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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:

JUSTIN JOSEPH ROEK,
NMLS ID No. 1689607,

Applicant.

Docket No. 2021-16-32

**ORDER DENYING MORTGAGE LOAN
ORIGINATOR LICENSE APPLICATION AND
NOTICE OF THE OPPORTUNITY TO
REQUEST 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. The Applicant, JUSTIN JOSEPH ROEK, a resident of the state of Idaho, holds NMLS number 1689607 and applied for an Idaho Mortgage Loan Originator (MLO) license by filing an

individual Form MU4 through the online Nationwide Mortgage Licensing System (NMLSR or NMLS). This application was attested to and submitted by the Applicant on January 21, 2021.

2. The application Form MU4, seeks information about an applicant's qualifications to be licensed as a mortgage loan originator. Section 6 of the application form is entitled "Disclosure Questions" and it consists of a series of questions that inquire into an applicant's history regarding financial, criminal, civil, judicial and regulatory matters. Pertinent to the Applicant's qualifications is question (D): "Do you have any unsatisfied judgments or liens against you?" The applicant responded with a "yes" to this disclosure question and in the Disclosure Explanations section of the application, he provided the following statement regarding a judgment against him in favor of ID Press Tribune and Don Sutter (quoted as written in the application):

The was a debt that was incurred for a business that I was 50% owner in and the company was forced to close to the the 2007-2008 economy. I did file for personal Bankruptcy Ch7 and tried to save the company and were not able to keep it afloat. The ID Press Tribune and Don Sutter did not want to settle on this debt. This was the only 2 creditors that were unwilling to settle on the business debt. The company did not file for bankruptcy. This is from almost 10 years ago and in not on my credit report. This company is closed no longer in business.

3. The Applicant also included a copy of the electronic docket for this Idaho Press Tribune and Don Sutter judgment, case no. CV-OC-2008-23275 in an amendment filing to the MU4 application on May 13, 2021. No other supporting documents related to this judgment were uploaded.

4. 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.¹

5. The examiner obtained a public record background information report through LexisNexis, which reflected that the Applicant has another outstanding judgment entered against him other than the judgment he disclosed regarding the ID Press Tribune and Don Sutter. Following this, the examiner obtained a copy of a Judgment against the Applicant in favor of Autosort, Inc., Case No. CV-OC-1014865, for \$103,367.44, which was entered October 26, 2011, in the Fourth Judicial District, Ada County District Court, State of Idaho. This judgment was renewed on November 2, 2016.

6. On May 11, 2021 the Department provided the Applicant notice of an intent to deny his application based on the Applicant's failure to disclose the outstanding Autosort judgment. The Department gave the Applicant until June 8, 2021 to provide supporting documentation evidencing to the Department's satisfaction that disclosure of the outstanding Autosort judgment was not required at the time he submitted his application. This notice to the Applicant also provided him with the alternative opportunity to withdraw his application by the June 8, 2021 deadline.

7. On May 12, 2021, the Applicant responded by amending his MU4 application simply by copying and pasting the written explanation he had previously provided pertaining to the ID Press Tribune and Don Sutter judgment, as quoted above, and adding the following to the beginning: "I had no knowledge of this until you notified me through the NMLS on 05-11-2021.

¹ 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.

To be best of my knowledge this...” In addition to this response, the Applicant provided a copy of the electronic case docket for the Autosort judgment (print date May 12, 2021) and provided a screenshot of Growth Media, Inc. page from the Idaho Secretary of State website.

8. On May 17, 2021, the Applicant made another amendment to his application, which was identical to the May 12, 2021 entry described in paragraph 7 and noted he was consolidating the disclosure explanations for the two judgments into one entry. The documents uploaded were almost identical as well, except the print date for the case docket was May 13, 2021.

9. On May 18, 2021, in response to an email from the Applicant inquiring as to what remaining items were needed to complete his application, the Department examiner detailed the documentation that was still needed from the Applicant including: “copy of the original judgment or lien filed, payment schedules, payment agreements with creditors, and evidence of payments made for the last 6 months,” and documents showing that the Autosort, Inc. judgment “was fully resolved prior to January 21, 2021, and that disclosure of the information was not required.”

