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BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE

STATE OF IDAHO

STATE OF IDAHO, DEPARTMENT OF
FINANCE, CONSUMER FINANCE BUREAU,

Complainant,

v.

WALL & ASSOCIATES, INC., A VIRGINIA
CORPORATION,

Respondent.

Docket No. 2019-9-10

**ORDER REGARDING
RESTITUTION, PENALTIES AND
COSTS**

This matter having come before the Hearing Officer following the entry of the Order Regarding Restitution and Penalties, dated January 4, 2022; and the Order Re: Motion for Reconsideration dated February 7, 2022, which followed the entry of the Order Regarding Complainant's Motion for Preliminary Order and Respondent's Motion for Summary Judgment dated June 14, 2021; and the Order Re: Motion for Reconsideration dated July 16, 2021.

All prior orders referenced above are incorporated herein by reference, and further modified as provided for herein. To resolve and confirm remaining issues and conclude this matter, the Hearing Officer enters the following Preliminary Order Awarding Restitution, Penalties, and Costs and further removes to the extent detailed below, the previously imposed Confidentiality Requirements.

The relief entered herein is based on the prior determination that Respondent engaged in fifty-four (54) separate violations of Idaho Code Section 26-2223(1) and (7), and the relief entered here is based on Idaho Code Section 26-2244(2)(a), (b), and (c).

1. Pursuant to Idaho Code Section 26-2244(2), Respondent is ordered to cease and desist acts and practices constituting unlicensed debt counselor or credit counselor activity in Idaho described in Idaho Code Section 26-2223(7) unless and until it becomes licensed pursuant to the ICAA (Idaho Code Title 26, Chapter 22).

2. Regarding Respondent's current Idaho clients, Respondent shall discontinue providing services to them and terminate any agreements/contracts with these clients within 30 days of this order becoming final if Respondent has not first become licensed under the ICAA.

3. Respondent is ordered to pay penalties of three thousand dollars \$3,000 per violation for fifty-four (54) violations in the total amount of one hundred sixty two thousand dollars (\$162,000.00) to the Idaho Department of Finance pursuant to Idaho Code Section 26-2244(2)(a).

4. Respondent is ordered to pay restitution to its fifty-four (54) Idaho clients in the total amount of five hundred seven thousand six hundred thirty-five dollars and fifty cents (\$507,635.50). The specific amounts of restitution and identities of the respective Idaho Wall & Associates, Inc. consumers are set forth in Exhibit A attached hereto and incorporated herein, which exhibit is confidential and exempt from public disclosure. Respondent is ordered to pay this total restitution amount, upon this order becoming final, to the Idaho Department of Finance for the ministerial function of being returned as restitution, in the amounts and to the affected Idaho consumers as set forth in Exhibit A. Restitution payments received pursuant to this order shall not become assets of the Department.

5. Respondent is ordered to pay to the Idaho Department of Finance fees and costs in the total amount of forty two thousand sixteen dollars and sixty cents (\$42,016.60) (consisting of court reporting and transcription costs of three thousand one hundred forty one dollars and sixty cents (\$3,141.60), and attorney fees in the amount of thirty eight thousand eight hundred seventy five dollars (\$38,875.00) pursuant to Idaho Code Sections 26-2244(2)(c).

6. The prior restrictions regarding the public disclosure of certain matters in this action are lifted to the following extent. This order and the prior orders entered herein are to be treated by Complainant as they would in the normal course under the Idaho Public Records law (Idaho Code Title 74, Chapter 1), subject to the applicable exemptions of Idaho Code §§ 74-104(1); 74-106(4), and 74-106(5). Subject to those restrictions, the Hearing Officer (as well as the parties) is aware and mindful of the State of Idaho, Ada County, Fourth Judicial District Court's Order *In the Matter of Contested Case* (concerning this matter) in Case No. CV01-20-10059 entered June 29, 2020, authorizing and directing the production by Wall & Associates of records containing taxpayer information as well as directing the parties to maintain the confidentiality of records produced. Nothing in this order is intended to change the effect of that court order or the application of the Idaho Public Records law. To confirm, the Hearing Officer specifically notes and directs that specific taxpayer information, to the extent it is included in this and prior orders, shall remain confidential and exempt from disclosure to the public pursuant to exemptions referenced above. The Department is authorized to release only copies of orders or other related documents to the public with such confidential taxpayer information redacted. This does not preclude the Department from sharing orders in this matter or records produced by Wall containing taxpayer information in a full and unredacted manner with other state regulators or

