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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 THE PEOPLE OF THE STATE OF) Case No.:
11 CALIFORNIA, by and through the California)
Corporations Commissioner,)
12)
Plaintiff in Interpleader,) **COMPLAINT IN INTERPLEADER**
13)
14 v.)
15)
16 MARIA VILLAREAL, aka MARIA)
GUADALUPE VILLARRUEL; LOS ALTOS)
LIQUOR STORE, INC., dba, LOS ALTOS)
17 LIQUOR STORE; SAMEER IBRAHIM;)
STATE OF CALIFORNIA BOARD OF)
18 EQUALIZATION; and DOES 1 through 5,)
inclusive,)
19)
Defendants in Interpleader.)
20)

21 Plaintiff, the People of the State of California, by and through the California Corporations
22 Commissioner, alleges as follows:
23

24 1. Dependable Escrow Co. (“Dependable”) was at all relevant times a corporation duly
25 organized and existing under the laws of the State of California and engaged in business as an
26 independent escrow agent. Dependable operated its escrow business under the authority of the
27 California Corporations Commissioner (“Plaintiff” or, alternatively, “Commissioner”) pursuant to the
28 California Escrow Law (“Escrow Law”) (Fin. Code, § 25000 et seq.). Dependable had its principal

1 place of business located at 2001 W. Beverly Boulevard, Montebello, California 90640.

2 2. On or about June 8, 2009, Plaintiff appointed Corporations Examiner of the California
3 Department of Corporations, Yong Hi Kristie Jaynes, as limited conservator over the trust accounts
4 and banking and escrow records pertinent thereto of Dependable pursuant to the authority granted to
5 him under Financial Code section 17630 of the Escrow Law.

6 3. The limited conservator determined, on the basis of her review of Dependable's
7 banking and escrow records, that the available trust funds totaled \$399,930.06 with trust fund
8 liabilities totaling \$493,551.04, resulting in a trust account shortage of \$113,209.04. As a
9 consequence of the trust account shortage, the limited conservator calculated that Dependable's trust
10 fund claimants would receive an 81% pro rata distribution of Dependable's available escrow trust
11 funds.

12 4. Defendant Maria Villareal, aka Maria Guadalupe Villarruel ("Villareal") is or was, at
13 all times relevant hereto, the owner of a liquor store located at 4625 Hooper Avenue, Los Angeles,
14 California 90011, known as Los Altos Liquor, Inc., dba Los Altos Liquor Store and also a party to
15 Dependable escrow number 5801350-MDR.

16 5. Defendant Los Altos Liquor Store, Inc., dba Los Altos Liquor Store ("Los Altos
17 Liquor Store") is, and at all relevant times relevant hereto was, a corporation duly organized and
18 existing under the laws of the State of California. Villareal is or was, at all times relevant hereto, Los
19 Altos Liquor Store's president and secretary.

20 6. Defendant Sameer Ibrahim ("Ibrahim") is or was, and at all times relevant hereto, a
21 resident of Los Angeles County and a party to Dependable escrow number 5801350-MDR.

22 7. Defendant State of California Board of Equalization ("BOE") is an agency of the State
23 of California responsible for the collection of state sales tax from retailers, among other things, and is
24 and was, at all times relevant hereto, a lienholder against defendants Los Altos Liquor Store and
25 Ibrahim.

26 8. Defendants Does 1 through 5, inclusive, are individuals, corporations, partnerships, or
27 other entities whose identities and forms are unknown to Plaintiff, who therefore sues said defendants
28 under such fictitious names, pursuant to the provisions of section 474 of the Code of Civil Procedure.

1 Plaintiff hereby asks leave of the Court to amend this complaint to allege the true names and
2 capacities of such defendants at such time as the same have been ascertained by Plaintiff. Plaintiff is
3 informed and believes and based upon such information and belief alleges that defendants Does 1
4 through 5, inclusive, at all times mentioned herein, are making or have made a claim to the escrow
5 funds described herein below, which is conflicting with the claims of the named defendants herein.

