

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

IN THE MATTER OF:)
)
FINANCIAL ASSOCIATES OF AMERICA) No. 2011-MBR-CD-14
309 S. Main St.)
Royalton, IL 62983)

ORDER TO CEASE AND DESIST & ASSESSING FINE

The Illinois Department of Financial and Professional Regulation, Division of Banking (“Department”) hereby issues to FINANCIAL ASSOCIATES OF AMERICA (“FAA”) this ORDER TO CEASE AND DESIST & ASSESSING FINE. 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 (“Act”) [205 ILCS 635] and the rules promulgated thereunder (“Rules”) [38 Ill. Adm. Code 1050].

FINDINGS OF FACT

The Department makes the following Findings of Fact:

1. That the Department received a consumer inquiry in its Licensing Section on May 3, 2011 asking whether FAA was properly licensed to provide the services FAA advertised on its website www.faahelp.com (“Website”). The Licensing Section reviewed the Department’s licensing records and found that FAA was not licensed under the Act and referred the matter to the Investigations Section;
2. That the Department’s Investigation Section opened an investigation of FAA, confirming that FAA was unlicensed entity per Department records, and reviewing the content of FAA’s Website. The assigned investigator (“Investigator”) noted in the investigatory report that FAA was advertising on its Website as being a “mortgage lender” and “full service Financial Lender” and offering to find consumers the best loan program for buying a home or refinancing a mortgage and to help consumers qualify, apply, and be approved for mortgage loans;
3. That the Investigator next attempted to contact FAA about its advertising and called the local and toll free telephone numbers listed for FAA on its Website but received an outgoing recorded message indicating that the numbers belonged to “FAA” and instructed the caller to leave contact information via a voicemail message;
4. That the Investigator then attempted to find out information about FAA through its mailing address of 309 S. Main Street, Royalton, Illinois 62983 and contacted Royalton

City Hall. The Investigator learned that this was the address of the local U.S. Post Office and later confirmed this with the U.S. Postal Inspector's Office along with the additional information that FAA did not have or operate through a P.O. Box at the Royalton, Illinois Post Office; and

5. That the Investigator closed the investigation and an enforcement issue was created for FAA upon the Department's evidence of FAA committing violations of the Act and Rules by engaging in mortgage broker and/or mortgage banker activities without possessing an Illinois residential mortgage license and for engaging in unlicensed, misleading and deceptive advertising.

CONCLUSIONS

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

1. FAA has violated Sections 1-3(a) and 3-3(a) of the Act and Sections 1050.910 and 1050.950 of the Rules by engaging in mortgage broker and/or mortgage banker activities without possessing an Illinois residential mortgage license and for engaging in unlicensed, misleading and deceptive advertising;
2. The Director has reasonable cause to believe that an unsafe, unsound, or unlawful practices have occurred, are occurring, or are about to occur with respect to FAA pursuant to Sections 1-3 (d-1) and 4-1 (h-1) of the Act; and
3. FAA has committed a business offense pursuant to Section 1-3(e) of the Act.

NOW THEREFORE IT IS HEREBY ORDERED:

Financial Associates of America, by and through its owners or members, officers, directors, employees, and agents, shall immediately cease and desist from advertising and engaging in residential mortgage activities subject to the Act and Rules, including holding itself out to the public or others that is available to provide said activities, without first obtaining an Illinois residential mortgage license, and shall be assessed and pay a fine in the amount of \$25,000 within thirty (30) days from the effective date of this Order by certified check or money order payable to the Department at 320 W. Washington Street, Springfield, IL 62786.

ORDERED THIS 8TH DAY OF JUNE, 2011

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

MANUEL FLORES, 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 (certified check/money order) shall be filed at 320 W. Washington Street, Springfield, IL 62786, 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.*].