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WSBA Regulatory Services Dept.

BEFORE THE
LIMITED PRACTICE BOARD
OF THE
WASHINGTON STATE BAR ASSOCIATION

In re

A LYNN RIVERA,

Limited Practice Officer (LPO No. 846).

Proceeding No. LF22-00001

ODC File No. LP22-00003

Voluntary Cancellation in Lieu of Revocation
of A Lynn Rivera (ELPOC 9.2)

A Lynn Rivera, being duly sworn, hereby attests to the following:

1. I am over the age of eighteen years and am competent. I make the statements in this affidavit from personal knowledge.
2. I was admitted as a Limited Practice Officer (LPO) in the State of Washington on June 8, 1987.
3. I have voluntarily cancelled my certification as an LPO from the Washington State Bar Association (the Association) in lieu of further disciplinary proceedings under Rule 9.2 of the Rules for Enforcement of Limited Practice Officer Conduct (ELPOC).
4. Attached hereto as Exhibit A is Disciplinary Counsel's Statement of Alleged Misconduct for purposes of ELPOC 9.2(b). I am aware of the alleged misconduct stated in

1 | Disciplinary Counsel's statement, but rather than defend against the allegations, I wish to
2 | voluntarily cancel my certification as an LPO.

3 | 5. While not admitting to the alleged misconduct contained in Exhibit A, I agree that
4 | the Board could prove by a clear preponderance of the evidence that I committed violations
5 | sufficient to result in the revocation of my LPO certification. ELPOC 9.2(b)(1).

6 | 6. I am submitting with this affidavit a check in the amount of \$1,000 made out to the
7 | Washington State Bar Association as payment for expenses and costs under to ELPOC 9.2(f), or
8 | I am submitting with this affidavit an executed confession of judgment or deed of trust in the
9 | amount of \$1,000.

10 | 7. I agree to pay any additional costs and expenses or restitution that may be ordered
11 | by the Discipline Committee under ELPOC 9.2(g).

12 | 8. I understand that my voluntary cancellation is permanent and that any future
13 | application by me for reinstatement as an LPO is currently barred. If the Supreme Court changes
14 | this rule or an application is otherwise permitted in the future, it will be treated as an application
15 | by one whose certification has been revoked for ethical misconduct, and that, if I file an
16 | application, I will not be entitled to a reconsideration or reexamination of the facts, complaints,
17 | allegations, or instances of alleged misconduct on which this voluntary cancellation was based.

18 | 9. I agree to (a) notify all other professional licensing agencies in any jurisdiction from
19 | which I have a professional license of this voluntary cancellation in lieu of revocation; (b) seek
20 | to resign permanently from any such license; and (c) provide Disciplinary Counsel or the Clerk
21 | with copies of any of these notifications and any responses.

22 | 10. I agree that when applying for any employment or license, I will disclose the
23 | voluntary cancellation in lieu of revocation in response to any question regarding disciplinary

1 action or the status of my limited license to practice law.

2 11. I understand that my voluntary cancellation becomes effective on Disciplinary
3 Counsel's endorsement and filing of this document with the Clerk, and that under ELPOC 9.2(c)
4 Disciplinary Counsel must do so promptly following receipt of this document and either payment
5 of costs and expenses or any executed confession of judgment or deed of trust.

6 12. When my voluntary cancellation becomes effective, I agree to be subject to all
7 restrictions that apply to an LPO whose certification has been revoked.

8 13. Upon filing of my voluntary cancellation, I agree to comply with the same duties
9 under Title 14 of the ELPOC as an LPO whose license has been revoked and comply with all
10 restrictions that apply to an LPO whose license has been revoked.

11 14. I understand that, after my voluntary cancellation becomes effective, it is permanent.
12 I will never be eligible to apply and will not be considered for admission to the practice of law
13 nor will I be eligible for admission or reinstatement for any limited practice of law.

14 15. I certify under penalty of perjury under the laws of the State of Washington that the
15 foregoing is true and correct.

16 2/25/2022
Date and Place

A Lynn Rivera
A Lynn Rivera, Bar No. 846LPO

17 SUBSCRIBED AND SWORN to before me on this 25th day of February, 2022.



May L Cleaver
NOTARY PUBLIC for the state of Washington, residing at
Newcastle, Wa.