6 9. On or about June 8, 2009, Plaintiff seized funds being held in Dependable's trust
7 account, which included \$40,515.57 (or 81% of \$50,000.00) for Dependable escrow number
8 5801350-MDR.

9 10. The funds described in paragraph 9., above, were deposited into an account held by
10 the California Department of Corporations.

11 11. Contemporaneously with the filing of this complaint, Plaintiff has deposited with the
12 Clerk of the Los Angeles County Superior Court a sum representing the seized funds: \$40,515.57.

13 **Summary of Dependable Escrow Number 5801350-MDR**

14 12. Plaintiff is informed and believes and thereon alleges that:

15 (a) On or about April 23, 2008, defendants Villareal and Ibrahim opened escrow number
16 5801350-MDR with Dependable wherein defendant Villareal was selling her liquor store, Los Altos
17 Liquor Store, including the business' liquor license, to defendant Ibrahim for the sum of \$140,000.00.
18 Defendant BOE had tax liens against defendant Los Altos Liquor Store and that on or about
19 December 24, 2008, BOE filed a demand for payment in Dependable escrow number 5801350-MDR
20 for the full amount of the consideration: \$140,000.00.

21 (b) On information and belief, defendant Ibrahim, took possession of, and began operating
22 Los Altos Liquor Store and was also able to obtain a temporary liquor license, although a permanent
23 liquor license had not been granted due to the pending tax liens against the business.

24 13. On or about August 25, 2009, BOE filed a claim with Plaintiff against Dependable in
25 the amount of \$51,830.84, which BOE claimed to be due and owing in Dependable escrow number
26 5801350-MDR.

27 14. A review of the trust account bank records of Dependable revealed that the sum of
28 \$138,877.64 had been deposited into escrow number 5801350-MDR. Dependable had issued fifteen

1 checks and/or wires and claimed escrow fees totaling \$88,877.64, leaving \$50,000.00 on deposit for
2 escrow number 5801350-MDR, or a pro rata share of \$40,515.57, representing 81% of the available
3 escrow trust funds calculated by the limited conservator.

4 15. The escrow file and records for Dependable escrow number 5801350-MDR are
5 incomplete, such that the limited conservator is unable to ascertain to whom the remaining balance of
6 \$40,515.57 should be paid.

7 16. Commencing in or about August, 2009, Plaintiff had sought to contact the Defendants
8 in Interpleader to determine to whom the remaining escrow funds should be paid. Plaintiff has been
9 unable to contact defendants Villareal, Los Altos Liquor Store or Ibrahim, to determine to whom
10 the claimed escrow trust funds rightfully belong.

11 17. Given the defendants' competing claims for the funds seized from Dependable's trust
12 account, Plaintiff cannot determine which of the Defendants in Interpleader are entitled to the funds
13 and cannot pay any part of the funds without risk of being sued by each of the defendants herein.

14 18. Plaintiff files this interpleader action in good faith without any collusion with any of
15 the parties hereto. Plaintiff claims no interest in the funds seized from Dependable. In seizing the
16 funds, Plaintiff acted to restrain further dissipation of trust funds held by Dependable.

17 **Prayer for Relief**

18 WHEREFORE, Plaintiff prays for judgment against Defendants in Interpleader and each of
19 them as follows:

20 1. That the Defendants in Interpleader and each of them be required to interplead and
21 litigate among themselves their claims to the funds described above.

22 2. That the Court determine and enter an order setting forth the proper recipients of the
23 funds.

24 3. That Plaintiff, and his employees and agents be discharged from any and all liability
25 on account of the claims of the Defendants in Interpleader and each of them.

26 4. That Plaintiff be dismissed from this action with prejudice following payment of the
27 proceeds into the registry of the Court.

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5. For such other and further relief as the Court deems just and equitable under the circumstances.

DATED: October 25, 2011
Los Angeles, CA

PRESTON DuFAUCHARD
California Corporations Commissioner

By _____
BLAINE A. NOBLETT
Senior Corporations Counsel
Attorneys for Plaintiff