

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

In the matter of:)	
)	
NATIONAL HOMEOWNER SERVICES)	ORDER TO CEASE
)	AND DESIST
)	
P.O. Box 815766)	2020-DB-05
Dallas, TX 75381)	

ORDER TO CEASE AND DESIST

The Illinois Department of Financial and Professional Regulation (the "Department"), having conducted an examination of facts related to National Homeowner Services ("NHS") with a mailing address of P.O. Box 815766, Dallas, TX 75381, and having found that NHS has committed a violation of Section 46(d) of the Illinois Banking Act [205 ILCS 5/] (the "Act"), hereby issues this ORDER pursuant to Section 46(d) of the Act.

FINDINGS OF FACT

The Secretary makes the following Findings of Fact:

1. NHS operates a business with a mailing address of P.O. Box 815766, Dallas, TX 75381;
2. As of November 12, 2020, NHS is unlicensed in the State of Illinois and does not hold any license registered with the Nationwide Multistate Licensing System & Registry ("NMLS");
3. NHS has been mailing marketing materials and solicitations for offers of a mortgage protection program to customers of the Community State Bank of Rock Falls (the "Bank");
4. In these mailings of marketing materials and solicitations, NHS uses the Bank's name;
5. The Bank has not granted NHS permission to use the name of the Bank in NHS's marketing materials or solicitations for business;
6. Section 46(d)(1) of the Act provides:

unless otherwise expressly permitted by law, no person, firm, partnership, or corporation may use the name of an existing bank when marketing to or soliciting business from customers or prospective customers if the reference to the existing bank is made without the consent of the existing bank.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, it is CONCLUDED:

1. NHS has violated Section 46(d)(1) of the Act.

NOW THEREFORE IT IS HEREBY ORDERED:

1. Pursuant to Section 46(d)(2) of the Act, NHS shall CEASE AND DESIST from using the name of any bank in its marketing materials and solicitations in Illinois until such time NHS has been granted express consent and permission; and
2. If after this directive from the Secretary, NHS persists in using any bank names in its marketing materials and solicitations without bank permission, the Secretary may impose a civil penalty of up to \$10,000 for each violation of Section 46(d). Each instance in which the marketing material or solicitation is sent to a customer or prospective customer shall constitute a separate violation of these provisions.

ORDERED THIS 12th DAY OF NOVEMBER, 2020.

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DEBORAH HAGAN, SECRETARY

DIVISION OF BANKING

By:


Chasse Rehwinkel
Acting Director

You are hereby notified that this Order is an administrative decision. Pursuant to 38 Ill. Adm. Code, Part 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.].