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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:

DAVID J. KOBIERSKI,
NMLS ID No.197114,

Applicant.

Docket No. 2025-16-22

**ORDER DENYING MORTGAGE
LOAN ORIGINATOR LICENSE
APPLICATION AND**

NOTICE OF RIGHT TO A HEARING

The Director of the State of Idaho, Department of Finance (“Department”), pursuant to the Idaho Secure and Fair Enforcement for Mortgage Licensing Act, Idaho Code (“I.C.”) §§ 26-31-301, *et seq.* (the “Act”), hereby issues this Order as to David J. Kobierski (“Applicant”).

The Applicant is entitled to a hearing on his qualifications for a license, if a request is made within fifteen (15) days of service of this order. If a request for a hearing is not made within the prescribed period, this order will become final.

FINDINGS OF FACT

1. The Applicant, a resident of the state of Arizona, applied for an Idaho Mortgage Loan Originator (“MLO”) license through the online Nationwide Multistate Licensing System and

Registry (“NMLS”) under NMLS No.197114. The Applicant attested to the information provided and submitted the application on July 11, 2025.

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 (A)(1), “Have you filed a personal bankruptcy petition or been the subject of an involuntary bankruptcy petition within the past 10 years?” the Applicant responded, “Yes.” The “Disclosure Explanations” section of the application contained the following statement regarding bankruptcy: “I filed for Bankruptcy Chapter 7 tow [sic] and a half years ago because The Lending House Financial LLC File for Bankruptcy with out [sic] letting the Branch Manager know about closing its doors. Left with all expanses [sic] and no License to operate I file a Bankruptcy....” There was no mention of any other bankruptcy filing. Also, a pdf file labeled “BK Chapter 7” was uploaded to the Disclosure Explanations section on May 29, 2014. The Applicant had not uploaded to any additional documentation regarding bankruptcy disclosure since 2014.

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

5. As part of its regular application review under I.C. § 26-31-316, the Department obtained a public records background check for the Applicant’s name through LexisNexis on July 14, 2025, to determine the Applicant’s fitness to be licensed.

6. The record showed the Applicant had filed bankruptcy three times. Two of the bankruptcy filings occurred within the last 10 years in the United States Bankruptcy Court for the District of Arizona:

- (1) Chapter 7 bankruptcy filed on March 27, 2018, Case # 2:18-bk-03043-MCW
- (2) Chapter 13 bankruptcy filed on July 24, 2019, Case # 2:19-bk-09191-MCW

7. Additionally, the record showed a September 28, 2022, judgment of \$373.00 against the Applicant in favor of Monica Santana, in the Encanto Justice Court of Maricopa County Justice Courts, Arizona (Case No. CC2022028841).

8. On July 15, 2025, the Department called the Encanto Justice Court clerk and confirmed the judgment remains unsatisfied.

9. The Applicant did not disclose the two above-listed bankruptcies and the above-mentioned judgment on his application Form MU4.

10. On July 15, 2025, the Department informed the Applicant that it had obtained information showing 1) the two above-listed bankruptcy filings that required disclosure under Question (A)(1) of the Form MU4, and 2) an outstanding judgment 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 provided documentation showing disclosure of that information was not required and also that the judgment item was fully resolved prior to July 11, 2025. The Applicant was also provided the opportunity to withdraw the application and reapply with a corrected application. No action was taken by the Applicant.

FINDINGS AND CONCLUSIONS OF LAW

11. The allegations set forth in paragraphs 1 through 10 above are fully incorporated herein by this reference.

12. I.C. § 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.

13. I.C. § 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).¹

14. I.C. § 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.

15. Pursuant to I.C. § 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 I.C. § 26-31-305. I.C. § 26-31-305(10) provides that an applicant shall make complete disclosure of all information required in the application.

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

17. The Applicant made a material misstatement of fact in his application by 1) failing to disclose two bankruptcy filings within the last ten years in the Disclosure Explanation section of his application, and 2) answering Question (D) inaccurately and failing to disclose the unsatisfied judgment, which are grounds to deny his application for licensure pursuant to I.C. § 26-31-306(1)(d) and (h) and § 26-31-313(1)(a) and (b).

18. The Director finds that the Applicant's failure to disclose the two bankruptcies and the

¹ The original version of the Nationwide Multistate Licensing System and Registry ("NMLS") was named Nationwide Mortgage Licensing System and Registry ("NMLSR").

unsatisfied 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.

19. The Director further finds that the Applicant's failure to disclose the two bankruptcies and the unsatisfied judgment on the Form MU4 constitutes a failure to provide complete information in the application as required by I.C. § 26-31-305.

20. The Director cannot make the requisite findings under I.C. §§ 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 I.C. § 26-31-313(1).

ORDER

NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND PURSUANT TO I.C. §§ 26-31-313(1)(a) and (b), IT IS HEREBY ORDERED THAT THE APPLICATION FOR A MORTGAGE LOAN ORIGINATOR LICENSE ATTESTED TO AND SUBMITTED BY DAVID J. KOBIERSKI, NMLS #197114, ON JULY 11, 2025, IS DENIED.

NOTICE

A hearing will be granted to the Applicant if a written request for a hearing is received by the Department within fifteen (15) days of the service date of this order.

The written request may be submitted by email to erin.vanengelen@finance.idaho.gov or mailed to the following address:

Attn: Erin Van Engelen
Consumer Finance Bureau Chief
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

A copy of the request may be copied to the Department's counsel, Dallin Creswell, Deputy Attorney General, at dallin.creswell@ag.idaho.gov.

If a hearing is timely requested, the Department will assign the contested case proceeding to the Office of Administrative Hearings pursuant to I.C. § 67-5280(2)(a). Proceedings will be conducted in accordance with the Idaho Administrative Procedure Act, I.C. §§ 67-5201 *et seq.* and the Idaho Rules of Administrative Procedure (IDAPA 62.01.01).

Pursuant to I.C. § 26-31-305(6), if an appeal is made, the Applicant shall reimburse the Director for her reasonable and necessary expenses incurred as a result of the appeal.

IT IS SO ORDERED.

DATED this 4th day of September 2025.



STATE OF IDAHO
DEPARTMENT OF FINANCE

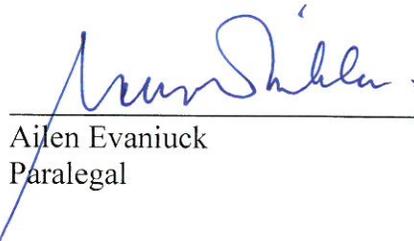
PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of September 2025, 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:

David J. Kobierski
3423 W Via Montoya Dr.
Phoenix, AZ 85027-1657

- U.S. Mail, Postage Paid
- Certified mail
- Facsimile
- Email: david@kobenterpise.com;
david.kob@efinitymortgage.com



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