of value to a third person to be held by such third  
6 person until the happening of a specified event or the performance of a prescribed condition or conditions, when  
7 it is then to be delivered by such third person, in compliance with instructions under which he or she is to act, to  
8 a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee  
9 thereof.

10 **2.2 Definition of Escrow Agent.** Pursuant to RCW 18.44.011(6) "Escrow Agent" means any person engaged  
11 in the business of performing for compensation the duties of the third person referred to in RCW 18.44.011(4).

12 **2.3 Requirement to Obtain and Maintain License.** Based on the Factual Allegations set forth in Section I  
13 above, Respondent is in apparent violation of RCW 18.44.021 for engaging in business as an escrow agent by  
14 performing escrows or any of the functions of an escrow agent within the State of Washington or with respect to  
15 transactions that involve personal property or real property located in the State of Washington without first  
16 obtaining a license.

17 **2.4 Requirement to Maintain Records in the State of Washington.** Based on the Factual Allegations set  
18 forth in Section 1 above, Respondent is in apparent violation of RCW 18.44.400 and WAC 208-680D-030 for  
19 failing to maintain transaction records in the State of Washington for a period of six years from completion of the  
20 transaction.

21 **III. AUTHORITY TO IMPOSE SANCTIONS**

22 **3.1 Authority to Impose Fines.** Pursuant to RCW 18.44.430(3) and WAC 208-680G-040(3), in addition to  
23 or in lieu of license denial the Director may impose a fine of up to \$100 per day for each day's violation of the Act.  
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1 **3.2 Authority to Collect Investigation Fee.** Pursuant to RCW 18.44.410 and WAC 208-680G-050, the  
2 expense of an investigation pursuant to WAC 208-680G-020 shall be borne by the entity which is the subject of the  
3 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 18.44.400,  
7 RCW 18.44.410, RCW 18.44.430, RCW 18.44.440, and WAC 208-680G-030, which authorize the Director to  
8 enforce all laws, rules, and regulations related to the registration of escrow agents and licensing of escrow officers.  
9 Therefore, it is the Director's intention to ORDER that:

10 **4.1** Respondent New Millennium Title Group pay a fine which as of the date of these charges totals \$8,950.

11 **4.2** Respondent New Millennium Title Group pay an investigation fee which as of the date of these charges  
12 totals \$375, calculated at \$62.50 per hour for 6 staff hours devoted to the investigation to date.

13 **4.3** Respondent New Millennium Title Group, its officers, employees, and agents maintain all records  
14 involving Washington State escrow transactions within the State of Washington for a period of six years  
15 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 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 29<sup>th</sup> day of October, 2010.



*Deborah Bortner*

DEBORAH BORTNER  
Director  
Division of Consumer Services  
Department of Financial Institutions

Presented by:

*William Halstead*

WILLIAM HALSTEAD  
Financial Legal Examiner

Approved by:

*James R. Brusselback*

JAMES R. BRUSSELBACK  
Enforcement Chief