

Utah Department of Commerce

# Division of Real Estate

A publication for Utah's real estate, appraisal, and mortgage professionals.

# NEWS

Gary R. Herbert, Governor

Francine A. Giani, Executive Director

Jonathan Stewart, Division Director

THIRD QUARTER 2013

## APPRAISER CONFIDENTIALITY VS COMMON COURTESY

By: Theron Case

When reviewing complaints submitted to the Division, or when taking calls from people who are upset about an appraisal, I often observe that a good portion of the concern expressed is from a lack of response from the appraiser. Specifically, this occurs when the appraiser will not address "issues" the person has with the appraisal and/or appraiser.

Having a third party call to discuss an appraisal report creates a difficult dilemma for an appraiser. Under USPAP's Ethics Rule – Confidentiality, the part relevant to this discussion states "[a]n appraiser must not disclose: (1) Confidential information; or (2) assignment results to anyone other than...the client... (or) persons specifically authorized by the client".

The obligation to maintain client confidentiality is often unknown to the caller/complainant, and quite often the caller/complainant paid the appraisal fee so they view themselves as the client.

The question I would ask is this: What is the best appraisal practice to appropriately handle an inquiry concerning an appraisal you performed from someone who is not your client?

An option, which some appraisers seem to take, is to just ignore the third party. Some arguments to support this response: (1) If I do not respond to the third party, I will not cross the confidentiality line; or, (2) the third party is not my client and I am not required to speak with them about the appraisal report, therefore I choose not to.

While ignoring third party complaints may solve a potential problem of violating the confidentiality required by the Ethics Rule-which is a valid concern by the appraiser, it does not resolve the questions or perceived problems being expressed by the complainant. Based on experience acquired as an appraiser and as an investigator for the Division, I find it just makes the third party more upset, and may often be the tipping point in whether a complaint or civil suit is filed.

I recently read a book entitled Blink, written by Malcolm Gladwell. In the book, Gladwell refers to some interesting case studies regarding malpractice suits against physicians, but the studies could be related to appraisers or to any regulated profession.

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## DIRECTOR'S MESSAGE



### WHOSE NAME IS ON YOUR LICENSE?


**Jonathan Stewart**

There is an old saying that goes something like: "If your name is on the license, take the responsibility to renew on time." Actually, I just made that up, but it would have been good advice in the past, and it is good advice now. The Division of Real Estate asks licensees to take ownership of their license, which includes verifying the correct number of continuing education hours are banked and renewing on time. The Division's licensing staff takes phone calls and receives emails daily from licensees and applicants telling us why they did not renew or apply on time. Licensees often blame their broker, an office manager or secretary, the education provider, their mortgage company, and the Division.

Recently a licensee told Division staff that they did not renew on time because their broker did not tell them they had to renew, or that their office manager or secretary failed to renew their license. Applicants sometimes fault the broker when the applicant missed the 90-day post testing period.

Sometimes licensees claim that they did not receive their renewal reminder. Renewal reminders are sent out as a courtesy. Occasionally, a licensee will pay their board dues instead of paying their renewal fee with the Division and wonder why their license has not been renewed. Remember that board dues and license renewal are not the same.

We understand that some licensees have a broker, an office manager, or secretary that handles the renewal of their license, but licensees are ultimately responsible for the renewal of their license.

When you take ownership of your license, you won't have to blame anyone else, because you will have already renewed your license. 


### IN MEMORY OF DAVID E. MECHAM



It is with great sadness that we say goodbye to a wonderful colleague who was a member of our Division and of the real estate industry. Early in September 2013, Real Estate Investigator Dave Mecham passed away in an accident

Dave started his real estate career in St. George. Within a couple of years, Lynn Wardley saw the talent Dave had and made him the branch broker of the Wardley Better Homes and Gardens Bountiful office. In 2001 Coldwell Banker Residential Brokerage purchased Wardley BH&G. Dave was one of the most successful brokers in the company; he loved his agents and had a passion for the industry that was second to none. Dave worked countless hours teaching his agents how to be successful in real estate. Everyone who worked with Dave knew how much he cared about them and their success.

In 2004, Dave wanted to give back to the industry that had given so much to him and was convinced by Jon Brown and Dee Johnson to join the Utah Division of Real Estate as an Investigator. Dave had an extensive knowledge of the real estate industry and was a wonderful resource of information for both Division staff and industry members. Dave was always willing to assist in any way he could to help staff and industry members with questions. His passion for real estate cannot be overstated. Dave cared deeply about the industry and its members.

All of us lucky enough to know Dave could see that he had a passion and love for life and had a great sense of humor. Dave was the life of the party and loved telling jokes; he brought levity to the office and made work fun. Dave was the consummate Parrothead and loved listening to Jimmy Buffett songs. We will miss hearing his laughter throughout the office and Jimmy Buffet playing on his computer. We will also miss hearing his stories about his time in the industry, his cruise escapades, and his travels on his Goldwing Trike. Dave will be sorely missed. 



**WELCOME  
COMMISSIONER  
CHAPMAN**

**INSTRUCTOR  
DEVELOPMENT  
WORKSHOP**

The Division of Real Estate will be holding our annual Instructor Development Workshop (IDW), Monday and Tuesday October 28 and 29, 2013 at the Park City Marriott.

Due to the large amount of positive reviews from last year's IDW, this year's speaker will again be Len Elder. Len will be presenting exciting new materials that were not covered last year. Len is the author of the IDW textbook, *Ovation – How to Present like a Pro*. In addition, Mr. Elder has taught several Instructor Development courses throughout the United States and he has a B.A. in Speech Communications and J.D. in Law from Capital University Law School. Mr. Elder is the CEO of Course Creators and the school administrator responsible for course writing and development and the training and supervision of real estate instructors. Mr. Elder's experience and skills will be a great contribution to the real estate, mortgage and appraiser industries.

For all pre-license instructors, it is required by Administrative Rule to attend an IDW once every two years and it is recommended for continuing education instructors. Please refer to the registration form below to register for this event.

Lori Chapman is an associate broker with Coldwell Banker Premier in St. George and has been a REALTOR® for over 30 years. She specializes in second homes, resort real estate, and new construction. She served as the 2012 president of the Utah Association of REALTORS® and as 2008 president of the Washington County Board of REALTORS®. Chapman has actively served on committees for the Utah Association of REALTORS®, the Washington County Board of REALTORS®, and the Southern Utah Home Builders Association. In 2009, she received the Entrepreneur of the Year award from the Washington County chapter of the Women's Council of REALTORS®. In addition, in 2012, she received the REALTOR® of the Year award from the Utah Association of REALTORS®. She currently serves as a director of the National Association of REALTORS®.

