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

12	In the Matter of)	
13	THE COMMISSIONER OF BUSINESS)	
14	OVERSIGHT,)	ORDER BARRING DENA WESTON FROM
15	Complainant,)	ANY POSITION OF EMPLOYMENT,
16	v.)	MANAGEMENT AND CONTROL OF ANY
17	DENA WESTON,)	ESCROW AGENT
18	Respondent.)	
19)	
20)	

21 The Commissioner of Business Oversight (“Commissioner”) finds that:

22 Respondent Dena Weston (“Weston”) was at all relevant times herein, an employee and
23 escrow officer at Carrington Escrow Inc., formerly known as Telsi Escrow, formerly known as
24 Atlantic and Pacific Escrow, Inc. (collectively “Carrington”), an escrow agent licensed by the
25 Commissioner pursuant to the Escrow Law of the State of California (California Financial Code
26 Section 17000 et seq.). Carrington has its principal place of business located at 1610 E. Saint
27 Andrews Place, Suite B-150S, Santa Ana, California 92705.

1 On or about December 3, 2012, the Commissioner commenced a special examination of
2 Weston after the Department of Business Oversight received information from Carrington in March
3 2012 that Weston falsified escrow transactions to misappropriate approximately \$5,900.00 in trust
4 funds for personal use, which Weston admitted.

5 The special examination revealed that Weston had made unauthorized disbursements from
6 Carrington's trust funds to Weston's landlord for rent, in an amount totaling \$5,900.00 between
7 November 15, 2011 and December 7, 2011, in the manner more fully described below:

8 **A. Knowingly Making Unauthorized Disbursements**

9 1. Escrow 003113-DW

10 On or about November 15, 2011, Weston submitted false escrow instructions through email to
11 Carrington authorizing disbursement of \$2,500.00 to her landlord Mark Albers ("Albers"). There
12 were no valid escrow instructions by the principal parties authorizing the disbursement, nor was
13 Albers ever a party to the underlying escrow transaction. Weston's creation of false escrow
14 instructions violates Financial Code sections 17403.2(a), which prohibits the solicitation, addition,
15 deletion, or alteration of escrow instructions unless signed by the principal parties and 17414 (a)(2),
16 which prohibits misstatements or omissions of material facts in escrow documents.

17 On or about November 15, 2011, pursuant to the false escrow instructions provided by
18 Weston, \$2,500.00 was disbursed from Carrington's trust funds to Albers in violation of Financial
19 Code section 17414 (a)(1) and California Code of Regulations, title 10, section 1738 (a). Weston's
20 unauthorized disbursement created a trust shortage of \$2,500.00 in Carrington's trust funds, in
21 violation of California Code of Regulations, title 10, section 1738.1, which prohibits trust shortages.

22 2. Escrow 006941-DW

23 On or about November 18, 2011, Weston created a false escrow transaction using escrow
24 number 006941-DW. Escrow 006941-DW is for a property located at 6875 Wilson, San Marcos,
25 California 92104, which does not exist. Weston created Escrow 006941-DW for the purpose of
26 disbursing Carrington's trust fund money to Albers without authorization, in violation of Financial
27 Code section 17414 (a)(2). Weston achieved this by posting a receipt into Escrow 006941-DW that
28 was intended for another Carrington escrow file. Escrow 006941-DW did not contain any documents

1 indicating the existence of an actual escrow transaction. Instead, the file for Escrow 006941-DW
2 contained a rental application listing Weston as the applicant and also email communications between
3 Weston and Albers regarding rent payment arrangements.

4 On or about November 30, 2011, Weston created a false credit balance of \$5,000.00 in
5 Escrow 006941-DW by posting a receipt that was intended for Escrow 006667-DW, in violation of
6 Financial Code section 17414 (a)(2). As a result of Weston's unauthorized cancellation, there was
7 now a \$0 balance in Escrow 006667-DW.

8 On or about December 7, 2011, Weston falsified an escrow instruction that she emailed to
9 herself and submitted this false escrow instruction to Carrington authorizing disbursement of
10 \$3,400.00 to Albers. Weston's creation of false escrow instructions violates Financial Code sections
11 17403.2 (a) and 17414 (a)(2).

12 On or about December 7, 2011, pursuant to the false escrow instructions provided by Weston,
13 \$3,400.00 was disbursed from Carrington's trust funds to Albers in violation of Financial Code
14 section 17414 (a)(1) and California Code of Regulations, title 10, section 1738 (a). Weston's
15 unauthorized disbursement created a trust shortage of \$3,400.00 in Carrington's trust funds, in
16 violation of California Code of Regulations, title 10, section 1738.1.

17 **B. Knowingly Misstating Escrow Balances**

18 On or about January 10, 2012, in order to cover up the unauthorized cancellation of the
19 \$5,000 that was originally receipted for Escrow 06667-DW, Weston falsified escrow records in the
20 following manner:

21 1. Weston created a false credit balance of \$1,500.00 in Escrow 006667-DW by
22 posting a receipt in the amount of \$1,500.00 that was intended for Escrow 004465-DW, in violation
23 of Financial Code section 17414 (a)(2).

24 2. Weston created a false credit balance of \$2,500.00 in Escrow 006667-DW by
25 posting a receipt in the amount of \$2,500.00 that was intended for Escrow 007091-DW, in violation
26 of Financial Code section 17414 (a)(2).

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1 3. Weston created a false credit balance of \$2,405.00 in Escrow 006667-DW by
2 making an unauthorized transfer of \$2,405.00 from Escrow 3113-DW, in violation of Financial Code
3 section 17414 (a)(1)-(2) and California Code of Regulations, title 10, section 1738 (a).

4 On June 3, 2014, the Commissioner issued a Notice of Intention to Issue Order Pursuant to
5 Financial Code Section 17423 (Bar from Employment, Management, or Control of Any Escrow
6 Agent), Accusation and accompanying documents against Weston and Weston was personally served
7 with those documents on July 31, 2014.

8 There has been no request for a hearing received by the Commissioner and the statutory time
9 period to request a hearing has expired.

10 The above-described violations constitute grounds under California Financial Code section
11 17423 to bar a person from any position of employment, management or control of any escrow agent.

12 THEREFORE, it is hereby ordered that Respondent Dena Weston is barred from any position
13 of employment, management or control of any escrow agent.

14 This Order is effective as of the date hereof.

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16 Dated: August 28, 2014
17 Los Angeles, California

JAN LYNN OWEN
Commissioner of Business Oversight

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19 By _____
20 MARY ANN SMITH
21 Deputy Commissioner
22 Enforcement Division
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