

4. Section 1-3(e) of the Act provides that any person, partnership, association, corporation or other entity who violates any provision of this Section commits a business offense and shall be fined an amount not to exceed \$25,000.
5. Section 1-4 (p) of the Act defines “Loan Broker” or “Broker” as a person, partnership, association, corporation or limited liability company, not lawfully exempt from the Act, who performs the activities described in subsections (c), (o), and (yy) of the Act.
6. Section 1-4(yy) of the Act defines “loan modification” to mean for compensation or gain, either directly or indirectly offering or negotiating on behalf of a borrower or homeowner to adjust the terms of a residential mortgage loan in a manner not provided for in the original or previously modified loan.
7. The Mortgage Rescue Fraud Act (“MRFA”) [765 ILCS 940] requires any person who, directly or indirectly, for compensation from a distressed owner, makes any solicitation, representation, or offer to perform loan modification activities to provide distressed owners statutorily defined contract terms and notice rights and refrain from taking an interest in the distressed owner’s home or securing advance payments prior to performing the contracted for service.

FACTUAL FINDINGS

8. On August 28, 2013, the Department was contacted by an investigator from the State of Hawaii Division of Financial Institutions concerning the investigation of COMMON LAW OFFICE for advertising on its website (www.usacommonlaw.com) that the company has an Illinois presence. The investigator also indicated that Common Law Office is affiliated with Mortgage Enterprise Investments whose website is www.mortgageenterpriseinvestments.com.
9. The Department’s investigation found COMMON LAW OFFICE is not licensed by the Department to act as a residential mortgage licensee.
10. The Department’s investigation found Mortgage Enterprise Investments advertised that it only works with COMMON LAW OFFICE’S customers.
11. The Department’s investigation found COMMON LAW OFFICE’S website offers to stop foreclosures and provide services to negotiate fair and affordable mortgage reductions.
12. The Department’s investigation found COMMON LAW OFFICE’S and Mortgage Enterprise Investment’s websites advertise to offer mortgage reduction services and foreclosure assistance.
13. The Department’s investigation found that the Mortgage Enterprise Investment’s website indicates that the customers’ \$500-\$1000 initial set up fee will be refunded if the company cannot reduce the customer’s mortgage service payment by 50% of the current mortgage payment.

LEGAL CONCLUSIONS

COUNT I

14. COMMON LAW OFFICE OF AMERICA, without a license, through its agents, solicited, advertised and offered loan modification services. COMMON LAW OFFICE OF AMERICA is in violation of Sections 1-3(a) & (b) of the Act.

COUNT II

15. COMMON LAW OFFICE OF AMERICA solicited, advertised and offered to accept an upfront payment for loan modification services it was to perform in violation of Sections 1-3(a) & (b) of the Act and Section 50(a)(1) of the MRFA. COMMON LAW OFFICE OF AMERICA is in violation of Sections 1-3(a) & (b) of the Act and Section 50(a)(1) of the MRFA.

NOW IT IS HEREBY ORDERED THAT,

1. COMMON LAW OFFICE OF AMERICA, an unlicensed entity and by and through its principals and agents, shall **CEASE AND DESIST** from soliciting, advertising or offering to modify residential mortgage loans, and engaging in any other licensable activities under the Act pursuant to Section 1-3(d-1) of the Act.
2. COMMON LAW OFFICE OF AMERICA shall pay a **FINE** in the amount of \$25,000 as authorized under Section 1-3(e) of the Act. The fine is 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 W. Washington, 5th Floor
Springfield, Illinois, 62786**

ORDERED THIS 25TH DAY OF NOVEMBER, 2013

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
MANUEL FLORES, ACTING SECRETARY

DIVISION OF BANKING

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 \$250 hearing fee by certified check or money order shall be filed with the Department at 320 West Washington Street, 5th Floor, Springfield, IL 62786, ATTN: Loan Originator Section 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.*].