

LAWRENCE WASDEN  
Attorney General

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Attorney for Department of Finance Consumer Finance Bureau Staff

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

In re:

BIG MOUNTAIN ACCOUNTING & TAXES,  
Collection Agency License No. CCA-8778,

Licensee.

Docket No. 2022-09-04

**NOTICE OF PROPOSED DEFAULT ORDER  
FOR REVOCATION OF IDAHO COLLECTION  
AGENCY LICENSE**

The State of Idaho, Department of Finance (the “Department”), being authorized and directed to administer and enforce the Idaho Collection Agency License Act, Idaho Code § 26-2221 *et seq.* (the Act), hereby gives notice of proposed default order pursuant to Idaho Code § 67-5242(4) and Idaho Rules of Administrative Procedure 04.11.01.270.01 and 04.11.01.700 through 702.

The default order is proposed to be issued because of the failure of BIG MOUNTAIN ACCOUNTING & TAXES (the Licensee) to file an answer to the Verified Complaint for Revocation of Idaho Collection agency License and Notice of the Opportunity to Request a Hearing (the Verified Complaint), which was issued and served upon the Licensee on August 29, 2022. The Licensee also failed to assert its right to request an administrative hearing on the matter twenty-one (21) days after it was served with the Verified Complaint.

Within seven (7) days after service of this notice and the proposed default order, attached as Exhibit A, the Licensee may file a written petition requesting the proposed order be vacated and not entered as a final order. The petition must state the grounds why the petitioning party believes that default should not be entered. A copy of the written petition shall 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  
Erick.shaner@finance.idaho.gov

If the Licensee fails to file a written petition as described above, the proposed default order will be submitted to the Director for issuance.

DATED this 23<sup>rd</sup> day of September 2022.

STATE OF IDAHO  
OFFICE OF ATTORNEY GENERAL



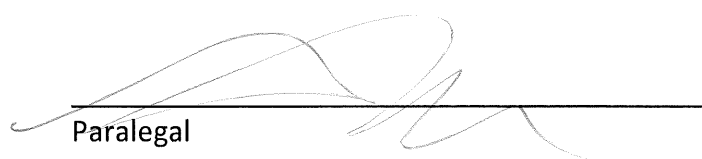
ERICK M SHANER  
Deputy Attorney General

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26<sup>th</sup> day of September 2022 I caused a true and correct copy of the foregoing NOTICE OF PROPOSED DEFAULT ORDER FOR REVOCATION OF IDAHO COLLECTION AGENCY LICENSE to be served on the following by the designated means:

Big Mountain Accounting & Taxes  
Attn: Donald Moberg  
601 E Seltice Way #208  
Post Falls, ID 83854

U.S. Mail, postage prepaid  
 Certified mail  
 Facsimile:  
 Email: don@bmataxes.net

  
\_\_\_\_\_  
Paralegal

# EXHIBIT A

LAWRENCE WASDEN  
Attorney General

Erick M. Shaner – I.S.B. #5214  
Deputy Attorney General  
State of Idaho  
Department of Finance  
P.O. Box 83720  
Boise, Idaho 83720-0031  
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Erick.Shaner@finance.idaho.gov

Attorney for Department of Finance Consumer Finance Bureau Staff

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

In re:

BIG MOUNTAIN ACCOUNTING & TAXES,  
Collection Agency License No. CCA-8778,

Licensee.

Docket No. 2022-09-04

**DEFAULT ORDER FOR REVOCATION OF  
IDAHO COLLECTION AGENCY LICENSE**

Upon issuance and service of the Verified Complaint for Revocation of Idaho Collection Agency License and Notice of the Opportunity to Request a Hearing (Notice), BIG MOUNTAIN ACCOUNTING & TAXES (the Licensee), failed to assert its right to request an administrative hearing on the matter twenty-one (21) days after it was served. Following that, on \_\_\_\_\_, 2022, the Idaho Department of Finance (Department) served a Notice of Proposed Default Order upon the Licensee. The seven (7) day period within which to file a petition showing good cause why a default order should not be entered has expired. The Director

takes official notice of these documents filed in the administrative record and, by presentation of this Order to the Director, Department staff represents that it is not aware of a response from the Licensee. Therefore, the Director makes the following Findings of Fact, Conclusions of Law, and enters the following Order.

#### **FINDINGS OF FACT**

1. The Director of the Department of Finance has jurisdiction over this matter.
2. BIG MOUNTAIN ACCOUNTING & TAXES (the Licensee) is an Idaho entity conducting business at 601 East Seltice Way #208, Post Falls, Idaho 83854. The Licensee has been registered to conduct business in Idaho with the Idaho Secretary of State since at least October 15, 2001.
3. The Licensee is licensed by the Idaho Department of Finance (Department) as a collection agency and has been since approximately September 5, 2013, holding License No. CCA-8778 pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 et seq. (the Act).
4. Pursuant to Idaho code § 26-2232, licensees shall maintain a surety bond in the minimum amount of \$15,000 or higher based on the volume of business conducted in Idaho.
5. Pursuant to Idaho Code § 26-2246, a licensee terminating operations shall provide sufficient proof to the director that it has remitted and returned all accounts, papers, and money due to its creditor clients.
6. On June 13, 2022, the Department received a notification from the Licensee's surety bond company that the Licensee's bond would be cancelled and voided as of July 20, 2022, for nonpayment of the premium.

