

**UTAH RESIDENTIAL MORTGAGE
REGULATORY COMMISSION MEETING**

Heber M. Wells Building
Room 210
9:00 a.m.
April 4, 2018
TELEPHONE MEETING

MINUTES

DIVISION MEMBERS PRESENT

Mark Fagergren, Acting Division Director/Licensing and Education Director
Justin Barney, Hearing Officer
Allen McNeil, Real Estate Analyst
Amber Nielsen, Board Secretary
Marvin Everett, Investigator
Tim Cuthbertson, Investigator
Lark Martinez, Division Staff
Mike Page, Division Staff
Desha Pages, Division Staff

COMMISSION MEMBERS PRESENT

George Richards, Chair
Kay Ashton, Vice Chair
Cathy J. Gardner, Commissioner
Steve Hiatt, Commissioner
G. Scott Gibson, Commissioner

The meeting on April 4, 2018 of the Utah Residential Mortgage Regulatory Commission began at approximately 9:00 a.m. with Chair Richards conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Commissioner Hiatt noticed a sentence where the word been needed to be added. A motion was made and seconded to approve the February 7, 2018 minutes as corrected. Vote: Chair Richards, yes; Vice Chair Ashton, yes; Commissioner Gardner, yes; Commissioner Hiatt, yes; Commissioner Gibson, yes. The motion is approved.

Public Comment Period

There were no comments given.

DIVISION REPORTS

Director's Report – Mark Fagergren

Mr. Fagergren reported on Director Stewart's behalf. Mr. Fagergren reported the

NMLS wants to add a RAP Back feature. The Senate passed Senate Bill 16 which allows for RAP Back. Currently, the licensees pay \$15 for the FBI background check and \$20 for the BCI background check. For \$5 more the RAP Back feature would be available. Currently, all mortgage licensees are due for fingerprinting in 2020. Mr. Fagergren asked the Commission if this is something they'd be interested in, and, if so, when would they like to start. The Commission discussed this and will make a determination later.

Enforcement Report – Justin Barney

Mr. Barney reported on Ms. Wright's behalf in her absence. He reported in March the Division received 4 complaints; opened 0 cases; closed 1 case; leaving 79 open mortgage cases. The AG's office has 8 cases.

Education/Licensing Report – Mark Fagergren

Mr. Fagergren reported the newsletter which was released last night has an article about the 5 hours MLO course, which will also be in the next newsletter. Mr. Fagergren reported there were 980 individuals licensed between May and the end of 2017. The staff is posting deficiencies on the accounts which will require the individuals to complete the course prior to the 2018 renewal. Currently there are two providers approved to teach the course online.

Mr. Fagergren announced the Annual Division Caravan Course is coming up soon. The Caravan will take place in Park City on April 12, Vernal on April 17, Layton on April 19, Provo on April 24, Moab on May 8, Richfield on May 9, Cedar City on May 10, St George on May 11, and Logan on May 15.

COMMISSION AND INDUSTRY ISSUES

Mr. Barney reported Investigator Cuthbertson identified a potential issue in the rules which requires a PLM to personally review a complaint which might constitute a violation. The purpose of the rule is not to set up the PLM to see all complaints received by the Division. The Division would like to ensure that complaints are kept confidential, that the PLM does not coach their employees, and to also not cause problems with non-merit complaints. The Division proposes adding language to ensure that and the Commission agrees with that proposal. The Division will present language at a later date.

Mr. Barney reported the amendment for PLM Experience is moving forward in the approval process. He will update the Commission when it has been opened for public comment.

Mr. Barney discussed the marketing scheme Commissioner Gibson presented last month. Commissioner Gibson mentioned five additional complaints were received by veritas. Mr. Barney stated he reviewed 61.2c.301 which prevents false

advertising. The Division does not have jurisdiction over this and he listed some other entities which may have jurisdiction.

A motion was made to adjourn the meeting. Vote: Chair Richards, yes; Vice Chair Ashton, yes; Commissioner Gardner, yes; Commissioner Hiatt, yes; Commissioner Gibson, yes. The motion is approved. The meeting adjourned at 9:30 a.m.