We look forward to having Lori's guidance, expertise, and knowledge on the Real Estate Commission.

**Welcome**

Registration also available at:  
[realestate.utah.gov/idw](http://realestate.utah.gov/idw)

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**INSTRUCTOR DEVELOPMENT WORKSHOP**  
**OCTOBER 28th & 29th, 2013**  
**PARK CITY MARRIOTT**  
**1895 Sidewinder Dr.**

NAME:	_____
LICENSE #:	_____
EMAIL ADDRESS:	_____
PHONE #:	_____

**REGISTRATION DEADLINE**

**October 7th, 2013**

\*\$20 late fee applied to all registrations received after October 7th, 2013

*Registration Fee Includes: light breakfast & lunch*

\*Registration/Sign-In 8:00am-8:45am & Workshop Hours 9:00am-5:00pm

*Keynote Speaker: Len Elder*

Please indicate the dates you will be attending:

*(Please check applicable box)*

Monday & Tuesday,  
October 28th & 29th \$75   
Monday, October 28th \$50   
Tuesday, October 29th \$50

**Park City Marriott**

**1-435-649-2900**

**Current Room Rate:**

**\$129.00**

( ) Check ( ) Visa ( ) MasterCard ( ) American Express	
Make checks payable to: Utah Division of Real Estate	
Card # _____	Expires _____
Signature _____	

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# RULE DEVELOPMENTS SINCE JUNE 30, 2013

## Appraisal Management

Rule amendments effective August 8, 2013 include the following changes:

**R162-2e-401** clarifies that it is unprofessional conduct for an AMC to use its own employee appraiser if the client has engaged it to act as an AMC. Utah law defines an AMC as a third-party broker between an appraiser and a client. If an entity that is registered as an AMC seeks to use an employee appraiser to complete an assignment, it must first disclose to the client that it is acting in the capacity of an appraiser firm rather than as an AMC. This change is intended to clarify the role of an AMC in each transaction.

**R162-2e-102** defines who is considered an employee of the AMC.

## Appraisal

Proposed rule amendment:

On June 26, 2013, the Appraisal Board approved a proposed amendment that would allow a licensee to request that his or her continuing education requirements for renewal be deferred due to active military service or due to hardship under a state- or federally-declared natural disaster. The proposed amendment was published for comment in the Utah State Bulletin on August 15, 2013, with the comment period running through September 16, 2013.

## Mortgage

Rule amendments effective August 7, 2013 include the following changes:

### **R162-2c-203**

1) Modifies the school certification process by requiring the school to provide an email address for the school, its director, and owner; and by requiring the school to state the type of instruction method used in its courses.

2) Removes the existing initial certification requirements that obligate a school to list the offered courses, provide a schedule of the courses, and prove that the division certified each course.

3) Requires a school seeking to renew its certification to list proposed courses, a proposed schedule, and supply the all other information as required for course certification.

4) For course certification, requires that the school provide the division a copy of each examination with an answer key.

5) Clarifies that prelicensing courses expire when the school certification expires, but are automatically renewed at the same time as the school certification.

**R162-2c-204** requires licensees to annually complete a Division-approved course on Utah law, (in addition to the eight hours of continuing education approved through the NMLS) beginning in the 2014 renewal period.

**R162-2c-301a** imposes new affirmative duties on schools to provide a course completion certificate to students and ensure that the course materials are current.

Proposed rule amendment:

On August 7, 2013, the Residential Mortgage and Regulatory Commission approved a proposed amendment that would require licensees filing to renew a license in the renewal period beginning November 1, 2015 to submit a fingerprint background report and a credit report. The proposed amendment also would require all renewing licensees to submit a fingerprint background report and a credit report every fifth year after 2015. The proposed amendment was published for comment in the Utah State Bulletin, with the comment period running through October 15, 2013.

## Real Estate

No amendments for the Third Quarter



# Kagie's Korner

## MARKETING ISSUES

In the past few months, the Division has seen an increase in the number of complaints where agents market or appear to market properties prior to having a listing agreement with the property owner(s). Most of these complaints are based on advertisements with the following kinds of language: COMING SOON, SEE BEFORE LISTING, PRE-LISTING SHOWING, PRE-LISTING OPEN HOUSE, etc. When a licensee markets a home in such a manner, the agent is giving the impression they do not have a listing agreement in place.

A licensee may ask about the harm in advertising this way. Let's look at a few of the possible State Statute and Administrative Rules that the agent could be violating with some hypothetical situations:

**61-2f-401 (1) (b) making an intentional misrepresentation;** This could be an issue when the agent has a signed listing agreement with the seller and is intentionally misrepresenting the property to quickly entice a buyer into presenting an offer before the property is placed on the Multiple Listing Service. The licensee is also misrepresenting to the public that a property does not have a real estate agent involved in the marketing of the property when, in fact, there is. Bottom line, you cannot legally advertise a property that is listed, as though it is not listed. Similarly, you cannot legally advertise a property that is not listed, as though it is listed.


**61-2f-401(11) advertising the availability of real estate or the services of a licensee in a false, misleading, or deceptive manner;** By advertising a listed property as if the licensee does not have a listing is misleading and deceptive when the agent has a valid listing agreement. This could also be tied to the next rule.

**R-162-2f-401b (17) advertise or offer to sell or lease property without the written consent of:**

**(a) the owner of the property;**

A licensee is required to have written consent of an owner or owners to market the property for sale. When advertising in the manner cited above, an agent is not only misrepresenting to the public the availability of the property, but the agent could be doing the seller a disservice. It is quite possible that not all buyers would want to look at the property when advertised as if it is coming soon, since the buyer(s) may feel the property is not currently on the market.

The statutes and rule listed above only represent three of the possible violations an agent could face when they misrepresent advertising a property using this type of marketing. The Division receives and takes appropriate administrative action with documented situations involving these types of complaints. In addition to potentially harming the clients with whom you have a legal and fiduciary duty, these investigative cases take time away from an agent's clients, because agents have to take time to respond to complaints when they could be using that time better serving their clients' real estate needs.

The Division would like to remind all agents to get a signed listing agreement with property owners prior to marketing a property for sale, and to ensure that all marketing efforts clearly and accurately reflect current written agreements. 



# LICENSING AND DISCIPLINARY ACTIONS

Please note that Utah law allows 30 days for appeal of an order. Some of the actions below might be subject to this appeal right or currently under appeal.

