

LAWRENCE WASDEN
Attorney General

Erick M. Shaner – I.S.B. #5214
Deputy Attorney General
State of Idaho
Department of Finance
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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:

MOUNTAIN RUN SOLUTIONS, LLC
Collection Agency License No. CDB-10350,
NMLS ID 1713381,

Licensee.

Docket No. 2022-09-10

**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 MOUNTAIN RUN SOLUTIONS, LLC (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 November 17, 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 19th day of December 2022.

STATE OF IDAHO
OFFICE OF ATTORNEY GENERAL



ERICK M SHANER
Deputy Attorney General

CERTIFICATE OF SERVICE

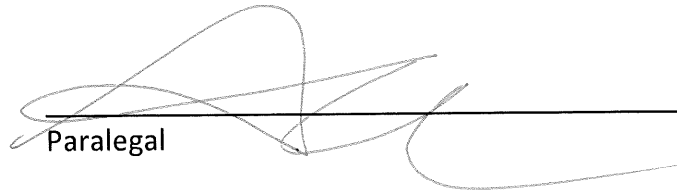
I HEREBY CERTIFY that on this 19th day of December 2022 I caused a true and correct copy of the foregoing NOTICE OF PROPOSED DEFAULT ORDER FOR REVOCATION OF IDAHO COLLECTION AGENCY LICENSE to be served on the following by the designated means:

Mountain Run Solutions, LLC
Attn: Brian Fuller
313 E 1200 S Suite 102
Orem, UT 84058

U.S. Mail, postage prepaid
 Certified mail
 Facsimile:
 Email: brian@mountainrunsolutions.com

Registered Agent Solutions, Inc.
921 S Orchard St Ste G
Boise, ID 83705

U.S. Mail, postage prepaid
 Certified mail
 Facsimile:
 Email:



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:

MOUNTAIN RUN SOLUTIONS, LLC
Collection Agency License No. CDB-10350,
NMLS ID 1713381,

Licensee.

Docket No. 2022-09-10

**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), MOUNTAIN RUN SOLUTIONS, LLC (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 December _____, 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. MOUNTAIN RUN SOLUTIONS, LLC (the Licensee) is a Utah limited liability company and conducting business from 313 East 1200 S Suite 102, Orem, Utah 84058. The Licensee has been registered to conduct business in Idaho with the Idaho Secretary of State since at least November 2019.
3. The Licensee is licensed by the Idaho Department of Finance (Department) as a collection agency and has been since approximately November 1, 2019, holding NMLS No. 1713381 and License No. CDB-10350 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. On September 28, 2022, the Department received notice from the surety bond company for the Licensee that the Licensee's surety bond would be cancelled effective October 29, 2022.
6. The Department issued a notice on September 28, 2022, utilizing the Nationwide Multistate Licensing System (NMLS), informing the Licensee of its need to replace its bond or surrender its license no later than October 29, 2022.

7. On October 29, 2022, the Department received notice from the NMLS that the Licensee's bond had been cancelled on as of that date.

8. To date, the Licensee has failed to replace its bond as required or surrender its license.

CONCLUSIONS OF LAW

Paragraphs 1 through 8 above are fully incorporated herein by this reference.

9. 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."

10. 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...."

11. The Licensee's failure to comply with Idaho Code § 26-2232 by virtue of the October 29, 2022, bond cancellation demonstrates a violation of the required bond by the Licensee.

12. 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.

13. 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. The Licensee 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. The Licensee 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. The Director may impose 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

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:

Mountain Run Solutions, LLC
Attn: Brian Fuller
313 E 1200 S Suite 102
Orem, UT 84058

U.S. Mail, postage prepaid
 Certified mail
 Facsimile:
 Email: brian@mountainrunsolutions.com

Registered Agent Solutions, Inc.
921 S Orchard St Ste G
Boise, ID 83705

U.S. Mail, postage prepaid
 Certified mail
 Facsimile:
 Email:

Paralegal