

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

SPRINGFIELD, ILLINOIS

In the Matter of:

SYMMETRY FINANCIAL GROUP, LLC

Mortgage Protection Division

P.O. Box 57

Swannanoa, NC 28778

Mortgage Protection Center

PO Box 9001

Burlington, NC 27216-9925

**ORDER TO CEASE
AND DESIST**

ORDER TO CEASE AND DESIST

The Illinois Department of Financial and Professional Regulation, (the “Department”), having conducted an examination of facts related to Symmetry Financial Group, LLC (“Symmetry”) with a mailing address of either P.O. Box 57, Swannanoa, NC 28778, or P.O. Box 9001, Burlington, NC 27216, and having found that Symmetry 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. Symmetry operates a business with a mailing address at either P.O. Box 57, Swannanoa, NC 28778, or P.O. Box 9001, Burlington, NC 27216;
2. As of June 6, 2016 Symmetry held license number 100365365 with the Illinois Department of Insurance;
3. Symmetry has been sending marketing materials and solicitations for offers of Mortgage Life Insurance to Pan American Bank (“the Bank”) clients using the Bank’s name in these mailings and solicitations;

4. The Bank has received multiple complaints from its customers alleging that the Bank has been furnishing confidential information to outside parties;
5. The Bank has not granted Symmetry permission to use the name of the Bank in Symmetry's marketing materials or solicitations for business; and
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. Symmetry 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, Symmetry shall CEASE AND DESIST from using the name of any bank in its marketing materials and solicitations in Illinois until such time Symmetry has been granted express consent and permission; and
2. If after this directive from the Secretary, Symmetry 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 8th DAY OF June, 2016.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of
Illinois;
BRYAN SCHNEIDER, SECRETARY

DIVISION OF BANKING



By: Kerri A. Doll
Acting 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.].