

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

IN THE MATTER OF: )  
 ) **No. 2019-MLO-CD-01**  
**JAMES HAMILTON** )  
American Homeowners Alliance, Inc. )  
5535 N. Lincoln Ave., Apt. 402 )  
Chicago, Illinois 60625 )

**ORDER TO CEASE AND DESIST FROM UNLAWFUL  
RESIDENTIAL MORTGAGE ACTIVITIES**

NOW COMES the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, Division of Banking (the “Department”), having reviewed the conduct of **JAMES HAMILTON (“HAMILTON”)** in connection with his residential mortgage activities with American Homeowners Alliance, Inc (“American Homeowners Alliance”), 5535 N. Lincoln Ave., Apt. 402, Chicago, Illinois 60625, and having found violations of the Residential Mortgage License Act of 1987 (the “Act”) [205 ILCS 635] hereby issues this **ORDER TO CEASE AND DESIST FROM UNLAWFUL RESIDENTIAL MORTGAGE ACTIVITIES**.

**STATUTORY PROVISIONS**

1. Section 1-4(jj) of the Act defines the “mortgage loan originator” as an individual who for compensation or gain or in the expectation of compensation or gain (i) takes a residential mortgage loan application, or (ii) offers or negotiates terms of a residential mortgage loan. Included in the definition are individuals who participate in residential mortgage loan modification activities.
2. 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.
3. Section 7-1A of the Act states, in part, it is unlawful for any individual to act or assume to act as a mortgage loan originator, as defined in subsection (jj) of Section 1-4 of the Act, without obtaining a license from the Department.
4. Section 7-13 of the Act provides a list of prohibited acts and practices for mortgage loan originators, including conducting any business covered by this Act without holding a valid license as required under this Act.
5. Section 7-11(c) of the Act authorizes the Secretary to issue a cease and desist order to compel the mortgage loan originator to comply with this Act or any other applicable law.

### FACTUAL FINDINGS

6. HAMILTON was never registered or licensed by the Department to act as a loan originator or mortgage loan originator.
7. American Homeowners Alliance, in which HAMILTON owns and serves as president of, is not licensed, and at no time has been licensed, by the Department to act as a residential mortgage licensee.
8. On September 5, 2019, the Department became aware that HAMILTON was representing a consumer in negotiations of a loan modification.
9. Further investigation found that on both Linkdin and Facebook HAMILTON advertised that American Homeowners Alliance was in the business of loan modifications.

### LEGAL CONCLUSIONS

BASED UPON THE ABOVE ALLEGATIONS, THE DEPARTMENT FINDS:

10. HAMILTON is in violation of Sections 7-13(6), of the Act.

### NOW IT IS HEREBY ORDERED THAT:

JAMES HAMILTON shall **CEASE AND DESIST** from engaging in mortgage loan originating activities, including loan modifications, in the State of Illinois pursuant to Section 7-11(c) of the Act.

ORDERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
DIVISION OF BANKING

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CHASSE REHWINKEL  
ACTING DIRECTOR

**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, 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.*].**