To view entire stipulations and/or orders search here: <http://realestate.utah.gov/actions/index.html>

## APPRAISAL

BENSON, JOSH, certified residential appraiser. In a stipulated order, Mr. Benson agreed to pay a civil penalty of \$250 for failing to disclose criminal history when filing to renew his license. Case number AP-12-62788.

BROWN, JAMES D., Salem, Oregon. James D. Brown co-signed an appraisal of property in St. George, Utah. In a July 2, 2013 order, Mr. Brown was ordered to cease and desist from the following activities in the State of Utah: (1) engaging in acts that require an individual to be licensed as an appraiser; and (2) violating the Utah Real Estate Appraiser Licensing and Certification Act. Case number AP-12-62847.

## MORTGAGE

JORGENSEN, LYNDA GAYLE, mortgage loan originator license. In a July 18, 2013 order, Ms. Jorgensen's license was granted on probation due to unpaid civil judgments and tax liens. Case number MG-13-66178.

MILLS, NOEL TILLY, mortgage loan originator license. In a July 16, 2013 order, Ms. Mills' license was granted on probation for two years due to criminal history. Case number MG-13-66112.

NGUYEN, TRI MINH, mortgage lending manager license. In a July 1, 2013 order, license was granted on probation until such time as regulatory proceedings pending in California and Washington are resolved. Case number MG-13-65866.

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**Utah!** NEWS **DIVISION of REAL ESTATE**

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# THE DEATH OF A COMPLAINT: ANONYMOUS COMPLAINTS

**By: Jeff Nielsen**

From the time I started with the Division of Real Estate, I have heard a lot of concerns by complainants about the need for complaints to remain anonymous. In fact, prior versions of our complaint form allowed complainants to check a box so the complaint would be logged into our system without a complainant name attached. I would like to address a few concerns I have heard from complainants in my time with the Division, and I would also like to address a few concerns I have when our enforcement section receives anonymous complaints.

Let's start with issues from complainants. Probably the biggest issue raised to me regarding filing complaints comes about when an industry member files a complaint against another industry member, regardless of whether the individual is in the same field (real estate agent filing on another agent) or in one of the other related industries (real estate agent filing on mortgage originator). The concern usually stems from a fear of retaliation by the respondent or other industry members. Fear of retaliation can come in many forms (e.g. complaints filed against the complainant, ruining their career/losing their job, losing potential business/clients, not having their or their client's offer accepted, etc.). Fear of retaliation is especially concerning when the complainant files a complaint on somebody in their company or office.

Obviously, there is some benefit to the complainant if they can provide information which the Division can use to address issues without the complainant having to worry that the information they provide will be traced back to them. Although this would seem to be the case, I am not sure there really is any added benefit when the complainant requests to remain anonymous or files a complaint which is void of any information which the Division can tie to a specific individual.

According to State law, specifically the statute we call GRAMA, information received in the course of an investigation is classified as private or protected.

What does that mean to you? It generally means the Division cannot release information obtained through an investigation to just anybody, and usually information is only released if and when the Division takes an action based on the information.

The Division staff does not typically reveal to respondents the identity of a person who has filed a complaint. This does not mean respondents cannot try to figure out who filed a complaint. There are situations in which the Division may request specific information, or, based on the line of questions asked during an interview of a respondent, the respondent may be able to piece together a list of potential complainants. This could occur whether the Division knows who the complainant is or not. The reality is that if a person is going to file a complaint, there is a possibility the respondent may be able to figure out who would have filed the complaint based on the facts being sought. Therefore, the supposed added layer of "protection" offered by filing a complaint anonymously may not really protect the complainant.

This leads to another concern or hesitation raised by some complainants, which is their willingness to be a witness for the Division. Specifically, this concern arises when we need to have a person testify in a hearing. One reason the complainant may be unwilling to testify is tied to the fear of retaliation, but there may be other reasons based on a variety of factors (e.g. not wanting to put in the time and effort needed). Regardless, there is sometimes a general unwillingness to be a witness for the Division.

There are a couple of points to address with this concern. First, the Division, if possible, can and does proceed with hearings without having to call the complainant to testify before the respective Commissions and Board. There are cases where documents provide the information needed and we can avoid calling witnesses to testify. Just because a person files a complaint does not mean they will have to testify. However, in cases where testimony is needed, it can be a problem for the Division if the complainant is unwilling to testify.

This leads to a significant concern for our enforcement section. Sometimes testifying is unavoidable, and we need to have people (including complainants) called as witnesses for the Division. If a complainant is unwilling to testify, it can severely affect the case.

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## RECENT RELMS LICENSING SYSTEM UPGRADES

The Division has been utilizing The Division Real Estate Licensing Management System (RELMS) since 2007. Over the years additional features and improvements have been added to this licensing system to better enable real estate and appraiser licensees to conveniently and personally manage their individual license(s). You may have observed some enhancements that have been added to RELMS this year. Recent system improvements are listed here:

- *New Continuing Education (CE) Course Display*

This RELMS feature will enable licensees to maintain an ongoing historical tally of all CE that they have taken. CE courses completed by licensees and banked by education providers are now listed on the licensee's personal RELMS account by "Current CE" and "Past CE". In the past, continuing education course completion information was only available during the current two-year licensing cycle. After a licensee renewed their license, their CE credits "disappeared" until courses were completed and banked in the new two-year license cycle. Now, information on the current CE cycle is viewable as well as CE completed in past CE cycles. Going forward the "Past CE" list of courses will continue to grow as licensees complete CE in subsequent license renewal cycles.

- *New Company "Change Affiliation" Request Language*

This clarifying language will help licensees better understand and minimize confusion regarding the RELMS "Change Affiliation" process. New language has been included in the RELMS Company Change Affiliation process that informs the requesting licensee that both brokers (current and prospective) will need to acknowledge or accept the proposed licensee change request in RELMS within ten days, or the change request opportunity terminates. A terminated change request requires the requesting licensee to resubmit a new company change affiliation request in order to seek to change company affiliations.

- *New Real Estate Licensee Activation Request Language*

This clarifying language will help licensees better understand and minimize confusion regarding the RELMS license "Activation Request" process. Real estate licensees who are inactive and attempt to activate with a brokerage will now be informed that the broker they have sought to affiliate with will need to accept their activation change request in RELMS

within ten days or the requested change will terminate and the licensee will need to resubmit (including the payment of an additional activation request fee).

