

**UTAH RESIDENTIAL MORTGAGE REGULATORY  
COMMISSION MEETING**

Heber M. Wells Building

Room 250

9:00 AM

August 5, 2009

**MINUTES**

**STAFF MEMBERS PRESENT**

Thad Levar, Acting Director  
Dee Johnson, Enforcement Director  
Mark Fagergren, Education/Licensing Director  
Traci Gundersen, Assistant Attorney General  
Jennie Jonsson, Hearing Officer  
Renda Christensen, Board Secretary  
Tiffeni Wall, Real Estate Education Coordinator  
Jan Buchi, Mortgage Education Coordinator  
Jody Colvin, Division Staff

**COMMISSION MEMBERS PRESENT**

Rodney "Butch" Dailey, Chair  
Heather MacKenzie, Vice Chair  
Lance Miller, Commissioner  
Brigg Lewis, Commissioner

**GUESTS**

Tyler Camp	David Luna
JR Thompson	Ron Duyker
Paul Naylor	Chad Ahearn
Don Downing	Kevin Swenson
Irene Kennedy	Michael Welker

The meeting on August 5, 2009 of the Utah Residential Mortgage Regulatory Commission began at 9:05 a.m. with Chair Dailey conducting.

Commissioner Jensen is absent from the meeting today.

**PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes - The minutes from the July 1, 2009 meeting were approved as written.

## **DIVISION REPORTS**

### **Director's Report – Thad Levar, Acting Director**

Acting Director Levar announced that a new Director for the Division of Real Estate has been approved. The new Director is Deanna Sabey and she will begin on August 25, 2009.

### **Enforcement Report – Dee Johnson**

Mr. Johnson reported in the month of July the Division received 16 complaints; 20 complaints were screened; 3 cases were opened; 2 cases were closed; leaving 50 total cases.

There are three stipulations being presented today for the Commission to review. All of the individuals were offered a chance to appear today, but all have chosen not to appear.

#### **Review of Stipulations**

Robert Little

J. R. Green

William Farrar

### **Education/Licensing Report – Mark Fagergren**

Mr. Fagergren mentioned that the statistics show the numbers of licensees are slowly decreasing.

The Division has hired Jan Buchi to replace Amanda Orme as the Mortgage Education Coordinator. Ms. Buchi and Ms. Colvin will be attending training in October on the various components of the S.A.F.E database, etc.

The Instructor Development Workshop will be held on October 19-20, 2009 at the Sheraton, with Amy Cherow as the guest speaker. All the Commissioners are invited guests.

Mr. Fagergren spoke about the plan for transition to S.A.F.E. The education and licensing staff have worked diligently to breakdown all of the changes and requirements. There may be some emergency rules that may need to be enacted by the end of this month to help with the transition.

Here is a brief overview of the summary:

### **Licensee Requirements**

#### **Pre-requisites:**

Never have had a loan originator license revoked; no felonies within the past

seven years; never had a felony involving fraud, dishonesty, breach of trust, or money laundering; and, financial responsibility is verified.

Requirements:

There will be an FBI criminal background for new licensees by January 1, 2010, and existing mortgage officers by January 1, 2011.

Authorization is required for credit reports.

The licensee must input and maintain their personal record in NMLS&R for every state in which they are licensed.

**New licensees as of January 1, 2010 are required to take the following:**

**Education**

Prelicense Education

20 hours of NMLS&R approved course(s) including 3 hours federal law and regulations, 3 hours ethics (including fraud, consumer protection, and fair lending practices) 2 hours non-traditional mortgages, 12 hours of NMLS&R electives and 40 hours of Utah-approved pre-licensing education – Commission approved outlines.

Continuing Education

Complete 8 hours of continuing education annually. Must be completed for their license renewal by December 31, 2010, or during renewal period, (whichever comes first), including 3 hours federal law and regulations, 2 hours of ethics (fraud, consumer protection, and fair lending practices), 2 hours non-traditional mortgages, and 1 hour elective. New licensees receiving their licenses after October 1, 2010, have no CE requirement for their first renewal (on or before December 31, 2010).

Exam

Current – September 30, 2009

Pass Utah developed national and state exam. Licensees must also take and pass NMLS&R national exam by December 31, 2010, or during renewal period (whichever comes first).

October 1, 2009 – April 30, 2010

Pass national NMLS&R exam at an NMLS&R testing center, and pass Utah state exam through Pearson Vue.

May 2, 2010

Pass the national and Utah NMLS&R exams. Both exams taken at the same testing centers.

## **Existing Licensees**

### Prelicense Education

The State of Utah will certify to NMLS&R those licensees that have completed 20 hours of Utah approved pre-licensing education. The licensee must pay a \$15.00 fee to NMLS&R for this certification.

### Continuing Education

Complete 14 hours of continuing education (including a minimum of 2 hours of Ethics and 3 hours of Federal/State laws governing mortgage lending) to be completed for their license renewal by December 31, 2010, or during renewal period (whichever comes first).

Each subsequent license renewal will require 8 hours of NMLS&R approved continuing education, including 3 hours federal law and regulations, 2 hours of ethics (fraud, consumer protection, and fair lending practices), 2 hours non-traditional mortgages, and 1 hour elective.

## **Exams**

Utah Exam – Those Utah licensees who have passed the Utah state exam (regardless of their passing score) do NOT have to retake the Utah portion of the state exam. The State of Utah will certify to NMLS&R those licensees that have taken and passed a Utah state exam. The licensee must pay a \$5.00 fee to NMLS&R for this certification.

National Exam – Must pass NMLS&R national exam by December 31, 2010, or during renewal period (whichever comes first). Note: The exam can be taken a total of four times, with a waiting period of 30 days before the second, third and fourth exams. A 180 day waiting period is required before retaking the exam if failed the fourth time.

“Inactive” licensees must take 8 hours of continuing education every year to renew.

NMLS&R is leaning towards requiring both modifiers and loan services to be licensed.

A motion was made and unanimously passed to close the public portion of the meeting for the upcoming hearings.

**CLOSED TO PUBLIC**

LICENSE/RENEWAL HEARINGS:

10:09 Louis Soqui – Application for License

11:00 iFreedom Direct Corp., Richard W. Bailey, PLM – Application  
For Renewal  
Richard W. Bailey, PLM  
Toni Petrie, Licensing Director

It was disclosed that Chair Dailey and Mr. Bailey know each other.

11:38 Scott J. Mackay – Application for Renewal

A motion was made and passed unanimously to go into Executive Session from 12:08 p.m. to 12:33 p.m.

**OPEN TO PUBLIC**

Results of Stipulations

Robert Little - Approved

J. R. Green - Approved

William Farrar - Approved

A motion was passed unanimously to adjourn at 12:34 p.m.