Utah Department of Commerce

Division of Real Estate

Gary R. Herbert, Governor Francine A. Giani, Executive Director Jonathan Stewart, Division Director

FOURTH QUARTER 2013

MORTGAGE CONTINUING EDUCATION REQUIREMENTS FOR 2014 ARE CHANGING

Jan Buchi, Mortgage Education Coordinator

Since 2010, when it became mandatory for mortgage licensees to be on the NMLS database, licensees have been required to complete 8 hours of NMLS approved continuing education every year following their initial license issuance. The NMLS CE requirement includes 3 hours of federal law and regulations, 2 hours of ethics, 2 hours of non-traditional mortgage loans, and 1 elective hour. This is the minimum continuing education requirement based on the SAFE Act. Most states accept this basic 8-hour CE package and licensees that are licensed in several states generally only have to meet the 8 hour NMLS requirement and then complete whatever additional state specific continuing education that may be required. In Utah, the Division has accepted whatever 8 hour NMLS education the licensee provided (as long as it met the 3,2,2,1 course content hour specification described above), even if the elective hour was state specific for another state (a state other than Utah). This is about to change.

A growing concern of both The Division and The Utah Mortgage Regulatory Commission has been that after a licensee completes their initial licensing requirements (including the 20-hour NMLS prelicense education) and passes the NMLS General and Utah state exam, licensees have only limited exposure to Utah's statutes and rules including ongoing changes to Utah regulations and requirements. The Utah Mortgage Statute and Administrative Rules are subject to change. There has been no method of communicating Utah problems, issues, or concerns to our licensees to assist them in avoiding improper practices or conduct. Therefore The Division and Utah Mortgage Commission have decided to require a Utah specific course as part of mortgage licensees' continuing education requirement each year. The length of this course will vary from year to year depending upon the volume of regulatory changes in the preceding year.

The Utah specific CE course for 2014 will be a two hour course and will cover the following content areas: 30 minutes of statutory/rule updates, 75 minutes of case studies involving real life examples that have come before the Commission, and 15 minutes of Lending Manager responsibilities. *continued on page 4*

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DIRECTOR'S MESSAGE

JANUARY 2014: RADON ACTION MONTH

Jonathan Stewart

On April 1, 2013, Governor Gary R. Herbert signed the First Substitute of Senate Concurrent Resolution 11: Concurrent Resolution on Radon Gas. This resolution states: "This concurrent resolution of the Legislature and the Governor designates January 2014, as Utah State Radon Action Month in the state of Utah and urges citizens to prevent radon exposure."

In addition to urging citizens to prevent radon exposure, the resolution also asks "business owners and managers, landlords, real estate licensees, home inspectors, home builders, mortgage lenders, real estate appraisers, trade organizations, government agencies at the local and state level, community groups, schools, colleges, universities, the medical establishments, and outlets in print media, television, and radio to educate the citizens of the state in protecting themselves from the dangers of elevated radon gas levels; and urges the citizens of the state of Utah to take steps to protect themselves from the dangers of radon exposure."

All three of the industries the Division of Real Estate regulates are mentioned in this Resolution: real estate licensees, mortgage lenders, and real estate appraisers. I encourage all licensees to take the time to read First Substitute S.C.R. 11 (http://le.utah.gov/~2013/bills/sbillhtm/SCR011S01.htm) in preparation for Utah State Radon Action Month.

Utah Department of Environmental Quality

There are additional resources available from the Utah Department of Environmental Quality (DEQ) and the Division of Radiation Control. Their website (http://www.radon.utah.gov/realest.htm#guide) contains a lot of valuable information for licensees.

The website begins by asking "Why Do Real Estate Professionals Need to Know About Radon?" They go on to explain that by:

…learning about radon, real estate professionals can properly answer questions during real estate transactions, and avoid potential liability problems. Radon can be resolved and should not stand in the way of any real estate transaction being seen through to completion. By being knowledgeable and providing information, real estate agents can minimize the potential for delaying or derailing closings because of radon.

The more educated a real estate licensee is, the better able to serve their client whether representing a buyer or a seller. With this in mind, DEQ recommends two basic rules to all real estate professionals:

1. "The best role for agents and brokers to take is that of a resource. Provide booklets and materials to customers and clients to help them make informed decisions. Avoid advising clients and customers about the specifics of radon testing, interpreting, or remediating."
2. "Early disclosure to both buyers and sellers will give everyone ample time to learn about radon and act accordingly. Early disclosure builds an atmosphere of trust and encourages an honest exchange among all parties. Problems are much more likely to arise if radon becomes an issue late in a real estate transaction."

Continuing Education

According to DEQ, their website states that:

…[r]adon's classification as a cancer causing agent has led many home buyers, as well as financial institutions, to desire that radon be less than the U.S. EPA's action level of 4.0 pCi/L.

There are currently several different real estate courses that have been approved by the Division for continuing education credit that pertain to radon. These courses cover important topics including the causes, hazards, testing, and remediation of radon. In addition to the meaningful material presented in these courses, helpful information on

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how to best work with clients and customers while not jeopardizing a sale, would be considered and discussed. These courses can be found on the Division website at http://realestate.utah.gov/education.html.

I support Governor Herbert and the Legislature in the Concurrent Resolution on Radon Gas, and I encourage all licensees to educate themselves about radon. I also urge licensees, once educated, to educate their clients so that they can make informed decisions in their real estate transactions.

The Division of Real Estate enjoys working with each of you and we hope that the coming year brings you success in your personal and professional goals.

STAFF SPOTLIGHT: JOHN BICKMORE

Real Estate Investigator

The Division of Real Estate would like to welcome John Bickmore as a new real estate investigator. John has an extensive background in law enforcement working as a training officer and patrol. John earned a bachelor's degree from Weber State University in Criminal Justice with a minor in Sociology. As a real estate investigator John investigates complaints to determine if a licensee violated a statute or administrative rule.

Outside of work, John has many interests, which include hiking, fishing, hunting, and camping. He likes going to the movies and is an avid reader. John prefers historical fiction and enjoyed the series Master and Commander.

