

First Quarter 2018

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Director's Message

2018 Legislative Update

In the 2018 Legislative Session, Representative Gage Froerer assisted the Division by running H.B. 243 Division of Real Estate Amendments. While there were changes to all industries we regulate, the majority of the changes dealt with the minimum standards for appraisal management companies (AMCs). All states that want to regulate AMCs are required to opt-in or out by August 2018. By opting-in we are required to implement minimum standards, which we did in H.B. 243.

The Division appreciates the support we received from the Utah Association of Realtors during the legislative process again this year. We would especially like to

thank Representative Froerer. He is not seeking reelection this fall, so we would like to thank him not just for his help this past legislative session, but for many years. Representative Froerer has always been very supportive of the Division and our mission, and he regularly asked how he could help the Division. His expertise, professionalism, and support will be greatly missed and we wish him well in all his future endeavors.

The changes made in H.B. 243 will go into effect on **May 8, 2018**. This article only provides highlights of the changes made; if you have questions, please read the exact language found in the bill or contact the Division.

[H.B. 243 – Summary of Changes](#)

Changes Affecting All Industries:

- Clarifies that licensees have 10 days from the date of *service* of an order to respond to a request from the Division.

Residential Mortgage Practices and Licensing Act

61-2c-209. Sponsorship – Affiliation.



Jonathan Stewart

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- Prohibits an entity that conducts the entity's business outside the United States to be licensed with the Division.

61-2c-302. Record requirement.

- Clarifies that a person required to be licensed is subject to the record retention requirements.

Real Estate Licensing and Practices Act

61-2f-202. Exempt persons and transactions.

- Clarifies attorney exemption to ensure attorneys who rely on the exemption understand that a Broker cannot pay an unlicensed individual.

Real Estate Appraiser Licensing & Certification Act

61-2g-309. Approval with conditions or restrictions, or denial, of licensure, certification, or registration.

- Allows the division to place an initial applicant's license on probation.

Appraisal Management Company Registration and Regulation Act

61-2e-102. Definitions.

- Updates the definitions for "Appraisal Management Compa-

ny," "Appraisal Management Service," and "Appraiser panel."

- Adds definitions for "Appraisal Subcommittee," "Creditor," "Dwelling," "Federally regulated appraisal management company," "Independent contractor," "National Registry," "Person who regularly extends credit," "Residential mortgage loan," "Secondary mortgage market participant," and "Territory."

61-2e-201. Registration required – Qualification for registration.

- Clarifies when an AMC is required to register with the Division;
- Clarifies when an appraiser is considered part of an AMC's appraiser panel; and,
- Clarifies when an individual cannot be an owner of an AMC.

61-2e-205. Division service fees – Federal registry fees.

- Grants authority to the division to collect AMC National Registry fees.

61-2e-302. Adherence to standards.

- Clarifies that an AMC must have a system in place to ensure they only select appraisers who are independent of the transaction and qualified to perform the assignment.

- Clarifies that an AMC is required to conduct services in accordance with TILA.

61-2e-401. Division authority – Immunity – Transmission of reports to Appraisal Subcommittee.

- Grants authority to Division to examine any book or record of an AMC and require the AMC to submit any report, information, or document to the Division within 10 days of the request being served.

- Grants authority to the Division to transmit information to the Appraisal Subcommittee related to AMCs including investigations and disciplinary action taken.

If you have any questions about these statutory changes, please contact the Division for additional information. We appreciate all those who provided feedback and suggestions that resulted in these changes.



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Licensee Notifications - Significant Progress Made

We've Come A Long Way...
...But Still Have Room For Improvement

In October 2013, (4½ years ago) the Division launched the e-mail notification system for all “soon to be expiring” real estate and appraiser licenses. Since then, the Division sends out friendly courtesy e-mail reminders to notify/remind those licensees whose licenses will soon be expiring. The Division sends these notifications to the same e-mail address that your electronic newsletter is sent. It is also the same e-mail address that you have entered into your RELMS account for “Division e-mail notifications.”

The real estate licensee notifications are sent 45 days before, 30 days before, 14 days before, and 2 days after the license expires. Appraiser licensees and Trainees will receive their notifications 3 months, 45 days, 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.

In January 2016, (a little over two years ago), the Division inaugurated a long awaited monthly e-mail Broker Notification System to provide brokers an easy means of tracking licensees that are affiliated with their brokerage. This system provides an e-mail notification that allows the Principal (or Branch) Broker to easily account for those licensees whose licenses will soon expire or have expired.

Since that time, every month (the past 27 months and counting...), all Principal Brokers (with licensees to supervise) and Branch Brokers receive a monthly email notification from the Division with timely information regarding all licensees affiliated with their brokerage or branch.