- *Appraiser Licensees now able to complete two seven-hour National USPAP Update Courses (i.e. 2012-2013, or 2014-2015)*

Appraisers will be given the option of taking only one seven-hour National USPAP Update course, or two seven-hour National USPAP Update courses in the same renewal cycle. Renewing appraisers are required to complete at least one seven-hour National USPAP Update Course in order to renew their license. Appraisers who desire to complete two seven-hour National USPAP Update Courses in their two-year license renewal cycle will be allowed to do so as long as the USPAP courses are currently approved by the AQB and are for different two-year USPAP Editions. Appraisers are still required by the AQB to take at least one seven-hour National USPAP Update Course in every two-year renewal cycle.

- *Real Estate And Appraiser Licensees Can Currently Print Their Own Licenses*

Licensees are now able to print their real estate and/or appraiser licenses in RELMS. Licensees are now able to print a PDF copy of their licenses whenever they desire. After creating their RELMS account, new licensees can also print their licenses. Licensees now have the convenience of printing a copy of their license immediately at any time and for any reason such as after renewing their license, making a change in license status or their address. The PDF copy is identical to the license that the Division has been sending individuals. The license printing feature has been functional for several months now. We have continued mailing licenses while this "print now" feature has been enabled to ensure that the system works as designed. With the new license printing feature, after December 31, 2013, the Division will no longer print and mail licenses at initial application and license renewal. Should any licensee desire that the Division print and mail a license after the end of this year, they would need to request a duplicate license and pay a \$10 fee. Mortgage licensees are on track to have a similar license "print now" feature by year end...

These system enhancements should make using the RELMS system easier and more convenient for licensees to manage their license.



# MORTGAGE LICENSE RENEWAL INFORMATION

This article serves as a reminder of important mortgage license renewal issues prior to the NMLS renewal period, which extends from November 1 – December 31, 2013.

License deficiencies placed on a licensee's NMLS record will prevent Utah licensing staff from processing the renewal. Licensees should take immediate action to clear up any existing licensing deficiencies that would prevent licenses from being processed and ultimately renewed.

Remember, all renewing Utah mortgage licensees are required to complete 8 hours of NMLS-approved continuing education including:

- 3 hours of federal law and regulations;
- 2 hours of ethics that shall include instruction on fraud, consumer protection, and fair lending issues;
- 2 hours of training related to lending standards for nontraditional mortgage products; and
- 1 hour of undefined instruction on mortgage origination.

The SAFE Act states that MLOs may receive credit for CE in the year in which the course is taken, and may not take the same approved course in the same or successive year to meet the annual requirements for CE.

Mortgage loan originators who completed the 20-hour NMLS prelicense education in 2013 and who—also in 2013—licensed in Utah as an MLO are not required to complete any CE in order to renew the MLO license in the upcoming 2013 license renewal period. MLOs that completed the 20-hour NMLS prelicense education this year (2013) will need to complete the NMLS CE hours described above in 2014, in order to renew. Remember, except for “late” CE, which applies only in a very specific circumstance, all CE must be taken in the renewal year.

Additional note: Utah mortgage licensees who reinstated a mortgage license between January 1, 2013 and February 28, 2013 and who completed “late” or “reinstatement” CE in order to reinstate the license will be required to complete an additional 8 hours of NMLS CE in 2013 in order to request license

renewal for 2014. The reason these individuals need to complete two sets of CE in 2013 is because the “late” or “reinstatement” CE they took between January 1, 2013 and February 28, 2013 was retroactively applied to the NMLS record for the last year that CE was required.

To reiterate, the NMLS requires that CE be completed in the calendar year immediately following the date in which an MLO completes the NMLS 20-hour prelicense education (PE), regardless of the date in which an initial license is granted. However, MLOs are not required to complete CE in the same year in which they complete the 20-hour NMLS PE.

This means, for example, that an MLO who completed the 20-hour NMLS PE in October of 2012 would be required to complete CE by the end of the renewal period in 2013 even if the MLO did not receive the initial license until June of 2013. Throughout the upcoming 2013 renewal window, the NMLS will not allow a mortgage licensee to submit an application for license renewal without all required CE hours being banked in the licensee's NMLS account. Please remember that CE banking with the NMLS can take up to seven business days, so allow sufficient time in order for your completed NMLS CE courses to be banked into your individual account.

## When must I have my CE completed in order to renew my license “on time”?

**SMART DEADLINE:** CE course(s) reported to the NMLS by Friday, December 13th

**AT RISK TO MISS ON-TIME RENEWAL:** CE course(s) reported to the NMLS by Friday, December 20th

**LIKELY TO MISS ON-TIME RENEWAL:** CE course(s) reported to NMLS any time AFTER Friday, December 20th

**REMEMBER:** AFTER CE CREDITS ARE BANKED BY THE NMLS ALLOW TWO DAYS FOR COMPLIANCE FLAGS TO BE REMOVED IN THE NMLS TO ALLOW LICENSE RENEWAL



# ESTABLISHING (OR CLOSING) REAL ESTATE TRUST ACCOUNTS

Individuals wanting to launch a new real estate or property management brokerage are required to open a new trust account. Existing brokerages desiring to change their entity name, and brokerages that are changing banking institutions, are also required to create a new trust account. This article discusses the procedures for establishing new trust accounts.

Division rules require that principal brokers engaged in listing or selling real estate have “at least one real estate trust account in a bank or credit union located within the state of Utah” (R162-2f-403a). In addition, all trust accounts & operating accounts used by a brokerage must be maintained in a bank or credit union located in the state of Utah (R162-2f-205(4)(d)).

How do you go about setting up your trust account?

1- Call the Division at (801) 530-6747 to confirm that the business name you have selected for your brokerage entity is acceptable (i.e. the name may not be too similar to an existing company name and cannot be confusing or misleading to the public – See R162-2f-205 (4)(a)). Make this call before you pay the Department of Corporations for a name registration (otherwise you may have unnecessarily paid to register a name that you may not be allowed to use).

2- Promptly register the business name with the Department of Corporations (160 East 300 South, Heber Wells Building, Salt Lake City, UT 84114 – (801) 530-4849 or (877) 526-3944). After approval from the Division, don’t delay registering the approved name with Corporations because the name you want may otherwise be taken.

3- After you have completed the registration of your active entity name with Corporations, proceed to the Utah bank or credit union of your choice to open your trust account(s) and operating account.

a. Your trust account(s) must include the words “Real Estate Trust Account” or “Property Management Trust Account” following the registered name you received from Corporations.

b. Members of The Utah Association of Realtors must still include the words “Real Estate Trust Account” or “Property Management Trust Account” fol-

lowing the name of their registered entity. In addition the term UARHOF may also be included on the account.