My commission expires: 11-16-2024

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ENDORSED BY:



Henry Cruz, Disciplinary Counsel
Bar No. 38799

EXHIBIT A

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7 BEFORE THE
8 LIMITED PRACTICE BOARD
9 OF THE
10 WASHINGTON STATE BAR ASSOCIATION

11 In re

12 **A LYNN RIVERA,**

13 Limited Practice Officer (LPO No. 846).

Proceeding No. LF22-00001

ODC File No. LP22-00003

14 STATEMENT OF ALLEGED
15 MISCONDUCT UNDER ELPOC 9.2(b)(1)

16 The following constitutes a Statement of Alleged Misconduct under Rule 9.2(b)(1) of the
17 Rules for Enforcement of Limited Practice Officer Conduct (ELPOC).

18 **I. ADMISSION TO PRACTICE**

19 1. Respondent A Lynn Rivera was admitted as a Limited Practice Officer (LPO) in the
20 State of Washington on June 8, 1987.

21 **II. ALLEGED FACTS**

22 2. Respondent is the owner of Escrow Services of Washington, LLC (Escrow
23 Services).

24 3. On or about January 29, 2021, the Washington State Department of Financial

1 Institutions, Division of Consumer Service (DFI) licensed Respondent as an escrow officer and
2 Escrow Services as an escrow agent. Escrow Services designated Respondent as its designated
3 escrow officer (DEO).

4 4. As DEO and sole employee of Escrow Services, Respondent is solely responsible
5 for supervising Escrow Services' escrow transactions and escrow accounts.

6 5. Respondent maintained a bank account, ending in 6181, at Key Bank for the deposit
7 of client or third person funds held by Escrow Services.

8 6. In October 2021, Key Bank issued two Notices of Insufficient Funds for
9 Respondent's account ending in 6181. The notices stated that the balance in Respondent's
10 account was not enough to cover checks presented for payment.

11 7. In September and October 2021, Respondent knowingly made multiple
12 unauthorized disbursements of client and/or third person escrow funds via wire transfers to
13 unknown parties unrelated to the client and/or third party. The total loss of client and/or third
14 person escrow funds is estimated to be \$1,968,869.50.

15 8. In October 2021, when closing disbursements from Escrow Services were not being
16 made, Respondent initially explained to clients that Escrow Services' bank account had been
17 hacked. Respondent knew this statement to clients was false at the time it was made.

18 9. On November 10, 2021, Respondent sent two clients an email in which Respondent
19 admitted that "I was not very truthful when I said there was a problem with my bank" and further
20 stated that Respondent had willfully transferred the client funds to unknown parties under duress.

21 10. In a letter dated November 12, 2021 to clients, Respondent stated that Respondent
22 was the victim of extortion, which led to Respondent's failure to disburse escrow funds to the
23 appropriate parties. Respondent further stated in the letter that Respondent was sorry for "this

1 major lapse in judgment” and “unspeakable mistake” and that Respondent would “reimburse
2 every penny that has been taken from the aggrieved party.”

3 11. On November 18, 2021, DFI issued a Temporary Order to Cease and Desist and
4 Take Affirmative Action, ordering Respondent and Escrow Services to, *inter alia*, immediately
5 cease and desist from accepting new escrow service customers and not accept or disperse any
6 funds from the escrow accounts or general operating account. The order is still in effect.

7 12. On February 14, 2022, Respondent changed Respondent’s LPO status to inactive.

8 **III. ALLEGED MISCONDUCT.**

9 13. By knowingly making a false statement of material fact to clients and/or other parties
10 in the course of performing LPO services, Respondent violated Rule 1.7 of the Limited Practice
11 Officer Rules of Professional Conduct (LPORPC), LPORPC 1.10(c), and LPORPC 1.10(i) for
12 violating RCW 18.44.301(4).

13 14. By converting funds belonging to clients and/or third persons for Respondent’s own
14 use, Respondent violated LPORPC 1.12A(b).

15 15. By failing to promptly disburse escrow funds to clients and/or third parties,
16 Respondent violated LPORPC 1.12A(f).

17
18 DATED this 25th day of February, 2022.



19
20 _____
Henry Cruz, Bar No. 38799
Disciplinary Counsel