

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKING**

IN THE MATTER OF:

LOAN MODIFICATION ASSISTANCE

Attention: Alex Perea

P.O. Box 557962

4352 W. Fullerton

Chicago, Illinois 60639

)
) 2010-MBR-CD16
)
)
)
)

ORDER TO CEASE AND DESIST & ASSESSING FINE

The Illinois Department of Financial and Professional Regulation, Division of Banking (“Department”) hereby issues to Loan Modification Assistance a/k/a LMA Mortgage (“LMA”) this ORDER TO CEASE AND DESIST & ASSESSING FINE (“Order”). This Order is authorized by and issued pursuant to the provisions of Sections 1-3(d-1) & (e) and 4-1 (h-1) of the Residential Mortgage License Act of 1987 (“RMLA”) [205 ILCS 635].

FINDINGS OF FACT

The Department makes the following Findings of Fact:

1. That RMLA Section 1-3(a) requires any person, partnership, association, corporation or other entity to obtain an Illinois residential mortgage license to engage in the business of brokering, funding, originating, servicing, or purchasing of residential mortgage loans;
2. That the RMLA was amended by P.A. 96-0112, effective July 31, 2009 to enact changes for mortgage loan originators required by the federal Secure and Fair Enforcement Act for Mortgage Licensing Act of 2008 (“SAFE Act”);
3. That the U.S. Department of Housing and Urban Development (“HUD”) published on December 15, 2009 “SAFE Mortgage Licensing Act: HUD Responsibilities Under the SAFE Act; Proposed Rule” in which HUD expressed the view that third-party loan modification specialists are within the licensing requirements of the SAFE Act, subject to public comment and final rule adoption, but states are empowered to act within their contemporary interpretations of state licensing laws implementing SAFE Act provisions and are permitted to exceed the minimum requirements of the SAFE Act;

4. That the Department has continued to receive an escalating number of complaints from consumers and others of unlicensed companies and individuals taking up-front and/or excessive fees, providing limited or no services for these fees, failing to refund unearned fees, and placing consumers at further risk of losing their homes through foreclosure by failing to timely obtain loan modifications or communicate status with consumers;
5. That the Department has determined that the RMLA, as amended by the SAFE Act provisions of P.A. 96-0112, authorizes the licensing and regulation of residential loan modification services by entities and individuals and as consistent with the purpose of protecting consumers under the RMLA;
6. That the Department has posted two public notifications on its website www.idfpr.com consisting of a “Statement Regarding Loan Modification Services” and a “Statement Regarding Attorneys Performing Mortgage Loan Modifications;”
7. That the Department identified LMA through a referral of a consumer complaint from the Brighton Park Neighborhood Council; the complaint indicated that LMA solicited the consumer with an offer to modify the consumer’s loan within 90 days for a \$2,000 loan modification services fee and that the consumer paid an up-front \$1,000 deposit toward said fee to Alex Perea (“Perea”) on behalf of LMA; the consumer stated that LMA and Perea failed to provide the consumer with a loan modification and refused to return said deposit; the Department through Consumer Services and Investigation inquiries and interviews verified violations of the RMLA both as to the LMA, an unlicensed company, and Perea holding Loan Originator Registration No. 031.00006877 but sponsored by another licensed company; based upon the Department’s findings, an enforcement issue was created for LMA and Perea;
8. That no person, partnership, association, corporation, or other entity except a licensee under RMLA or an entity exempt from licensing pursuant to Section 1-4, subsection (d) of RMLA shall do any business under any name or title, or circulate or use any advertising or make any representation or give any information to any person, which indicates or reasonably implies activity within the scope of RMLA; and
9. That the Department has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur as to LMA providing loan modification services as an unlicensed entity and that the LMA has committed a business offense.

CONCLUSIONS OF LAW

Based on the Findings of Fact, the Department makes the following Conclusions of Law:

LMA has violated RMLA Sections 1-3(a), (d-1), and (e), 4-1(h-1), 7-1, and 7-1A and Section 1050.310(a) of the rules promulgated under the RMLA by performing loan modification services without holding an Illinois residential mortgage license, and without employing licensed mortgage loan originators properly sponsored by LMA to perform those services for Illinois homeowners.

NOW THEREFORE IT IS HEREBY ORDERED:

LMA by and through its owners, officers, directors, employees, and agents, shall immediately cease and desist from performing loan modification services and is assessed a fine in the amount of \$25,000 for violating the Act and Rules as cited herein payable by certified check or money order within thirty (30) days of the effective date of this order to the:

**Department of Financial and Professional Regulation
Division of Banking
ATTN: FISCAL DIVISION
320 West Washington, 6th Floor
Springfield, IL 62786**

ORDERED THIS _____ DAY OF _____, 2010

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
BRENT E. ADAMS, SECRETARY
DIVISION OF BANKING

JORGE A. SOLIS, DIRECTOR

You are hereby notified that this Order is an administrative decision. Pursuant to 205 ILCS 635/4-12 and 38 Ill. Adm. Code 1050.1510 *et seq.* any party may file a request for a hearing on an administrative decision. The request for a hearing and \$500 hearing fee shall be filed within 10 days after the receipt of an administrative decision. The request for hearing must include an explicit admission, denial or appropriate response to each allegation or issue contained in the administrative decision pursuant to 38 Ill. Adm. Code 1050.1570. A hearing shall be held on the administrative decision by the Department of Financial and Professional Regulation, Division of Banking. Absent a request for a hearing, this Order shall constitute a final administrative Order subject to the Administrative Review Law [735 ILCS 5/3-101 *et seq.*].

State of Illinois (
 (ss:
 County of Cook (

The undersigned, being duly sworn on oath, states that on ____/____/____, I mailed with sufficient postage affixed, a copy of the foregoing **ORDER TO CEASE AND DESIST & ASSESSING FINE** by regular and certified mail, return receipt requested at 122 S. Michigan Avenue, Suite 1900, Chicago, Illinois 60603, to the address of the Licensee registered with IDFPR Division of Banking listed below:

AFFIANT

Subscribed and sworn to before me,

this ____ day of _____, 2010

NOTARY PUBLIC

MAIL TO:

LOAN MODIFICATION ASSISTANCE
Attention: Alex Perea
P.O. Box 557962
4352 W. Fullerton
Chicago, Illinois 60639

SERIAL #7008 0500 0000 9231 2322