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8 BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
9 OF THE STATE OF CALIFORNIA

11 In the Matter of:)	
)	ACCUSATION IN SUPPORT OF ORDER
12 THE COMMISSIONER OF BUSINESS)	SUSPENDING LORENA CARRILLO FROM
13 OVERSIGHT,)	ANY POSITION OF EMPLOYMENT,
)	MANAGEMENT, OR CONTROL OF ANY
14 Complainant,)	ESCROW AGENT PURSUANT TO
15 v.)	FINANCIAL CODE SECTION 17423
)	
16 LORENA CARRILLO,)	
)	
17 Respondent.)	
)	
)	

19
20 The Commissioner of Business Oversight (Commissioner) is informed and believes, and
21 based upon such information and belief, alleges and charges Respondent Lorena Carrillo (Carrillo)
22 as follows:

23 **I.**
24 **Jurisdiction and Venue**

25 1. The Commissioner brings this action under the provisions of Financial Code sections
26 17414 and 17423 and the rules and regulations promulgated under the California Escrow
27 Law (Fin. Code, § 17000 et seq.) (Escrow Law).

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1 \$1,000.00 trust shortage in Escrow File Number 2313-LC.

2 9. The examiner found on or around October 11, 2017, the final closing funds from First
3 American Title Company were credited to Casa Bella’s trust account ending in 3544.

4 10. The examiner also found during her review that on or around October 12, 2017, all
5 the funds were disbursed by Carrillo and the earned fees of \$2,227.00 were transferred by Carrillo to
6 the Casa Bella fee ledger (FEE1). The examiner found that this caused the ledger balance in Escrow
7 File Number 2313-LC to be \$0.00.

8 11. FEE1 issued trust check number 9444 for \$2,227.00 to Casa Bella on or around
9 October 11, 2017. Citizens Business Bank deposited the funds into Casa Bella’s general company
10 account ending in 2212 on October 16, 2017.

11 12. On October 23, 2017, Jack Curtis (Curtis) sent an email to Jarrod Whitehorn
12 (Whitehorn), the real estate broker, and included Carrillo requesting payment for Curtis Dump Truck
13 & Blackhoe Services (Curtis Dump Truck). That same day, Carrillo sent a reply email to Curtis
14 stating the invoice was paid.

15 13. On October 31, 2017, Whitehorn sent Carrillo an email regarding the missing
16 payment to Curtis Dump Truck.

17 14. The examiner reviewed two copies of an invoice from Curtis Dump Truck found in
18 Escrow File Number 2313-LC. Both copies of invoice number 20973 were dated October 2, 2017 –
19 before the close of escrow on October 10, 2017.

20 15. The first copy of invoice number 20973 showed “total amount due \$1,150.00” but the
21 amount was crossed out and replaced with a hand-written amount of \$1,000.00. “An approved paid
22 stamp” was marked on the first copy of invoice number 20973.

23 16. The second copy of invoice number 20973 showed a “total amount due \$1,000.00”
24 and had a “paid stamp dated 11/15/2017” on the second copy of invoice number 20973.

25 17. The examiner compared the Estimated Closing Statement dated October 5, 2017
26 (Estimated Closing Statement) and the Final Closing Statement dated October 23, 2017 (Final
27 Closing Statement). The examiner noticed the Estimated Closing Statement did not disclose the
28 \$1,000.00 Seller’s credit to Buyer, but the Final Closing Statement did.

1 18. On the Final Closing Statement, the examiner observed the amount due to Seller was
2 \$110,626.48, but Carrillo issued Wire Verification Number 953 on October 12, 2017 in the amount
3 of \$111,626.48 – \$1,000.00 more than the amount stated on the Estimated Closing Statement.

4 19. On or around November 15, 2017, the following transactions were posted to the
5 ledger:

6 a) Carrillo issued receipt number 2652 for \$2,000.00 for the funds noted as
7 “received” from Seller. The examiner could not find a copy of receipt number 2652 in Escrow File
8 Number 2313-LC and there was no \$2,000.00 deposit from Seller credited to the trust account.

9 b) \$2,227.00 was transferred from FEE1 to the Escrow File Number 2313-LC.

10 c) Check number 9956 from Citizens Business Bank was signed by Carrillo to
11 Curtis Dump Truck and paid by the bank on November 17, 2017.

12 20. On November 16, 2017, receipt number 2652 was canceled. The comment section on
13 the canceled receipt showed “wrong amount” and “never printed” was handwritten on the canceled
14 receipt.