7. On June 15, 2022, the Department emailed and mailed a letter to the Licensee informing it of the need to renew its surety bond or surrender its license by no later than July 20, 2022, and required a response from the Licensee. The letter included two check box options for the Licensee to indicate whether it intended to continue being licensed in Idaho or surrender its license. Along with the check box option to surrender its license, the letter included a signature line for the Licensee's authorized representative to acknowledge the statutorily required closing and wind-down procedures, which were also attached to the letter.

8. On July 5, 2022, the Department received the letter/form back from the Licensee. The Licensee had checked the box indicating that it did not wish to continue being licensed in Idaho and included a signature acknowledging the wind-down procedures, but the required documentation was not provided to complete the surrender.

9. On July 6, 2022, an examiner for the Department emailed Donald Moberg, who had signed the letter on behalf of the Licensee, requesting the required documentation. This email was not answered.

10. The Licensee's bond was cancelled on July 20, 2022.

11. On July 21, 2022, the examiner called the contact number for the Licensee and spoke with someone who identified herself as Mr. Moberg's daughter. Mr. Moberg's daughter stated that she had been forwarded the Department's email that her father received and that they were in the process of providing the required wind-down documentation. The examiner required that the documentation be submitted to the Department by July 22, 2022.

12. To date, the Licensee has failed to meet its bond requirements or provide the required documents to surrender its Idaho collection agency license.

## CONCLUSIONS OF LAW

Paragraphs 1 through 9 above are fully incorporated herein by this reference.

13. Idaho Code § 26-2232(3) requires that, “The amount of the bond upon renewal shall be in the amount of fifteen thousand dollars (\$15,000), or two (2) times the average monthly [net collections over the preceding year] computed to the next highest one thousand dollars (\$1,000), whichever sum is greater ....” Idaho Code § 26-2232(1) requires that the bond, “shall be for the term of the license issued to the applicant.” Idaho Code § 26-2232(2) provides in part: “The bond shall be continuous in form and shall remain in full force and effect for the license period.”

14. Idaho Code § 26-2227(1) provides “[a]n application for license may be denied or, after notice and the opportunity for a hearing, a license may be suspended or revoked by the director if he finds that facts or conditions exist which would have justified the director in refusing to grant a license had such facts or conditions been known to exist at the time the license was issued, or that the licensee . . . . (a) [h]as violated any provision of this act...”

15. The Licensee’s failure to comply with Idaho Code § 26-2232 by virtue of the April 14, 2022, bond cancellation demonstrates a violation of the required bond by the Licensee.

16. The Licensee’s failure to comply with Idaho Code § 26-2246 by not providing all of the necessary closure documents demonstrates a violation of the required wind-down procedures by the Licensee.

17. Based on these facts, it is appropriate to revoke the Licensee’s license pursuant to Idaho Code § 26-2227.



## **ORDER**

Based upon the foregoing and pursuant to the Idaho Collection Agency Act, Idaho Code § 26-2221 *et seq.*; the Idaho Administrative Procedure Act, Idaho Code § 67-5242(4); and the Idaho Rules of Administrative Procedure, Rule 04.11.01.702, it is hereby ordered that:

- a. The Licensee's license as a collection agency is revoked;
- b. The Licensee transfer all of its Idaho business to a collection agency duly licensed in Idaho within thirty (30) days from the entry of the order if it has not already done so consistent with Idaho Code § 26-2246;
- c. Requiring the Licensee to provide notice within twenty-eight (28) days of the date of the order to all current clients, if any, of the revocation of its collection agency license and of the transfer of all its Idaho business to a collection agency duly licensed in Idaho, and to deliver a copy of that notice to the Director contemporaneously with the delivery to its current clients;
- d. Requiring the Licensee to provide to the Director written evidence of the transfer of all Idaho business within forty-two (42) days of the date of the entry of the order; and
- e. Imposing such further and additional relief as the Director deems appropriate, including those provided in Idaho Code § 26-2246.

## **NOTIFICATION OF RIGHTS**

This is a final order of the agency. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The agency 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 Section 67-5246(4), Idaho Code.

Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this 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:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or operates its principal place of business

in Idaho, or

- iv. The real property or personal property that was the subject of the agency action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal. See Section 67-5274, Idaho Code.

This matter is hereby concluded.

**IT IS SO ORDERED.**

DATED and EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

STATE OF IDAHO  
DEPARTMENT OF FINANCE

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PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_ 2022, I served a true and correct copy of the foregoing DEFAULT ORDER FOR REVOCATION OF IDAHO COLLECTION AGENCY LICENSE on the following by the designated means:

Big Mountain Accounting & Taxes  
Attn: Donald Moberg  
601 E Seltice Way #208  
Post Falls, ID 83854

U.S. Mail, postage prepaid  
 Certified mail  
 Facsimile:  
 Email: don@bmataxes.net

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Paralegal