law enforcement officials including, but not limited to, state attorneys general with the understanding that such information is confidential.

7. All of the relief ordered herein, both monetary and injunctive, will become immediately due and payable and otherwise effective upon this order becoming final and effective as provided below.

NOTIFICATION OF RIGHTS

This is a preliminary order of the Hearing Officer. It can and will become final without further action of the Department of Finance unless any party petitions for reconsideration before the Hearing Officer or appeals to the Director for the Department of Finance (or the designee of the Director). Any party may file a motion for reconsideration of this preliminary order with the Hearing Officer within fourteen (14) days of the service date of this order. The Hearing Officer will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. *See Idaho Code § 67-5243(3).*

Within fourteen (14) days after (a) the service date of this preliminary order, (b) the service date of the denial of a petition for reconsideration of this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration of this preliminary order, any party may in writing appeal or take exception to any part of the preliminary order and file briefs in support of the party's position on any issue in the proceeding to the Director of the Department of Finance (or the designee of the Director.) *See Idaho Code § 67-5245.* Otherwise, this preliminary order will become a final order of the

Department of Finance.

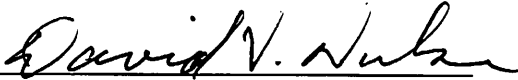
If any party appeals or takes exception to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal within the Department of Finance. Written briefs in support of or taking exception to the preliminary order shall be filed with the Director of the Department of Finance (or the designee of the Director). The Director may review the preliminary order on her own motion.

If the Director of the Department of Finance (or her designee) grants a petition to review the preliminary order, the Director (or her designee) will allow all parties an opportunity to file briefs in support of or taking exception to the preliminary order and may schedule oral argument in the matter before issuing a final order. The Director (or her designee) will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties for good cause shown. The Director (or her designee) may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (1) the hearing was held, (2) the final agency action was taken, (3) the party seeking review of the order resides, or operates its principal place of business in Idaho, or (4) the real property or personal property that was the subject of the Department's action is located.

This appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

DATED this March 7, 2022,


David V. Nielsen
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of March, 2022, I served a true and correct copy of the foregoing by delivering the same to each of the following party, by the method indicated below, addressed as follows:

Thomas A. Donovan
State of Idaho
Department of Finance
P.O. Box 83720
Boise, ID 83720-0031
tom.donovan@finance.idaho.gov

- U.S. Mail
- Hand-Delivered
- Overnight mail
- Facsimile
- E-mail

Mark B. Perry,
Trevor L. Hart,
Perry Law, P.C.
The Henry Rust Building
2627 W. Idaho Street
Boise, ID 83702
tlh@perrylawpc.com

- U.S. Mail
- Hand-Delivered
- Overnight mail
- Facsimile
- E- Mail

William Mohrman
Morham, Kaardal & Erickson, P.A.
150 South Fifth Street, Suite 3100
Minneapolis, MN 55402
mohrman@mklaw.com