Those affiliated individuals whose licenses are set to expire in the next 45 days, will be highlighted so that the broker will easily be able to identify the licenses which will be expiring, as well as the current number of Continuing Education hours that have been completed (as of the date of the Division email notification); and whether the licensee has completed the new agent course (if re-

quired). Brokers are now much better able to monitor their licensees and encourage them to complete their CE by the 15th of the month in which their license is scheduled to expire.

If an individual has allowed their license to expire, that expired (now formerly affiliated licensee's) license appears in highlighted red lettering. Brokers should take steps to immediately have this licensee discontinue performing as a licensee until they complete their license renewal process.

This outstanding Broker Notification system enables Principal and Branch Brokers to be aware of and account for their licensees and encourage their timely license renewal.

These two Division Notification Systems 1) Soon To Be Expiring



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License Notices; and 2) Broker Affiliated License Notification System; have greatly improved and dramatically reduced the number of Sales Agent/Associate Brokers who have simply forgotten to timely renew their licenses. Thus the corresponding amount of unlicensed sales activity by expired licensees has been dramatically reduced! Thank You and Congratulations!!

Room for Improvement. The Division anecdotally observes what appears to be a disproportionate number of licensees that primarily focus on Commercial transactions whose licenses “unintentionally expire.” Other incidents of concern involve “commercial agents” being “surprised” when their licenses have been involuntarily inactivated despite having previously received an electronic notification from their broker (through their RELMS account) that they had ten days to either affiliate with a different broker, or their license will be placed on inactive status.

Precautionary Reminder: All Licensees (especially licensees who engage in Commercial Real Estate), Please Take Note: Please make sure to enter your current email address into your Division RELMS account in order to receive Division Notifications and reminders and please pay attention to the notifications in order to avoid any “startling moments” regarding your license having expired long ago.

Appraisal Foundation



The Appraisal Foundation has started a new Q&A Forum. Anyone is welcome to submit appraisal related questions to the Appraisal Foundation. John Brennan, Director of Appraisal Issues for the Appraisal Foundation, will respond within 24 hours. If the question submitted has broad appeal, it will be posted on the Appraisal Foundation’s website.

For instructions on how to register for the Q&A Forum, please visit:

<https://appraisalfoundation.sharefile.com/share/view/s23c0f92ae0a4cd08>

To submit a question or review previously submitted questions, visit:

<http://www.appraisal.answerbase.com/>

Appraiser Qualification Changes

Over the years, the Appraisal Qualifications Board (AQB) has incrementally increased appraiser qualification criteria beginning in January 1998, again in January 2008, and most recently in January 2015. However, from July 2015 through February 2018 the AQB considered significantly reducing the standards and providing for alternative track requirements.

Recently the AQB announced that it will implement a major reduction of standards as communicated in its 4th Exposure Draft Proposal to the Appraiser Qualification Criteria. Effective May 1, 2018 the AQB will implement changes to college education and experience requirements for real estate appraiser candidates to obtain a Licensed, Certified Residential, or Certified General appraiser credential. All state regulatory agencies are required to meet or exceed these criteria.

It is likely that most states will adopt most of the lower qualifications. The Utah Appraisal Licensing and Certification Board is analyzing and assessing the AQB criteria changes and are considering what, if any, current State requirements which ex-

ceed the AQB minimum requirements will be maintained by Utah. The following is a summation of the most significant portions of the upcoming criteria changes as outlined in the AQB 4th Exposure Draft Proposal:

Issued Date: 11/01/17

Adoption Date: 02/01/18

Effective Date: 05/01/18

Supervisory Appraisers are currently required to be state certified and in good standing for at least three years prior to becoming a Supervisory Appraiser. However, under the new standard, Supervisory Appraisers will no longer need to be certified and in good standing in the jurisdiction in which the Trainee Appraiser practices for any specific minimum period of time.

The college degree requirements will change for entering Licensed and Certified Residential Appraisers.

- **Licensed appraisers will have NO College level education requirement.**

Certified Residential Appraiser applicants will have alternative

choices to meet the college level educational requirement, including any of the following six options:

- 1) **Bachelor's Degree in any field of study;**
- 2) **Associates Degree in a Focused Field of Study (Business Administration; Accounting; Finance; Economics; or Real Estate);**
- 3) **Successful Completion of 30 College Semester Credit Hours in ten, 3 semester hour courses, including: English Composition, Microeconomics, Macroeconomics, Finance, Algebra, Geometry, or Higher Mathematics, Statistics, Computer Science, Business or Real Estate Law, and two elective courses in: Accounting, Geography, Agricultural Economics, Business Management, or Real Estate;**

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- 4) **Successful Completion of College Level Examination Program (CLEP) Exams Equivalent to 30 Semester Hours** including: College Algebra, College Composition, College Composition Modular, College Mathematics, Principles of Macroeconomics, Principles of Microeconomics, Introductory Business Law, and Computer Science;
- 5) **Any Combination of options #3 and #4 above That Includes All of The Topics Identified; or**
- 6) **Experience “Opt Out” of College Requirements ONLY for Current Licensed Appraisers (if licensed for five (5) years), IF they also meet each of the following additional standards:**

- **No Disciplinary Action Affecting the License within five (5) years**
- **Additional Appraisal (non College) Qualifying Education (50 Hours)**
- **1,500 Hours of Experience**

- **Passing the Certified Residential Exam**

Experience Requirements are also changing for Licensed, Certified Residential, and Certified General Appraisers.