WELCOME BOARD MEMBER KRIS COLEMAN

Kris Coleman-Nicholl was recently appointed to the Appraiser Licensing and Certification Board. Kris is currently Chief Appraiser at Republic Mortgage Home Loans. As Chief appraiser she reviews appraisals for adherence to Uniform Standards of Professional Appraisal Practice, individual State Code and most importantly quality. She monitors over 200 Residential Appraisers in 12 States. She formulates and enacts internal policy that facilitates enactment of evolving regulatory compliance relative to real estate appraisals and monitors and reports on all activities that include a valuation. Before accepting the position of Chief Appraiser, she founded Coleman Appraisal in 1994.

Kris serves and has served on numerous civic and industry boards and commissions including the Utah Association of Appraisers and United Appraisers of Utah. Many years of service gives her a vast amount of knowledge, experience and expertise. She has a firm grasp on industry issues and the real life experiences residential appraisers go through every day.

Kris honorably serves as a Councilwoman for Sandy City. She's also a former Planning Commissioner for Sandy. She is active in her community and was recognized by the Sandy Chamber of Commerce with the Peak Award Volunteer of the Year in 2012.

Kris Coleman-Nicholl stated, "I believe the only way to make a difference in whatever you feel is important is to get involved! I believe in the Appraisal Profession and am grateful and humbled by my appointment to the State Appraisal Board. The board is tasked with many daunting issues but I'm confident that I, along with (other members of) the Board, can work through any issue with professionalism, fairness, and compassion.

RULE DEVELOPMENTS SINCE SEPTEMBER 30, 2013

To view and comment on any proposed or amended rules, please visit the Utah State Bulletin at

http://www.rules.utah.gov/publicat/bulletin.htm

Appraisal Management

-No amendments for the Fourth Quarter

Appraisal

Rule 162-2g-306a:

-This rule was amended on October 23, 2014. The amendment allows a licensee to request that his or her continuing education requirments for renewal be deferred due to active military service or due to hardship under a state or fed erally declared natural disaster.

Mortgage

Rule 162-2c-204. This rule was amended on November 20, 2013 and includes the following changes:

-Licensees are required to complete a Division approved course on Utah law each year (in addition to the eight hours of continuing education approved through the NMLS) begin ning in the 2014 renewal period.

-For the renewal period beginning November 1, 2015, licensees filing to renew a license are required to submit a fingerprint background report and a credit report. The amendment also requires all renewing licensees to submit a fingerprint background report and a credit report every fifth year after 2015.

Real Estate

Rule 162-2f-401a and 401f

-The Division is beginning the process to amend the administrative rule for state approved standard forms. The previously approved standard form for properties without a certificate of occupancy, including new construction, is the Real Estate Purchase Contract for Residential Construction. If the proposed rule amendment is adopted, this outdated form will be eliminated as an approved standard form. Rather than using an ap proved standard form, licensees negotiating a transaction for a property without a certificate of occupancy will use a purchase contract prepared by the attorney of either the buyer or seller or by an attorney employed by a business that sells blank legal forms. Public comment at the rules website of the Utah State Bulletin at http://www.rules.utah.gov/publicat/bulletin.htm is expected to begin on January 15, 2014 and run through February 14, 2014.

continued from page 1 Mortgage Continuing Education

This course will be required by all Utah mortgage licensees to renew their license in 2014 for the 2015 year. In 2014, when you seek your license renewal, you will be required to submit directly to the Division the Certificate of Completion for this course as part of your renewal requirement. So, please note, in 2014, in addition to the 8-hour NMLS CE package you will also need to complete the Utah approved 2-hour Utah specific course.

Once individual Utah CE course providers are approved by the Division, the courses will be posted on our website, with provider contact information, so that you can be prepared for your renewal in 2014.

We believe that mortgage licensees will gain important information regarding statutory and administrative rule changes, learn current enforcement issues that are occurring, and recognize supervisory issues and challenges presented in this new CE course.

IT DEPENDS....

Theron Case, Appraisal Investigator

Unintentionally, my basic answer around the office to an appraisal question often begins with "it depends." It seems to me that in order to answer most appraisal questions, I need to begin my answer with this statement. As an appraiser, real estate agent, or loan officer, I am positive each of you has had to qualify an answer fairly regularly in your career with "it depends."

It has gotten to the point that one investigator in the office prior to asking a question, now starts with, "I know 'it depends,' but here is my question."

One reason I need to use this qualifier to answer a question is because of unknown variables that are not presented in the question. There are often too many factors involved in the appraisal process to be able to make a blanket statement.

In looking at whether an appraisal violation has occurred, it depends on the scope of the appraisal assignment, the intended use, the intended user(s), the quality, quantity and source(s) of information available, etc.

Differences in appraised values for the same property become more understandable once it is recognized that two nearly identical properties could sell on the same day for different prices. The reason why this is possible goes back to "it depends" on the circumstances of the buyers/sellers, market conditions, supply and demand, etc. So if two nearly identical properties can be sold on the same date for different prices, we then have to look at the variables to determine why the sale prices differ.

In discussing "best practices" for appraisers, a few things have been on my mind. Some of these come from some recent training provided by AARO (Association of Appraiser Regulatory Officials) for appraisal investigators and regulators. Some have come from calls to the office and some have come from reviewing appraisal complaints.

From a recent AARO training, I learned from the instructor, Dennis Badger, "to be the source of the source." When Dennis first made this statement, I did not understand what he meant. In later conversations, I learned that as an investigator, I should have a source to back up any conclusion I come to, and not have my conclusions based primarily upon my opinion. This is also good advice to appraisers; "to be the source of the source" in your reports. (If you're not familiar with who Dennis is, then open your USPAP to page U-iii. He is a great instructor, investigator, appraiser, and source of information.)

Often, a source appraisers rely on is the MLS. By including MLS information in your report, you are being the source of a source. Best practice would call for you as an appraiser to verify your source(s) and make sure the source (information) you are using is not misleading but is accurate.

This leads to a concern that some appraisers have expressed to me about some of the comparables being included on the MLS or that they have seen in other appraisals. The concern is the use of builders' sales that are placed on the MLS (for comparable purposes) or those noted as verified by HUD statements.

A question often asked is: "Are these builders' sales noted on the MLS for comp purposes" or "comp use only" appropriate to use as comparables in an appraisal? Another question often asked is: "Can or should I use a builder's sale verified by a HUD statement as a comparable?"

As an Investigator I cannot make a blanket statement on behalf of the State of Utah to answer these questions. I look at "sources" for answers in order to determine if using a builder's sale is appropriate for a particular assignment. As an appraiser, you can do the same.

