

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Removal and Prohibition of:

No. 07F-BD037-BNK

3 **MARGIE LYNN MEANS**

4 6128 East Quince Street

Mesa, AZ 85215

CONSENT ORDER

5 Respondent.

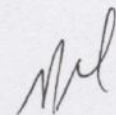
6
7
8 On November 29, 2006, the Arizona Department of Financial Institutions ("Department")
9 issued a Notice of Hearing alleging that Respondent had violated Arizona law. Wishing to resolve
10 this matter in lieu of an administrative hearing, Respondent does not contest the following Findings
11 of Fact and Conclusions of Law, and consents to entry of the following Order.

12 FINDINGS OF FACT

13 1. Respondent Margie Lynn Means ("Ms. Means") was employed as a branch manager
14 and escrow officer at Security Title Agency, Inc. dba Security Title Agency ("Security"), for a
15 period of approximately twenty-one (21) years.

16 2. Security is licensed by the Department as an escrow agent, license number EA-
17 0000878.

18 3. In August of 2003, the Special Investigations Division of Fidelity National Financial,
19 Inc., Security's holding company, discovered Ms. Means had been using her position as a branch
20 manager and escrow officer to divert escrow funds from Security to herself and her daughter. The
21 funds, totaling approximately \$547,268.40, were diverted by Ms. Means between November 1, 1998
22 and December 31, 2003. Ms. Means would issue checks to principals and convert the funds into
23 cashier's checks to conceal the original amount of the payment, with the overage being paid to
24 herself. Ms. Means also ensured that her daughter, Ginger Means, was approved for a loan through
25 Security despite Ginger's status as unemployed.
26



1 4. On April 21, 2004, a State Grand Jury Indictment was filed against Ms. Means in
2 *State v. Margie Lynn Means (001) and Ginger Marie Means (002)*, Maricopa County Superior Court
3 No. CR2004-012974-001-DT, charging Ms. Means with two (2) counts of Fraudulent Schemes and
4 Artifices, a Class 2 Felony, in violation of A.R.S. § 13-2310, and two (2) counts of Theft, a Class 2
5 Felony, in violation of A.R.S. §§ 13-1801 and 13-1802. The Indictment charged Ms. Means with
6 knowingly and unlawfully obtaining funds from Security in excess of \$100,000 between
7 November 1, 1998 and December 31, 2003, by fraudulently diverting money out of Security's
8 escrow accounts for the benefit of Ms. Means and her daughter, Ginger Means.

9 5. On October 1, 2004, the Court accepted a Plea Agreement entered into by Ms. Means,
10 whereby Ms. Means plead guilty to two (2) amended counts of Theft, a Class 3 Felony.

11 6. On November 19, 2004, the Court found Ms. Means guilty of two (2) counts of Theft,
12 a Class 3 Felony, and sentenced her to five (5) years of supervised probation on each count, with the
13 sentences to run concurrently, as well as to serve a six (6) month incarceration term. Ms. Means was
14 also ordered to pay restitution to Security in the amount of \$336,627.91 for funds she unlawfully
15 diverted between November 1, 1998 and December 31, 2003.

16
17 **CONCLUSIONS OF LAW**

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

21 2. By the conduct, set forth above, Ms. Means violated statutes governing escrow agents
22 as follows:

- 23 a. A.R.S. § 6-834(A) by failing to deposit and maintain all monies deposited in escrow
24 to be delivered on the close of the escrow or on any other contingency in a bank,
25 savings bank or savings and loan association doing business in this state and failing to
26 keep all escrow monies separate, distinct and apart from monies belonging to the

1 escrow agent; and

2 b. A.R.S. § 6-841.01(A) by breaching a fiduciary duty as a trustee to the owner of all
3 monies received or collected and held in escrow and by knowingly and negligently
4 commingling trust monies with the escrow agent's own monies or with monies held
5 in any other capacity.

6 3. Ms. Means' conduct, as set forth above, constitutes acts, omissions, and practices
7 which demonstrate personal dishonesty and unfitness to continue in office or to participate in the
8 conduct of the affairs of any financial institution or enterprise and is grounds for removal and the
9 prohibition of Ms. Means within the meaning of A.R.S. § 6-161(A)(1).