	Pre April 30, 2018	Effective May 1, 2018
<u>Licensed</u>	2,000 hours in no fewer than 12 months	1,000 hours in no fewer than 6 months
<u>Certified Residential</u>	2,500 hours in no fewer than 24 months	1,500 Hours in no fewer than twelve months
<u>Certified General</u>	3,000 hours in no fewer than 30 months, of which 1,500 hours must be in non-residential appraisal work	3,000 hours in no fewer than 18 months, 1,500 hours must be in non-residential appraisal work

According to Mark Lewis, the current Chair of the Appraisal Foundation Board, “The Real Property Appraiser Qualification Criteria is a living document that needs to fully reflect ongoing changes in the marketplace. These changes were adopted with the ultimate goal of protecting the public trust.” In an environment where it is difficult for Registered Trainees

and Licensed Appraisers to obtain the necessary qualifying experience to become Certified, these changes should create an environment which will enable entry level appraisers to more easily meet the experience requirements necessary to advance their careers.

Currently, there are a few areas where Utah requirements exceed both the current and impending federal minimum appraiser requirements. Some of the more significant restrictive state requirements include:

- **Experience hours toward Licensure are only recognized during the time when the individual was registered with the Division as a Trainee;**
- **Certified Residential Appraiser candidates must complete at least 500 experience hours during the time when the applicant is licensed as a State Licensed Appraiser;**
- **The Appraisal Board may not award credit for appraisal experience earned more than five years prior to the date of application;**

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- **At least 50%** of the appraisals submitted for experience credit shall be appraisals of properties located in Utah;
- Experience gained for work without a traditional client may qualify for experience hours but cannot exceed **50%** of the total experience requirement;
- As to the first **35 residential appraisals** or first **20 non-residential appraisals** completed, as applicable to the license or certification being sought, the property inspection must include:
 - Measurement of the exterior of the property that is the subject of an appraisal; and
 - Inspection of the exterior of a property that is used as a comparable in an appraisal
- An individual applying for certification as a Certified Residential Appraiser shall document at least **75%** of the hours submitted from either the residential experience schedule (Appendix 1), or the mass appraisal schedule (Appendix 3); and,
- An individual applying for certification as a Certified General Appraiser shall document at least **1,500 experience hours** from the general experience schedule (Appendix 2); or properties other than 1 – 4 unit residential properties identified in the mass appraisal schedule (Appendix 3).

New Agent Sales Course - Continuing Reminder -

All newly licensed real estate agents are required by Administrative Rule to complete a 12-hour post licensing CE course designed for new sales agents before they can renew their real estate licenses on active status. This course was created to assist new agents during the critical transition period after licensing. New agents are uniquely challenged during this initial licensing stage. This course was created and approved by the Real Estate Commission to assist those individuals making this transition, and to help them in dealing with the realities they are exposed to as newly practicing licensees.

A “new agent” is any individual that receives a new real estate sales agent license, although they may have been previously licensed in Utah or another state at some time before they received this license.

Completion of this course satisfies 12 core topic hours of the new agents 18 hour CE requirement during their original licensing period. There are no substitute courses that may be taken in place of the New Agent Sales Course. All real estate sales agents need to complete this course as part of their CE requirement in order to renew their initial license.

The New Agent Course has been very successful in introducing new licensees to a better understanding and proper use of state and industry forms, the Real Estate Purchase Contract (REPC), properly pricing properties for sale, state and federal laws, and awareness and prevention of fraud.

Currently sixteen educational providers offer this New Agent Course. They can be found by accessing the Division’s education course search button on the Division’s real estate tab at: <http://www.realestate.utah.gov/education.html>. Then type in: “Real Estate,” then select “New Agent” in the Course Type box.

The Division reminds Principal and Branch Brokers to prompt new sales agents working for them of the importance of, and requirement to, complete this course during their initial licensing period.

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Property Management of Short-Term and Vacation Rentals

The Division receives numerous inquiries regarding Property Management (PM), many of which seem to share the same concerns. Under **Utah Code 61-2f-102(21)(a)**, “Property Management” means engaging in, with the expectation of receiving valuable consideration, the management of real estate owned by another person, or advertising or otherwise claiming to be in property management...” A licensed sales agent or broker must perform any/all PM activities under the Principal Broker with whom their license is affiliated, and cannot conduct PM activity under any other company name.