Does USPAP or State Law specifically prohibit the use of a builder's sale? I cannot find where it is specifically prohibited. But USPAP does require an appraiser to provide a credible report that is not misleading.

Does the lender's scope of work allow or prohibit the use of Builder's sales? Do the Intended User(s) or does the Use allow or prohibit using these sales as comparables?

Under what "Definition of Value" is the subject being appraised?

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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

GRANT S. JONES, licensed appraiser. In a stipulated order dated November 27, 2013, Mr. Jones agreed to withdraw his request to become a certified residential appraiser. He also agreed to complete specific continuing education classes within one year and complete 500 additional hours of experience with the first 125 hours of appraisal reports to be co-signed by a certified appraiser before he will be eligible to resubmit an application to become a certified residential appraiser. Case number AP-12-60244

PETERSON, MARK D., licensed appraiser. In a September 3, 2013 order and after a hearing of the Appraiser Licensing and Certification Board, Mr. Peterson's application for renewal to practice as a licensed appraiser was granted. In granting the license renewal, the Board ordered that Mr. Peterson may not apply for an appraiser certification for one year and that he pay a civil penalty of $3,750. The civil penalty is for false statements in his application, failing to keep his address updated with the Division, and failing to respond to the Division's request for information and records in an investigation. Case number AP-11-54996

WEST, DANIELLE, appraiser trainee. In a September 3, 2013 order, Ms. West was granted conditional registration as an appraiser trainee. The conditional registration is based upon Ms. West's probation in a criminal case. Case number AP-13-66948

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

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NO LICENSEE LEFT BEHIND

Jeff Nielsen, Chief Investigator

Over the last couple of months, some of the Division's investigators and I have noticed an interesting trend while working cases or speaking with licensees. Here is an example of a common trend:

Ms. Broker received commissions from transactions completed by her and her agents. When reviewing the trust accounts, the Division discovers the commission funds are regularly being deposited into the real estate trust account before moving the funds to an operating account, prior to paying the agent's portion of the commission. The issue: Ms. Broker believed she was supposed to do this because of a Division rule stating as much. Ms. Broker had a copy of the rule, which was current at the time Ms. Broker made a copy of the rule in 200?. The specific rule Ms. Broker was relying on is no longer on the books, and current language is actually in conflict with this practice. If you review the current rules for real estate trust accounts [R162-2f-403a and R162-2f-403b], it is actually a violation for brokers to have more than $500 of their own funds in the real estate trust account. Commissions are the broker's funds, and I am sure, more often than not, the commission is more than $500. This essentially means each time a commission is deposited into trust, the rules have been violated.

In the above mentioned example, the licensee used and relied on statutes or administrative rules that are outdated, no longer exist, or have been significantly changed in the last few years.

Each year, the Division decides if new language is needed in statute. Statutory changes only occur once a year, and those changes usually become effective each May. On the other hand, all three of the industries the Division regulates have had numerous administrative rule changes since I have been with the Division. Amending an administrative rule is a much different process from amending a statute, and can occur on a more frequent basis.

My word of caution is to make sure your current activities comply with the current statutes and administrative rules.

One of the reasons problems or questions occur is due to licensees using out dated hard copies of the statutes and rules. Referencing hard copies is fine, but it might be a good idea to ensure that the hard copies contain the same language as the current version of statutes and administrative rules.

Since changes can and do happen fairly often, how can a licensee stay up to date? All potential statute and administrative rule changes are discussed with the respective Commissions or Board in open meetings where the public can understand a change and express their opinions before actual changes occur. Attending the Commission or Board meetings is a great way to learn about issues up front, and also allows for participation in discussions about statutes and administrative rules as well as proposed changes.

Another forum for learning about statutory and rule changes is through attendance of the Division's annual CARAVAN. Each year, the Division travels the state to discuss statute and administrative rule changes, among other things. As with attending Commission or Board meetings, CARAVAN is another way to get updated information. Also, by doing both, you can fulfill some of the required CE hours needed for each renewal cycle (mortgage licensees will now receive CE for the state specific course).

If you decide to not participate in either of the above options, you can learn of statutory and rule changes through the Division's newsletters and website. Each quarter, the Division provides public notice of changes to come. Newsletters are sent to each licensee at the email provided to the Division. Newsletters can also be accessed from our website. In addition to the newsletters, the Division's website has links to the statutes and administrative rules for all of the industries. I personally reference these sources every day, as it makes things easier to find and I know the most current language will be available to me.

As with anything, if you have questions feel free to contact the Division.

ANNUAL INSTRUCTOR DEVELOPMENT WORKSHOP HIGHLIGHTS

Division staff started off our IDW with their block of presentations. Jonathan Stewart, Division Director, spoke on many different topics, including: industry specific legislative updates, surrender of a license, and customer service. Mark Fagergren, Director of Licensing and Education spoke on licensing updates in the appraisal, real estate, and mortgage industries. Lastly, Jeff Nielsen, Chief Investigator, presented information about advertising violations, unlicensed activity, and many other enforcement issues.

After Division staff presentations, a panel discussion of experts, including members of our Real Estate Commission (Lori Chapman), Mortgage Commission Vice Chair (Lance Miller), and Appraiser Board Vice Chair (Paul Throndsen), Jonathan Stewart, Division Director, and Jeff Nielsen, Chief Investigator. They responded to questions from attendees regarding their specific industries.

Len Elder, J.D., B.A., DREI, kicked off his presentation the afternoon of the first day with his eager and friendly personality. His presentation was once again powerful and informative on how to best engage students. Sessions of the workshop included: Putting power into PowerPoint presentations, Getting Them to Jump - Student Engagement, The Art & Science of Student Assessment, and Understanding Copyright & Intellectual Property. Instructors came away with new and innovative ideas on how to be better instructors.

Attendees for the 2013 IDW made the following comments on their evaluations:

"Excellent motivation clips. Great Attitude! I will be back next year. Excellent class to learn and gain CE Core credits".

"First class course & Instruction!"

"You make all of us better instructors"

"Len Elder is a master of teaching other teachers how to improve their teaching"

"Very wise and great, great speaker. I learned so much my head is going to explode!"

"Instructor enthusiastic and informative. Helped me generate good ideas for instruction."

"Excellent and pertinent! Beautiful example of how to teach!"

"I found this very informative, I am leaving with many things to implement in my teaching both in and outside our industry."