4- Once your trust account(s) have been created, and within 30 days, you need to provide the Division with documentation of the creation of the(se) account(s). The Division requires a copy of the signature card which includes the following:

a. Address of the bank or credit union where the account is located,

b. The type of activity for which the account is being used (i.e. real estate trust account or property management trust account),

c. Full account name (the registered name of your entity – the same name granted approval by the Division and by Corporations),

d. Complete account number (not just the last four digits),

e. Confirmation that the principal broker is a signor on this account, and

i. With the principal broker’s permission, others may be added as signors of the account. Remember that the accountability for trust accounting errors fall squarely on the shoulders of the principal broker. The principal broker is responsible to safeguard this account.

f. The words “Real Estate Trust Account” or “Property Management Trust Account” following the registered name (with the Division and Corporations) on the account.

Remember to notify the Division any time that a trust account is being opened or closed.


When closing a trust account the Division should be notified of the following:

1- Name of the bank where the account is located,

2- Entity name on the trust account,

3- Complete trust account number, and

4- Date the trust account will be closed.

If you have further questions regarding this process, please contact the Division. 



# MORTGAGE CALL REPORTS and STATEMENTS OF FINANCIAL CONDITIONS REMINDERS

The March and June 2013 Division newsletters provided important information about Mortgage Call Reporting requirements and the requirement to file an Annual Statement of Financial Conditions report. Please refer to these articles at [http://www.realestate.utah.gov/newsletters/newsletter\\_q1-2013\\_full.pdf](http://www.realestate.utah.gov/newsletters/newsletter_q1-2013_full.pdf), and [http://realestate.utah.gov/newsletters/newsletter\\_q2-2013\\_full.pdf](http://realestate.utah.gov/newsletters/newsletter_q2-2013_full.pdf) as a reminder of these requirements and to aid you in completing these reports.

We would like to remind all mortgage entities licensed with the Division that call reporting deficiencies **MUST** be removed **BEFORE** an entity license will be allowed to be renewed for a 2014 mortgage entity license. **Entities that have deficiencies for failing to file one or more call reports will be prevented from renewing their mortgage entity license until they have submitted each quarterly call report since the third quarter of 2012. Therefore a total of five call reports are required to be submitted to the NMLS in order to be permitted to renew an entity license for 2014.**

Even inactive entities or entities that desire to surrender their mortgage entity license must submit a final call report for the quarter in which the entity license inactivated or was surrendered. Call reports must be kept current.

In addition, the failure to file a timely quarterly call report and annual statement of financial conditions report are violations of statute.

Mortgage entities please initiate policies and procedures to ensure the timely filing of the mortgage call report and the annual statement of conditions report.

# APPRAISER SUPERVISOR/ TRAINEE COURSE

The Appraisal Qualifications Board has created a course of instruction for all currently existing and subsequent new appraiser supervisors and trainees. In addition, the Utah Appraisal Board desires that some additional topics (in addition to the AQB course curriculum) also be taught to supervising appraisers and trainees in Utah. This AQB course outline will be included along with some additional topics approved by The Utah Appraisal Board.

All supervising appraisers and trainees will be required to attend this course before January 1, 2015. Any supervisor or trainee that fails to attend this course before the deadline will not be allowed to supervise or function as a trainee (and receive experience hours) until they have completed this required course.

The final decision regarding the details of the combined course outline should be determined by the Appraisal Board at their meeting on October 23rd. It is anticipated that the combined course of instruction will be a four hour class.

It is hoped that the important information taught in this course will help both supervisors and trainees better understand their roles in the appraisal process. Common problems associated with Licensed appraisal applications will be discussed. Best practice issues will be explained. In summary, this course should help all parties better understand and meet expectations regarding supervising appraisers and their trainees.

Appraisers interested in teaching this course should contact the Division for further information.







**STAFF  
SPOTLIGHT:  
JUSTIN  
BARNEY**  
Hearing Officer, Records  
Manager

The Division of Real Estate welcomes Justin Barney to the Division. Justin brings over 20 years' experience in real estate law and real estate transactions. As Hearing Officer, Justin reviews applications for licenses and drafts orders, attends meetings of the Utah Real Estate Commission, the Utah Residential Mortgage Regulatory Commission, and the Appraiser Licensing and Certification Board, and prepares written orders for the Commissions and Board. Justin also prepares drafts of proposed rules and statutes for administrative approval and public comment. In addition to his responsibilities as hearing officer, Justin is also the records manager. He receives and responds to requests for public records and oversees the maintenance of Division records. We are happy to have Justin as a member of the Division team.

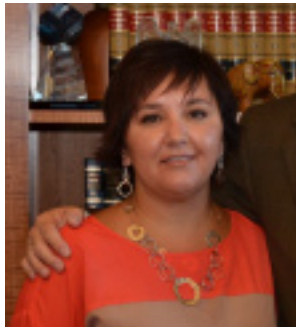
Justin enjoys working with the friendly and dedicated staff of the Division. He is happy to work in a professional environment in support of the important work of the Division of Real Estate. In his spare time Justin enjoys spending time with family and friends and participating in outdoor activities such as walking, hiking, and bicycling.



**THANK  
YOU  
JEANETTE!**

We have been very fortunate to have had Jeanette Payne serve on the Appraiser Licensing and Certification Board from August 2009 - July 2013. Jeanette is the owner of JH Payne & Associates and is a Certified Residential Appraiser with over 20 years of experience in the appraisal profession. In addition to her service on the Appraiser Board, she has served in the Utah Chapter of the Appraisal Institute.

We appreciate the guidance and direction that Jeanette has provided the appraisal industry during her continual years of service and wish her continued success in her future endeavors.



**TIFFENI  
WALL  
DEPARTS  
DIVISION**

Tiffeni Wall worked for The Division as the Real Estate Education Coordinator for the past seven years. This summer she was hired by Governor Herbert's office as The Assistant to the Chief of Staff. Tiffeni will be working closely with Governor Gary Herbert and with former Division Director Derek Miller, the Governor's Chief of Staff.

Tiffeni was instrumental in planning and implementing the Division Instructor Development Workshops, Annual CARAVAN presentations, Newsletter layout, and a myriad of additional tasks and assignments. She also served as Assistant to four different Division Directors. Tiffeni is known for her effervescent personality and conscientious work ethic. The Division wishes her well in her new assignment and is very appreciative of her years of commitment and dedication in behalf of the Division. Congratulations on your new job, and good-bye Tiffeni!