One of the most common misunderstandings that the Division addresses, is the licensing statutes and rules pertaining to short-term or vacation rentals (those fewer than 30 days), in comparison to long-term leases, (longer than 30 days.)

To clarify, management of properties that are rented for fewer than 30 days, does not require a real estate license in Utah. This is specifically stated in under **Utah Code 61-2f-102(21)(b)(ii)**: “Property Management” does not include: rental of tourist accommodations, including hotels, motels, tourist homes,

condominiums, condominium hotels, mobile home park accommodations, campgrounds or similar public accommodations for a period of less than 30 consecutive days, and the management activities associated with these days...

Therefore, this statute indicates that any rental or PM activity that is 30 consecutive days or longer, does indeed require a license, unless you are the owner of the property, which is addressed in **Utah Code 61-2f-202(1)(a)(i)**: “Except as provided in Subsection (1)(b), a license under this chapter is not required for: a person who as owner or lessor performs an act... with reference to real estate owned or leased by that person...”

Other “exempted” persons outlined in **61-2f-202(1)** include: a salaried employee who manages non residential real estate for only one property owner, apartment managers who reside onsite for a reduced rent, full-time salaried employees of an HOA, and hotel or motel management.

It is also important to note, that regardless of whether rentals are short-term or long-term, a person who is licensed as a real estate agent or broker and who owns and manages their own rental properties, must always disclose the fact that they are licensed (whether active or inactive), and comply with all other licensing

rules and regulations of the Division. In addition, persons who are not licensed with the Division, but who perform the acts of a licensee in expectation of monetary or valuable consideration, also fall within jurisdiction of the Division, as outlined in **Utah Code 61-2f-201(2)**: “Except as provided in Section 61-2f-202 [“exemptions”], an individual is required to be licensed as a principal broker, associate broker, or a sales agent if the individual performs, offers to perform, or attempts to perform one act for valuable consideration of: (a) buying, selling, leasing, managing, or exchanging real estate for another person; or offering for another person to buy, sell, lease, manage or exchange real estate.”

To better understand the definitions and information pertaining to PM licensing regulation by the Division, please refer to the following links on the Utah Division of Real Estate website.

Click [HERE](#) to for:

R-162-2f-202(d)
R-162-2f-401a(2)(d)(e), (6)(c)
(10)(a)(b), (11)(a)(b)
R-162-2f-401b(12)(b); R-162-2f-401(j); and R-162-2f-403(c)

Click [HERE](#) for:

61-2f-102(22) and (24)
61-2f-202(1)(a)
61-2f-206(7).



Brokerage Name In All Advertisements

One issue the Division enforcement team continues to receive complaints about is “blind advertising,” and failing to include required brokerage information.

The issue revolves around agents posting their listings on Craigslist, KSL, Facebook or other websites, without including their brokerage information. As a licensee, you have direct responsibility to oversee all advertising to make sure that your brokerage information is included on the advertisement whether you personally place the ad or whether someone in the office places the ad for you. When accessing websites, the website may ask if you are an agent, and they may even ask for your brokerage information. Do not presume that your brokerage information will be auto populated into the advertisement, as some websites state that they

will not share this information. They also may not include it in the advertisement resulting in the creation of an inadvertent “blind ad.” The Division recommends all licensees place the brokerage name in the body of the property text of the advertisement to ensure that the advertisement meets the rule requirements.

The advertisement rules are very clear that the brokerage name needs to be in every form of advertisement and that it must include the full name of the brokerage as it appears on record with the Division, an abbreviated name will not satisfy this requirement.

R162-2f-401h(1) Except as provided for in subsections (2) and (3), a licensee shall not advertise or permit any person employed by or affiliated with the licensee to ad-

vertise real estate services or property in any medium without clearly and conspicuously identifying in the advertisement the name of the brokerage with which the licensee is affiliated

R162-2f-401h(4) The name of the brokerage identified by a licensee in an advertisement shall be the name of the brokerage as shown on division records.

The Division would like to take this opportunity to remind all licensees that it is the responsibility of the licensee to verify the advertisement and to make sure that the brokerage information meets the above referenced rules. The Division recommends that when an advertisement is placed on a website that licensees immediately review the ad to make sure the brokerage information is included.

DIVISION STAFF SPOTLIGHT

Meet Faruk Halilovic!

Faruk is a member of the Records Team here at the Division of Real Estate. He joined the Division in April of 2016. Faruk worked for several companies performing data entry duties before joining the DRE two years ago as an Office Technician.