We would like to thank the attendees of the 2013 IDW for helping to make this event such a success. We are lucky to have so many educators in the state of Utah that take such a sincere interest in the well-being of our licensees.

FAREWELL XANNA!

Since our last newsletter, the Division had to bid farewell to one of our valuable team members. Xanna (Hardman) DeGooyer, an Assistant Attorney General representing the Division of Real Estate, recently accepted an offer to work for the local law firm Kirton McConkie. Xanna was the Division's AG representative for about three years. Xanna is very knowledgeable in the real estate, mortgage, and appraisal industries and will be sorely missed here at the Division. We wish her well in her future endeavors.

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What specific certifications are included in the report and do these certifications limit the use of builders' sales?

All of these unanswered questions result in an "it depends" answer.

Why are appraisers asking questions about the use of builders' sales by other appraisers? The best answer I can find is that appraisers that are using these sales as comparables have values that typically come in higher than those appraisers that will not use them.

What is the problem or potential problems with using a builder's sale as a comparable? The following is a list of potential issues to consider:

- Market value definition: (3) a reasonable time is allowed for exposure in the open market;
- Certification #8 on a Fannie Mae 1004 form: I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land;
- Certification #10 on a Fannie Mae 1004 form: I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property;
- Certification #13 on a Fannie Mae 1004 form: I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct;
- A HUD-1 statement gives no information about the property other than it's address; and,
- Do builder sales provide a market value or a cost to build value? Can they be the same?

These are just a few of the potential issues that need to be addressed when using builders' sales as comparables. You can check various appraisal forums and view different arguments presented by your peers as to why or why you would not want to use builders' sales. Remember back to Dennis Badger's advice, "be the source of the source." He also put it another way; "Have a source to point to in support of how an assignment was completed." Then when I am asked "which appraiser is right," I can respond "It depends on their source(s)."

MORTGAGE 2013 RENEWAL AND REINSTATEMENT

By the time you receive this newsletter, all mortgage licensees should have completed their 8 hours of continuing education for 2013 and requested and paid for their renewal through their NMLS account. Hopefully each licensee has now received a confirmation email from the NMLS that informs them that their renewal has been approved. In addition, you will receive an e-mail from "State of Utah Commerce Licensing" notifying you of your license renewal. If you have submitted an on-time application and have not yet received a confirmation e-mail, your application may still be being processed. Since all licensees have to be renewed during the short two month renewal window, we may still be in the processing, reviewing, and approving phase.

Please be aware, if you submitted a timely license renewal request with the NMLS before January 1, 2014, your license status will remain as it was prior to requesting renewal. In other words, if you submitted your renewal request before the end of 2013, and your license status at the time of your renewal request was an approved status, you may continue to work as a mortgage loan originator or a lending entity while the Division processes licensing applications that were submitted in the last few days of the year. In addition to receiving a confirmation email from the NMLS stating that your renewal has been approved, you will also receive an email from the Division of Real Estate with your Mortgage license attached. You can print your license from the email at your convenience.

There are some cases where we are not able to approve a renewal due to a pending deficiency on the license. To determine if your license renewal is "on hold" until a license deficiency is resolved, log in to your NMLS account and under "composite view" click on "license/registration status". You can click on "license items" to explore the reason for the licensing hold. Generally, these holds are to make corrections or additions to your NMLS license filing. These items generally can be resolved relatively quickly.

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If you find that you are in the unfortunate position that you have not requested renewal prior to the end of the year your license has now expired. Discontinue any mortgage licensing activity that requires a license until/unless your license is reinstated. If you still wish to maintain your mortgage license, you can reinstate the license until February 28, 2014.

In order to reinstate your expired license you will still need to complete the continuing education requirement which is now the 2013 Late CE, and request your renewal through NMLS and pay the renewal fee and the late fee. There is an additional $50 late fee for this reinstatement. If you completed your CE prior to the end of the year, but did not request renewal, you will not need additional CE, you will just need to request and pay the renewal and late fee through NMLS prior to February 28, 2014.

Note the importance of the February 28, 2014 deadline. After that date, licensees who wish to reinstate their license will have significant additional licensing requirements and additional fees.

DIVISION LOSES VALUED EMPLOYEE JILL CHILDS

The Division loses experienced licensing technician Jill Childs. Ms. Childs worked for the Division for over six years. Recently Jill and her family relocated to the Dallas Texas area. By the way, Jill has long been a rabid Dallas Cowboy football fan, so moving to the site of her favorite team made her move a logical choice. Real estate licensees interacting with our office will miss her pleasant demeanor and her professional skills. We sincerely thank Jill for her dedication and wish her well in her new adventure.

KAGIE'S KORNER

What happens to a listing when an agent decides to move from one brokerage to another? In order for an agent to transfer a listing from their old brokerage to a new brokerage when the agent leaves a company a number of things have to occur.

First, every listing agreement is a contract between the seller and the Principal Broker. Since the agreement is not between the seller and the agent, only the seller and Principal Broker can decide whether to terminate a listing agreement. Listing agreements are personal service contracts and may not be assigned. Therefore, agents cannot "take a listing" with them to a new brokerage.

This leads to the next step, which is the seller receiving written authorization from the broker to terminate the listing. If the seller and broker agree to terminate the listing agreement, the seller has multiple options. The seller can list with the transferring agent's new brokerage (or any other licensed brokerage), attempt to sell the property themselves, or decide they no longer wish to sell their property. If the original broker agrees to the release, then a new listing agreement between the seller and any other broker needs to be agreed to in writing. If no new listing agreement is signed by the client, the agent and new broker do not have the necessary written permission to market the seller's property and would be in violation of the Division's statues and rules. Also, the agent in this situation cannot require or force the client to continue using their services as there is no longer an agency relationship between the original broker and the seller.

The Division is aware of several instances where brokers and agents have used a form to in an attempt to "transfer" listings from one brokerage to another. This "transfer form" does not give the two brokerages the right or the ability to transfer a listing without the seller's written authorization.

Rather than "transferring" a listing, an existing listing agreementwould need to be terminated with an unconditional withdrawal, followed by a new listing agreement between a new broker and the seller.

NOTICE: NEW SANCTIONS FOR ADVERTISING VIOLATIONS

Each month, the Division receives a large number of real estate complaints. Over the last year, somewhere between 33% to a little over 40% of the complaints received each month have been advertising complaints. Specifically, advertising complaints have been for violations of the rule against blind ads or violations of the brokerage name not being at least one-half the size of either the licensee's name or the largest text on the advertisement.

