

1 **ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS**

2 In the Matter of the Removal and Prohibition of: No. 11F-BD013-BNK

3 **DEANA LEE CHRISTENSEN**
4 No. 236154
5 ASPC – Perryville
6 Santa Rosa Unit
7 2014 N. Citrus Road
8 Goodyear, AZ 85395

CONSENT ORDER

Respondent.

8 On December 6, 2010, the Arizona Department of Financial Institutions (“Department”)
9 issued a Notice of Hearing, alleging that Respondent had violated Arizona law. Wishing to resolve
10 this matter in lieu of an administrative hearing, Respondent does not contest the following Findings
11 of Fact and Conclusions of Law, and consents to the entry of the following Order.

12 **FINDINGS OF FACT**

13 1. Respondent Deana Lee Christensen (“Ms. Christensen”) was employed as an escrow
14 officer by First American Title Insurance Agency of Mohave, Inc. (“First American Title”), at its
15 Bullhead City branch, 2340 Highway 95, Bullhead City, AZ 86442, branch office license number
16 0008451, from on or around 1998 to April 19, 2007.

17 2. First American Title is licensed by the Department as an escrow agent, license
18 number EA-0008447.

19 3. On or around April 18, 2007, First American Title discovered a defalcation of escrow
20 funds at their Bullhead City Branch office. Upon an immediate office visit, file review and
21 interview, Ms. Christensen admitted to diverting escrow funds for her personal use, provided details
22 of some of her activities, and consequently her employment with First American Title was
23 immediately terminated.

24 4. Upon discovery of Ms. Christensen’s defalcation, First American Title immediately
25 initiated an internal investigation and audit of Ms. Christensen’s escrow files. The internal audit
26 revealed that over the course of approximately seven (7) years, Ms. Christensen caused 276 checks

1 to be made payable to a company owned by her husband, who was not a valid payee on any of the
2 escrow files examined. The audit further revealed that 96 of the 102 escrow files examined
3 evidenced the misappropriation of escrow funds resulting from Ms. Christensen's improper escrow
4 practices, including overcharging or manipulation of figures on settlement statements, moving funds
5 from file to file to cover shortages, failing to disburse funds as collected or instructed, failing to
6 request escrow loss checks as and when appropriate, failing to reissue funds appropriately as refunds
7 were received, and portraying one disbursement as another. The audit further revealed that funds
8 embezzled amounted to over six hundred fifty thousand dollars (\$650,000.00).

9 5. On October 25, 2007, a Grand Jury Felony Indictment was filed against Mrs.
10 Christensen in *State of Arizona v. Deana L. Christensen*, Mohave County Superior Court No.
11 CR2007-1599, charging Ms. Christensen with three counts of Theft, a Class 2 Felony, for
12 committing theft of funds belonging to First American Title with a value of \$25,000.00 or more,
13 between January 2004 and January 2006. Ms. Christensen was further charged with one count of
14 Fraudulent Schemes and Artifices, a Class 2 Felony, for knowingly obtaining a benefit by
15 misappropriating over \$100,000 through false accounting, pursuant to a scheme or artifice to
16 defraud.

17 6. On August 18, 2008, a Stipulated Guilty Plea was filed wherein Mrs. Christensen
18 pled guilty to two counts of Theft, a Class 2 Felony, in violation of A.R.S. §§ 13-1802(A)(2), 13-
19 701, and 13-801. The Court accepted Ms. Christensen's guilty plea at the Change of Plea Hearing
20 conducted on August 18, 2008.

21 7. On October 20, 2008, the Court entered its Judgment and Sentence of Imprisonment
22 against Ms. Christensen, finding her guilty of two counts of Theft, a Class 2 Felony, in violation of
23 A.R.S. §§ 13-1802, 13-701 and 13-801, and sentenced Ms. Christensen to a term of imprisonment at
24 the Arizona Department of Corrections for two (2) years beginning on October 20, 2008, as to Count
25 1, and for three and one half (3.5) years as to Count 2, to be served consecutively, for a total
26 incarceration of five and one half (5.5) years. Ms. Christensen was further ordered to pay restitution

1 in the amount of six hundred sixty seven thousand six hundred seventy eight dollars and twelve cents
2 (\$667,678.12).