"I am so grateful to have been given the opportunity to work with such a great group of smart, kind, and hard working people" - Faruk Halilovic

Faruk was born and raised in Bosnia-Herzegovina, Europe. He and his wife moved to Utah five years ago, where they've found their home and have been very happy so far.

"Utah is a beautiful state with breathtaking landscapes and kind and friendly people...but of course, you already knew that," says the man himself.



Faruk Halilovic

Faruk plays the guitar and has for 28 years! He loves everything relating to the instrument. In his time away from work he enjoys the outdoors, going to lakes with friends and family, and especially enjoys his newly acquired hobby - road biking!

The Division is lucky to have Faruk and values his knowledge and expertise. If you've seen Division Management speak at events in the last few years, you've probably seen a presentation created by Faruk. He's a man of many talents!

Utah! Division of Real Estate

NEWS

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Division of Real Estate

FIRST QUARTER 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.

APPRAISAL

ALLEN, JEFF S., certified general appraiser, Sandy, Utah. In an order dated December 1, 2017, Mr. Allen was fined \$10,000 for completing numerous appraisal assignments over a period of approximately 19 months after his appraiser license had expired. In one instance, he used a software program to intentionally alter his previously issued appraiser license certificate in order to misrepresent that he had an active appraiser license. Case number AP-14-69770

JONES, DAVID R., certified residential appraiser, Bountiful, Utah. In a stipulated order dated January 30, 2018, Mr. Jones admitted that he may not meet the qualifications required for certification as a certified residential appraiser. Mr. Jones is currently under investigation for sex offense internet crimes. Pursuant to the stipulation, Mr. Jones's license to practice as a certified residential appraiser has been suspended. Case number AP-18-97567

LIFFERTH, WILLIAM E., certified general appraiser, Bountiful, Utah. In an order dated February 12, 2018, Mr. Lifferth was found to have violated USPAP standards by failing to identify, discuss, ana-

lyze, or support a price adjustment for excess land in his highest and best use analysis or elsewhere in an appraisal report. Mr. Lifferth was fined \$1,000 and ordered to complete the Appraisal Institute's General Appraiser Report writing course. Upon timely completion of the appraiser writing course by Mr. Lifferth, the civil penalty will be waived. Case number AP-12-62955

PETERSON, MARK D., licensed appraiser, American Fork, Utah. In a stipulated order dated December 27, 2017, Mr. Peterson admitted to having violated Utah law and the Uniform Standards of Professional Appraisal Practice in his selection and analysis of comparable properties available and used in completing an appraisal assignment and in making adjustments in the sales comparison approach of the report. Mr. Peterson agreed to pay a civil penalty of \$3,000, complete the 15 hour National USPAP Update Course, and complete a total of six hours of continuing education, three hours on the topic of scope of work, and three hours on the topic of sales comparison approach. Case number AP-14-72164

UNITED APPRAISERS OF UTAH SCHOOL, appraiser continuing education provider, Sandy, Utah. In a

stipulated order dated February 28, 2018, the United Appraisers of Utah School admitted to having violated Utah law when the school taught a USPAP Update course that had not been certified by the Division of Real Estate. The school agreed to pay a civil penalty of \$2,500. Case number AP-18-98179

MORTGAGE

DAKER, FIRAS, mortgage loan originator, Garden Grove, California. In an order dated December 4, 2017, Mr. Daker's license was granted and placed on probation for the initial licensing period due to a pending criminal matter. Case number MG-17-96412

LASSIG, D. PETTER, II, lending manager, Bountiful, Utah. In an order dated November 2, 2017, Applicant's license was renewed on probation until December 31, 2018, and a civil penalty assessed in the amount of \$5,000. Mr. Lassig was also ordered to retake the principal lending manager pre-licensing course in addition to the continuing education required for his next license renewal. Case number MG-13-65829

MARKOSIAN, CHRISTOPHER THOMAS, mortgage loan originator, Sandy, Utah. In an order dated

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December 15, 2017, Mr. Markosian's license was renewed and placed on probation due to judgments against him for child support obligations. Mr. Markosian's license shall remain on probation until he demonstrates his financial responsibility by making regular and substantial payments on the child support arrearages. Case number MG-17-96674

MARTINEZ, JOANN, mortgage loan originator, Midvale, Utah. In an order dated December 28, 2017, Ms. Martinez's application for licensure as a mortgage loan originator was denied due to criminal history and unpaid tax liens. Case number MG-17-88623

SIMMONS, STEVEN J., mortgage loan originator, Riverton, Utah. In an order dated January 31, 2018, Mr. Simmons's license was granted and placed on probation until he has formalized a repayment plan with the IRS and the State of Utah for the payment of several state and federal tax liens. Case number MG-18-97767

