

**UTAH RESIDENTIAL MORTGAGE REGULATORY  
COMMISSION MEETING**

Heber M. Wells Building  
Second Floor - Room 210

9:00 A.M.

January 5, 2005

**MINUTES**

**STAFF MEMBERS PRESENT**

Dexter Bell, Division Director  
Mark Fagergren, Education/Licensing Director  
Jon Brown, Enforcement Director  
Dee Johnson, Investigator  
Blaine Ferguson, Assistant Attorney General  
Ron Kunzler, Assistant Attorney General  
Shelley Wismer, Assistant Attorney General  
Dave Mecham, Investigator  
Marv Everett, Investigator  
Brad Pyne, Investigator  
Renda Christensen, Board Secretary

**COMMISSION MEMBERS PRESENT**

A Thompson Calder, Chair  
Pierre Alley, Vice Chair  
Eva Rees, Commissioner  
Julie McCan, Commissioner  
Alan Bowyer, Commissioner

**GUESTS**

Al Bingham  
Kevin Swensen  
Chris Keyser, Information Officer  
Dave Luna  
Shannon Taylor  
Lance Miller

The meeting on January 5, 2005 of the Utah Residential Mortgage Regulatory Commission began at 9:00 a.m. with Chair Tom Calder conducting.

## **PLANNING AND ADMINISTRATIVE MATTERS**

### Approval of Minutes

The minutes from the December 1, 2004 meeting were approved as written.

## **DIVISION REPORTS**

### Enforcement Report – Jon Brown

Mr. Brown reported in December the Division received 25 written complaints, opened 4 for investigation, 6 files closed, and are now 114 open cases.

Mr. Brown introduced the new appraiser investigator for the Division, and said he is interviewing for another investigator position.

Mr. Johnson discussed the letter going out to all Control People notifying them the entire Enforcement Department will be going out with lists of who has not passed the test. The letter is to remind the control people that it is their responsibility to verify their employees have taken the test. If these people have loans in process, the control person will have to have someone else finish the transaction. The Enforcement Department section will cover most of the state.

Mr. Brown said the Division will audit a company if they get information about unlicensed individuals doing business.

### Education/Licensing Report – Mark Fagergren

Mr. Fagergren reported the last two weeks of December were very busy. There were two deadlines coming into effect, and people were trying to beat the deadlines. He has been monitoring the use of Promissor's testing centers, and as of December 23, 2004, they were scheduling out until January 6, 2005. As of January 4<sup>th</sup>, scheduling was out until January 13, 2005. Promissor has expanded their hours and testing centers to compensate for the last minute test takers. The phones were ringing continually with applicants/licensees trying to find out information about what would be accepted.

There was a surprising amount of new licensees applying during this same time frame. Everyone wanted to beat the deadline to avoid the 20 hours of pre-licensing education that came into effect on January 1, 2005.

The licensing statistics show there are now 10,737 individuals actively licensed with the Division. Licensees that are inactive, suspended, or on probation total 1,452 so the total number of licensees that needed to take the exam before the end of 2004 is 12,189. Statistics from Promissor show there are nine different exams being given now, and the overall percentage of licensees that have

taken both parts of the test is 60%. Of this, 48% have passed both parts of the test, and 14% have failed to pass both parts of the test. In the month of December there were 2,098 tests given.

There are currently four pre-licensing schools that have been approved, and 8 continuing education courses approved.

#### OTHER BUSINESS

Blaine Ferguson, Assistant Attorney General, provided some general training for the Commission in the area of post-revocation hearings.

#### **INFORMAL HEARINGS**

10:00 Dennis Bennett – Application for License  
Did not show

10:40 Christopher Derring – Post-Revocation Hearing  
Catherine Conklin, Attorney

11:10 Paul Anderson – Application for License

11:35 Chad Morris – Application for License  
Brian Eppich, Friend

12:20 to 12:35 Lunch Break

#### Director's Report – Dexter Bell

Director Bell handed out a list of amendments to the bill that Senator Waddoups will be sponsoring for the Division. The first section covers Definitions and Qualifications, clarifying definitions and requiring pre-licensing education. The second section covers the PLM qualifications. The statute currently counts only licensed time in Utah (i.e., since January 1, 2003) toward the 5 years experience. The Division would like to count registered time, also (i.e., since September 1, 2000).

