

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL & PROFESSIONAL REGULATION
DIVISION OF FINANCIAL INSTITUTIONS**

In the Matter of:)
Donald Kindwald) 18TI103
)

To: Donald Kindwald
105 W. Madison St.
Ste. 1800
Chicago, IL 60602

ORDER OF REVOCATION

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, DIVISION OF FINANCIAL INSTITUTIONS (“Division”), having conducted an investigation of the activities of Donald Kindwald (“Kindwald”) pursuant to its authority under Section 21 of the Title Insurance Act, 215 ILCS 155/1 to /25 (“Act”), and Section 10-65 of the Illinois Administrative Act, 5 ILCS 100/1-1 to /15-10 (“APA”), hereby issues this **Order of Revocation** (“Order”) for violations of the Act.

STATUTORY PROVISIONS

1. Section 21(a)(1) of the Act states in relevant part:

The Secretary may refuse to grant, and may suspend or revoke, any certificate of authority, registration, or license issued pursuant to [the] Act or may impose a fine for a violation of this Act if he determines that the holder of or applicant for such certificate, registration or license:

* * *

(1) has intentionally made a material misstatement or fraudulent misrepresentation in relation to a matter covered by this Act;

2. Section 21(a)(7) of the Act states, in relevant part:

The Secretary may refuse to grant, and may suspend or revoke, any certificate of authority, registration, or license issued pursuant to [the] Act or may impose a fine for a violation of this Act if he determines that the holder of or applicant for such certificate, registration or license:

* * *

(7) has committed fraud or misrepresentation in applying for or procuring any certificate of authority, registration, or license issued pursuant to this Act.

3. Section 21(a)(14) of the Act states, in relevant part:

The Secretary may refuse to grant, and may suspend or revoke, any certificate of authority, registration, or license issued pursuant to [the] Act or may impose a fine for a violation of this Act if he determines that the holder of or applicant for such certificate, registration or license:

* * *

(14) has engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

4. Section 21(e) of the Act states, in relevant part:

...In cases of suspension or revocation of registration pursuant to subsection (a), the Secretary may, in the public interest, issue an order of suspension or revocation which shall take effect upon service of notification thereof.

5. Section 23(a) of the Act states;

Any violation of any of the provisions of this Act and, beginning January 1, 2013, any violation of any of the provisions of Article 3 of the Residential Real Property Disclosure Act shall constitute a business offense and shall subject the party violating the same to a penalty of \$1000 for each offense.

FACTUAL FINDINGS

6. On or about April 5, 2016, Kindwald filed an application with First American Title Insurance Company ("First American") to register as a Title Insurance Agent in the State of Illinois. *See* Exhibit A, attached hereto and made a part of this Order.
7. On the application, Kindwald answered "No" to question 20 of the application asking whether "the individual agent or a business entity's officers, directors, members, partners or shareholders (other than a public corporation) [has] ever been the subject of a disciplinary action by this Department or any other regulator of title insurance business." *See* Exhibit A.

8. On or about November 5, 2012 the Division issued a Cease and Desist Order to Bell Funding Group, Ltd. (Bell) for engaging in unlicensed activity under the Illinois payday Loan Reform Act. *See* Exhibit B. Kindwald was either an officer, director, members partner or shareholder of Bell.
9. On or about September 11, 2013, Kindwald entered a settlement with the Department and agreed to pay \$7,500. *See* Exhibit C.
10. The November 5, 2012 Cease and Desist Order is considered disciplinary action pursuant to the Act.

LEGAL FINDINGS

11. Based on the foregoing, the Department finds that Kindwald has intentionally made a material misstatement or fraudulent misrepresentation in his application to register as a Title Insurance Agent with First American Title Insurance Company, and has engaged in dishonorable, unethical, or unprofessional conduct pursuant to Section 21(a)(1), (7), and (14) of the Act.
12. Pursuant to Section 10-65(d) of the APA the DFI finds that the actions taken by Kindwald described in Paragraphs 6 through 10 hereof this Order require immediate **REVOCATION** of Kindwald's registration as a title agent in order that the public interest, safety, and welfare be protected.