STAPLES, REBECCA, lending manager, St. George, Utah. In a stipulated order dated February 7, 2018, Ms. Staples admitted to having violated Utah law with regard to a marketing service agreement with a real estate brokerage. The payments made by Ms. Staples's mortgage company to the real estate brokerage were not commensurate with the services provided by the brokerage. Ms. Staples agreed to pay a civil pen-

alty of \$5,000, to have her license placed on probation, and to amend her MU4 disclosures on the NMLS within 10 days of the order. Case number MG-14-69409

TUPLING, HELENA MARIE, mortgage loan originator, Corona, California. In an order dated December 15, 2017, Ms. Tupling's license was granted and placed on probation until she has formalized a payment plan with the IRS for the payment of a tax arrearage. Case number MG-17-96690

UNDERHILL, SAYRA, mortgage loan originator, Saratoga Springs, Utah. In an order dated January 25, 2018, Ms. Underhill's application for licensure as a mortgage loan originator was denied due to a previous stipulation in 2009 in which she admitted to having allowed, as a principal lending manager, another person to originate residential mortgage loans in her name despite knowing that the other person's license had expired. Case number MG-18-97604

REAL ESTATE

ALLRED, CURT J., sales agent, Cedar City, Utah. On May 15, 2017, the Division issued a citation to Mr. Allred for failing to display his brokerage information on his social media advertising but advertising his marketing entities instead. The citation assessed a fine in the amount of \$150 which Mr. Allred paid. Citation number DREC-17-18, Case number RE-17-88089

ANDERSEN, GEORGE R., continuing education instructor, Sandy, Utah. In an order dated December 1, 2017, Mr. Andersen's license was reinstated and placed on probation for one year due to a plea in abeyance in a criminal matter. Case number RE-17-96332

ANDERSON, CASSANDRA LINZA, sales agent, St. George, Utah. In an order dated January 12, 2018, Ms. Anderson's application for licensure as a real estate sales agent was denied due to prior disciplinary action with regard to Ms. Anderson's license to practice as a registered nurse. In a stipulation with the Utah Division of Occupational and Professional Licensing, Ms. Anderson admitted to unprofessional conduct as a nurse and later agreed to surrender her license. Ms. Anderson is not eligible at the present time to apply for licensure as a nurse. Case number RE-18-97271

BARTHOLOMEW, ANYA V., sales agent, Draper, Utah. In a stipulated order dated February 21, 2018, Ms. Bartholomew admitted to having violated Utah law by engaging in several instances of unlicensed activity. These violations occurred after previous disciplinary actions taken against Ms. Bartholomew. She agreed to pay a civil penalty of \$5,000. Case number RE-14-71830

BENSON, JOHN V. JR., sales agent, Holladay, Utah 84121. In an order dated August 1, 2017, Mr. Benson was ordered to pay a

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civil penalty of \$1,500 and to take three hours of continuing education on the topic of agency in addition to the hours required for his next renewal. Mr. Benson was found to have violated Utah law by leaving his contact information on a sign for a period of several years without a listing for the property and without the consent of the property owner. Case number RE-15-75031

BITTON, CHRISTIAN E., sales agent, Salt Lake City, Utah. In an order dated January 2, 2018, Mr. Bitton's license was granted and placed on probation for the initial licensing period due to a prior disciplinary action against Mr. Bitton while he was previously licensed as a certified residential appraiser. Case number RE-18-96972

BLASER, BENJAMIN J., sales agent, North Salt Lake, Utah. In a stipulated order dated December 20, 2017, Mr. Blaser admitted to having continued practicing as a real estate sales agent after his license expired, in violation of Utah law/administrative rules. Mr. Blaser agreed to pay a civil penalty of \$1,000 and to complete three hours of continuing education in addition to the continuing education required for his next license renewal. Case number RE-14-70112

BLOOMFIELD, JANA E., sales agent, Bluffdale, Utah. In a stipulated order dated December 20, 2017, Ms. Bloomfield admitted that she forged the buyer's signa-

ture on an addendum while representing the seller in a real estate transaction. Her actions are in violation of Utah law/administrative rules. The buyer completed the purchase of the property but remained concerned about the forged signature. Ms. Bloomfield agreed to pay a civil penalty of \$5,000 and to complete a total of nine hours of continuing education in addition to the continuing education required for her next license renewal. She will complete three hours each on the topics of Utah law, contract law, and ethics. Case number RE-12-59552

BROWN, AARON LEE, sales agent, Ogden, Utah. In an order dated February 20, 2018, Mr. Brown's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-18-98222

CHANCE, MICHAEL DEAN, sales agent, Salt Lake City, Utah. In an order dated August 31, 2017, Mr. Chance's license was renewed and placed on probation due to pending criminal charges. Case number RE-17-93986