- U.S. Mail
- Hand-Delivered
- Overnight mail
- Facsimile
- E- Mail

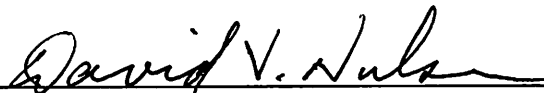

David V. Nielsen

EXHIBIT A

CONFIDENTIAL

100% OF FEES AWARDED

CLIENT NUMBER	BUSINESS NAME OR NAME OF IDAHO CLIENT	DATE OF AGREEMENT	INITIAL FEE	MONTHLY FEE	TOTAL FEES PAID	100% OF TOTAL FEES PAID
9	CARPENTER, LYNN	7/19/2018	\$2,000.00	\$350.00	\$2,000.00	\$2,000.00
14	FARRIS, ROGER	8/1/2016	\$2,500.00	\$350.00	\$7,750.00	\$7,750.00
16	FULLER, WILLIAM	1/25/2018	\$2,500.00	\$400.00	\$2,900.00	\$2,900.00
21	GRAY, SCOTT	6/21/2019	\$2,500.00	\$400.00	\$4,100.00	\$4,100.00
23	HERNANDEZ, MARIA	2/17/2020	\$3,000.00	\$400.00	\$3,000.00	\$3,000.00
33	MCACHRAN, VERONICA & AARON	1/26/2011	\$3,000.00	\$500.00	\$7,800.00	\$7,800.00
39	PIERCE, MISTY	7/21/2018	\$4,000.00	\$400.00	\$10,800.00	\$10,800.00
47	STANFORD, ROY	9/4/2019	\$3,000.00	\$400.00	\$3,400.00	\$3,400.00
48	STROPKAI, ALAN	12/8/2018	\$2,500.00	\$400.00	\$1,875.00	\$1,875.00
51	VAN LEUVEN, SHANE	11/15/2018	\$2,500.00	\$400.00	\$2,900.00	\$2,900.00
SUBTOTAL AMOUNT OF RESTITUTION:						\$46,525.00

CONFIDENTIAL

75% OF FEES AWARDED

CLIENT	BUSINESS NAME OR NAME OF	DATE OF AGREEMENT	INITIAL FEE	MONTHLY FEE	TOTAL FEES PAID	75% OF
1	ALONZO, SYLVIA & RAMON	4/5/2014	\$7,000.00	\$500.00	\$8,000.00	\$6,000.00
2	AMES, DAWNETT	12/3/2019	\$2,500.00	\$400.00	\$4,900.00	\$3,675.00
3	BALL, BARBARA	7/24/2015	\$5,000.00	\$500.00	\$15,000.00	\$11,250.00
4	BALL, TIM	5/24/2012	\$4,000.00	\$350.00	\$37,250.00	\$27,937.50
5	BICANDI, CANDICE	2/25/2019	\$2,500.00	\$400.00	\$8,500.00	\$6,375.00
6	BRITO, NICK	2/10/2011 & reactivated 3/3/2018	\$750.00	\$400.00	\$11,550.00	\$8,662.50
7	BRUMBACH, KIM	8/9/2018	\$2,000.00	\$350.00	\$500.00	\$375.00
8	BURKETT, LEON	5/3/2018	\$2,500.00	\$400.00	\$5,300.00	\$3,975.00
10	CLARK, BRIAN; LANCE, DENISE; & CHIP N' SCRATCH	3/13/2019	\$5,000.00	\$500.00	\$9,656.00	\$7,242.00
11	COLSON, STEVE	3/28/2014	\$10,000.00	\$1,000.00	\$13,000.00	\$9,750.00
12	CROWLEY, MELISSA	1/9/2018	\$3,000.00	\$450.00	\$10,650.00	\$7,987.50
13	ELDER, FRANK	3/23/2020	\$2,500.00	\$400.00	\$2,900.00	\$2,175.00
15	FRASER, RICHARD & JENNIFER (separated)	5/29/2018	\$6,000.00	\$400.00	\$6,800.00	\$5,100.00
17	GALAN, MARY & JOE	2/5/2019	\$15,000.00	\$500.00	\$22,500.00	\$16,875.00
18	GENTHER, TENNA	2/15/2020	\$10,000.00	\$1,000.00	\$12,000.00	\$9,000.00
19	GOODSON, MICHAEL	7/6/2011	\$2,000.00	\$350.00	\$36,300.00	\$27,225.00
20	GRAY, MICHAEL	9/28/2017	\$2,500.00	\$400.00	\$6,300.00	\$4,725.00
22	HAMBLIN, MATTHEW	6/30/2018	\$3,500.00	\$400.00	\$13,033.00	\$9,774.75
24	HOGGATT, LYNDA	3/21/2019	\$3,000.00	\$400.00	\$7,050.00	\$5,287.50
25	HYDE, RONALD	11/13/2018	\$7,500.00	\$600.00	\$7,500.00	\$5,625.00
26	JOHNSON (SUPERIOR CHAIN)	11/27/2012	\$15,000.00	\$1,000.00	\$98,000.00	\$73,500.00
27	JOHNSON, THOMAS	11/25/2019	\$2,500.00	\$400.00	\$3,300.00	\$2,475.00

