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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE
OF THE STATE OF IDAHO**

In re Mortgage Loan Originator License
Application of:

KIMBERLY JEAN WALKER,
NMLS ID No. 1023125,

Applicant.

Docket No. 2024-16-14

**ORDER DENYING MORTGAGE
LOAN ORIGINATOR LICENSE
APPLICATION AND NOTICE OF
THE OPPORTUNITY TO APPEAL**

The Director of the State of Idaho, Department of Finance (“Department”), pursuant to Idaho Code §§ 26-31-306(1)(d); 26-31-306(1)(h); 26-31-313(1)(a) and/or 26-31-313(1)(b) of the Idaho Residential Mortgage Practices Act (“Act”), hereby issues this Order Denying Mortgage Loan Original Application and Notice of Opportunity to Appeal (“Order”). The applicant may appeal this Order and have a hearing on her qualifications for a license, if the applicant makes a written request within fifteen (15) days of the mailing of this Order.

FINDINGS OF FACT

1. Kimberly Jean Walker (“Applicant”), a resident of the state of California, applied for an Idaho Mortgage Loan Originator (“MLO”) license through the online Nationwide Mortgage

Licensing System and Registry (“NMLSR”) under NMLS No. 1023125. This application was attested to by the Applicant on July 29, 2024, and submitted by Michael Banner Rhyne of Zenta Mortgage Services, LLC on the same date.

2. The application Form MU4 seeks information on an applicant’s qualifications to be licensed as an MLO, and the “Disclosure Questions” section specifically requests information pertaining to an applicant’s financial, criminal, civil, judicial, and regulatory history.

3. In response to disclosure question (D), “Do you have any unsatisfied judgments or liens against you?” the Applicant responded, “No.”

4. As part of its regular application review under Idaho Code § 26-31-316, the Department obtained a public records background check through LexisNexis on August 2, 2024, to determine the Applicant’s fitness to be licensed.

5. The report showed a Midland Credit Management Inc. judgment of \$6,777.75 (Case No. M-CV-0084062) rendered on August 25, 2023, in the Placer County California Superior Court, which had not been disclosed on the Applicant’s Form MU4. The Department obtained a copy of the judgment from the Placer County Superior Court website and verified with the court that the judgment remained unsatisfied.

6. On August 2, 2024, the Department informed the Applicant that it had obtained judgment information that required disclosure on Question (D) of the Form MU4. The Department provided notice of intent to deny the application in four (4) weeks based on the inaccurate application, unless the Applicant could provide documentation showing the judgment was not subject to disclosure because it was resolved prior to the application date. The Applicant was also provided the opportunity to withdraw the application and reapply with a corrected application. The Applicant did not respond.

7. Based upon its investigation, the Department has concluded that the judgment against the Applicant described above has not been satisfied.

FINDINGS AND CONCLUSIONS OF LAW

8. The allegations set forth in paragraphs 1 through 7 above are fully incorporated herein by this reference.

9. Idaho Code § 26-31-304 provides that an individual shall not engage in the business of a mortgage loan originator without first obtaining, and maintaining annually, a license.

10. Idaho Code § 26-31-305(1) provides that an applicant for a mortgage loan originator license must apply through the NMLSR in a form required by the Director of the Idaho Department of Finance (Director).

11. Idaho Code § 26-31-306(1)(d) provides that the Director shall not issue a mortgage loan originator license under the Act unless the Director makes a finding that an applicant has demonstrated financial responsibility, character, and general fitness sufficient to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of the Act.

12. Pursuant to Idaho Code § 26-31-306(1)(h), before an application for license can be approved, an applicant must provide all information on the application as required per Idaho Code § 26-31-305. Idaho Code § 26-31-305(10) further provides that an applicant shall make complete disclosure of all information as set forth in the application.

13. Pursuant to Idaho Code § 26-31-313(1)(a) and (b), the Director may deny a license if an applicant violates the Act and/or withholds information or makes a material misstatement in an application for a license.

14. The Applicant made a material misstatement of fact in her application by failing to

disclose her judgment in the answer to question “D”, which is grounds to deny her application for licensure pursuant to Idaho Code § 26-31-306(1)(d) and (h) and § 26-31-313(1)(a) and (b).

15. The Director finds that Applicant’s failure to disclose her judgment on the Form MU4 demonstrates that the Applicant lacks the appropriate character and fitness sufficient to command the confidence of the community and cannot be warranted to operate honestly, fairly, and efficiently within the purposes of the Act.

16. The Director cannot make the requisite findings under Idaho Code §§ 26-31-306(1)(d) and 26-31-306(h); therefore, it is appropriate to deny the Applicant’s request for an Idaho mortgage loan originator license, pursuant to Idaho Code § 26-31-313(1).

ORDER

NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND PURSUANT TO IDAHO CODE §§ 26-31-313(1)(a) and (b), IT IS HEREBY ORDERED THAT THE APPLICATION FOR A MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION ATTESTED TO AND SUBMITTED BY KIMBERLY JEAN WALKER, NMLS #1023125, ON JULY 29, 2024, IS DENIED.

NOTICE OF THE OPPORTUNITY TO APPEAL

17. The Applicant is HEREBY NOTIFIED that she may appeal from this ORDER and have a hearing on her qualifications for a license. Such appeal must be in writing and submitted to the Department within fifteen (15) days after the date of service of this Order.

18. A copy of the request for hearing shall be served **via mail OR via email** as follows:

Attn: Lisa Baker
Assistant to the Director
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

Lisa.Baker@finance.idaho.gov

A copy of the request may also be served on the Department's counsel, Amber K. Kauffman, Deputy Attorney General, at amber.kauffman@ag.idaho.gov.

19. If the Applicant timely appeals this action, the Department will assign the contested case proceeding to the Office of Administrative Hearings pursuant to Idaho Code § 67-5280(2)(a). Proceedings will be conducted in accordance with the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.* and the Idaho Rules of Administrative Procedure (IDAPA 04.11.01).

20. Pursuant to Idaho Code § 26-31-305(6), if a hearing is held, the Applicant shall reimburse the Director, pro rata, for her reasonable and necessary expenses incurred as a result of the appeal.

IT IS SO ORDERED.

DATED this 10th day of September 2024.



STATE OF IDAHO
DEPARTMENT OF FINANCE



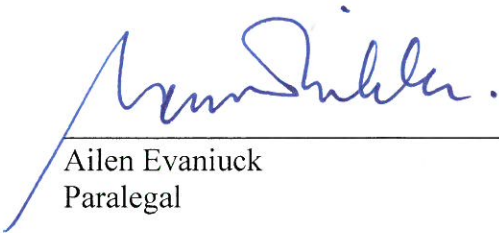
PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of September 2024, I caused a true and correct fully executed copy of the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION AND NOTICE OF THE OPPORTUNITY TO APPEAL to be served on the following by the designated means:

Kimberly Jean Walker
1035 Taylor Road
Newcastle, CA 95658

- U.S. Mail, Postage Paid
- Certified mail
- Facsimile
- Email: kimberly.walker@accenture.com



Ailen Evaniuck
Paralegal