

ESCROW AGENTS' FIDELITY CORPORATION CERTIFICATE APPLICATION

The application for a Certificate shall be denied and any Certificate shall be revoked, if this Application contains any material Misrepresentation of Fact, or if it fails to disclose a Material Fact so as to render the Application false or misleading. [Financial Code §17331.2(a)(1)].

FIRST TIME EMPLOYEES

Certificate Application only, Completed and Executed Live Scan Form*, two (2"x 2") Passport Size Color Photos, and a \$50.00 Check.

*Live Scan forms are available on the EAFC website: www.eafc.org

(Please be advised that the DOJ will report all **CRIMINAL HISTORY**, including those convictions that were subsequently Expunged or Dismissed. Failure to disclose a conviction, as specified in item 16 of the application, will require that EAFC DENY your application.)

RETURNING EMPLOYEES (Employees previously certified by EAFC)

Inactive less than 1 year: Status Notice of Transfer only and a \$10 Check.

Inactive 1 year but less than 2 years: Certificate Application only and a \$25 Check.

Inactive over 2 years but less than 5 years: Certificate Application only and a \$50 Check.

Inactive 5 years and over: Certificate Application only, Completed and Executed Live Scan Form, two (2"x 2") Passport Size Color Photos, and a \$50.00 Check.

Please mail the original application with appropriate fee to:

ESCROW AGENTS' FIDELITY CORPORATION
11150 W. Olympic Boulevard, Suite 840
Los Angeles, CA 90064

Hire Date: _____

Temp/freelance Hire Date: _____

1. Full Legal Name: _____
First Middle Last

2. Home Address: _____
Street Apt. No. City State Zip Code

Mailing Address: _____
Street Apt. No. City State Zip Code

3. Cell/Home Phone: () _____ 4. Place of Birth: _____ 5. Date of Birth: _____
City, State or Country

6. Sex: _____ 7. Eye Color: _____ 8. Hair Color: _____ 9. Height: _____ ' _____ " 10. Weight: _____

11. Social Security #: _____ - _____ - _____ 12. Driver's License or ID #: _____ State: _____

13. Complete Company Name: _____

DFPI Main License #: 963- _____ or 96DBO- _____ DFPI Branch License #: 863 - _____ or 96DBO- _____

Address Where Employed: _____
Street Suite No. City State Zip Code

Company Telephone: () _____ Company Fax: () _____

14. Your Position(s): _____
Stockholder, Corporate Officer, Director, Trustee, Manager, Escrow Officer, Secretary, Receptionist, Etc.

15. Are You Compensated? Yes _____ No _____ Includes: Salary or Any Other Monetary Compensation.

16. Have you ever been **CONVICTED** or plead guilty or nolo contendere to a crime or offense, whether a felony, misdemeanor, or infraction, which involved dishonesty, fraud, deceit, embezzlement, fraudulent conversion, misappropriation of property, or any other crime reasonably related to the qualifications, functions, or duties of a person engaged in business under the escrow law? **YOU MUST ANSWER "YES" OR "NO" AND INITIAL BELOW.***

NO _____ **YES** _____ If "Yes", please attach to this application a written explanation which demonstrates by clear and convincing proof to a reasonable certainty that the conviction is no longer reasonably related to the qualifications, functions, or duties of a person engaged in business in accordance with this division or that person's employment with a member.

Date of Conviction: _____ Case #: _____

Location of Court: _____ Convicted Of: _____

CONVICTED means a verdict of guilty by a judge or jury (by plea or finding), a plea of nolo contendere or a forfeiture of bail. Your DOJ report will list all **criminal history**, including those convictions that were **expunged**. **All convictions** must be **disclosed** even if the plea or verdict was thereafter set aside and the charges against you dismissed or expunged or if you have ever been pardoned. Convictions occurring while you were a minor must be disclosed unless the record of conviction has been sealed under §1203.45 of the California Penal Code or §721 of the California Welfare and Institution Code. If expunged, attach copy of expungement. [FINANCIAL CODE §17331.2(a)(2)].

***INITIAL HERE** _____ I have read and understand what "**convicted**" means.

17. Have you ever been held liable in a civil action by final judgment of any court that involved dishonesty, fraud, deceit, embezzlement, fraudulent conversion, or misappropriation of property or have you been ordered to make restitution to a victim in any criminal case involving a crime or offense set forth in item 16 of this form? [FINANCIAL CODE §17331.2(a)(3)]

No _____ Yes _____ If "Yes", please attach to this application a written explanation which demonstrates by clear and convincing proof to a reasonable certainty that the judgment/restitution order is no longer reasonably related to the qualifications, functions, or duties of a person engaged in business under the escrow law or that person's employment with a member.