# DIVISION QUESTIONS AND ANSWERS

Do you have a questions you have been wanting to ask an investigator but have not had the time to call? Do you have questions about your license? We want to hear about your ideas and suggestions. All questions and suggestions will be anonymous. Selected questions will be answered in the next newsletter.

Submit questions to: [DREnewsletter@utah.gov](mailto:DREnewsletter@utah.gov)



**Q:** Is there a list of free CE classes for Salt Lake Valley?

**A:** No. The Division lists all approved real estate and appraisal continuing education courses on the “Qualifying & Continuing Education Search” button on our website (<http://realestate.utah.gov/education.html?list=RE>). These courses can be searched alphabetically (by course name or provider), by key word, or by number of CE hours. For convenience, provider information (including website and contact telephone numbers) are also included. Course providers are primarily private businesses and the cost of their courses is not information that the Division regulates or tracks. Course location and availability is also information that licensees would need to directly contact individual providers to determine.

**Q:** What are the equivalent experience required to become a lending manager that was stated in statute that it would be created by rule?

**A:** This question relates to the statute for mortgage licensing §61-2c-206(1)(d): “submit proof, on a form approved by the division, of three years of full-time active experience as a mortgage loan originator licensed in any state in the five years preceding the day on which the application is submitted, or equivalent experience as approved by the commission pursuant to rule that the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.”

This equivalency was defined in rule as:  
R162-2c-501a:

(1) Thirty months of full-time experience in the following activities shall be considered equivalent to one year of experience as a first-lien residential mortgage loan originator:

- (a) loan underwriter;
- (b) mortgage loan manager;
- (c) loan processor;
- (d) certified mortgage prelicensing instructor; and
- (e) second-lien residential loan originator.

(2) An applicant who wishes to receive experience credit under this Subsection R162-2c-501a, but who cannot demonstrate experience equivalent to a full year of first-lien residential mortgage loan origination shall:

- (a) be awarded experience credit as deemed appropriate by the division; and
- (b) complete the experience requirement through additional experience as a first-lien residential mortgage loan originator, as determined by the division.

R162-2c-501b. Optional Experience Points Table.  
TABLE

## APPENDIX 3 - OPTIONAL EXPERIENCE TABLE

Professional Activity	Possible Points
(1) Loan underwriter	.5 pt/month
(2) Mortgage loan manager	.5 pt/month
(3) Loan processor	.5 pt/month
(4) Certified mortgage prelicensing instructor	.5 pt/month
(5) Second-lien residential loan originator	.5 pt/month

In summary, someone wishing to pursue the Lending Manager license must have at a minimum 2 years full-time licensed loan origination with a minimum of 30 closed loans during that time and up to 30 months of experience from the table provided in rule to cover the third year requirement.

**Q:** Can a Principal Lending Manager represent the corporate office as well as another physical location (branch) even though the Lending Manager is not physically located at the branch?

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**A:** An individual who holds the Lending Manager license and is serving as the Principal Lending Manager for the entity has special requirements as well as privileges. He or she may operate out of any of the licensed locations of the entity with no restriction of where he/she must work or reside. The Principal Lending Manager must also oversee all operations of the company and all the branch locations from wherever that person is working. The entity can best determine where they would like their Principal Lending Manager to work, but he/she is responsible for all other branches and Branch Lending Managers of the entity. If a Principal Lending Manager is working out of a branch rather than from the corporate location, this does not mean that no Branch Lending Manager must be on site. There would still remain the requirement for the licensed branch to have their own Lending Manager assigned specifically to that branch. Some entities have just a corporate location and only one branch in Utah and they often ask if the Principal Lending Manager can work out of the branch and cover both responsibilities. This is not the case. Statute requires that the Principal Lending Manager for the entity and the Branch Lending Manager be two distinct individuals.

§61-2c-206(2) A lending manager may not: (a) engage in the business of residential mortgage loans on behalf of more than one entity at the same time; (b) be sponsored by more than one entity at the same time; or (c) act simultaneously as the principal lending manager and branch lending manager for the individual's sponsoring entity, if the entity operates from more than one office.



## STAFF SPOTLIGHT: MYKAH TRAVIS

Mykah is a new face at the Division of Real Estate. She replaced Tiffeni Wall and has taken on the Real Estate Education Coordinator duties. She was previously employed at the Salt Lake Board of REALTORS® and has brought her knowledge of real estate to her new job here at the Division of Real Estate. While at the Salt Lake Board she was able to work in the Education Department coordinating and scheduling classes and events. Mykah is currently finishing up her last semesters at the University of Utah and will be graduating with her Bachelor's degree in Education.

In her spare time, Mykah and her husband enjoy the many adventures that Utah has to offer. In the summer they frequently find themselves boating and soaking up the sun at Lake Powell. They also enjoy canyoneering in southern Utah, and exploring the beautiful scenery Utah has via hiking, biking or running. Their passion for being active doesn't stop there, in the spring and fall they enjoy playing co-ed softball and volleyball with their friends. They are also fortunate enough to spend their weekends in the winter snowboarding, Mykah loves to snowboard and claims she will not stop snowboarding until she is so old she can no longer walk.

Mykah is enthusiastic about working for the Division of Real Estate and is ready and eager to assist in the real estate education department.





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For example, at one point in the book, Gladwell states “believe it or not, the risk of being sued for malpractice has very little to do with how many mistakes a doctor makes.” Gladwell states analyses of civil suits against physicians show there are highly skilled doctors who were sued a number of times, while some doctors who made numerous mistakes were never sued.

Gladwell argues that a large number of people who are harmed by doctors do not sue the doctors. Gladwell claims the law suits are not initiated by injury alone, but because patients are harmed and something else occurs. Gladwell argues that something else is how the patients were treated by their doctor. Gladwell states “what comes up again and again in malpractice cases is that patients say they were rushed or ignored or treated poorly.”

To further make his point, Gladwell quotes a medical malpractice lawyer, Alice Burkin, in the book. Burkin states “I’ve never had a potential client walk in and say, ‘I really like this doctor, and I feel terrible about doing it, but I want to sue him.’” Burkin goes on to state there are even cases where she determines another doctor is to blame, but the patient refuses to file suit because they liked the doctor.

Gladwell also points to another researcher, Wendy Levinson, who looked at a group of physicians, half who had been sued and half who had not. Levinson reviewed conversations between the doctors and their patients. The outcome: doctors who took less time and were less personable with their clients tended to get sued, while doctors who spent a little more time with patients, explained the process, and offered the patients an opportunity to ask questions generally were not sued. Levinson’s research did not show a difference in the quality of information provided by the two groups of doctors, but the difference generally was in how one group of doctors spoke with patients.

