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

In re Mortgage Loan Originator  
License Renewal Application of:

ANDREW WINDIAL BEZART II,  
NMLS ID No. 1105695,

Applicant.

Docket No. 2022-16-05

**ORDER DENYING MORTGAGE LOAN  
ORIGINATOR LICENSE APPLICATION AND  
NOTICE OF THE OPPORTUNITY FOR A  
HEARING**

The Director of the State of Idaho, Department of Finance (Director), pursuant to the Idaho Residential Mortgage Practices Act, Idaho Code § 26-31-101 et seq. (the Act), and in particular §§ 26-31-306(1)(d) and (h) and 26-31-313(1)(a) and (b) of the Act, hereby issues the following Findings of Fact, Conclusions of Law, and Order Denying Mortgage Loan Originator License Application, and Notice of the Opportunity for a Hearing (Order).

**FINDINGS OF FACT**

1. Andrew Windial Bezart, II (Applicant), a resident of the state of California, applied for an Idaho Mortgage Loan Originator (MLO) license by filing an individual Form MU4 through

the online Nationwide Mortgage Licensing System and Registry (NMLSR), a.k.a. Nationwide Multistate Licensing System (NMLS) under NMLS number 1105695. This application was attested to by the Applicant on July 26, 2021, and submitted to the State of Idaho, Department of Finance (Department), on the Applicant's behalf, by Karlene Dunkley of PHH Mortgage Corporation on the same date.

2. The Applicant had previously attested to and submitted a Form MU4 to the Department on December 13, 2019. A Final Order Denying Mortgage Loan Originator License Application (Denial Order) was served against the Applicant on April 1, 2020, effectively denying the Applicant's December 13, 2019, application for failing to disclose required information pertaining to an outstanding tax lien and a judgment against the Applicant.

3. The application Form MU4 seeks information about an individual applicant's qualifications to be licensed as a mortgage loan originator. A section of the application is entitled "Disclosure Questions" and consists of a series of questions that inquire into an applicant's history regarding financial, criminal, civil, judicial and regulatory matters.

4. Pertinent to the Applicant's qualifications is question (D): "Do you have any unsatisfied judgments or liens against you?" The applicant responded, "yes" and provided the following brief statement in the corresponding Disclosure Explanations section of his application: "California State tax will be paid by end of 2021." For this disclosure explanation, the Applicant also uploaded a document entitled "Cal State Tax Info." No other explanations or documents were provided for this affirmative answer.

5. Consistent with normal practice, a Department examiner conducted an assessment of the Applicant using various sources of public information to determine if the

Applicant demonstrates sufficient financial responsibility, character, and general fitness in order to be licensed as a mortgage loan originator.<sup>1</sup>

6. The examiner obtained a public record background information report through LexisNexis, which showed that the Applicant has two undisclosed judgments entered against him. Following this, the examiner researched the court's website, [www.sb-court.org](http://www.sb-court.org), and printed out a copy of the Case Information which showed that a Judgment was entered on October 5, 2016, against the Applicant in favor of Graham-Newman, LLC, in the San Bernardino County Superior Court of California, Case Number SMCFS1607506 in the amount of \$344.38 (does not include interest and fees that have accumulated to date) .

7. The examiner also obtained a copy of the Judgment against the Applicant in favor of Plaintiff Portfolio Recovery Associates, LLC, in the San Bernardino County Superior Court of California, Case Number CIVDS1824592 in the amount of \$1,855.94, entered March 18, 2019, which was recorded in the County of San Bernardino, California as Document Number 2019-0207621. <sup>2</sup>

8. The Department has no evidence indicating that either judgment described above has been satisfied and released.

9. The Applicant's failure to provide the details of the judgments described above constitutes a material omission.

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<sup>1</sup> Conducted pursuant to Part 3 of the Act titled "The Idaho Secure and Fair Enforcement for Mortgage Licensing Act" (Idaho S.A.F.E. Mortgage Licensing Act), Idaho Code § 26-31-306.

<sup>2</sup> The Applicant also failed to disclose this judgment on his December 13, 2019, application, which resulted in the issuance of a Final Order Denying Mortgage Loan Originator License Application against the Applicant on April 1, 2020. The Applicant, however, did disclose the tax lien he previously failed to, which was also a factor in the issuance of the April 2019 Final Order.

10. On December 3, 2021, the Department provided the Applicant notice of an intent to deny the application within approximately one month based on the information set forth above unless the Applicant was able to provide documentation to satisfy the Department that the noted item had been resolved and that disclosure was not required. The notice alternatively provided the Applicant the opportunity to withdraw the application. The Applicant failed to provide the requisite documentation or withdraw the application by the stated deadline.

**FINDINGS AND CONCLUSIONS OF LAW**

11. Paragraphs 1 through 10 above are fully incorporated herein by this reference.

12. 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.

13. Idaho Code § 26-31-305(1) provides that an applicant for a mortgage loan originator license must apply through the Nationwide Mortgage Licensing System and Registry (NMLSR), in a form required by the Director of the Idaho Department of Finance (Director).

14. 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.

15. 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.

16. 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.

17. The Applicant made a material misstatement of fact in his application, which is grounds to deny his application for licensure. He failed to disclose the judgments, which prohibits the Director from issuing a license to the Applicant pursuant to Idaho Code § 26-31-306(1)(d) and (h) and § 26-31-313(1)(a) and (b).

18. The Director finds it appropriate to deny the application because the Applicant's failure to provide complete information on the Form MU4 regarding the judgments demonstrates that the Applicant lacks the appropriate character and 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. Because the Director cannot make the requisite findings under Idaho Code § 26-31-306(1)(d) and (h), 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 ANDREW WINDIAL BEZART II, NMLS ID NO. 1105695, ON JULY 26,**

**2021, AND SUBMITTED ON HIS BEHALF BY KARLENE DUNKLEY OF PHH MORTGAGE CORPORATION ON THE SAME DATE, IS DENIED.**

**NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING**

19. The Applicant is HEREBY NOTIFIED that the foregoing Notice will result in the Department presenting and requesting a final order of the Director denying the license application, unless the Applicant timely submits a request for hearing pursuant to Idaho Code § 26-31-305(6)(a). Such request for a hearing must be in writing and submitted to the Department within fifteen (15) days after the service of this Notice. A copy of the request for contested case and hearing shall be served on Anthony Polidori, Consumer Finance Bureau Chief, at the following address:

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

A copy of the request for contested case and hearing shall also be served on the Department's counsel in this matter:

Erick M. Shaner  
Deputy Attorney General  
Idaho Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031

Alternatively, the Applicant may email the request for hearing to: [CFLegal@finance.idaho.gov](mailto:CFLegal@finance.idaho.gov).

20. If the Applicant timely requests a hearing, the Director of the Department, or a Hearing Officer acting on the Director's behalf, will notify the Applicant of the date, time and place of the hearing, as well as the name and contact information of the presiding officer.

21. Any hearing and subsequent proceedings in this matter 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).

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

**IT IS SO ORDERED.**

DATED this 2nd day of February 2022.



STATE OF IDAHO  
DEPARTMENT OF FINANCE

  
PATRICIA R. PERKINS, Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of February 2022, I caused a true and correct fully executed copy of the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION AND NOTICE OF THE OPPORTUNITY FOR A HEARING to be served on the following by the designated means:

Andrew Windial Bezart II  
3574 N. Verbena Dr.  
Rialto, CA 92377

- U.S. mail, postage prepaid
- certified mail
- facsimile \_\_\_\_\_
- email: Andrew.bezartII@rchromeloans.com

  
Paralegal