Date of Judgment: _____ Case #: _____

Location of Court: _____ Judgment: _____

18. Have you ever committed, or caused to be committed, any act which caused an escrow agent to suffer a loss of trust obligations, or have you ever colluded with any other person committing any act which caused a loss for which EAFC, or an insurer on any crime policy or fidelity bond was liable to indemnify an escrow agent? [FINANCIAL CODE §17331.2(a)(4)]

No _____ Yes _____ If "Yes", attach a detailed explanation of the act.

Date of Occurrence: _____ Name of Company: _____

19. Have you ever been censored, suspended or barred from employment, management or control of any escrow agent (or is there a proceeding now pending by the commissioner to censor, suspend or bar you from employment, management or control of any escrow agent) by order of the Commissioner of the DFPI? [FINANCIAL CODE §17331.2(a)(5) and (b)(1) and (2)]

No _____ Yes _____ If "Yes", state if order or proceeding was to censor, suspend or bar and complete below:

Date of Order: _____ Name of Company: _____

20. Have you ever been disqualified by law from serving in any capacity as a director or an officer, or in any other position involving management duties with a financial institution? Note: financial institutions include banks, savings & loans, thrift and loan companies, credit unions, and trust companies. [FINANCIAL CODE §17331.2(a)(6)]

No _____ Yes _____ If "yes", provide a written description of the facts, circumstances and details of the disqualification.

Date of Occurrence: _____ Name of Company: _____

21. Have you ever been denied coverage or reinstatement by, or caused a loss to, any insurer under any fidelity bond or crime policy? [FINANCIAL CODE §17331.2(a)(7)]

No _____ Yes _____ If "Yes" state: Date of Occurrence: _____

Name of Insurance Company: _____ Was Coverage Reinstated? Yes ___ No ___

22. Have you ever changed your name or ever been known by any name other than the one entered on item 1. of this form?

No _____ Yes _____ If "Yes" answer, list all previous names, the year of change/use, and Reason for Change: Legal Name Change by marriage/divorce/court order, nickname, other (attach full explanation):

<u>Year</u>	<u>Name Changed from</u>	<u>Name Change to</u>	<u>Reason for Change</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

23. Employment history for the **last 10 consecutive years**, including school, unemployment. (attach additional page if needed)

<u>From</u>	<u>To</u>	<u>Company Name and City</u>	<u>Position Held</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

24. Residence history for the **last 10 consecutive years**. (attach additional page if needed)

<u>From</u>	<u>To</u>	<u>Street, City, and State</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

A DISPUTE AS TO WHETHER THE DENIAL OF THIS CERTIFICATE APPLICATION OR ANY SUBSEQUENT SUSPENSION OR REVOCATION OF THE CERTIFICATE IS UNNECESSARY OR UNAUTHORIZED OR WAS IMPROPERLY, NEGLIGENTLY, OR UNLAWFULLY RENDERED, MAY BE DETERMINED BY SUBMISSION TO ARBITRATION AS PROVIDED BY CALIFORNIA LAW, AND NOT BY A LAWSUIT OR RESORT TO COURT PROCESS EXCEPT AS CALIFORNIA LAW PROVIDES FOR JUDICIAL REVIEW OF ARBITRATION PROCEEDINGS OR EXCEPT AS PROVIDED BY SECTION 17331.3 OF THE FINANCIAL CODE. THE APPLICANT MAY, SUBJECT TO AGREEMENT, SUBMIT ANY ISSUE ARISING FROM A DECISION BY FIDELITY CORPORATION TO DENY THIS CERTIFICATE APPLICATION OR TO SUSPEND OR REVOKE THE CERTIFICATE TO BE DECIDED BY BINDING NEUTRAL ARBITRATION. UPON AN AGREEMENT TO SUBMIT TO BINDING NEUTRAL ARBITRATION, THE APPLICANT HAS NO RIGHT TO HAVE ANY DISPUTE CONCERNING THIS CERTIFICATE APPLICATION LITIGATED IN A COURT OR JURY TRIAL NOR ANY JUDICIAL RIGHTS TO DISCOVERY AND APPEAL, EXCEPT AS SPECIFICALLY PROVIDED IN THE ESCROW LAW. ARBITRATION MAY BE COMPELLED AS PROVIDED BY LAW. [FINANCIAL CODE §17331(e)]

