1	REAL ESTATE AGENCY		
2	BEFORE THE REAL ESTATE COMMISSIONER		
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4	In the Matter of the Unlicensed Escrow Activity)		
5	of)		
6	STIPULATED FINAL ORDER		
7	WFG LENDER SERVICES		
8	}		
9			
10	The Oregon Real Estate Agency (Agency) and WFG Lender Services (WFG) do hereby		
11	agree and stipulate to all of the following:		
12	FINDINGS OF FACT, STATEMENTS OF LAW		
13	AND		
14	CONCLUSIONS OF LAW		
15	1.		
16	In establishing the violations set forth herein, the Agency may rely on one or more of the		
17	definitions contained in ORS 696.505.		
18	Findings of Fact:		
19	1.1 At all times mentioned herein, WFG was not licensed to conduct escrow activity		
20	in Oregon. WFG is part of a larger entity and WFG National Title Insurance Company holds an		
21	active Oregon Escrow Agent license.		
22	1.2 In April 2021, the Agency was forwarded a complaint from the Oregon		
23	Department of Consumer & Business Services which had been filed by Sadie Ross (Ross).		
24	The Agency opened an investigation.		
25	1.3 Ross and her husband refinanced their home in October 2020. According to		
26	Ross, she paid \$2,472.96 in additional closing costs to cover property taxes that were due		
27	November 16, 2020. The closing disclosure statement showed "WFG Lender Services" as the		
28	settlement agent for the transaction which closed on October 16, 2020.		
29	1.4 On October 21, 2021, WFG issued Ross's property tax check to Multnomah		
30	County after Ross's closing, but the check was never cashed and WFG issued a stop payment		

1 2 on the check in February 2021. On May 4, 2021, a check was reissued for a higher amount and cleared WFG's account on May 6, 2021.

3 **<u>Statement of Law:</u>** ORS 696.511(1) states a person may not directly or indirectly engage in or carry on, or purport to engage in or carry on, within this state, the business of an 4 5 escrow agent, or act in the capacity of an escrow agent, unless the person holds an active license as an escrow agent under the provisions of ORS 696.505 to 696.590. ORS 696.505(6) 6 7 defines "escrow agent" as a person who engages in the business of receiving escrows for 8 deposit or delivery and who receives or is promised compensation, whether contingent or 9 otherwise, for or in anticipation of performance. ORS 696.505(5) defines "escrow" as a 10 transaction in which any written instrument, money, evidence of title to real or personal 11 property or other thing of value is delivered, for the purpose of paying an obligation or effecting 12 the sale, transfer, encumbrance or lease of real or personal property, to a person who does not 13 otherwise have a right, title or interest in the real or personal property, to be held by that person as a neutral third party until a specified event happens or a prescribed condition is 14 performed, when the written instrument, money, evidence of title or other thing of value is to be 15 16 delivered by the neutral third party to a grantee, grantor, promisee, promisor, obligee, obligor, 17 bailee, bailor or any agent or employee of any of them pursuant to the written instructions of 18 the principals to the transaction. ORS 696.590(1)(a)(b) states: (1) Any person who violates ORS 696.511(1) may be required by the Real Estate Commissioner to forfeit and pay to the 19 20 General Fund of the State Treasury a civil penalty in an amount determined by the 21 commissioner of: (a) Not less than \$500 nor more than \$1,000 for the first offense of 22 unlicensed professional escrow activity; and (b) Not less than \$1,000 nor more than \$3,000 for 23 the second and subsequent offenses of unlicensed professional escrow activity.

<u>Conclusion of Law:</u> WFG acted as an escrow agent during the refinancing of Ross's home on October 16, 2020, without an active escrow agent license, in violation of ORS 696.511(1) (2019 Edition). WFG is subject to a civil penalty under ORS 696.590(1)(a)(b).

The Agency reserves the right to investigate and pursue additional complaints that may be received in the future regarding this entity.

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STIPULATION AND WAIVER

3.

I, WFG, have read and reviewed this Stipulated Final Order and its Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and complete agreement and stipulation between the Agency and WFG. I further understand that if WFG does not agree with this stipulation WFG has the right to request a Hearing on this matter and to be represented by legal counsel at such a Hearing. WFG also understands that any Hearing would be conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. By signing this Stipulated Final Order WFG freely and voluntarily waive WFG's rights to a Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this matter.

14 WFG hereby agrees and stipulates to the above Findings of Fact and Conclusions of Law and understand that the Order which follows hereafter, which I have also read and understand, may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner. I further understand that, in accordance with the provisions of ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News Journal.

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In addition to all of the above, WFG agrees that once the Commissioner executes this 1 Stipulated Final Order, WFG will accept service of the Stipulated Final Order by email, and 2 3 hereby waive the right to challenge the validity of service.

ORDER

5 IT IS HEREBY ORDERED that, pursuant to ORS 696.577, WFG immediately cease 6 and desist from offering to engage in or engaging in the business of an escrow agent as defined in ORS 696.505(5) and (6) unless WFG first obtains an escrow license from the Agency. The Commissioner's authority for this order is under ORS 696.577.

IT IF FURTHER ORDERED that, pursuant to ORS 696.585 or 696.590 and based upon the violations set forth above, WFG pay a civil penalty in the sum of \$500.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

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IT IS SO ORDERED:

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15	DocuSigned by:	DocuSigned by:
16	Donald a. O'Mill 4061B4EB9647495	Steven Strode
17	Donald A. O'Neill	Steve Strode
18	Title: Executive Vice President and Deputy	Real Estate Commissioner
19	General Counsel	
20	WFG Lender Services	
21	Date 4/11/2022 2:36 PM PDT	Date 4/19/2022 7:49 AM PDT
22		
23		Date of Service: 04/19/2022
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	4 of 4 – Stipulated Final Order- WFG Lender Services	