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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 RE: MOTION FOR
RECONSIDERATION**

This matter having come before the Hearing Officer on the Motion of Respondent for reconsideration of the Hearing Officer's decision to strike certain paragraphs from P. Mark Yates Response Declaration the following decision is entered.

The Department in this matter moved to strike certain portions of the P. Mark Yates Response Declaration. The Hearing Officer by oral ruling at the argument for the Motion for Preliminary Order filed by the Department and Motion for Summary Judgment filed by Wall, ruled on the Motion to Strike. In that ruling the Hearing Officer struck certain portions of the Declaration, paragraphs 26, 27, 29, 30, 31, 32, 36 and 37.

That determination upon reconsideration is reversed as to paragraph 32 which shall be admitted.

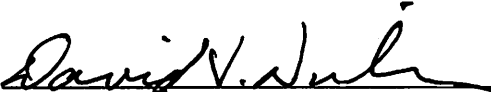
The remaining paragraphs will still be deemed excluded.

The basis for this ruling is that pursuant to Idaho Rules of Administrative Procedure 04.11.01.000, Rule 600 the Hearing Officer has broad discretion on the admissibility of evidence and may reject evidence which is determined to be among other grounds irrelevant. The identified paragraphs are as comprised of various opinions and conclusions of a witness and were advanced without sufficient showing of the foundational basis for such matters. Absent such foundation these matters are irrelevant and subject to exclusion.

It is also noted that pursuant to the above cited IDAPA Rule the Hearing Officer may exclude such materials with or without objection of the parties.

IT IS HEREBY ORDERED that decision to strike paragraphs 26, 27, 29, 30, 31, 36 and 37 is affirmed.

DATED this 14th day of June, 2021.

By: 
David V. Nielsen
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ~~17th~~ day of June, 2021, 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:

<p>Thomas A. Donovan State of Idaho Department of Finance P.O. Box 83720 Boise, ID 83720-0031</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand-Delivered <input type="checkbox"/> Overnight mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail</p>
<p>Mark B. Perry, Trevor L. Hart, Perry Law, P.C. The Henry Rust Building 2627 W. Idaho Street Boise, ID 83702</p> <p>William Mohrman Morham, Kaardal & Erickson, P.A. 150 South Fifth Street, Suite 3100 Minneapolis, MN 55402</p>	<p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand-Delivered <input type="checkbox"/> Overnight mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E- Mail</p> <p><input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand-Delivered <input type="checkbox"/> Overnight mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E- Mail</p>