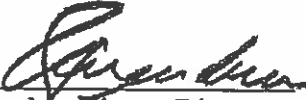
NOW THEREFORE IT IS HEREBY ORDERED:

Kindwald registration as a title agent authorized to conduct business in the State of Illinois shall be and hereby is **REVOKED**, pursuant to Section 21(a)(1), (7), and (14) of the Act.

That Kindwald pay a penalty of \$1,000.

Pursuant to Section 21.2(a) of the Act, service by mail shall be deemed complete when the Order is deposited as registered or certified mail in the post office, postage paid, addressed to the last known address specified in the application for the certificate of authority to do business or certificate of registration of the holder or registrant. Pursuant to Section 21(d) of the Act, Kindwald may request, in writing, a hearing on the Order within 30 days of the date of service.

ORDERED THIS 27 DAY OF March, 2018.


Francisco Menchaca, Director
Illinois Department of Financial and Professional Regulation
Division of Financial Institutions

Application - Title Insurance Agent

Name	First American Title Insurance Company
Credential	Title Insurance Agent

Title Insurance Instructions

The Illinois Department of Professional Regulation Title Insurance Section is excited to announce the arrival of our new Title Agent Registration and Maintenance system. With this system, we greatly hope to enhance our ability to register Title Agents in a timely manner.

IDFPR Online offers the capability to log into our web-site and manage both new Title Agent applications as well as cancellations. Once a Title Agent application is approved, it will be added to department's license lookup listing.

Our ultimate goal is to have a much more efficient and user friendly process in place.

Follow the instructions provided at the top of the page to apply for your new Title Agent Registration.

Please have all documentation and contracts available as a pdf or image file prior to beginning the application process.

Please note that question numbers will always be sequential but numbers may be skipped based on previous answers. Questions that have a "*" by them are mandatory.

If you are unable to complete your application in one session, feel free to use the red "Save and Process Later" button in the lower right of the window, this will also take you back to the Application Home Screen.

Use the "Next" and "Previous" buttons in the lower left window to proceed through the application.

To return to a specific part of the application click the section tabs on the left hand side of the screen.

Should you have any questions regarding this process please feel free to contact the IDFPR at 312-814-2000.

Title Insurance Agency Type

- Select the Entity Type for this Title Agent. Press the "Next" button below to proceed with the application.
Individual

Title Insurance Entity - Individual

- What is the Title Agent's First Name
Donald J

- What is the Title Agent's Last name?
Kindwald

- List the Title Agent Birth Date
07/11/1961

- Individual TaxID
332603163

- Pursuant to the Illinois Administrative Procedures Act [5 ILCS 100/10-65(c)], applications for registration shall include applicant's social security number and the applicant shall certify under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order. Failure to certify shall result in disciplinary action, and making a false statement may subject the applicant to contempt of court. Is the agent more than 30 days delinquent in complying with a child support order (Note: If the agent is not subject to a child support order answer No.) ?
No

Title Insurance Agency/Agent - Main Info

- Title Agent Business Name
Donald J. Kindwald

- Address Line 1 (No PO Boxes)
105 W. Madison Street



13. Address Line 2/Suite
Suite 1800

14. City
Chicago

15. Title Agent State
Illinois

16. Title Agent Zip Code
60602

17. Title Agent - Phone
(312) 229-1675

18. Title Agent Email Address
djk@kindwaldlaw.com

19. Contact Person for this Title Insurance Agent
Donald J. Kindwald

Title Insurance Agent - Has been disciplined

20. Has the individual agent or a business entity's officers, directors, members, partners or shareholders (other than a public corporation) ever been the subject of a disciplinary action by this Department or any other regulator of title insurance business? If yes, please give a detailed explanation.

