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BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE

STATE OF IDAHO

Docket No. 2017-7-15-N

STATE OF IDAHO, DEPARTMENT OF
FINANCE, SECURITIES BUREAU,

Complainant,

v.

GREGORY LEO KESTEN,

Respondent.

ORDER REGARDING COSTS

This matter having come before the Hearing Officer pursuant to the Preliminary Order entered by the Hearing Officer in this matter on November 23, 2021, and the filing of the Complainant's Memorandum of Costs ; and

The Respondent, GREGORY LEO KESTEN, herein, having failed to file any materials in response or opposition, and the time for such response having expired, the Hearing Officer finds that the evidence in the record shows that the Complainant incurred costs in the amount of \$2717.96.

IT IS HEREBY ORDERED that the Respondent in addition to those matters previously ordered in the Decision and Order Regarding Complainant's Motion for Preliminary Order dated November 23, 2021, that Respondent is further ordered to pay the actual cost of the Department's

investigation and the actual cost of this administrative proceeding, pursuant to Idaho Code Section 30-14-604(e) and/or Idaho Code Section 12-117, in the amount of \$2717.96.

NOTIFICATION OF RIGHTS

This is a preliminary order of the Hearing Officer. It can and will become final without further action of the Department of Finance unless any party petitions for reconsideration before the Hearing Officer or appeals to the Director for the Department of Finance (or the designee of the Director). Any party may file a motion for reconsideration of this preliminary order with the Hearing Officer within fourteen (14) days of the service date of this order. The Hearing Officer 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* Idaho Code §67-5243(3).

Within fourteen (14) days after (a) the service date of this preliminary order, (b) the service date of the denial of a petition for reconsideration of this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration of this preliminary order, any party may in writing appeal or take exception to any part of the preliminary order and file briefs in support of the party's position on any issue in the proceeding to the Director of the Department of Finance (or the designee of the Director.) Otherwise, this preliminary order will become a final order of the Department of Finance.

If any party appeals or takes exception to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal within the Department of Finance. Written briefs in support of or taking exception to the preliminary order shall be filed with the Director of the Department of Finance (or the designee of the Director). The Director may review the preliminary order on his own motion.

If the Director of the Department of Finance (or his designee) grants a petition to review the preliminary order, the Director (or his designee) will allow all parties an opportunity to file briefs in support of or taking exception to the preliminary order and may schedule oral argument in the matter before issuing a final order. The Director (or his designee) will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties for good cause shown. The Director (or his designee) may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

Pursuant to Idaho Code §§ 67-5270 and 67-5272, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the 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: (1) the hearing was held, (2) the final agency action was taken, (3) the party seeking review of the order resides, or operates its principal place of business in Idaho, or (4) the real property or personal property that was the subject of the Department's action is located.

This appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. *See* Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

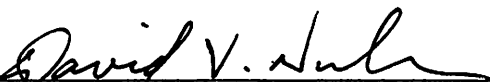
DATED this 5th day of January, 2022.

By: David V. Nielsen
David V. Nielsen
Hearing Officer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of January, 2022, 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:

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|---|--|
| Loren Messerly State of Idaho Department of Finance P.O. Box 83720 Boise, ID 83720-0031 | <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 |
| Gregory Kesten 10444 Chanticleer Lane South Jordan, UT 84009 | <input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> U.S. Mail Certified <input type="checkbox"/> Hand-Delivered <input type="checkbox"/> Overnight mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E- Mail |



David V. Nielsen