

WAC 208-680-174 What are the designated escrow officer's responsibilities?

(1) The designated escrow officer is responsible for the custody, safety, and accuracy of entries of all required escrow records. He or she retains this responsibility even if he or she has assigned the duties of preparation, custody, recording or disbursing to another person or persons.

(2) The designated escrow officer is responsible for the actions of all employees and the supervision of escrow officers, limited practice officers, and other employees handling escrow transactions. This supervisory responsibility must be exercised within reasonable parameters. For example, a designated escrow officer who is on extended leave may not be reasonably available to supervise the activities of the escrow agent and its employees.

(3) The branch designated escrow officer is responsible for the custody, safety and accuracy of entries of all required escrow records at his or her assigned branch office and at his or her branch is responsible for the actions of the escrow agent and all employees and the supervision of escrow officers, limited practice officers, and other employees handling escrow transactions. The designated escrow officer bears responsibility for all actions of the branch designated escrow officer.

(4) Before issuing a new license reflecting a change of the designated escrow officer or branch designated escrow officer of a licensed escrow agent, the department must receive evidence that the responsibility for preexisting escrows is being transferred to the incoming designated escrow officer or incoming branch designated escrow officer. Such evidence must be demonstrated by a statement signed by both the outgoing and incoming designated escrow officers or branch designated escrow officers that lists all outstanding trust liabilities and certifies that funds in the trust account maintained by the agent are adequate to meet all trust liabilities. This statement must be received by the department before the changeover can occur.

(5) In the event that the outgoing designated escrow officer or branch designated escrow officer is not available to sign the required statement, another principal officer of the escrow agent may sign the statement.

(6) If the department is concerned that the licensee's trust accounting records may not comply with the requirements of WAC 208-680-410, and before accepting a new designated escrow officer or branch designated escrow officer, the department may retain or instruct the licensee to retain a certified public accountant, or other person acceptable to the department, to reconcile the trust account or accounts and report whether they have been maintained in compliance with WAC 208-680-410 and to report on the adequacy of the licensee's internal routines and controls to ensure continuing compliance with WAC 208-680-410.

[Statutory Authority: RCW 43.320.040 and 18.44.410. WSR 13-24-022, § 208-680-174, filed 11/22/13, effective 1/1/14.]