

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  
26  
27  
28

**STATE OF CALIFORNIA**  
**BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY**  
**DEPARTMENT OF BUSINESS OVERSIGHT**

TO: DealTrustMaker.com  
www.dealtrustmaker.com

**DESIST AND REFRAIN ORDER**

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

The Commissioner of Business Oversight finds that:

1. DealTrustMaker.com is a business entity of unknown type with an unknown principal place of business. DealTrustMaker.com maintains a public website at www.dealtrustmaker.com.

2. The domain name for DealTrustMaker.com’s website is registered by Namecheap, Inc., a Delaware corporation with its principal place of business at 4600 East Washington Street, Suite 305, Phoenix, Arizona 85034. The website’s content is hosted by Bluehost Inc., a Utah corporation with its principal place of business at 10 Corporate Drive, Suite 300, Burlington, Massachusetts 01803.

3. The Commissioner has jurisdiction over the licensing and regulation of persons and entities engaged in the business of receiving escrows for deposit or delivery under the Escrow Law (Fin. Code, § 17000 et seq.).

4. It is “unlawful for any person to engage in business as an escrow agent within this state except by means of a corporation duly organized for that purpose licensed by the commissioner as an escrow agent.” (Fin. Code, § 17200.) “Escrow agent” includes persons engaged in the business of receiving escrows for deposit or delivery over the internet. (§§ 17004.5, 17005.6.)

5. No person undertaking the performance of escrow agent services may “issue, circulate, or publish any advertisement by any means of communication . . . containing any fictitious or corporate name or other words indicating that the person is in the escrow business, unless the person is a licensed escrow agent.” (Fin. Code, § 17403, subd. (a); see § 17005.4.)

///

1           6.       In addition, no escrow agent “shall disseminate, or cause or permit to be disseminated,  
2 in any manner whatsoever, any statement or representation which is false, misleading, or deceptive,  
3 or which omits to state material information, or which refers to the supervision of that agent by the  
4 State of California or any department or official thereof.” (Fin. Code, § 17210.2, subd. (a).)

5           7.       Since at least December 2019, DealTrustMaker.com has engaged in the business of an  
6 escrow agent over the internet and advertised that it is in the escrow business by offering the  
7 following services on its website:

8               a.       DealTrustMaker.com offers a “financial arrangement where a third party holds  
9 and regulates payment of the funds required for two parties involved in a given transaction.”  
10 DealTrustMaker.com offers to “make transactions more secure by keeping the payment in a secure  
11 Dealtrustmaker account which is only released when all of the terms of an agreement are met as  
12 overseen by the Dealtrustmaker company.”

13               b.       DealTrustMaker.com claims to allow buyers and sellers to “[s]afely buy and  
14 sell products and services from \$100 to \$10 million or more,” including domain names and websites,  
15 software applications, and mobile applications.

16               c.       DealTrustMaker.com offers to facilitate transactions in the following manner:  
17 the buyer and seller agree on terms for the sale of goods or services, the buyer sends payment to a  
18 “secure Dealtrustmaker Account,” the seller delivers the goods or service to the buyer, the buyer  
19 inspects and accepts the goods or service, and DealTrustMaker.com “releases funds to the Seller from  
20 the Dealtrustmaker Account.”

21           8.       DealTrustMaker.com states on its website that its services are “licensed and  
22 regulated.”

23           9.       DealTrustMaker.com has not been issued a license by the Commissioner under the  
24 Escrow Law and is not authorized to engage in business as an escrow agent in California.  
25 DealTrustMaker.com is not exempt from the licensing requirements of Financial Code sections 17200  
26 and 17403.

27           10.      Under Financial Code section 17416, if, in the opinion of the Commissioner, a person  
28 “is engaged, either actually or through subterfuge, in the business of receiving escrows for deposit or

1 delivery” without a license from the Commissioner, the Commissioner “may order that person to  
2 desist and to refrain from engaging in that business.”

3 11. Under Financial Code section 17403, subdivision (b), if, in the opinion of the  
4 Commissioner, a person has violated section 17403, the Commissioner “may order that person to  
5 desist and refrain from that violation.”

6 12. Under Financial Code section 17210.2, subdivision (c), the Commissioner “may order  
7 any person to desist from any conduct which the commissioner finds to be a violation” of section  
8 17210.2.

9 Based on the foregoing, the Commissioner is of the opinion that DealTrustMaker.com has  
10 engaged in the business of receiving escrows for deposit or delivery in California without first  
11 obtaining a license in violation of Financial Code section 17200.

12 The Commissioner is also of the opinion that DealTrustMaker.com has advertised that it is in  
13 the escrow business without being a licensed escrow agent in violation of Financial Code section  
14 17403, subdivision (a).

15 The Commissioner is also of the opinion that DealTrustMaker.com has disseminated or  
16 caused or permitted to be disseminated any statement or representation which is false, misleading, or  
17 deceptive, or which omits to state material information, or which refers to the supervision of that  
18 agent by the State of California or any department or official thereof in violation of Financial Code  
19 section 17210.2, subdivision (a).

20 Accordingly, under Financial Code section 17416, DealTrustMaker.com is ordered to desist  
21 and refrain from engaging in the business of receiving escrows for deposit or delivery in California  
22 without first obtaining a license from the Commissioner.

23 Further, under Financial Code section 17403, subdivision (b), DealTrustMaker.com is ordered  
24 to desist and refrain from issuing, circulating, and publishing any advertisement by any means of  
25 communication containing any fictitious or corporate name or other words indicating that it is in the  
26 escrow business without first obtaining a license from the Commissioner.

27 Further, under Financial Code section 17210.2, subdivision (c), DealTrustMaker.com is  
28 ordered to desist from disseminating or causing or permitting to be disseminated any statement or

1 representation which is false, misleading, or deceptive, or which omits to state material information,  
2 or which refers to the supervision of that agent by the State of California or any department or official  
3 thereof.

4 This Order is necessary, in the public interest, for the protection of consumers, and consistent  
5 with the purposes, policies, and provisions of the Escrow Law. This Order shall remain in full force  
6 and effect until further order of the Commissioner.

7 Dated: September 21, 2020  
8 Los Angeles, California

9 MANUEL P. ALVAREZ  
Commissioner of Business Oversight

10  
11 By \_\_\_\_\_  
12 MARY ANN SMITH  
13 Deputy Commissioner  
14 Enforcement Division  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28