CHAPMAN, JASON E., sales agent, Clearfield, Utah. On September 13, 2017, the Division issued a citation to Mr. Chapman for placing a sign on property without the owner's permission. The citation assessed a fine in the amount of \$1,000. Mr. Chapman paid the fine. Citation number DREC-17-26, Case number RE-17-89661

CHATELAIN, JEFFREY D., sales agent, Salt Lake City, Utah. In an order dated January 25, 2018, Mr. Chatelain's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-18-97618

CHAVEZ, CAROLYN, sales agent, Salt Lake City, Utah. On December 6, 2017, the Division issued a citation to Ms. Chavez for failing to respond to the request by the Division of Real Estate during an authorized investigation. The citation assessed a fine in the amount of \$200. Applicant paid the fine. Citation number DREC-17-37, Case number RE-17-93632

CORDOVA, ZACHARY PAUL, sales agent, Logan, Utah. In an order dated January 25, 2018, Mr. Cordova's license was granted and placed on probation for one year due to a plea in abeyance in a criminal matter. Case number RE-18-97615

CORRY, CRAIG DALE, sales agent, Cedar City, Utah. On October 2, 2017, the Division issued a citation to Mr. Corry for failing to include his brokerage information on his advertisements on social media and his website. In addition, he did not include his brokerage information in email solicitations. The citation assessed a fine in the amount of \$150 which Mr. Corry paid. Citation number DREC-17-35, Case number RE-17-92703

CRIDDLE, SCOTT JAY, sales agent, Bountiful, Utah. In an order

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dated December 1, 2017, Mr. Criddle's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-18-96375

CUNNINGHAM, JOSEPH E., principal broker, West Valley City, Utah. In a stipulated order dated February 21, 2018, Mr. Cunningham admitted to having made 1) a number of misrepresentations in a transaction for the sale of a number of lots involving the FDIC, 2) violated his fiduciary duties to his principal, and 3) engaged in practices in a manner that failed to conform to accepted standards of the real estate sales industry. Mr. Cunningham's actions were in violation of Utah law and administrative rules. In mitigation, Mr. Cunningham entered into an agreement resolving a federal lawsuit related to the transaction and disgorged any economic gain he received. In the stipulation, Mr. Cunningham agreed to 1) the revocation of his license, 2) not to engage in licensed or unlicensed real estate sales activities for five years and to appear before the Real Estate Commission should he choose to apply for licensure after the five year period, and 3) pay a civil penalty of \$15,000. Case number RE-12-61239

DIAZ-MENDOZA, LUIS R., sales agent, Salt Lake City, Utah. In an order dated February 20, 2018, Mr. Diaz-Mendoza's license was granted and placed on probation

for the initial licensing period due to criminal history. Case number RE-18-98219

ESCOBAR-CARO, EDGAR, sales agent, Park City, Utah. In an order dated January 5, 2018, Mr. Escobar-Caro's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-18-97086

FUNSTON, BLAKE ELLIS, sales agent, Salt Lake City, Utah. In an order dated February 23, 2018, Mr. Funston's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-18-98298

GARRETT, STEPHEN L., sales agent, Draper, Utah. In an order dated February 9, 2018, Mr. Garrett's license was renewed and placed on probation due to a pending criminal matter. Case number RE-18-97977

GEORGE, BRIAN KENT, sales agent, Spanish Fork, Utah. In an order dated December 6, 2017, Mr. George's application for licensure as a real estate sales agent license was denied due to numerous unsatisfied civil judgments and due to the denial of Mr. George's application for licensure as a contractor by the Utah Division of Occupational and Professional Licensing ("DOPL"). DOPL denied Mr. George's application for licensure as a contractor due to several incidents in which Mr. George was determined to have

conducted unlicensed construction activity. Case number RE-17-96455

GLAVES, CASSANDRA L., sales agent, Clinton, Utah. In a stipulated order dated December 20, 2017, Ms. Graves admitted to having failed to include in the REPC that the sale of her client's property was contingent on the sellers locating a new home, instead relying on the agent remarks in the MLS listing, even though the sellers had specifically requested such a provision be included in the REPC. The buyers declined to terminate the REPC or to allow additional time for the sellers to locate a new home. At the time of closing, the sellers did not have a home to move to. Ms. Graves admitted that her conduct was unprofessional and contrary to her fiduciary duty to her clients. She agreed to pay a civil penalty of \$1,800 and to complete three hours of continuing education on the topic of agency in addition to the continuing education required for her next license renewal. Case number RE-13-68103

GRANT, TINA, sales agent, Salt Lake City, Utah. In an order dated February 20, 2018, Ms. Grant's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-18-98223

GROVER, DAVID S., sales agent, Park City, Utah. In an order dated January 8, 2018, Mr. Grover's license was renewed and placed on probation due to a pending criminal

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matter. Case number RE-18-97090