The large number of advertising complaints places a strain on the Division's resources and limits the Division from focusing on more important complaints. In response to this drain of its resources, the Division has worked with the Real Estate Commission on how to best handle advertising violations. Together the Division and the Real Estate Commission have determined new guidelines for sanctions of licensees committing advertising violations. These guidelines will become effective for complaints of advertising violations where conduct occurs on or after January 15, 2014.

For a first-time advertising violation by a licensee, the Division will look to obtain a $150 fine from the licensee through a stipulation. As with any stipulation negotiated with the Division, the misconduct will appear in the disciplinary section of the Division's quarterly newsletter. In addition to a potential fine, the Division will provide the licensee and the licensee's broker with a written letter outlining the violation, and will warn that further violations will result in additional sanctions. The letter will also explain some of the common reasons the Division has seen complaints in the past, and ideas on how to correct the problems in the future.

For a second advertising violation by a licensee, the Division will look to obtain a $500 fine from the licensee through a stipulation. If the licensee's broker was warned about previous violations and failed to take adequate measures to avoid further advertising violations by their licensee(s), the Division will seek to obtain a $150 fine through stipulation with the broker as well. Further violations by the licensee could result in further sanctions against both the licensee and the broker.

As with any complaint, the Division will seek to obtain all facts before deciding whether a fine or other sanction would be appropriate. As with any alleged violation made by the Division, the licensee will always be able to have a hearing with the Commission if the licensee disagrees with any proposed stipulation offered by the Division.

STAFF SPOTLIGHT: KADEE WRIGHT

Real Estate Investigator

The Division of Real Estate welcomes Kadee Wright. Kadee comes to the Division with 9 years working in residential sales. Kadee earned an associate's degree from Salt Lake Community College as a paralegal and has worked as an investigator for UTA and the Department of Workforce Services. Kadee loves everything about the real estate industry.

When she is not in the office Kadee enjoys spending time in the outdoors with her family and cooking. Kadee loves to travel and says she has been everywhere. If you are fortunate enough to talk with Kadee feel free to ask where she has been.

DIVISION QUESTIONS & SUGGESTIONS

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

Question:
How should a buyer's agent and a seller's agent negotiate repairs? Do the initial request and the negotiation have to be done on addenda or can the back and forth be done on memos instead?

Answer:
There is no one right way to negotiate repairs. The buyer could initiate the conversation by a written memo and await a response from the seller by memo as well. The important thing to remember is that the resolution, what the buyer and seller contractually agree to do must be included in the REPC.

Question:
If I am representing a seller and I receive an email from the buyer's agent telling me that the buyer wants the seller to agree to multiple repairs and my seller wants to counter the buyer's request, do we have to respond in an addendum or can we respond with an email?

Answer:
It would be permissible to respond via email, but once the buyer and seller agree to a deal on the repairs, the final resolution must be put into the REPC. No information about what the buyer and seller agree to do can be hidden from the buyer's lender.

Question:
What's the proper way for a licensee to negotiate repairs between a buyer and a seller?

Answer:
How the buyer and seller representatives choose to negotiate the possible repairs is up to the buyer and seller and their agents, whether it is via memos, email, face to face conversations, or any other method of communication. Once the buyer and seller have reached a solution they must then put the solution in the REPC through an addendum which outlines exactly the terms agreed to by both parties.

BANK AND/OR AMC EMPLOYEES PERFORMING EVALUATIONS & OUT OF STATE APPRAISERS PERFORMING REVIEWS

The Division occasionally receives inquiries regarding bank/AMC employees performing evaluations by unlicensed appraisers. We also receive questions regarding bank/AMC employee appraisers and whether their appraisals or evaluations for the bank/AMC must be USPAP compliant. Recently the Division has also been asked about what, if any, expectations the Division has for the work these appraisers provide for their bank/AMC employers. Finally, the Division also receives inquiries from appraisers from outside of Utah wanting to know under what circumstances they can perform an appraisal review on a property located in Utah.

The Division would like to help clarify these situations to help both banks/AMCs, non-appraiser bank/AMC evaluation employees, and appraisers (who are employed by banks/AMCs) to better understand these requirements, obligations, and limitations. In addition, it is important for everyone to function under a common understanding about the appraisal statutes and Administrative Rules as they are being enforced by the Division.

Let's begin by reviewing two relevant statutory exemptions from the appraisal statutory requirements are listed below (61-2g-301 (2)):

1) Licensed real estate brokers and agents who in the ordinary course of their business give an opinion regarding the value of real estate.
2) An employee of a company (often a bank) who states an opinion of value or prepares a report containing value conclusions relating to real estate or real property solely for the company's use.

Under the circumstances described above, licensed real estate brokers and agents can render opinions regarding the value of real estate as well as bank/AMC employees who state a value or prepare a report containing value conclusions relating to real estate or real property solely for the company's use. However only certified appraisers can prepare and sign an appraisal report (61-2g-401(3)(a)).

The company employee appraisal licensing exemption is offered to any company that hires an employee who in their work for their company offers opinions of value solely for the company's internal use. Therefore they can render their opinions for internal bank purposes but not for lending purposes where their opinions may form the basis for making a lending decision where the loan may potentially be sold on the secondary market.

Guidance on appraiser compliance with USPAP can be found in Advisory Opinion 21. The Preamble states that "...compliance with USPAP is required when either the service or the appraiser is obligated to comply by law or regulation." The ETHICS RULE states that "...an individual should comply any time that individual represents that he or she is performing the service as an appraiser." This opinion also says that "[i]n summary, expectation is the basis for determining when an individual providing a valuation service is acting as an appraiser. Because of the need to preserve public trust and confidence in appraisal practice, the expectations of the client and other intended users for ethical and competent performance create an obligation to comply with USPAP."

AO-21 further states that "[a]n individual who sometimes provides services as an appraiser, but who is currently acting in another role, must ensure that intended users are not misled as to the individual's role in providing that valuation service. This can be accomplished through such means as disclosure, notification, or careful distinction when providing the valuation service as to the individual's role".

Although the appraisal statute has an exemption to licensing when "an employee of a company who states

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an opinion of value or prepares a report containing value conclusions relating to real estate or real property solely for the company's use," this is a licensing exemption. Once an individual makes the decision to become an appraiser, they no longer fall under the licensing provisions of the statute; rather, they fall under the statutory requirements imposed upon appraisers.