3 8. On October 31, 2008, the Court entered an Order setting a hearing to re-sentence Ms.
4 Christensen, on the Court's own motion, in order to resolve a sentencing error.

5 9. On November 4, 2008, the Court re-sentenced Ms. Christensen to three (3) years,
6 rather than two (2) years, as to Count 1, and to five and one half (5.5) years rather than three and one
7 half (3.5) years, as to Count 2, to be served concurrently, for a total incarceration of five and one half
8 (5.5) years

9 10. Ms. Christensen is presently incarcerated at the Arizona State Prison Complex –
10 Perryville, in Goodyear, Arizona. She is scheduled for supervised release on April 19, 2013, with
11 supervised release ending on April 18, 2014.

12 CONCLUSIONS OF LAW

13 1. Pursuant to Title 6, Chapter 7, of the Arizona Revised Statutes, the Superintendent
14 has the authority and duty to regulate all persons engaged in the escrow agent business and with the
15 enforcement of statutes, rules, and regulations relating to escrow agents.

16 2. By the conduct set forth above in the Complaint, Ms. Christensen has violated
17 statutes governing escrow agents as follows:

- 18 a. A.R.S. § 6-834(A) by failing to deposit and maintain all monies deposited in
19 escrow to be delivered on the close of the escrow or on any other contingency in a
20 bank, savings bank or savings and loan association doing business in this state and
21 by failing to keep all escrow monies separate, distinct and apart from monies
22 belonging to the escrow agent; and
- 23 b. A.R.S. § 6-841.01(A) by breaching, as an employee of an escrow agent, a
24 fiduciary duty as a trustee to the owner of all monies received or collected and
25 held in escrow and by knowingly and negligently commingling trust monies with
26 the escrow agent's own monies or with monies held in any other capacity.

1 **CONSENT TO ENTRY OF ORDER**

2 1. Respondent acknowledges that she has been served with a copy of the foregoing Findings
3 of Fact, Conclusions of Law and Order in the above-referenced matter, has read the same, is aware
4 of her right to an administrative hearing in this matter, and has waived the same.

5 2. Respondent admits the jurisdiction of the Superintendent and consents to the entry of the
6 Foregoing Findings of Fact, Conclusions of Law and Order.

7 3. Respondent states that no promise of any kind or nature has been made to induce her to
8 consent to the entry of this Order, and that she has done so voluntarily.

9 4. Respondent agrees to refrain from seeking any future employment with any financial
10 institution or enterprise.

11 5. Respondent acknowledges that the acceptance of this Agreement by the Superintendent is
12 solely to settle this matter and does not preclude the Department, any other agency or officer of this
13 state or subdivision thereof from instituting other proceedings as may be appropriate now or in the
14 future.

15 6. Respondent waives all rights to seek judicial review or otherwise to challenge or contest
16 the validity of this Consent Order.

17 DATED this 6th day of January, 2011.

18
19 By Deana Lee Christensen
20 Deana Lee Christensen
Respondent

21 ORIGINAL of the foregoing filed this 12th
22 day of January, 2011, in the office of:

23 Lauren W. Kingry
24 Superintendent of Financial Institutions
25 Arizona Department of Financial Institutions
26 ATTN: Susan L. Longo
2910 N. 44th Street, Suite 310
Phoenix, AZ 85018

1 COPY mailed same date to:

2 Lewis D. Kowal, Administrative Law Judge
3 Office of the Administrative Hearings
4 1400 West Washington, Suite 101
5 Phoenix, AZ 85007

6 Craig A. Raby, Assistant Attorney General
7 Office of the Attorney General
8 1275 West Washington
9 Phoenix, AZ 85007

10 Robert D. Charlton, Assistant Superintendent
11 Arizona Department of Financial Institutions
12 2910 N. 44th Street, Suite 310
13 Phoenix, AZ 85018

14 Deana Lee Christensen
15 No. 236154
16 ASPC – Perryville
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20 Respondent

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23 # 1439296

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