The third section covers Screening. It is being proposed to add credit checks to the application process. The Commission decided to hold off on this change. The fingerprint revocation minimum re-application period will be changed from 5 years down to a proposed 1 year minimum, and will be at the discretion of the Commission on a case-by-case basis. It is also being proposed that the Commission may delegate criminal licensing decisions to the Division. Reporting criminal histories is being changed to have all moral turpitude felonies and Misdemeanor A's be reported for 10 years, and Misdemeanors B

and C be reported for 5 years back.

1:08 Ramsey Johnson – Post-Revocation Hearing  
Steve Lybbert, Attorney  
Patrick Perko, Employer, Five Star Funding

1:40 Tresa Hansen – Post-Revocation Hearing  
Greg Smith, Attorney  
Tom Stearns, Law Clerk

#### Director's Report - Continued

Section four covers Rules, and proposes to make the rules consistent by having the Division concur on all education rules. Also, it is proposed to give the Division the general authority to define terms not defined in statute.

Section five proposes having an alternate Commissioner. Chair Calder suggested the possibility of using a past Commissioner, because the individual would have the background to fill in if there is not a quorum.

Director Bell handed out a revised qualifying questionnaire for review. On question 5, it was suggested to remove the phrase "traffic offenses." Also diversion agreements and pleas and abeyance will be added. It was also suggested to add the sentence, "NOTE: If you are in any way unclear, seek legal counsel" between questions 5 and 6.

#### **REVIEW LIST OF LESSER CRIMINAL CONVICTIONS**

Niesha Bartunek  
Brenda Cordan  
Frontier Funding Group, Inc. (Jason F. Jacobson, President)  
Emily Gappmayer  
Jason Jacobson  
Isaac Jessop  
Richard Leahy  
Anthony Mahre  
Dan Milano  
Rachelle Nemelka  
Jay Olson  
Debbie Peters  
Lee Prescot  
Trudy Root  
Vianca Smith  
Sharon Spata

Harry Welker

Executive Session was held from 3:15 p.m. to 4:25 p.m.

## **EXECUTIVE SESSION**

### Results of Executive Session

Dennis Bennett – Continuance was granted.  
Christopher Derring – Revocation has been reversed.  
Paul Anderson – Denied.  
Chad Morris – Denied.  
Ramsey Johnson – Revocation has been reversed.  
Tresa Hansen – Revocation was upheld.

### Lesser Criminal Convictions

Niesha Bartunek – Approved.  
Brenda Cordan – Approved.  
Frontier Funding Group, Inc. (Jason F. Jacobson, President) – Approved.  
Emily Gappmayer – Approved.  
Jason Jacobson – Approved.  
Isaac Jessop – Approved.  
Richard Leahy – Approved.  
Anthony Mahre – Approved.  
Dan Milano – Approved.  
Rachelle Nemelka – Approved.  
Jay Olson – Approved.  
Debbie Peters – Approved.  
Lee Prescot – Approved.  
Trudy Root – Approved.  
Vianca Smith – Approved.  
Sharon Spata – Approved.  
Harry Welker – Schedule for hearing.

### Stipulations

Atlas Home Mortgage – Approved.  
Darren Eady – Approved.  
Jaman W. Davies – Approved.  
William J. Davies – Approved.  
Tanner Scadden – Approved.  
Justin Tranter – Approved.  
David Leonard Ellis – Approved.  
Steven Arave – Approved.  
Sean Hadlock – Approved.

### OTHER BUSINESS

It was decided to begin the first hearing begin at 10:30 a.m., to allow an extra 30 minutes for reporting and discussions.

Mr. Brown brought up the necessity of having a mortgage advertising rule. Chair Calder said the Commission would like to see another draft of the rule before they make a decision.

A motion was accepted to adjourn at 4:45 p.m.