

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

In the Matter of:)	
)	
I.F.D.A. Services, Inc.)	ORDER TO CEASE
215 South Grand Avenue West)	AND DESIST
Springfield, IL 62704)	
)	2008-DB-37
)	
)	

ORDER TO CEASE AND DESIST

The Director of the Department of Financial and Professional Regulation, Division of Banking (the "Director") hereby issues to I.F.D.A. Services, Inc. ("IFDA"), 215 South Grand Avenue West, Springfield, Illinois this ORDER TO CEASE AND DESIST ("Order"). This Order is authorized and issued pursuant to the provisions of Section 5-1(b) of the Corporate Fiduciary Act [205 ILCS 620/5-1(b)] (the "Act").

FINDINGS OF FACT

The Director makes the following Findings of Fact:

1. IFDA is an Illinois corporation with a place of business at 215 South Grand Avenue West, Springfield, Illinois.
2. IFDA holds itself out to the public through its own actions and those of its agents as an entity available to act as a fiduciary in Illinois.
3. IFDA accepts or undertakes to perform the duties of a fiduciary as a significant part of its regular business by serving as trustee pursuant to pre-need funeral trust agreements with Illinois consumers as beneficiaries.

4. IFDA does not have a certificate of authority to conduct a trust business under the Act.
5. Section 2-4 of the Act [205 ILCS 620/2-4] provides that it is unlawful to conduct a trust business in Illinois without first having obtained a certificate of authority.
6. Currently, a deficit may exist in the balance of the trust assets in the custody of the IFDA.
7. On May 13, 2008 the Director ordered the IFDA to cease and desist from conducting a "trust business."
8. The IFDA is currently transitioning its trust business to an authorized trustee.
9. As the IFDA, including all trust assets and income, transitions its trust business to an authorized trustee, and as IFDA financial matters are evaluated, any disbursement, expenditure, payout, dividend, liquidation, loan, refund or other disposition of IFDA assets or income, other than those for administrative expenses or claims, may imperil obligations owed by the IFDA to approximately 49,000 people in the State of Illinois.
10. The current financial condition of IFDA cannot be determined until such time as an actuarial study of IFDA can be performed.
11. Except as necessary for administrative and operational expenses and for the payment of individual burial claims, dispositions, payouts or withdrawals from IFDA cannot occur.
12. There is a likelihood that substantial harm to the citizens of Illinois will result if assets or funds are paid out prior to the determination of whether IFDA's financial condition is adequate to permit it to fulfill its fiduciary obligations.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Director makes the following CONCLUSION:

IFDA has violated Section 2-4 of the Act.

NOW THEREFORE IT IS HEREBY ORDERED:


1. Except as necessary for the IFDA's administrative operations and for the payment of individual burial claims, the IFDA shall cease and desist from any action to disburse, expend, payout, dividend, liquidate, loan, refund or in any other way alienate funds currently in its possession until further order of the Director.

ORDERED THIS 7th DAY OF July 2008.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois;
DEAN MARTINEZ, SECRETARY

DIVISION OF BANKING

By:


Director

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. A hearing shall be held within 30 days after the receipt by the Secretary of a request for a hearing. Absent a request for a hearing, this Order shall constitute a final administrative Order subject to the Administrative Review Law [735 ILCS 5/3-10 1 *et seq.*].