I found these studies illuminating and relevant in a number of ways. Appraisers, like doctors, are judged by a very high standard. USPAP establishes a high standard for appraisers to achieve. Appraisers, like doctors, work with people on a subject that

can be very emotional (health/property). In residential appraising, the appraiser is dealing with a very emotional part of a person’s life, which is the person’s home or future home. Appraisers also work with loan officers and real estate agents, who have a vested interest in the outcome of the appraisal. The appraisal results can directly affect their paycheck.

As I read this portion of Gladwell’s book, I thought there could be some helpful answers to appraisers in how to deal with this often faced dilemma. As Gladwell points out, it is not the quality of information discussed as much as it is the way information is discussed. Confidential information does not need to be discussed with third parties, but it appears that a little bit of common courtesy in explaining some basic information could go a long way to diffusing interested parties’ anxieties, frustrations, and complaints.

After reading these brief comments from Gladwell’s book about doctors who get sued versus doctors who have never been sued, should it not give an appraiser pause, and cause us to think about how to interact with third-party users of a report?

Maybe a better way to explain these studies is to ask a simple question. Who is most likely to have a complaint submitted to the Division: (1) An appraiser who spends a little bit of extra time answering people’s questions, asking questions about the property, and responding appropriately to queries after the appraisal is submitted (by referring them back to the client, and explaining your limitations in discussing the appraisal); or, (2) an appraiser who “rushed” (complainant’s words) through the property, did not see all of the updating the home owner had done and (thanks now to the UAD changes on the 1004 form) even states in the report “no updates in the prior 15 years”, and then refuses to respond to a call or email for further explanation? (I recognize that the statement of “no updates” refers to the home’s kitchen and bath, but the owner does not know that is what the statement is referencing.)

On many occasions I have told homeowners and real estate agents who call the Division about the confidentiality standard under which appraisers work. Often times, I assume this is the reason an appraiser is refusing to respond to the person’s questions. Most people seem to understand my explanation, but often they are already put off by a perceived lack of professionalism and a complaint is submitted to the Division. This same explanation could be given by the appraiser.



USPAP does not require you to be courteous or even nice, but Gladwell's case studies show a best practice (as well as in appraisers own self-interest) to encourage both.



### Work Cited

Gladwell, M. (2005). *Blink: The power of thinking without thinking*. New York, NY: Little, Brown and Company.

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For example, if there is a serious violation of statute that is egregious enough to warrant a criminal filing, witnesses will be needed. If somebody is unwilling to stand up and be counted on to provide truthful testimony, why should the Division spend a lot of time and resources to investigate a case which will ultimately be closed without any action due to a lack of needed testimony?

Another concern raised by licensees when filing complaints deals with having their work reviewed by the Division as part of the investigative process. This is probably most common in complaints filed by appraisers, because part of the foundation for the complaint may come from their findings and opinions about certain facts. While this concern may occasionally become an issue because of facts gathered by the Division, the Division does not generally turn the complaint around and focus on the complainant. But, as the saying goes, don't throw stones when you live in a glass house. If the complainant is committing violations, there is a possibility that it could be discovered during the investigative process..

In addition to concerns expressed by complainants, the Division also has a couple of concerns about anonymous complaints. As mentioned above, not having a willing witness can be fatal to an investigation or hearing. Second, there have been situations where complainants try to use the complaint process to cause problems for a licensee. These can be to harass, to retaliate, or for other reasons. The Division will not be used as a tool this way, although sometimes anonymous complaints are filed in an attempt to do so.

Probably the biggest concern for the Division arises when allegations are made, but not enough evidence or facts are provided to support the allegations. This is a concern for a number of reasons. First, the Division does not open a case unless enough information is re-

ceived to at least show a suspicion that a violation has occurred, is occurring, or will occur. We have received a number of complaints stating very generalized information about what is occurring or has occurred but not enough specific information is provided (e.g. file or case names/numbers, etc.) to assist the Division in deciding where to begin. People have often assumed the Division has endless time and resources to "fish" for information, but this is not the case. We receive a large number of complaints each month, and we do not have the resources or jurisdiction to investigate fully a complaint with limited information. If there is not enough information provided to the Division, we may not be able to pursue the case because of the lack of evidence to show potential violations have occurred.

This is compounded when serious allegations are made about a licensee, and then next to nothing as far as proof is provided. Within the last year, there are at least two cases that come to mind.

We have had a couple of anonymous complaints filed during the last year where very serious allegations were made about licensees. Without disclosing the contents of the complaints, I will provide a general summary about what was filed and the difficulty we faced with the complaints.

First, we received a completely anonymous complaint which did not include any information about who may have filed it. The complaint alleged a person who had a history of action by the Division was continuing to practice in their field without a license, and was doing so under another individual's license. The complaint did not give any further information to provide the Division with a starting point. There were no specifics about what activities were taking place, no witnesses to the activities identified, or which files to review.

The difficulty in pursuing the complaint was due to a couple of factors. The complainant did not say which current licensee's information was being used to conduct the activities. This was further compounded by the fact that the individual complained about worked for a large company. The person whose license was being used for the activities could have been any of a number of employees/licensees. Essentially, the complaint was asking the Division to go fishing without knowing what to fish for, not knowing which sampling


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of files to review, etc. With this complaint alone, we would have had to review over 500 files, and not have a clue if we would find proof or what we were to review specifically to find the unlicensed activity.

Another anonymous complaint stated the Division could gather the necessary facts through a review of a number of court cases. The problem: the Division was not informed which court cases to review. Utah has eight different court districts, which cover the 29 different counties in this state. Based upon the factors presented to the Division, it was impossible, as far as the Division staff are aware, to search for the criteria presented to us. If the complainant had either limited the possible search by using data we could research (e.g. plaintiffs/defendants in the particular cases the complaint was referencing), we could have at least tried to do some research. Instead, we would have had to tie up a number of resources and would still not know for sure where to start.

These two complaints have a common thread: if contact information for the complainants were provided with the complaints, we could have easily contacted the complainants to gather the needed information to support opening a case. Instead, we had nobody to contact, no idea where to begin, or any proof to substantiate that violations may have occurred. There may have been a specific reason for filing the complaints anonymously as mentioned above, but, as previously stated, information identifying the complainants would have been protected by the Division in these cases.

