

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Removal and the Prohibition of:

No. 11F-BD001-BNK

3 **MARIA ABEL "MARIBEL" CAMPOS**
4 3431 East Fillmore Street
5 Phoenix, AZ 85008

Respondent.

**SUPERINTENDENT'S FINAL
DECISION AND ORDER**

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7 The Superintendent of Financial Institutions (the "Superintendent") having reviewed the
8 record in this matter, including the Administrative Law Judge Decision attached and incorporated
9 herein by this reference, adopts the Administrative Law Judge's Findings of Fact, Conclusions of Law
10 and Order.

11 ORDER

12 **IT IS ORDERED that Respondent is removed and prohibited from further participation**
13 **in any manner as a director, officer, employee, agent or other person in the conduct of the affairs**
14 **of any financial institution or enterprise in the State of Arizona pursuant to A.R.S. §6-161.**

15 NOTICE

16 The parties are advised that this Order becomes effective immediately and the provisions of this
17 Order shall remain effective and enforceable except to the extent that, and until such time as, any
18 provision of this Order shall have been modified, terminated, suspended, or set aside by the
19 Superintendent or a court of competent jurisdiction.

20
21 DATED this 9th day of December, 2010.

22 
23 _____
24 Lauren W. Kingry
25 Superintendent of Financial Institutions
26
27 ...
28 ...

1 ORIGINAL filed this 9th day of
2 December, 2010, in the office of:

3 Lauren W. Kingry
4 Superintendent of Financial Institutions
5 Arizona Department of Financial Institutions
6 ATTN: June Beckwith
7 2910 North 44th Street, Suite 310
8 Phoenix, Arizona 85018

9 COPY of the foregoing mailed/hand delivered
10 This same date to:

11 Lewis D. Kowal, Administrative Law Judge
12 Office of Administrative Hearings
13 1400 West Washington, Suite 101
14 Phoenix, AZ 85007

15 Craig Raby, Assistant Attorney General
16 Office of the Attorney General
17 1275 West Washington
18 Phoenix, AZ 85007

19 Robert D. Charlton, Assistant Superintendent
20 Arizona Department of Financial Institutions
21 2910 N. 44th Street, Suite 310
22 Phoenix, AZ 85018

23 AND COPY MAILED SAME DATE by
24 Certified Mail, Return Receipt Requested, to:

25 Maria Abel "Maribel" Campos
26 3431 East Fillmore Street
27 Phoenix, AZ 85008

28 BY: June Beckwith

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IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Removal and
Prohibition of:

MARIA ABEL "MARIBEL" CAMPOS
3431 East Fillmore Street
Phoenix, AZ 85008

No. 11F-BD001-BNK

**ADMINISTRATIVE
LAW JUDGE DECISION**

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HEARING: November 18, 2010

APPEARANCES: Assistant Attorney General Craig Raby appeared on behalf of the Arizona Department of Financial Institutions; Maria Able "Maribel" Campos did not appear at the hearing.

ADMINISTRATIVE LAW JUDGE: Lewis D. Kowal

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FINDINGS OF FACT

1. At all times material to this matter, Maria Able "Maribel" Campos ("Ms. Campos") was employed by Lawyers Title Insurance Company ("Lawyers Title") as an assistant to an escrow officer.¹
2. At all times material to this matter, Lawyers Title was licensed as an escrow agent by the Arizona Department of Financial Institutions ("Department").
3. Upon Lawyers Title's discovery that Ms. Campos' supervisor paid funds belonging to a seller to a third party unrelated to the escrow transaction, Lawyers Title conducted an internal audit. As a result of the audit, Lawyers Title discovered defalcations involving escrow files whereby Ms. Campos wrongfully diverted funds from escrow accounts to third parties unrelated to the escrow transactions.
4. The evidence of record established that the defalcations Ms. Campos made involved the use of stale checks.² As reflected in the documentary evidence presented

¹ Ms. Campos was originally employed by Capital Title Agency ("Capital") that was bought by Land America Title Agency ("Land America"). Land America was subsequently merged into Lawyers Title.

² Stale checks are checks issued from an escrow account that have not cleared after a period of time. The underlying funds then escheat to the State.

1 by the Department, Ms. Campos would void stale checks and reissue the checks in the
2 names of third parties who were creditors of Ms. Campos and unrelated to the escrow
3 transactions. The checks would clear and the resulting funds were used for the benefit
4 of Ms. Campos' accounts with those third parties. Subsequently, Lawyers Title provided
5 funds to cover the deficiencies in those escrow transactions, which, as of June 1, 2009,
6 totaled \$49,248.04.