No

Title Insurance Agent - Documentation

21. Please upload the fully executed Statement by Agent document.
Statement Donald J Kindwald.pdf

22. Please upload the fully executed Individual Affidavit document.
Affidavit Donald J Kindwald.pdf

Title Company Representative - Part A

23. As the Company's undersigned representative, I hereby: 1. Acknowledge that: a. the company has provided training or instruction to the Agent, is responsible for keeping the Agent informed about the Illinois Title Insurance Act, the rules and any subsequent changes; b. pursuant to the act and its rules and the law of agency in the State of Illinois, the company may be ultimately liable for the actions of the Agent; c. pursuant to the act and its rules, the company shall notify the Department of changes in the Agent's contact information; 2. Certify that: a. the undersigned personally reviewed the Agent's application; b. that the application was submitted within a reasonable period of time such that the Department can register the Agent within 30 days of the signing of the agency agreement by the Agent; c. that if the Agent is an attorney at law, s/he is currently authorized to practice in Illinois; d. that if the Agent is a business entity that it is properly registered with the Illinois Secretary of State e. that if errors and omissions insurance coverage is required by the Company, that the Agent has provided proof thereof; f. that the application is complete and all other information has been verified; g. that the company knows of no reason why the Agent should not be registered; and 3. I further state that these representations are true and correct to the best of my knowledge and belief and that I am legally authorized to acknowledge and certify the above.

Yes

Title Company Representative - Part B

24. Name of Person Completing Application
Julie Smith

25. Title Company Representative - Phone
(800) 399-3003

26. Title Representative Email Address
julsmith@firstam.com

Review of Your Application Responses

From: Adrian Vuckovich [mailto:av@cb-law.com]
Sent: Wednesday, September 11, 2013 1:04 PM
To: Goeking, Janet
Subject: FW: Bell Funding

Sorry about that.

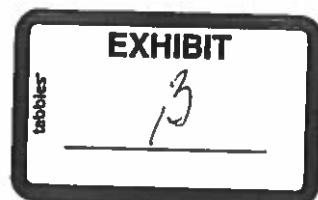
From: Adrian Vuckovich
Sent: Wednesday, September 11, 2013 12:39 PM
To: 'janet.goeking@ill.gov'
Subject: Bell Funding

Dear Janet,

In follow up to our conversation of last week, I wanted to make a settlement offer in writing to the Department. The offer is as follows:

1. Bell will not engage in any loan transaction unless licensed and authorized to do so by the Department.
2. Bell will not pursue collection of any unpaid interest or principal from any borrower.
3. Bell will provide a written cancellation to all borrowers, cancelling and negating any obligation to repay principal and or interest to Bell.
4. Bell will pay 7500.00 dollars in monthly payments of 500.00 dollars beginning in November.

Please let me have your comments. Thank you for your attention to this matter. Adrian Vuckovich



Goeking, Janet

From: Goeking, Janet
Sent: Wednesday, September 11, 2013 3:08 PM
To: 'Adrian Vuckovich'
Subject: RE: Bell Funding

Dear Mr. Vuckovich:

The Department accepts your offer to settle this matter for \$7,500 under the terms provided in your email below. Please send your monthly payments, made payable to IDFP or Division of Financial Institutions, to:

Paul Vasilakos, Consumer Credit Supervisor
Division of Financial Institutions
100 W. Randolph, 9th Floor
Chicago, IL 60601

Your client's schedule of payments is as follows:

1. \$500 due 11/30/13
2. \$500 due 12/31/13
3. \$500 due 1/31/14
4. \$500 due 2/28/14
5. \$500 due 3/31/14
6. \$500 due 4/30/14
7. \$500 due 5/31/14
8. \$500 due 6/30/14
9. \$500 due 7/31/14
10. \$500 due 8/31/14
11. \$500 due 9/30/14
12. \$500 due 10/31/14
13. \$500 due 11/31/14
14. \$500 due 12/31/14
15. \$500 due 1/31/15

Per item number 3, please provide written cancellation to all borrowers, cancelling and negating any obligation to repay principal and or interest to Bell, within 60 days of this agreement. Please notify us if there is any reason you cannot meet this deadline.

Thank you for your assistance in resolving this matter. Should you have any questions, you may contact me at the number or email below until Friday, September 13. After September 13, please direct questions to Paul Vasilakos at 312-793-2176 or Sam Sandoval at 312-814-6161.

