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FILED

February 17, 2022

Department of Real Estate

By 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of) No. H-05273 SD
13)
14 SCOTT CAMERON SMITH,) ACCUSATION
15) Respondent.)
16)

16 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
17 State of California, for cause of Accusation against SCOTT CAMERON SMITH, a.k.a. "Scott
18 Smith" and "Scott C. Smith" ("Respondent"), alleges as follows:

19 1.

20 The Complainant, Veronica Kilpatrick, a Supervising Special Investigator of the
21 State of California, makes this Accusation in her official capacity.

22 2.

23 Respondent presently has license rights under the Real Estate Law, Part 1 of
24 Division 4 of the California Business and Professions Code ("Code"), as a real estate broker
25 (License ID No. 00715713). On June 30, 2021, Respondent's license expired. Pursuant to
26 Code section 10201, Respondent retains renewal rights for two years. The Department of Real
27 Estate holds jurisdiction over the lapsed license, pursuant to Code section 10103.

ACCUSATION

1 (DISCIPLINARY ACTION)

2 3.

3 On or about May 7, 2021, a Settlement Agreement was entered between the
4 Commissioner of Financial Protection and Innovation and Futura Escrow, Inc. ("FEI") and
5 Respondent. FEI was an escrow agent (Escrow License No. 96DBO-41814) licensed by the
6 Department of Financial Protection and Innovation ("DFPI"). At the time, Respondent was the
7 president, owner, and registered agent of FEI.

8 On or about May 18, 2021, pursuant to the Settlement Agreement, the DFPI
9 issued against FEI an Order Revoking Escrow Agent License of FEI ("Revocation Order"), in
10 Escrow License No. 96DBO-41814, OAH Case. No. 2021030410. The DFPI Revocation
11 Order revoked the escrow agent license of FEI as of May 18, 2021.

12 On or about May 18, 2021, pursuant to the Settlement Agreement, the DFPI
13 issued against Respondent an Order Suspending Scott Cameron Smith From Any Position Of
14 Employment, Management, Or Control Of Any Escrow Agent ("Suspension Order"), in
15 Escrow License No. 96DBO-41814, OAH Case. No. 2021030410. The DFPI Suspension
16 Order suspended Respondent from any position of employment, management, or control of any
17 escrow agent for a period of one (1) year, starting May 18, 2021.

18 In the May 7, 2021 Settlement Agreement, Respondent agreed that upon the
19 completion of the one-year suspension, Respondent shall not undertake any position as an
20 escrow manager, corporate officer, director, trustee or stockholder, or act in any such capacity,
21 and/or apply for any such position, with any licensed escrow agent or seek licensure.

22 According to the May 7, 2021 Settlement Agreement, Respondent was subject
23 to disciplinary action for the following violations of the Escrow Law:

- 24 • Financial Code section 17210 for not meeting liquid and tangible
25 requirements;
- 26 • Financial Code section 17200.8 for operating without an approved
27 manager;

ACCUSATION

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- Financial Code section 17202 for cancellation of surety bond;
- Financial Code section 17404 for failing to maintain books and records;
- Financial Code section 17414 for participation in fraudulent transactions, not timely reporting trust fund shortage and embezzlement and unauthorized fees;
- Financial Code section 17406 for failing to submit annual reports;
- Financial Code section 17408 for failing to respond to DFPI Commissioner’s demands;
- California Code of Regulations, title 10 (“Regulations”) section 1737.3 for not retaining records;
- Regulations section 1738.2 for not following written escrow instructions;
- Regulations section 1732.2 for not maintaining bank reconciliation;
- Regulations section 1738 for unauthorized disbursements; and
- Regulations section 1738.1 for debit balances.

4.

The disciplinary action, as described in Paragraph 3 above, constitutes cause under Code section 10177(f) and 10177(g) for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

(FAILURE TO REPORT DISCIPLINARY ACTION)

5.

Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, “any disciplinary action taken by another licensing entity or authority of this state” to the Department of Real Estate (“Department”) within thirty (30) days of the disciplinary action. Respondent failed to report in writing to the Department the disciplinary action described in Paragraph 3 above, within thirty (30) days of the disciplinary action.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of SCOTT CAMERON SMITH under the Real Estate Law, for the costs of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated San Diego, California
this 8 day of February, 2022.

Veronica Kilpatrick

Veronica Kilpatrick
Supervising Special Investigator

cc: SCOTT CAMERON SMITH
Veronica Kilpatrick
Sacto.