## STATE OF CALIFORNIA

## BUSINESS, TRANSPORTATION AND HOUSING AGENCY DEPARTMENT OF CORPORATIONS

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TO: Express-transfers.com 158-01 Crossbay Boulevard Howard Beach, NY 11414

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Brian McWilliams 340 South Bywood Clawson, MI 48017

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DESIST AND REFRAIN ORDER

(For violations of sections 17200, 17210.2 and 17403 of the California Financial Code)

The California Corporations Commissioner finds that:

- 1. Express-transfers.com and Brian McWilliams have engaged in the business of an escrow agent by advertising escrow services over the internet at www.express-transfers.com from 1999 to the present as follows:
- a) Express-transfers.com represents on its website that the process works as follows: The buyer and seller register with Express-transfers.com and agree to the terms of the transaction. The buyer pays Express-transfers.com, which holds the money in a trust account. Express-transfers.com notifies the seller to ship its merchandise. The buyer receives and inspects the merchandise, and once the buyer accepts the goods, Express-transfers.com pays the seller.
- b) Express-transfers.com and Brian McWilliams have represented themselves to be licensed escrow agents by claiming to be "fully licensed and accredited as an escrow company" and "subject to compliance with all applicable escrow regulations."
  - c) Express-transfers.com and Brian McWilliams have represented that Express-

transfers.com is affiliated with Internet Escrow Services (IES) and that it is a subsidiary of Fidelity National Financial, Inc. In fact, IES is an affiliate of Escrow.com and Escrow.com is a subsidiary of Fidelity National Financial, Inc. Express-transfers.com is not affiliated with either IES, Fidelity National Financial, Inc., or Escrow.com.

- 2. Neither Express-transfers.com nor Brian McWilliams has been issued a license from the Commissioner authorizing them to conduct business as an escrow agent, as required by California Financial Code section 17200.
- 3. Neither Express-transfers.com nor Brian McWilliams are exempt from the licensing requirements of Section 17200.
- 4. Neither Express-transfers.com nor Brian McWilliams has been issued a license from the Commissioner authorizing them to use words indicating that they are in the escrow business, as required by California Financial Code section 17403.
- 5. Express-transfers.com and Brian McWilliams have disseminated or caused to be disseminated false, misleading and/or deceptive statements or representations which refer to Express-transfers.com's affiliation with IES and Fidelity National Financial, Inc., when, in fact, Express-transfers.com is not affiliated with either IES or Fidelity National Financial, Inc.

Based upon the foregoing findings, the California Corporations Commissioner is of the opinion that Express-transfers.com and Brian McWilliams and their officers directors, partners, agents, employees and/or servants are in violation of California Financial Code sections 17200, 17210.2(a) and 17403(a). Pursuant to California Financial Code section 17416, Express-transfers.com and Brian McWilliams are hereby ordered to desist and refrain from engaging in the business of receiving escrows for deposit or delivery without first obtaining a license from the Commissioner. Pursuant to California Financial Code section 17403(b), Express-transfers.com and Brian McWilliams are further

	and and to immediately design and refresh from issuing singulating on mublishing any advertigances
	ordered to immediately desist and refrain from issuing, circulating, or publishing any advertisement
	by means of any communication, including any website, or making use of or circulating any
	letterheads, billheads, blank notes, blank receipts, blank escrow instructions, certificates, circulars, or
	any written or printed paper containing any fictitious or corporate name or other words indicating that
	they are in the escrow business. Pursuant to California Financial Code section 17210.2(c), Express-
	transfers.com and Brian McWilliams are further ordered to immediately desist and refrain from
	disseminating, or causing or permitting to be disseminated, in any manner whatsoever, any statement
	or representation which is false, misleading, or deceptive, or which omits to state material
	information, or which refers to the supervision of that agent by the State of California or any
	department or official thereof. Express-transfers.com and Brian McWilliams are further ordered to
	immediately desist and refrain from disseminating or causing or permitting to be disseminated, in any
	manner whatsoever, any statement or representation that Express-transfers.com is in any manner
	associated with IES or Fidelity National Financial, Inc.
	This Order is necessary, in the public interest, for the protection of investors and consistent with the
	purposes, policies and provisions of the California Escrow Law. This order shall remain in full force
	and effect until further order of the California Corporations Commissioner.
	Dated: December 31, 2004 Sacramento, California
	WILLIAM P. WOOD
	California Corporations Commissioner
	By: WAYNE STRUMPFER
	Acting Deputy Commissioner
	Enforcement and Legal Services
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