Regards,
Janet

Janet Goeking
Division of Financial Institutions
100 W. Randolph St., 9th Floor
Chicago, Illinois 60601
Phone: (312) 814-2015
Fax: (312) 814-8672
Email: janet.goeking@illinois.gov

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL & PROFESSIONAL REGULATION
DIVISION OF FINANCIAL INSTITUTIONS**

In the Matter of)
Bell Funding Group, Ltd.) No. 12 CC 560
)

To: Bell Funding Group, Ltd.
105 W. Madison Street
Suite 1800
Chicago, IL 60602

CEASE AND DESIST ORDER

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, DIVISION OF FINANCIAL INSTITUTIONS (“Department”), having conducted an examination of facts related to activities performed by Bell Funding Group, Ltd. (“Bell”), pursuant to the Payday Loan Reform Act, 815 ILCS 122/1 et.seq., and the Consumer Installment Loan Act, 205 ILCS 670/1 et.seq., hereby issues this order:

STATUTORY PROVISIONS

A. Payday Loan Reform Act (“PLRA”)

1. Section 1-15(a) of PLRA states, in pertinent part:

[T]his Act applies to any lender that offers or makes a payday loan to a consumer in Illinois. 815 ILCS 122/§1-15(a).

2. Section 1-10 of PLRA states, in pertinent part:

“Lender” and “licensee” mean any person or entity, including any affiliate or subsidiary of a lender or licensee, that offers or makes a payday loan, buys a whole or partial interest in a payday loan, arranges a payday loan for a third party, or acts as an agent for a third party in making a payday loan, regardless of whether approval, acceptance, or ratification by the third party is necessary to create a legal obligation for the third party, and includes any other person or entity if the Department determines that the person or entity is engaged in a transaction that is in substance a disguised payday loan or a subterfuge for the purpose of avoiding this Act. 815 ILCS 122/§1-10.

3. Section 3-3(a) of PLRA states, in pertinent part:

[A] person or entity acting as a payday lender must be licensed by the Department as provided in this Article. 815 ILCS 122/§3-3(a).

4. Section 4-10(e) of PLRA states, in pertinent part:

The Secretary [of the Department] may issue a cease and desist order to any licensee or other person doing business without the required license, when in the opinion of the



Secretary the licensee or other person is violating or is about to violate any provision of this Act or any rule or requirement imposed in writing by the Department as a condition of granting any authorization permitted by this Act. 815 ILCS 122/§4-10(e).

B. Consumer Installment Loan Act ("CILA")

5. Section 1 of CILA states, in pertinent part:

License required to engage in business. No person, partnership, association, limited liability company, or corporation shall engage in the business of making loans of money in a principal amount not exceeding \$40,000, and charge, contract for, or receive on any such loan a greater rate of interest, discount, or consideration therefor than the lender would be permitted by law to charge if he were not a licensee hereunder, except as authorized by this Act after first obtaining a license from the Director of Financial Institutions (hereinafter called the Director). 205 ILCS 670/§1.

6. Section 20.5(a) of CILA states, in pertinent part:

The Director may issue a cease and desist order to any licensee, or other person doing business without the required license, when in the opinion of the Director, the licensee, or other person, is violating or is about to violate any provision of this Act or any rule or requirement imposed in writing by the Department as a condition of granting any authorization permitted by this Act. 205 ILCS 670/§20.5(a).

7. Section 20.5(b) of CILA states, in pertinent part:

The Director may issue a cease and desist order prior to a hearing. 205 ILCS 670/§20.5(b).

8. Section 20.5(h) of CILA states, in pertinent part:

The powers vested in the Director by this Section are additional to any and all other powers and remedies vested in the Director by law, and nothing in this Section shall be construed as requiring that the Director shall employ the power conferred in this Section instead of or as a condition precedent to the exercise of any other power or remedy vested in the Director. 205 ILCS 670/§20.5(h).

FACTUAL FINDINGS

9. On or about July 10, 2012, Bell was engaged in the business of offering, making, or arranging PLRA loans to Illinois consumers.
10. On or about July 10, 2012, Bell was engaged in the business of offering, making, or arranging CILA loans to Illinois consumers.
11. From March 2012 through October 2012, Bell filed at least 45 civil actions in the Circuit Court of Cook County for the State of Illinois, in efforts to collect PLRA or CILA loans it previously issued to consumers.