10. To date, the Applicant has not supplied the requested information listed above or provided the required information evidencing that disclosure of it was not required.

11. Additionally, the Department has no evidence indicating that the Autosort, Inc. judgment described above has been satisfied and/or released.

12. The Applicant’s failure to provide details of the outstanding judgment against him in favor of Autosort, Inc. described above constitutes a material omission.

FINDINGS AND CONCLUSIONS OF LAW

13. The allegations set forth in paragraphs 1 through 12 above are fully incorporated herein by this reference.

14. 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.

15. Idaho Code § 26-31-305(1) provides that an applicant for a mortgage loan originator license must apply through the NMLS, in a form required by the Director of the Idaho Department of Finance (Director).

16. 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.

17. 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.

18. Pursuant to Idaho Code § 26-31-313(1)(b), the Director may deny a license if an applicant withholds information or makes a material misstatement in an application for a license.

19. The Applicant made a material misstatement of fact in his application, which is grounds to deny his application for licensure. The Applicant's failure to disclose the outstanding

Autosort, Inc. judgment prohibits the Director from issuing a license to the Applicant pursuant to Idaho Code § 26-31-306(1)(d) and (h).

20. The Director finds it appropriate to deny the application because the Applicant's failure to provide complete and accurate information on the Form MU4 regarding the outstanding Autosort, Inc. judgment 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 and demonstrate a failure to provide complete information in the application as required by Idaho Code § 26-31-305. 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 ORDERED THAT THE APPLICATION FOR A MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION INITIALLY ATTESTED TO AND SUBMITTED BY JUSTIN JOSEPH ROEK, NMLS #1689607, ON JANUARY 21, 2021, IS HEREBY DENIED.

NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING

21. The Applicant is HEREBY NOTIFIED that the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION is a final order of the Director denying the license application, subject to the Applicant's right to timely file a request for a hearing on the question

of his qualifications for a mortgage loan originator license under the Act, 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 Order. A copy of the request for hearing shall be served on the following:

Erin Van Engelen
Consumer Finance Bureau Chief
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:

Thomas A. Donovan
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.

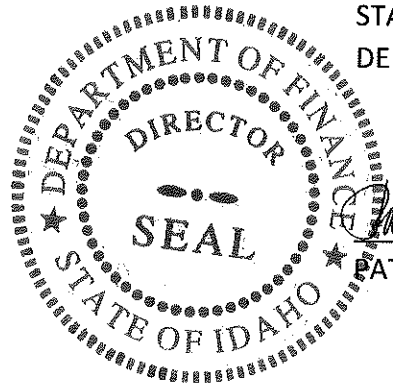
22. If the Applicant timely requests a hearing, the Director of the Department, or a Hearing Officer acting on the Director's behalf, will notify the Applicant of the date, time and place of the hearing, as well as the name and contact information of the presiding officer.

23. 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).

24. 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 1st day of July 2021.



STATE OF IDAHO
DEPARTMENT OF FINANCE



PATRICIA R. PERKINS, Director

CERTIFICATE OF SERVICE

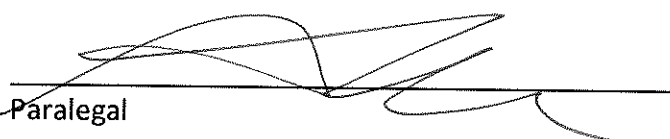
I HEREBY CERTIFY that on this 1st day of July 2021, I caused a true and correct fully-executed copy of the foregoing ORDER DENYING MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION AND NOTICE OF THE OPPORTUNITY FOR A HEARING to be served on the following by the designated means:

Justin Joseph Roek
208 S Ravenswood Dr
Meridian, ID 83642

- U.S. mail, postage prepaid
- certified mail
- facsimile _____
- email: justinroek@gmail.com

Justin Joseph Roek
PO Box 191337
Boise, ID 83719

- U.S. mail, postage prepaid
- certified mail
- facsimile _____
- email: justinroek@gmail.com



Paralegal