The Attorney General's office rendered a legal opinion to the Division in January 2011 that covers this matter. The Attorney General's office was asked to research whether a licensed or certified appraiser could give a price opinion regarding real estate, and in the course of doing so, not comply with USPAP. Although the Attorney General's office opinion dealt with BPOs, performing other "evaluations" would fall under the same answer. They indicated that "It is likely that a 'price opinion' (you should also insert the term 'evaluation') ...would qualify as an appraisal if given by a licensed or certified appraiser and would require compliance with USPAP."

As you are probably aware, the statute was modified following the AG office's opinion on this issue. The statute was amended to allow appraisers who also hold a real estate license to render a BPO. Note: If the appraiser/real estate licensee properly discloses that they are acting as a real estate licensee (and not as an appraiser).

Based on the opinion from the Attorney General's office that our statute requires an appraiser to comply with USPAP and, even though the statute allows an employer to hire an unlicensed individual to state an opinion of value or prepare a report containing value conclusions, the Division's position on this matter is that an appraiser in Utah is held to a higher standard and thus requires appraisers to comply with USPAP when acting in a similar capacity.

In summary, the only way that a bank/AMC employed appraiser could legally render non-USPAP compliant evaluations in Utah, would be for the appraiser to also become a real estate licensee and have appropriate disclosure/notification language included in their scope of work and evaluations that clearly notifies all parties that in their evaluation process they are acting as a real estate licensee and NOT as an appraiser.

Question: May appraisers who are licensed outside of Utah perform appraisal reviews on Utah real property appraisals?

Answer: No. Although other states may take a different position regarding this question, Utah requires an appraisal review of property located in this state (regardless of which state the reviewer is from) to be performed by someone holding an appraisal license issued by Utah. This rule applies regardless of whether a value conclusion was rendered as part of the appraisal review.

MORTGAGE STANDARD FINANCIAL CONDITION REPORT

Beginning with the third quarter of 2012, mortgage entities have been required to complete the Mortgage Call Report on a quarterly basis. As part of the Call Reporting responsibility, there is a Financial Condition component that is required on an annual basis. The report can be submitted by manually entering the data in the NMLS or by uploading an XML file into your NMLS filing. The 2013 Financial Condition Report must be completed and uploaded into NMLS 90 days after the company's fiscal year end. For help in completing this report see:

http://mortgage.nationwidelicensingsystem.org/licensees/resources/LicenseeResources/Complete%20Standard%20FC.pdf

Please note, the Financial Condition Component of the Mortgage Call Report is not the same as a Company Financial Statement. Utah does not require mortgage entities to file a Company Financial Statement.

Mortgage entities, please remember that you have 90 days after your fiscal year ends to file your standard financial condition report.

E-MAIL LICENSE RENEWAL REMINDER NOTIFICATIONS

Two months ago the Division initiated a program of advance reminder e-mail notifications to real estate and appraiser licensees. The Division sends out a friendly courtesy e-mail to notify/remind you that your license will soon be expiring. The Division sends these notifications to the e-mail address that your electronic newsletter is sent. It is the same e-mail address that you have entered into your RELMS account.

The real estate license notifications are sent out 45 days, 30 days, and 14 days before and 2 days after the license expires. Appraiser licensees and Trainees will receive their notifications 3 months, 45 days, and 15 days before and 2 days after the license/registration expires. These e-mails are only sent if you have not renewed your license. For example, if you are a real estate licensee and you renew your license after the first notification (45 days) you will not be sent additional renewal notifications.

The notifications will inform you of your license status (active or inactive), the number of continuing education hours in your RELMS account, any licensing or enforcement "holds" on your license, and instructions for renewing your license online.

These e-mail notices should help you to better plan for your upcoming license renewal and are done as a courtesy to our licensees. The Division has already received considerable positive feedback from licensees who have been sent these reminders.

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 Appraiser Licensing and Certification Board wanted some additional topics (in addition to the AQB course curriculum) also be taught to supervising appraisers and trainees. This AQB course outline will be included along with some additional topics approved by The Utah Appraiser Board.

A committee of six individuals appointed by the Appraiser Board (Dan Brammer, Appraiser Board Chair, Mark Fagergren, Kristin Coleman, Appraiser Board Member, Blake Ingram, Ron Smith, and Craig Morley) reviewed materials including The Appraisal Foundation Supervisor/Trainee Course Outline, and problems and concerns as noted by the Appraiser Board. The committee recommended a proposed outline and study guide for use in the proposed course. The Appraiser Board has approved the course outline and instruction manual for this six hour course.

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.

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 supervisory appraisers and their trainees.

Appraisers interested in teaching this course should contact Carla Westbroek of the Division at cwestbro@utah.gov for further information.

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MORTGAGE

AMCAP MORTGAGE, Ltd., mortgage entity. In a stipulated order dated November 6, 2013, Amcap Mortgage, Ltd. Agreed to pay a civil penalty of $7500 and to update its MU1 disclosure form for actively transacting business in a branch that was registered as inactive and using a business name that was not licensed or registered with the division in violation of state law. Case number MG-13-66185

BICKETT, AMBER BROOKE, mortgage loan originator. In a September 12, 2013 order, Ms. Bickett's license was granted and placed on probation for one year due to criminal history. Case number MG-13-67173

CHRISTENSEN, JEFF L., mortgage loan originator. In a November 12, 2013 order, Mr. Christensen's license was granted and placed on probation for the initial licensing period due to criminal history. Case number MG-13-68033

COOK, ROBERT Q., mortgage loan originator. In a September 25, 2013 order, Mr. Cook's application to practice as a mortgage loan originator was denied for criminal history and for regulatory action permanently enjoining Mr. Cook from selling securities. Case number MG-13-67393

EAGAN, MICHAEL S., lending manager. In a stipulated order dated November 6, 2013, Mr. Eagan agreed to pay a civil penalty of $2500 and update his MU4 disclosure form. Mr. Eagan was the lending manager for Amcap Mortgage, Ltd., a mortgage company that transacted business under a business name not registered with the division. Case number MG-13-66135

HOBBS, ALLISON, mortgage loan originator. In an August 13, 2013 order, Ms. Hobbs's license was suspended for the remainder of the current licensing period. The Commission determined that the suspension was warranted because of two cases of shoplifting/retail theft against Ms. Hobbs including one charge occurring at approximately the time of her recent license renewal. Case number MG-13-64304