As these complaint examples show, I become frustrated when our Division is notified of very serious issues, but the complaints are void of the necessary information to start a proper investigation. This does not mean the Division will not review and possibly open anonymous complaints in the future. I am hoping by explaining some of the issues on both sides of the complaint process, licensees who may consider filing complaints can do so with their minds at ease that we will not provide their identifying information to respondents or others, and can understand how not providing their contact information to the Division can adversely affect the course of an investigation. 


## INACTIVE LICENSES

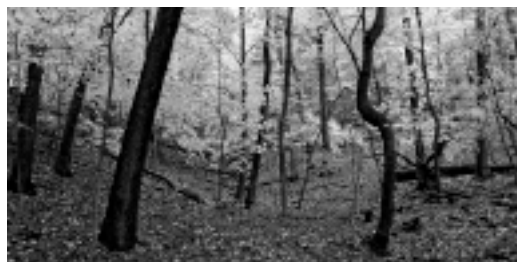
### Real Estate and Mortgage Licensees **MUST Renew**

Frequently real estate licensees contact the Division indicating that they have recently returned to Utah from an extended absence, or have just changed careers and now want to activate their licenses. When the licensing staff member conveys that their formerly inactive license is no longer valid (it expired long ago - many over one year ago) the phone goes silent:

“How can this possibly happen...before I left the state, or before I changed careers I inactivated my license... How can my license be expired when I inactivated it before I left so that I could later return to the real estate (or mortgage) industry at a later time? Can't I pay a late fee or take some additional CE in order to “restore” my license?”

In instances where the license has expired for more than one year these individuals are required to reapply **as though they have never been licensed.**

**Inactive real estate (and mortgage) licenses MUST BE RENEWED**, just as active licenses are required to be renewed. If an individual continues to timely renew their license, the license can be maintained indefinitely. Failing to renew a license (either active or inactive) results in an expired license. Avoid the additional late fee charges and need for additional continuing education by timely renewing your license. Remember, a license expired for more than one year cannot be reinstated. License expiration dates are printed on your professional license and can be reviewed on the Division website “Look Up A License” feature. 



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REXROAT, STEPHEN PATRICK, mortgage loan originator license. In an August 9, 2013 order, Mr. Rexroat's license was granted on probation due to unpaid civil judgments and tax liens. Case number MG-13-66570.

SALERNO, MELANIE L., mortgage loan originator license. At an informal hearing before the Utah Residential Mortgage Regulatory Commission held August 7, 2013, the Commission denied Ms. Salerno's application for licensure. The Commission determined that Ms. Salerno set up a "straw buyer" transaction while employed as a loan processor. Following a criminal investigation of the transaction, she pleaded guilty to two counts of communications fraud. Case number MG-13-65737.

SPONGBERG MARK JAY, mortgage loan originator license. In a stipulated order, Mr. Spongberg agreed to pay a civil penalty of \$750 for failing to report his bankruptcy within ten days of filing for bankruptcy and for failing to disclose the bankruptcy when later filing to renew his license. Case number MG-13-65797.

## REAL ESTATE

BELNAP, KARLIE, sales agent license. Following an informal hearing before the Utah Real Estate Commission, license was granted on probation for the initial licensing period due to prior criminal history. Case number RE-13-65679.

EARLEWINE, AMANDA, sales agent license. The Division of Real Estate considered Ms. Earlewine's criminal history in conjunction with her application for renewal. License was granted on probation for the licensing period. Case number RE-13-66655.

EKBERG, CHARLES A., principal broker license. The Division of Real Estate granted Mr. Ekberg's application for renewal on probation until such time as a regulatory proceeding in Montana relating to continuing education requirements is resolved. Case number RE-13-66637.

EVANS, MICHAEL, sales agent license. The Division of Real Estate considered Mr. Evans's criminal

history in conjunction with his application for licensure. License was granted on probation for the initial licensing period. Case number RE-13-65745.

FRACE, REBECCA, sales agent license. The Division of Real Estate considered Ms. Frace's criminal history in conjunction with her application for licensure. License was granted on probation for the initial licensing period. Case number RE-13-66218.

GRANT, BRANTLEY, sales agent license. The Division of Real Estate considered Mr. Grant's criminal history in conjunction with his application for licensure. License was granted on probation for one year. Case number RE-13-66485.

KLAWE, ADAM, sales agent license. In an August 13, 2013 order, license was granted on probation until he completes a plea in abeyance agreement for a misdemeanor. Case number RE-13-66654.

KONCAR, KELLEN, sales agent license. In a July 12, 2013 order, license was granted on probation until he completes a criminal probation for a misdemeanor. Case number RE-13-66074.

LANG, TERIANNE, sales agent license. In the past, applicant was a certified residential appraiser. At a 2009 hearing before the Utah Real Estate Appraiser Licensing Board not attended by applicant, she was found to have made misrepresentations, failed to comply with the Board's order to produce certain records and documents, and to pay a fine. In a July 15, 2013 order, the Division of Real Estate determined that at present she does not meet the qualifications for licensure as a sales agent. Case number RE-13-66093.

LOOSLE, JOAN A., principal broker license. The Division of Real Estate considered Ms. Loosle's criminal history in conjunction with her application for renewal. License was granted on probation for one year. Case number RE-13-66483.

MOGEN, MARCI, sales agent. The Division of Real Estate considered Ms. Mogen's criminal history in conjunction with her application for licensure. License was granted on probation for the initial licensing period. Case number RE-13-66740.

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# Utah Division of Real Estate

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PALMER, WAYNE L., principal broker license. In 2012 the SEC appointed a receiver over applicant's businesses including his real estate brokerage and he was prohibited from acting as a trustee, director, officer, manager, or employee of his brokerage. In a July 12, 2013 order, his application for license as a principal broker was denied. Case number RE-13-66068.

STEED, TROY, sales agent license. Following an informal hearing before the Utah Real Estate Commission, license was granted on probation for the initial licensing period due to prior criminal history. Case number RE-13-65301.

STRUBLE ANDREA H., sales agent license. The Division of Real Estate considered Ms. Struble's criminal history in conjunction with her application for licensure. License was granted on probation for the initial licensing period. Case number RE-13-63553.

WILLIAMS, KELLI L., sales agent license. Following an informal hearing before the Utah Real Estate Commission, license was granted on probation for the initial licensing period due to prior criminal history. Case number RE-13-65347.

WOODBURY, GARY L., principal broker license. The Division of Real Estate considered Mr. Woodbury's criminal history in conjunction with his application for renewal. License was granted on probation for the initial licensing period. Case number RE-13-66484. 