10 4. Ms. Means' November 19, 2004 conviction of two (2) counts of Theft, a Class 3
11 Felony, constitutes grounds for the removal and the prohibition of Ms. Means from participating in
12 any manner in the conduct of the affairs of any financial institution or enterprise, pursuant to A.R.S.
13 § 6-161(A)(4).

14 5. Ms. Means' violations of A.R.S. §§ 6-834(A) and 6-841.01(A) constitute grounds for
15 the removal and the prohibition of Ms. Means from participating in any manner in the conduct of the
16 affairs of any financial institution of enterprise, pursuant to A.R.S. § 6-161(A)(6).

17 6. The violations, set forth above, constitute grounds for the Superintendent to order the
18 removal and the prohibition of Ms. Means from further participation in any manner as a director,
19 officer, employee, agent or other person in the conduct of the affairs of any financial institution or
20 enterprise, pursuant to A.R.S. §6-161.

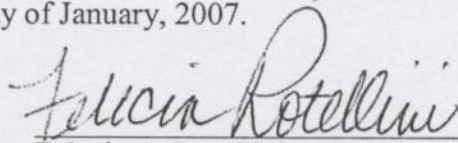
21
22 **ORDER**

23 1. Ms. Means shall be prohibited from further participation in any manner in the conduct
24 of the affairs of any financial institution or enterprise, pursuant to A.R.S. §6-161.

25 2. This Order shall become effective upon service, and shall remain effective and
26 enforceable until such time as, and except to the extent that, it shall be stayed, modified, terminated,

1 or set aside.

2 SO ORDERED this 22nd day of January, 2007.

3 

4 Felicia A. Rotellini
5 Superintendent of Financial Institutions

6 **CONSENT TO ENTRY OF ORDER**

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

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

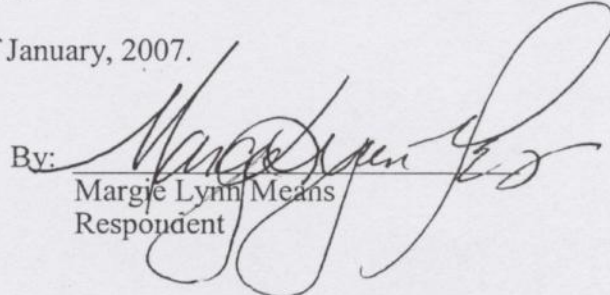
12 3. Respondent states that no promise of any kind or nature has been made to induce her
13 to consent to the entry of this Order, and that she has done so voluntarily.

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

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

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

22 DATED this 8th day of January, 2007.

23
24 By: 
25 Margie Lynn Means
26 Respondent

1 ORIGINAL of the foregoing filed this *22nd*
day of *January*, 2007, in the office of:

2 Felecia A. Rotellini
3 Superintendent of Financial Institutions
4 Arizona Department of Financial Institutions
5 ATTN: June Beckwith
6 2910 N. 44th Street, Suite 310
7 Phoenix, AZ 85018

8 COPY mailed/delivered same date to:

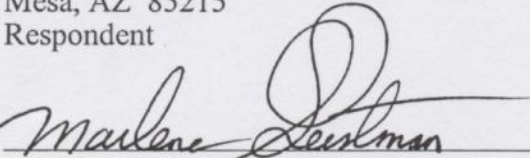
9 Daniel Martin, Administrative Law Judge
10 Office of Administrative Hearings
11 1400 West Washington, Suite 101
12 Phoenix, AZ 85007

13 Erin O. Gallagher, Assistant Attorney General
14 Office of the Attorney General
15 1275 West Washington
16 Phoenix, AZ 85007

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

21 AND COPY MAILED SAME DATE by
22 Certified Mail, Return Receipt Requested, to:

23 Margie Lynn Means
24 6128 East Quince Street
25 Mesa, AZ 85215
26 Respondent


992272; CPA06-271