CONFIDENTIAL

75% OF FEES AWARDED

28	KISER, GLENN	12/19/2012	\$6,000.00	\$550.00	\$40,100.00	\$30,075.00	
29	KISMAN, RUTH	2/3/2020	\$6,000.00	\$400.00	\$7,600.00	\$5,700.00	
30	KROSHUS, JAMES	2/17/2020	\$3,000.00	\$400.00	\$3,800.00	\$2,850.00	
31	LANDRY, CONRAD	4/1/2019	\$7,500.00	\$450.00	\$13,350.00	\$10,012.50	
32	MACIOSEK (OCTOBER COUNTRY MUZZLE LOADING)	6/19/2017	\$4,000.00	\$400.00	\$10,000.00	\$7,500.00	
34	MILLER, JENNIFER	1/24/2019	\$2,500.00	\$400.00	\$2,200.00	\$1,650.00	
35	MONCARR, MARK	2/19/2015	\$2,000.00	\$350.00	\$10,375.00	\$7,781.25	
36	MOORE, EZRA	7/26/2018	\$3,500.00	\$400.00	\$7,500.00	\$5,625.00	
37	NORD, DARIN	1/15/2019	\$2,500.00	\$400.00	\$8,100.00	\$6,075.00	
38	NOVAK, SCOTT	5/3/2018	\$2,500.00	\$400.00	\$5,200.00	\$3,900.00	
40	PORR, EVANDER	7/19/2018	\$2,000.00	\$350.00	\$2,350.00	\$1,762.50	
41	RICH, PENNY	3/13/2020	\$5,000.00	\$500.00	\$6,500.00	\$4,875.00	
42	RIDINGER, TIM	7/20/2017	\$300.00	\$400.00	\$7,400.00	\$5,550.00	
43	SHROPSHIRE, BRETT	4/25/2019	\$2,500.00	\$400.00	\$6,100.00	\$4,575.00	
44	SKINNER, EVAN	10/14/2017	\$5,000.00	\$400.00	\$14,600.00	\$10,950.00	
45	SMITH, DANNY	10/27/2018	\$15,000.00	\$750.00	\$28,500.00	\$21,375.00	
46	SMITH, DWIGHT	5/4/2018	\$5,000.00	\$400.00	\$12,200.00	\$9,150.00	
49	TAYLOR, CLAY and MARCENE	10/9/2018	\$20,000.00	\$1,200.00	\$60,800.00	\$45,600.00	
50	TROTTER, RICHARD	5/3/2018	\$2,500.00	\$400.00	\$8,100.00	\$6,075.00	
52	VILLASENOR, ROGELIO	5/19/2020	\$5,000.00	\$500.00	\$2,500.00	\$1,875.00	
53	WREN, GREGORY	4/13/2020	\$3,000.00	\$400.00	\$3,400.00	\$2,550.00	
54	WRIGHT, GERALD	2/25/2015	\$2,500.00	\$350.00	\$14,150.00	\$10,612.50	
					SUBTOTAL AMOUNT OF RESTITUTION:		\$461,110.50

RESTITUTION TOTAL: \$507,635.50