Fidelity Corporation shall deny the application for a certificate or revoke the certificate of any person, upon any of the following grounds: (1) The application contains a material misrepresentation of fact or fails to disclose a material fact so as to render the application false or misleading, or if any fact or condition exists which, if it had existed at the time of the original application for a certificate, reasonably would have warranted Fidelity Corporation to refuse originally to issue that certificate. (2) That the person has been convicted of, or pleaded nolo contendere to, a crime or offense, whether a felony, an offense punishable as a felony, or a

misdeemeanor, that involved dishonesty, fraud, deceit, embezzlement, fraudulent conversion, misappropriation of property, or any other crime reasonably related to the qualifications, functions, or duties of a person engaged in business in accordance with this division. A conviction within the meaning of this section is a plea or verdict of guilty or a conviction following a plea of nolo contendere. A conviction also includes an order granting probation and suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Section 1203.4 or 1203.4a of the Penal Code permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. If, however, the conviction is more than 10 years old, or the conviction has been expunged, or the person has obtained a certificate of rehabilitation, or relief under Section 1203.4 or 1203.4a of the Penal Code, or if the conviction was an infraction, then the person may have a Fidelity Corporation certificate upon showing by clear and convincing proof to a reasonable certainty that the conviction is no longer reasonably related to the qualifications, functions, or duties of a person engaged in business in accordance with this division or that person's employment with a member. (3) That the person has been held liable in a civil action by final judgment of any court if the judgment involved dishonesty, fraud, deceit, embezzlement, fraudulent conversion, or misappropriation of property or the person has been ordered to make restitution to a victim in any criminal case involving a crime or offense set forth in paragraph (2). The person may have a Fidelity Corporation certificate upon showing by clear and convincing proof to a reasonable certainty that the judgment or restitution order is no longer reasonably related to the qualifications, functions, or duties of a person engaged in business in accordance with this division or that person's employment with a member. (4) That the person has (A) committed or caused to be committed an act which caused any member to suffer a loss; (B) committed or caused to be committed or colluded with any other person committing any act which caused a loss, for which Fidelity Corporation or the insurer on any insurance policy or fidelity bond purchased by Fidelity Corporation, or both, to become liable to indemnify any member; or (C) committed or caused to be committed an act of dishonesty, fraud, deceit, embezzlement, fraudulent conversion, or misappropriation of property, to the material damage of a member or for which the member has been held liable to any third party, by final judgment. (5) That the person has been barred from employment by final order of the commissioner pursuant to Section 17423. (6) That the person has been deemed not qualified to serve in any capacity as a director or officer or in any other position involving management duties with a financial institution, pursuant to Division 1.8 (commencing with Section 4990). (7) That the person has been denied coverage or reinstatement by any insurer under any fidelity bond or crime policy, unless a decision of reinstatement of coverage has been made after that denial. A person who obtained a decision of reinstatement of coverage prior to the effective date of this section may have a Fidelity Corporation certificate notwithstanding paragraphs (2) and (3) of this subdivision, unless any other ground for denial or revocation applies to that person. [FINANCIAL CODE §17331.2(a)(1)-(7)]

Fidelity Corporation shall suspend the certificate of any person upon either of the following grounds: (1) That the person has been censured or suspended from any position of employment or management or control of any escrow agent, by final order of the commissioner. The certificate suspension shall be for a term concurrent with the final order of the commissioner. (2) That the person has been barred from any position of employment or management or control of any escrow agent, for a term of less than permanent, by final order of the commissioner. The certificate suspension shall be for a term concurrent with the final order of the commissioner. Fidelity Corporation may suspend the certificate of any person under either of the following grounds: (1) That there is an action commenced by the commissioner to either suspend or bar that person, under Section 17423. (2) That any member with whom the person was employed has given a proof of loss or a notice of an occurrence which may give rise to a claim for a loss of trust obligations either of which identifies the person as the person responsible for the loss or as a person acting in collusion with the person causing the loss. [FINANCIAL CODE §17331.2(b)(1)-(2); 17331.2(c)(1)-(2)]

The certificate applied for will at all times remain the property of Fidelity Corporation, and is not transferable by either a member or employee. The certificate is not a warranty or guarantee by Fidelity Corporation of the integrity, veracity, or competence of the person. [FINANCIAL CODE §17331(c)]

The member shall advise EAFC within ten (10) business days of the hire date of a new employee. The penalty is \$25.00 per day for every day that the member is in non-compliance. [FINANCIAL CODE §17331.1(d)]

* * * * *

I acknowledge my continuing obligation to immediately notify EAFC of any material facts, events or changes which affect my current answers to this Certificate Application.

I hereby certify (or declare) under penalty of perjury, under the laws of the State of California, that I have read the foregoing application, and attest that the foregoing application, including any exhibits attached, or filed herewith, and information herein is true and correct.

Date: _____, 20____ Executed at _____, California _____
Original Wet Signature of Applicant

This application has been reviewed by:

Name: _____ Title: _____
(Corporate Officer, Director, Manager or Shareholder Only)

Signature: _____ Date: _____, 20____
(Original Wet Signature of Member Representative Named)