12. On or about October 30, 2012, Bell had two advertisements posted on www.craigslist.org offering PLRA and CILA loans to Illinois consumers, which are attached hereto as Exhibit A.
13. On or about November 1, 2012, Bell solicited applications for PLRA and CILA loans to Illinois consumers through its website, www.bellfundinggroup.com.
14. Bell has never been licensed by the Department to offer, make, or arrange PLRA loans to Illinois consumers.
15. Bell has never been licensed by the Department to offer, make, or arrange CILA loans to Illinois consumers.

LEGAL FINDINGS

16. Bell violated Section 3.3 of the Payday Loan Reform Act by offering, making, or arranging PLRA loans to Illinois consumers without first applying for, and obtaining the required license from the Department.
17. Bell violated Section 1 of the Consumer Installment Loan Act by offering, making, or arranging CILA loans to Illinois consumers without first applying for, and obtaining the required license from the Department.

NOW IT IS HEREBY ORDERED:

- I. Pursuant to Section 4-10(e) of the Payday Loan Reform Act, Bell shall immediately **CEASE AND DESIST** offering, making, or arranging PLRA loans to consumers in Illinois.
- II. Pursuant to Section 20.5 of the Consumer Installment Loan Act, Bell shall immediately **CEASE AND DESIST** offering, making, or arranging CILA loans to consumers in Illinois.
- III. Bell is ordered to **PRODUCE DOCUMENTS** to the Department consisting of any and all records, files, account statements, communications, and documents containing information relevant to the accounts of all active and inactive Illinois consumers. Bell shall provide copies of all print and electronic advertising, mailings, fliers, email communications, website pages, and any other type of solicitation or advertisement that Bell is using or has used to solicit consumers in Illinois. All documents requested pursuant to this paragraph shall be produced by **November 19, 2012**, and delivered to the Consumer Credit Supervisor at the Illinois Department of Financial and Professional Regulation, Division of Financial Institutions, 100 W. Randolph Street, 9th Floor, Chicago, IL 60601.

Pursuant to Section 4-10(e) of PLRA and Section 20.5(c) of CILA, notice shall be made either personally or by certified mail. Service by certified mail shall be deemed completed when the notice

is deposited in the U.S. mail. Bell may request, in writing, a hearing on the Order within 15 days after the date of service.

Dated this 5th day of November 2012

Roxanne Nava / by 88

Roxanne Nava, Director
Division of Financial Institutions

[chicago craigslist](#) > [city of chicago](#) > [services offered](#) > [financial services](#)

[email this posting to a friend](#)

Need a small personal loan ? Credit bad? (Chicago)

Date: 2012-10-30, 9:41AM CDT

Reply to: see below

No credit check loans. Near 100% approval rate.
Call or email Jimmy at 312.473.2235 or jimmy@bellfundinggroup.com
Bell Funding

- Location: Chicago
- it's NOT ok to contact this poster with services or other commercial interests

PostingID: 3345173829

No contact info?

if the poster didn't include a phone number, email, or other contact info, craigslist can notify them via email.

[Send Note!](#)

please flag with care: [?]

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[prohibited](#)

[spam/overpost](#)

[best of craigslist](#)



[chicago craigslist](#) > [city of chicago](#) > [services offered](#) > [financial services](#)

[email this posting to a friend](#)

Need Money ? Credit Bad? (CHICAGO)

Date: 2012-10-30, 4:38PM CDT

Reply to: see below

Call Jimmy at Bell Funding

312.473.2235

- Location: CHICAGO
- it's NOT ok to contact this poster with services or other commercial interests

PostingID: 3341216828

No contact info?

if the poster didn't include a phone number, email, or other contact info, craigslist can notify them via email.

[Send Note!](#)

please flag with care: [?]

[miscategorized](#)

[prohibited](#)

[spam/overpost](#)

[best of craigslist](#)

CERTIFICATE OF SERVICE

UNDER PENALTY OF PERJURY, as provided by law, Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that on November 5, 2012, I caused copies of the foregoing Cease and Desist Order to be served on the parties named below, by causing the same to be sent via certified mail to the following:

Bell Funding Group, Ltd.
105 W. Madison Street
Suite 1800
Chicago, IL 60602



Janet Goeking
Affiant