GUTIERREZ, ANDREW B., associate broker, Draper, Utah. In a stipulated order dated December 20, 2017, Mr. Gutierrez acknowledged that during the time that he was principal broker, he employed a data entry assistant whose duties included placing advertisements to assist in generating leads for the brokerage. The assistant placed a number of ads in the name of sales agents without including the brokerage information. In some of these instances, the sales agent was no longer affiliated with the brokerage. Mr. Gutierrez admitted that the advertisements were in violation of Utah law and administrative rules and that it is unlawful for a principal broker to fail to exercise reasonable supervision over the activities of unlicensed staff. In mitigation, Mr. Gutierrez instructed the assistant to use a template which included the required information but the assistant modified the template removing the brokerage information. Mr. Gutierrez agreed to pay a civil penalty of \$1,000. Case numbers RE-14-69003, RE-14-69005, and RE-14-68999

HAMBLIN, JUDY, associate broker, Monroe, Utah. In a stipulated order dated December 29, 2017, Ms. Hamblin admitted to having modified a state approved form, in violation of Utah administrative rules. Ms. Hamblin agreed to pay

a civil penalty of \$1,000. Case number RE-16-86136

HARRIS, TODD, principal broker, Layton, Utah. In an order dated December 4, 2017, Mr. Harris's license was renewed and placed on probation for the renewal period due to an administrative action by the Utah Insurance Department against a company owned by Applicant that used unapproved forms. Case number RE-17-96427

HOLT-NUTTAL, MARGARET, associate broker, Draper, Utah. In a stipulated order dated February 21, 2018, Ms. Holt-Nuttall admitted that a limited liability company that she owned had purchased a home, fully remodeled the home, and resold it a year later. Prior to her purchase of the home, the seller disclosed unrepaired cracks in the foundation and prior leaks. Ms. Holt-Nuttall had a home inspection done prior to her purchase which acknowledged the foundation cracks and revealed the possibility of mold present in the home. Ms. Holt-Nuttall later listed the property for sale but a prospective buyer canceled the contract due to problems discovered with the home's main sewer line. Ms. Holt-Nuttall later sold the home and in the property disclosure answered "no" as to the presence of mold on the property. She disclosed past water leakage but stated that the problem was fixed by adding rain gutter and sealing the cement. She did not disclose the foundation cracks or the potential prob-

lems with the sewer. The purchaser of the home experienced flooding in the basement due to the foundation cracks and problem with the sewer. Ms. Holt-Nuttall paid a portion of the repair costs. In this action, Ms. Holt-Nuttall agreed to pay a civil penalty of \$3,000 and to complete three hours of continuing education on the topic of Utah law in addition to the continuing education required for her next license renewal. Case number RE-13-66926

JEPPSEN, ALEXANDER WARD, sales agent, Salt Lake City, Utah. In an order dated February 6, 2018, Mr. Jeppsen's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-18-97905

JOHNSON, STEVEN, sales agent, Farmington, Utah. In an order dated December 28, 2017, Mr. Johnson's license to practice as a real estate sales agent was renewed and placed on probation for the renewal period due to criminal history. Case number RE-17-96938

KARON, JARED, sales agent, Salt Lake City, Utah. In an order dated February 28, 2018, Mr. Karon's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-18-98468

KENDRICK, JACKIE, sales agent, Washington, Utah. In an order dated January 2, 2018, Ms. Kendrick's license was granted and placed on probation for the initial licensing

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period due to criminal history. Case number RE-18-96968

KIMBALL, JAKE ANDREW, sales agent, West Valley City, Utah. In an order dated January 5, 2018, Mr. Kimball's license was granted and placed on probation for one year due to a plea in abeyance in a criminal matter. Case number RE-18-97083

KUNZ, LOIS, associate broker, Roy, Utah. In a stipulated order dated January 17, 2018, Ms. Kunz admitted that she failed to identify her brokerage information on an advertising sign, in violation of Utah administrative rules. Ms. Kunz agreed to pay a civil penalty of \$150. Case number RE-14-74315

LARSEN, BLAINE D., principal broker, Pleasant View, Utah. In an order dated February 6, 2018, Mr. Larsen's license was renewed and placed on probation for the renewal period due to a plea in abeyance in a criminal matter. Case number RE-18-97888

LE, MICHAEL Q., principal broker, South Jordan, Utah. In a stipulated order dated January 17, 2018, Mr. Le admitted that he and the sales agents affiliated with his brokerage continued to engage in real estate activities during which time his license was expired, in violation of Utah law/administrative rules. Mr. Le agreed to pay a civil penalty of \$5,000 and to complete three hours of continuing education in addition to the continuing educa-

tion required for his next license renewal. Case number RE-13-65857

MASCARO, JENNIFER D., principal broker, South Jordan, Utah. In a stipulated order dated December 20, 2017, