

1 OREGON REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Escrow Agent License of )  
5 )  
6 CHICAGO TITLE COMPANY OF OREGON ) STIPULATED FINAL ORDER  
7 )  
8 \_\_\_\_\_ )  
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10 The Real Estate Agency (OREA) and Chicago Title Company of Oregon (Chicago Title)  
11 do hereby agree and stipulate to the following:

12 FINDINGS OF FACT  
13 AND  
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Chicago Title was licensed as an escrow agent in  
17 Oregon.

18 1.2 On February 8, 2012, OREA received a complaint from Ben Henzel (Henzel)  
19 alleging that escrow officer Lori Tubbs (Tubbs) with Chicago Title had refused to provide him  
20 information on a collection escrow account to which he was a party. The subsequent  
21 investigation found the following violations.

22 1.3 Chicago Title accepted two amendments to the escrow instructions without  
23 dated, written instructions or a dated executed agreement in writing between the principals to  
24 the transaction and did not follow the original instructions.

25 **Violation:** ORS 696.581(1) and (2) (2007 Edition), which states that an escrow agent  
26 may not accept funds or documents in any escrow transaction without dated, written escrow  
27 instructions from the principals to the transaction, and that an escrow agent may not disburse  
28 any funds in an escrow without obtaining dated, separate escrow instructions in writing from  
29 the principals to the transaction. 2 counts

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1 1.4 Chicago Title did not respond to Henzel's three written requests for copies of  
2 documents related to the escrow account.

3 **Violation:** ORS 696.535(1)(h) (2007 Edition), which states that an escrow agent may  
4 be disciplined if they have not delivered, after a reasonable time, to persons entitled thereto,  
5 moneys, documents or other things of value held or agreed to be delivered by the licensee.

6 3 counts

7 **STIPULATION & WAIVER**

8 I have read and reviewed the above findings of fact and conclusions of law which have  
9 been submitted to me by OREA and further, the order which follows hereafter. I understand  
10 that the findings of fact, conclusions of law and this stipulation and waiver embody the full and  
11 complete agreement and stipulation between OREA and Chicago Title. I further understand  
12 that if Chicago Title does not agree with this stipulation Chicago Title has the right to request a  
13 hearing on this matter and to be represented by legal counsel at such a hearing. Hearings are  
14 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance  
15 with the Rules of Practice and Procedure adopted by the Attorney General of the State of  
16 Oregon. Chicago Title freely and voluntarily waives its rights to a hearing, to representation by  
17 legal counsel at such a hearing, and to judicial review of this matter.

18 Chicago Title hereby agrees and stipulates to the above findings of fact and conclusions  
19 of law and understands that the order which follows hereafter may be completed and signed by  
20 the Real Estate Commissioner or may be rejected by the Real Estate Commissioner, in which  
21 case an amended notice of intent may be issued in this matter. I understand that, in  
22 accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
23 the Oregon Real Estate News Journal.

24 **ORDER**

25 IT IS HEREBY ORDERED that, pursuant to ORS 696.585 and based upon the

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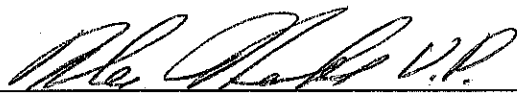
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1 violation(s) set forth above, Chicago Title pay a civil penalty in the sum of \$2,500, said penalty  
2 to be paid to the General Fund of the State Treasury by paying the same to the OREA.  
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6 IT IS SO STIPULATED:

IT IS SO ORDERED:

7  
8 By 



9 MALCOLM NEWKIRK

GENE BENTLEY

10 Title: Vice President, Manager

Real Estate Commissioner

11 Date 1/29/2013

12 Date 1.30.13

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14 DATE of service: 2/1/13  
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