

**UTAH RESIDENTIAL MORTGAGE
REGULATORY COMMISSION MEETING
Telephonic Meeting**

Heber M. Wells Building

Room 210

9:00 A.M.

December 2, 2015

MINUTES

DIVISION MEMBERS PRESENT

Jonathan Stewart, Division Director
Mark Fagergren, Licensing/Education Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Amber Nielsen, Acting Board Secretary
Lark Martinez, Mortgage Education Coordinator
Marvin Everett, Division Investigator
Tim Cuthbertson, Division Investigator
Mike Page, Division Staff
Desha Pages Division Staff

COMMISSION MEMBERS PRESENT

Steve Hiatt, Chair
George P. Richards, Vice Chair
John T. Gonzales, Commissioner
Cathy J. Gardner, Commissioner
Kay Ashton, Commissioner

The meeting on December 2, 2015 of the Utah Residential Mortgage Regulatory Commission began at 9:00 a.m. with Chair Hiatt conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes

A motion was made and seconded to approve the November 4, 2015 minutes as written. Vote: Chair Hiatt, yes; Vice Chair Richards, yes; Commissioner Gardner, yes; Commissioner Gonzales, yes. The motion is approved.

Public Comment Period

No public attended the meeting and there were no comments given.

DIVISION REPORTS

Director's Report – Jonathan Stewart

Director Stewart reported the Division is close to completing and submitting the first draft of the legislative bill. There were a few changes as a result of the Real Estate and Appraiser meetings last month. Director Stewart expects to send that proposed language to the legislature to be drafted today or tomorrow.

Director Stewart reported he and Mr. Fagergren attended the Utah Association of Mortgage Professionals Conference in Park City. An individual brought up a question regarding renting desk space. This individual is from a national company and they are looking into renting desk space at a real estate office, however they don't want to have to set up a Principal Lending Manager at every location. Director Stewart reported last year the CFPB cited the Fidelity Mortgage Corporation branch located in St Louis, Missouri. They rented office space from the Bank of Sullivan. As the rules are currently, this is not allowed; and this would possibly be a RESPA violation. The individual might approach the Commission regarding a rule change. Commissioner Ashton and Commissioner Gardner discussed MSAs. Mr. Fagergren discussed the reasons and benefits of the Lending Manager requirement. Mr. Nielsen reported this would be a problem and not something the CFPB would allow. The status of MSAs and the industry was discussed.

Enforcement Report – Jeffery Nielsen

Mr. Nielsen reported in November the Division received 0 complaints; opened 0 cases; closed 5 cases; leaving 72 open mortgage cases. The AG's office has 7 cases.

Stipulation for Review

Ryan Cisney

Education/Licensing Report – Mark Fagergren

Mr. Fagergren anecdotally reported the Division received green accountant visors from Chair Hiatt.

Mr. Fagergren reported we are halfway through the work days for mortgage renewal. Mr. Fagergren reported of the 5,629 possible mortgage renewals 3,134 have requested renewal. As of yesterday, the Division has processed 2,017 renewals.

Mr. Fagergren presented a draft of the 2016 Utah Law Course Outline. The four sections included are statutory changes, rule changes, disciplinary actions, and individuals who are not reporting as they are required.

A motion was made to move forward with the court outline as presented. Vote:

Chair Hiatt, yes; Vice Chair Richards, yes; Commissioner Gardner, yes; Commissioner Gonzales, yes; Commissioner Ashton, yes. The motion is approved.

There are no education stipulations to review this month.

Commission and Industry Issues – Justin Barney

Mr. Barney reported on the progress of mortgage renewals. In addition to the stipulation presented today, there may be several stipulations forthcoming with regards to information discovered through the background and credit checks.

Stipulation for Review

Christopher David Smith

Mr. Barney asked the Commission if they would be available for a second meeting later this month to consider stipulations which may be related to requested renewals. The Commission is amenable to that second meeting.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Hiatt, yes; Vice Chair Richards, yes; Commissioner Gardner, yes; Commissioner Gonzales, yes; Commissioner Ashton, yes. The motion is approved.

CLOSED TO PUBLIC

An Executive Session was held from 9:45 a.m. to 9:52 a.m.

OPEN TO PUBLIC

Results of Executive Session

Results of Stipulations

Ryan Cisney – Approved with Concurrence of Division

Christopher David Smith – Approved with Concurrence of Division

Commissioner Richards may be unavailable for January 2016 meeting and will be unavailable for February 2016 meeting.

A motion was made to adjourn the meeting. Vote: Chair Hiatt, yes; Vice Chair Richards, yes; Commissioner Gardner, yes; Commissioner Gonzales, yes; Commissioner Ashton, yes. The motion is approved. The meeting adjourned at 9:54 a.m.