

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

SPRINGFIELD, ILLINOIS

\_\_\_\_\_  
IN THE MATTER OF: )

Nationwide Biweekly Administration, Inc.)  
a/k/a Loan Payment Administration )  
855 Lower Bellbrook Road )  
Xenia, OH 45385 )  
\_\_\_\_\_ )

No. 2015-DB-01

**ORDER TO CEASE AND DESIST  
AND ASSESSMENT OF CIVIL PENALTY**

The SECRETARY OF THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION ("Secretary"), hereby issues to Nationwide Biweekly Administration, Inc., 855 Lower Bellbrook Road, Xenia, Ohio, this ORDER TO CEASE AND DESIST ("Order").

**FINDINGS**

THE SECRETARY IS OF THE OPINION AND FINDS:

1. Nationwide Biweekly Administration, Inc., 855 Lower Bellbrook Road, Xenia, Ohio, ("NBA"), in or about at least the year of 2014, has engaged in marketing to and soliciting prospective Illinois customers to change to NBA's mortgage loan biweekly payment program ("Program");
2. As part of the Program, NBA has delivered or caused to be delivered certain marketing or solicitation materials to a customer of an existing Illinois state-chartered bank;
3. These marketing or solicitation materials use the name of an existing Illinois state-chartered bank;
4. Section 46(d) of the Act provides that unless otherwise expressly permitted by law, no person, firm, partnership or corporation may use the name of an existing bank when marketing to or soliciting business from customers or perspective customers if the reference to the existing bank is made without the consent of the existing bank;

5. NBA has used a name of an existing Illinois state-chartered bank when marketing to or soliciting business from customers or perspective customers for the Program. Specifically, the marketing or solicitation materials for the Program were delivered to an established customer of the named existing Illinois state-chartered bank by NBA in the marketing or solicitation materials for the Program;
6. The existing Illinois state-chartered bank whose name is used in the marketing or solicitation materials for the Program did not originate or endorse to these marketing or solicitation materials or otherwise consent to the use of its name in these marketing or solicitation materials;
7. The Secretary previously issued Order to Cease and Desist No. 2002-BBTC-70, effective September 20, 2002, against NBA to cease and desist from using the name of any existing Illinois state-chartered bank in connection with marketing or solicitation materials in the state of Illinois, absent express consent from such existing Illinois state-chartered bank and complete compliance with all provisions of Section 46(d) of the Illinois Banking Act; and
8. Order to Cease and Desist No. 2002-BBTC-70, effective September 20, 2002, has been neither modified nor terminated.

## **CONCLUSIONS**

BASED ON THE ABOVE FINDINGS, THE SECRETARY IS OF THE OPINION AND CONCLUDES:

- A. NBA has violated and continues to violate Section 46(d) of the Act;
- B. Order to Cease and Desist No. 2002-BBTC-70, effective September 20, 2002, against NBA is in full force and effect; and
- C. This Order is authorized and warranted by Sections 46(d), 48(6), and 48(8) of the Act.

## **ORDER**

BASED ON THE FINDINGS AND CONCLUSIONS STATED ABOVE, IT IS HEREBY ORDERED:

- I. NBA shall CEASE AND DESIST from using the name of any existing Illinois state-chartered bank or any similar name of an existing Illinois state-chartered bank in connection with marketing or solicitation materials in violation of Section 46(d) of the Act;

- II. NBA is assessed a civil penalty in the amount of \$500.00 which shall be paid by electronic transfer of funds, certified check or money order payable to Illinois Department of Financial and Professional Regulation, Division of Banking no later than 60 days after this Order is effective;
- III. This Order shall be effective on the date it is signed and the provisions of this Order shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this Order shall have been modified, terminated, suspended or set aside by the Secretary, or a court of competent jurisdiction; and
- IV. This Order and each and every provision hereof shall not bar, estop, or otherwise prevent the Department of Financial and Professional Regulation from taking any other action affecting NBA or any other person.

ORDERED THIS 18 DAY OF March, 2015.

Pursuant to delegated authority.

By:



Michael J. Mannion  
Director  
Division of Banking  
Illinois Department of Financial and  
Professional Regulation

You are hereby notified that this Order is an administrative decision. Pursuant to 38 Ill. Adm. Code, Section 392, any party may file a request for a hearing on an administrative decision. The request for a hearing shall be filed within 10 days after the receipt of an administrative decision. Notice must be served upon the Secretary by causing a copy of said Notice to be delivered to the Illinois Department of Financial and Professional Regulation, Division of Banking, 320 West Washington Street, Springfield, Illinois, 62786. A hearing shall be held within 30 days after the receipt by the Secretary of a request for a hearing. Absent receipt of a request for a hearing as set forth above, this Order shall constitute a final administrative Order subject to the Administrative Review Law [735 ILCS 5/3-101, *et seq.*].