MORENO, LUIS A., mortgage loan originator. In a September 12, 2013 order, Mr. Moreno's license was granted and placed on probation due to criminal history and due to an unpaid civil penalty owed to the division by a company formerly owned by Mr. Moreno. Case number MG-13-67168

NOBLE, LESLIE DALE, lending manager. In an October 18, 2013 order, Mr. Noble's license was granted and placed on probation for two years due to criminal history and unpaid tax liens. Case number MG-13-66112

ROBERTS, JONATHAN V., lending manager. In a stipulated order dated September 4, 2013, Mr. Roberts agreed to pay a civil penalty of $1000 for working as branch manager at a branch with signage both inside and outside the branch office displaying the name of a former mortgage company rather than the sponsoring mortgage company. This practice was determined to violate the requirement that a licensee not engage in false or misleading advertising. Mr. Roberts was also ordered to update the answers on his MU4 disclosure form. Case number MG-13-65797

WARNER, TROY, lending manager. In a stipulated order dated November 6, 2013, Mr. Warner agreed to pay a civil penalty of $2500 and to update his MU4 disclosure form. An in-house processor used white-out to change the date on disclosure forms. The white-out was visibly evident and should have been addressed when Mr. Warner reviewed the loan during the final quality control audit. Mr. Warner failed to exercise reasonable supervision in violation of state law. Case number MG-13-65129

WILLIAMS, PRESTON TREMAYNE, mortgage loan originator. In a September 18, 2013 order, Mr. Williams' license was granted and placed on probation for the initial licensing period. Considerations in taking this action included Mr. Williams's criminal history, a recent foreclosure, and previous regulatory action by another state. Case number MG-13-67302

REAL ESTATE

AFO, ROCKY, sales agent. In an October 29, 2013 order, Mr. Afo's license was granted and placed on probation during the pendency of a criminal case in the Salt Lake City Justice Court involving Mr. Afo. Case number RE-13-67862

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ALAGIC, ADIS, sales agent. In a stipulated order dated November 20, 2013, Mr. Alagic agreed to pay a civil penalty of $500 for criminal history not disclosed in his application for licensure. Case number RE-13-65871

BAKER, JENNIFER, sales agent. In a September 10, 2013 order, Ms. Baker's application for licensure as a sales agent was granted and her license placed on probation during the pendency of a case in the Murray Justice Court. Case number RE-13-67145

BAQUE, JOHN, sales agent. In a November 20, 2013 order, Mr. Baque's application for licensure as a sales agent was granted and placed on probation for the initial licensing period or during the pendency of a criminal case in the Salt Lake City Justice Court involving Mr. Baque. Case number RE-13-68165

BOWMAN, BRENDA, sales agent. In a September 10, 2013 order, Ms. Bowman's license was granted and placed on probation for prior administrative action against her occupational certification in another industry and for unpaid child support. Case number RE-13-67132

BRUNS, JOSHUA, sales agent. In a September 20, 2013 order, Mr. Bruns's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-67126

CALDER, DAVID, sales agent. In a September 10, 2013 order, Mr. Calder's license was granted and placed on probation for the initial licensing period for criminal history and for a judgment for unpaid child support. Case number RE-13-67325

CHAMBERLAIN, CODY, sales agent. In a November 25, 2013 order, Mr. Chamberlain's license was granted and placed on probation during the pendency of case number 131406956 in the Salt Lake City Justice Court involving Mr. Chamberlain. Case number RE-13-68241

CHAMPINE, ALARIC, sales agent. In a September 10, 2013 order, Mr. Champine's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-67115

COSBY, JOY, sales agent. In a November 12, 2013 order, Ms. Cosby's license was granted and placed on probation for the initial licensing period for criminal history and tax liens. Case number RE-13-68035

DELEONE, DEAN, sales agent. In a September 25, 2013 order, Mr. Deleone's license was granted and placed on probation for the initial licensing period for criminal history and for a pending case in the Summit County Justice Court. Case number RE-13-67402

DELQUADRO, DOUGLAS, sales agent. In a November 21, 2013 order, Mr. Delquadro's license was renewed and placed on probation for criminal history and unpaid child support. The probation is for the renewal period and until the judgment for child support is satisfied. Case number RE-11-57654

FINLEY, JOHN, sales agent. In a stipulated order dated October 16, 2013, Mr. Finley agreed to pay a civil penalty of $250 for failing to disclose in his license application criminal history of driving a vehicle with no proof of insurance, a class B misdemeanor. Case number RE-13-65932

GAURMER, LYLE, associate broker. In a November 6, 2013 order, Mr. Gaurmer's license was granted and placed on probation for the initial licensing period for prior criminal history. Case number RE-13-67997

GRAHAM, TIFANY, sales agent. In a September 10, 2013 order, Ms. Graham's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-67151

GRASSO, ANDREW, sales agent. In an October 9, 2013 order, Mr. Grasso's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-67581

HALL, JONATHAN, principal broker. In a stipulated order dated October 16, 2013, Mr. Hall agreed to pay a civil penalty of $500 for failing to disclose on his application an investigation or disciplinary proceeding which was pending against him by a professional licensing agency. He also agreed to have his license placed on probation for the current licensing period. Case number RE-13-66023

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HANSEN, ALEXANDER, sales agent. In a November 22, 2013 order, Mr. Hansen's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-68214

HANSEN, BRIEN, principal broker. In a September 17, 2013 order, Mr. Hansen's license was granted and placed on probation for one year for criminal history. Case number RE-13-65873

HART, CARL, sales agent. In an October 1, 2013 order, Mr. Hart's license was granted and placed on probation for the renewal period for criminal history. Case number RE-13-67488

HOCHSTEDLER, WILLIAM R., principal broker. In a November 6, 2013 order, Mr. Hochstedler's license was granted and placed on probation for the initial licensing period for prior criminal history and for civil judgments. Case number RE-13-68002

HOFF, COREY, principal broker. In an October 9, 2013 order, Mr. Hoff's license was granted and placed on probation for two years or until case number 135900171 (3rd District Court, Salt Lake County, Utah) is resolved and closed. Case number RE-13-67486

HOBBS, ROBERT, sales agent. In an October 1, 2013 order and after hearing by the Real Estate Commission, Mr. Hobbs's license was granted and immediately suspended until Mr. Hobbs verifies that he is no longer on probation in the court case reviewed by the Commission and until he has completed a class on cognitive restructuring. Case number RE-13-65528