15 21. On or around November 30, 2017, the following transactions were posted to the
16 ledger:

17 a) Carrillo issued receipt number 2694 for a \$1,000.00 wire transfer from Seller.
18 A copy of receipt number 2694 was found in Escrow File Number 2313-LC, but no \$1,000.00
19 deposit from Seller was credited to the trust account.

20 b) \$2,227.00 was transferred back to the FEE1.

21 c) The ledger balance for Escrow File Number 2313-LC was \$0.00.

22 d) A \$1,000.00 adjustment item listed as “R#2694 E# 2313-LC Wire T issued on
23 11/20/17 with no deposit at bank” was on the month-end reconciliation report from November 2017
24 through March 2018.

25 22. Adjustment item “R#2694 E# 2313-LC Wire T” caused a \$1,000.00 shortage in the
26 trust account. Carrillo was responsible for reviewing daily and monthly reports for any items that
27 needed to be corrected in Casa Bella’s accounts.

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or should have been known by the person committing or causing it or has caused material damage to the escrow agent or to the public.

(2) That the person has been convicted of or pleaded nolo contendere to any crime, or has been held liable in any civil action by final judgment, or any administrative judgment by any public agency, if that crime or civil or administrative judgment involved any offense specified in subdivision (b) of Section 17414.1, or any other offense reasonably related to the qualifications, functions, or duties of a person engaged in the business in accordance with the provisions of this division.

(b) Within 15 days from the date of a notice of intention to issue an order pursuant to subdivision (a), the person may request a hearing under the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code). Upon receipt of a request, the matter shall be set for hearing to commence within 30 days after such receipt unless the person subject to this division consents to a later date. If no hearing is requested within 15 days after the mailing or service of such notice and none is ordered by the commissioner, the failure to request a hearing shall constitute a waiver of the right to a hearing.

(c) Upon receipt of a notice of intention to issue an order pursuant to this section, the person who is the subject of the proposed order is immediately prohibited from engaging in any escrow processing activities, including disbursing any trust funds in the escrow agent’s possession, custody or control, and the financial institution holding trust fluids shall be so notified by service of the notice, accusation and other administrative pleadings. The prohibition against disbursement of trust funds may be set aside, in whole or in part, by the commissioner for good cause.

(d) Fidelity Corporation shall disclose to all licensees the identity of persons who have been censured, suspended, or barred from any position of employment, management, or control.

(e) Persons suspended or barred under this section are prohibited from participating in any business activity of a licensed escrow agent and from engaging in any business activity on the premises where a licensed escrow agent is conducting escrow business. This subdivision shall not be construed to prohibit suspended or barred persons from having their personal escrow transactions processed by a licensed escrow agent.

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(f) This section shall apply to any violation, conviction, plea, or judgment occurring at any time prior to and after the enactment of this section.

(g) The provisions of Section 17414.1 exempting convictions for which a person has obtained a certificate of rehabilitation from the prohibition against serving as an officer, director, stockholder, trustee, agent, or employee of an escrow agent, or in any position involving any duties with an escrow agent, shall not apply to permit the reinstatement of any person barred by the commissioner pursuant to this section, nor to prohibit the commissioner from bringing any action pursuant to this section.

(h) If any provision of this section or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

30. CCR section 1738.1 provides:

An escrow agent shall not withdraw, pay out, or transfer monies from any particular escrow account in excess of the amount to the credit of such account at the time of such withdrawal, payment, or transfer.

31. CCR section 1738.2 provides:

An escrow agent shall use documents or other property deposited in escrow only in accordance with the written escrow instructions of the principals to the escrow transaction or the escrow instructions transmitted electronically over the Internet executed by the principals to the escrow transaction, or if not otherwise directed by written or electronically executed instructions, in accordance with sound escrow practice, or pursuant to order of a court of competent jurisdiction.

IV.
Prayer

The Commissioner finds that, by reason of the foregoing Carrillo violated Financial code section 17414, subdivision (a)(1) and CCR sections 1738.1 and 1738.2 and grounds exist to suspend her from any position of employment, management, or control of any escrow agent for a period of up to 12 months.

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WHEREFORE, IT IS PRAYED that under Financial Code section 17423, Carrillo be suspended from any position of employment, management, control or any escrow agent for a period up to 12 months.

Dated: October 30, 2018
Los Angeles, California

JAN LYNN OWEN
Commissioner of Business Oversight

By _____
Vanessa T. Lu
Counsel
Enforcement Division