7 5. Lawyers Title brought Ms. Campos' defalcation to the attention of the
8 Department. Based on the information presented by Lawyers Title, the Department
9 decided to institute the instant action against Ms. Campos before the Office of
10 Administrative Hearings, an independent State agency.

11 6. Lawyers Title confronted Ms. Campos with the defalcations, and Ms. Campos
12 acknowledged such activities and represented that she would attempt to reimburse
13 Lawyers Title. To date, Ms. Campos has not made any payments to Lawyers Title to
14 compensate it for its loss. The discovery of the defalcations led to the termination of
15 Ms. Campos' employment with Lawyers Title. Lawyers Title also referred the matter for
16 criminal prosecution, which is currently under review.

17 7. Robert Charlton ("Mr. Charlton"), Assistant Director of the Department, testified:

- 18 a. The Department proceeds against a person under A.R.S. § 6-161 when
19 the public or the industry licensed by the Department are at risk.
- 20 b. The documents obtained from Lawyers Title relating to the defalcations
21 were reviewed by the Department.
- 22 c. In this case, there is a risk that Ms. Campos could be employed by,
23 companies licensed by the Department, and Ms. Campos could be placed
24 in a position of trust that would afford her an opportunity to divert
25 additional funds that would negatively impact the licensed industry and
26 the public.
- 27 d. The potential for future harm and Ms. Campos's personal dishonesty
28 make it is necessary to ensure that Ms. Campos is not able to be
29 employed within the licensed industry.

1 8. Ms. Campos did not present any evidence to refute or rebut the evidence
2 presented by the Department.

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4 **CONCLUSIONS OF LAW**

5 1. Pursuant to A.R.S. Title 6, Chapter 7, the Superintendent of the Department is
6 authorized and has the duty to regulate all persons engaged in the escrow agent
7 business and is to enforce the statutes, rules and regulations applicable to escrow
8 agents.

9 2. The weight of the evidence of record established that Ms. Campos violated the
10 provisions of A.R.S. § 6-834(A) by failing to maintain monies deposited in escrow to be
11 delivered on the close of escrow or on any other contingency in a bank, savings and
12 loan association doing business in the State of Arizona and by failing to keep escrow
13 monies separate, distinct and apart from monies belonging to the escrow agent.

14 3. The weight of the evidence of record established that Ms. Campos, as an
15 employee of an escrow agent, violated the provisions of A.R.S. § 6-841.01(A) by
16 breaching a fiduciary duty owed as a trustee to the owner of monies received or
17 collected and held in escrow and by knowingly and negligently commingling trust
18 monies with the escrow agent's monies or with monies held in any capacity.

19 4. The weight of the evidence of record established that Ms. Campos's conduct, as
20 set forth above, constitutes acts, omissions, and practices which demonstrate personal
21 dishonesty and unfitness to continue in office or to participate in the conduct of the
22 affairs of any financial institution or enterprise within the meaning of A.R.S. § 6-
23 161(A)(1).

24 5. Ms. Campos' violation of the above-mentioned statutes constitutes grounds for
25 the removal and prohibition of Ms. Campos from participating in any manner in the
26 conduct of the affairs of any financial institution or enterprise. See A.R.S. § 6-
27 161(A)(6).

28 6. The Superintendent of the Department has the authority to order the removal
29 and prohibition of Ms. Campos from further participation in any manner as a director,
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1 officer, employee, agent or other person in the conduct of the affairs of any financial
2 institution or enterprise pursuant to A.R.S. § 6-161.

3 **ORDER**

4 On the effective date of the Order entered in this matter, Ms. Campos shall be
5 removed and prohibited from further participation in any manner as a director, officer,
6 employee, agent or other person in the conduct of the affairs of any financial institution
7 or enterprise pursuant to A.R.S. § 6-161.

8 Done this day, December 7, 2010.

9
10 /s/ Lewis D. Kowal
11 Administrative Law Judge

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13 *Note: In the event of certification of the Administrative Law Judge Decision by*
14 *the Director of the Office of Administrative Hearings, the effective date of the Order will*
15 *be 5 days from the date of that certification.*

16 Transmitted electronically to:

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18 Lauren Kingry, Superintendent
19 Arizona Department of Financial Institutions
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