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BEFORE THE
LIMITED PRACTICE BOARD

In re

JACQUELINE KIMZEY,
(LPO No. 1097).

Proceeding No. 1617-00001

ODC File No. LG14-00005

VOLUNTARY CANCELLATION OF LPO
CERTIFICATION OF JACQUELINE
KIMZEY (ELPOC 9.2)

Jacqueline Kimzey, 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 March 28, 1989.

3. After consultation with my counsel, Dietrich Biemiller, I have decided to voluntarily cancel my LPO certification 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 any such license; and (c) provide disciplinary counsel with copies of any of these notifications
2 and any responses.

3 10. I agree that when applying for any employment, I will disclose the cancellation
4 of my LPO certification in response to any question regarding disciplinary action or the status of
5 my limited license to practice law.

6 11. I understand that my LPO certification revocation becomes effective on
7 Disciplinary Counsel's endorsement and filing of this document with the Clerk, and that under
8 ELPOC 9.2(c) Disciplinary Counsel must do so promptly following receipt of this document
9 and payment of costs and expenses.

10 12. When my LPO certification revocation becomes effective, I agree to be subject
11 to all restrictions that apply to one whose limited practice officer license was revoked.

12 13. Upon filing my LPO certification revocation, I agree to comply with the same
13 duties as an LPO with a revoked license, under ELPOC 14.1 through ELPOC 14.4.

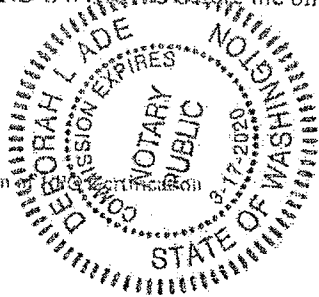
14 14. I understand that after my LPO certification revocation becomes effective, it is
15 permanent. I will never be eligible to apply and will not be considered for admission or
16 reinstatement to the limited practice of law.

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

19 June 20, 2017
20 Sachonmish
21 (Date and Place)

Jacqueline Kimzey
22 Jacqueline Kimzey, LPO No. 10977
23 Respondent

24 SUBSCRIBED AND SWORN to before me on this 20 day of June, 2017.



NOTARY PUBLIC for the state of
Washington, residing at Sachonmish
Deborah L. Ade
WASHINGTON STATE BAR ASSOCIATION
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539
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exp 3/17/2020

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My commission expires: _____

ENDORSED BY:

Jonathan Buske for
 Linda Eide, Managing Disciplinary Counsel
 Bar No. 10637

EXHIBIT A

EXHIBIT A

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BEFORE THE
LIMITED PRACTICE BOARD

In re

JACQUELINE KIMZEY,

Limited Practice Officer

(LPO No. 1097)

Proceeding No. LP17-00001

ODC File No. LG14-00005

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

The following constitutes a statement of alleged misconduct under Rule 9.2(b)(1) of the Rules for Enforcement of Limited Practice Officer Conduct (ELPOC).

I. ADMISSION TO PRACTICE

1. Jacqueline Kimzey, received her certification as a Limited Practice Officer (LPO) on March 28, 1989.

II. ALLEGED MISCONDUCT

2. The Washington Department of Financial Institutions (DFI) also licensed her as an escrow officer. She ran Community Escrow, Inc. (the business) in Lake Stevens, Washington. Together with her employee, Gary Fredrickson, she handled real estate closings.

3. Following an examination of the business's accounts, DFI filed a Statement of Charges (No.C-13-1295-13-SC(1)) against the business and Kimzey in March 2014. Kimzey

1 resolved that matter in June 2015 when she signed a Consent Order individually and as
2 President of the business.

3 4. As a result of the Consent Order, Kimzey and the business agreed to revocation of
4 their licenses as an escrow officer and escrow agent, respectively. Kimzey agreed to pay over
5 \$22,000 in restitution to 30 individuals and she agreed that she was prohibited from
6 participating "in any capacity" as an escrow agent for five years from the date of the Consent
7 Order. She also agreed to pay a fine, investigation fee and examination fee.

8 5. The examination that resulted in the Statement of Charges showed conversion of
9 consumer funds by "1) clearing remaining balances in escrow files; and 2) voiding checks
10 originally payable to consumers and third parties then reissuing the checks to the Agent [the
11 business] for the same or partial amounts."

12 6. Kimzey asserted that former employee Gary Fredrickson was largely responsible for
13 the alleged conversion of consumer's funds held in escrow. She assured DFI examiners that she
14 understood she was ultimately responsible.

15 7. In reviewing records produced after the examiner's visit, the examiner discovered
16 another conversion of consumer funds on May 17, 2013, after Fredrickson's employment
17 terminated and one day after the examiner left the business. The examiner also expressed
18 concern that "[c]onversion of funds is a repeat finding from the 2008 examination." DFI May
19 30, 2013 Report of Investigation at 6.

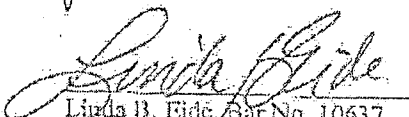
20 8. Kimzey's failure to supervise her former employee, the late Gary Fredrickson
21 violated Rule 1.9 of the Limited Practice Officer Rules of Professional Conduct (LPORPC).
22 (LPO Duties and Authority are not Delegable.)

23 9. By converting the property of clients or third persons and by failing to promptly pay
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or deliver to the client or third person the property to which the client or third person was entitled, Kimzey violated L.PORPC 1.12A(b) and L.PORPC 1.12A(f) (Safeguarding Property),

DATED this 12th day of May, 2017.


Linda B. Eide, Bar No. 10637
Managing Disciplinary Counsel