JOHNSON, TIMOTHY, sales agent. In a September 26, 2013 order, Mr. Johnson's application for licensure as a sales agent was denied under Utah Administrative Code Section R162-2f-201 for criminal history. Case number RE-13-67413

KLAWE, BOHDAN, sales agent. In an October 9, 2013 order, Mr. Klawe's license was granted and placed on probation until he provides proof that he has complied with the terms of his plea in abeyance agreement and the case is dismissed or closed. Case number RE-13-67579

LARSEN RANDY E., associate broker. In a November 29, 2013 order, Mr. Larsen's license was renewed and placed on probation for the renewal period for criminal history. Case number RE-13-68311

LONGHURST, DALE BRADY, sales agent. In a November 6, 2013 order, Mr. Longhurst's license was granted and placed on probation for the initial licensing period for prior criminal history. Case number RE-13-68000

MADSEN, MARK, sales agent. In a September 6, 2013 order, Mr. Madsen's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-67115

MCNEEL, ROBERT J., sales agent. In an October 10, 2013 order, Mr. McNeel's license was granted and placed on probation for the renewal period for unsatisfied civil judgments. Case number RE-13-67601

MEDRANO, NEENA, sales agent. In a stipulated order dated September 18, 2013, Ms. Medrano agreed to pay a civil penalty of $500 for failing to disclose in her license application a conviction for operating a vehicle without insurance, a class B misdemeanor. Case number RE-13-67188

MILLER, ELIZABETH, sales agent. In a November 13, 2013 order, Ms. Miller's license was granted and placed on probation for the pendency of criminal proceedings in case number 121501466 (5th District Court, Washington, Utah). Case number RE-13-68045

MURRAY, JEFF, sales agent. In a stipulated order dated September 18, 2013, Mr. Murray agreed to pay a civil penalty of $500 for failing to disclose criminal history in his license application. Case number RE-13-66280

PEAY, ASHLEY, sales agent. In a stipulated order dated September 18, 2013, Ms. Peay agreed to pay a civil penalty of $250 for failing to disclose criminal history in her license application. Case number RE-13-66823

PACK, DERIN P., sales agent. In a November 13, 2013 order, Mr. Pack's license was renewed and placed on probation for one year for criminal history. Case number RE-13-68046

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PEHRSON, DERK O., principal broker. In an October 10, 2013 order, Mr. Pehrson's license was granted and placed on probation for the remainder of the renewal period for unsatisfied civil judgments. Case number RE-13-67596

PETERSON, CODY, sales agent. In a stipulated order dated October 16, 2013, Mr. Peterson agreed to pay a civil penalty of $2000 for failing to disclose criminal history in his license application. Case number RE-13-67435

PHILLIPS, ANDREW S., sales agent. In an October 11, 2013 order, Mr. Phillip's license was granted and placed on probation for the remainder of the renewal period for criminal history. Case number RE-13-63647

PLANT, BRANDON, sales agent. In a September 10, 2013 order, Mr. Plant's license was granted and placed on probation for one year for criminal history. Case number RE-13-67144

POTENCIANO, JEANGHENI, sales agent. In a September 17, 2013 order, Ms. Potenciano's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-67276

RAWLE, MATTHEW, sales agent. In a November 25, 2013 order, Mr. Rawle's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-68221

RORING, KELLIE, sales agent. In an October 9, 2013 order, Ms. Roring's application to reinstate her license as a sales agent was granted and her license placed on probation during the renewal period for unprofessional conduct in another profession. Case number RE-13-67576

SCHELIN, MELISSA, sales agent. In a stipulated order dated October 16, 2013, Ms. Schelin agreed to pay a civil penalty of $500 for failing to disclose criminal history in her license application. She also agreed that her license would be placed on probation for the initial licensing period. Case number RE-13-67481

SMITH, JACOB, sales agent. In a November 22, 2013 order, Mr. Smith's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-68211

STANGE, CHRISTOPHER, sales agent. In a stipulated order dated October 16, 2013, Mr. Stange agreed to pay a civil penalty of $1000 for failing to disclose criminal history in his license application. He also agreed that his license would be on probation for the initial licensing period. Case number RE-13-67380

VENTURA, VINCENT, sales agent. In a September 10, 2013 order, Mr. Ventura's license was granted and placed on probation for the remainder of the renewal period or for a longer period during the pendency of criminal proceedings in two open court cases. Case number RE-13-67137

TUCKER, KIMBERLY, sales agent. In an October 4, 2013 order, Ms. Tucker's license was granted and placed on probation during the pendency of criminal proceedings in an open court case. Case number RE-11-57588

SMITH, LORI S., sales agent. In an October 4, 2013 order, Ms. Smith's license was granted and placed on probation for the initial licensing period for unpaid tax liens and for sanctions placed on her license as a resident producer of casualty and property insurance. Case number RE-13-67534

WARREN, RANDALL, sales agent. In a September 17, 2013 order, Mr. Warren's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-67281

WHEELER, SPENCER, sales agent. In an October 22, 2013 order, Mr. Wheeler's license was granted and placed on probation for the initial licensing period for criminal history. Case number RE-13-67781

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WINQUIST, CAMERON, sales agent. In an October 28, 2013 order, Mr. Winquist's license was renewed and placed on probation for the pendency of criminal proceedings in case number 131600645 (2nd District Court, Layton, Davis County, Utah). Case number RE-13-67784

YOUNG, STACEY, sales agent. In an October 28, 2013 order, Ms. Young's license was granted, immediately suspended for 60 days, and placed on probation for the remainder of the initial licensing period. Ms. Young failed to disclose criminal history in her license application. Case number RE-13-67847

ZISUMBO, SONIA, sales agent. In a November 1, 2013 order, Ms. Zisumbo's license was renewed and placed on probation for the pendency of criminal proceedings in case number 131903551 (3rd District Court, Salt Lake County, Utah). Case number RE-13-67932

TIMESHARE

HENDRICKS, TERI, timeshare sales agent. In an October 18, 2013 order, Ms. Hendricks's application for licensure as a timeshare sales agent was denied for filing an application that contains untrue or misleading information. Ms. Hendricks failed to disclose in her application criminal history and the prior denial of a professional or occupational license. Case number RE-13-677055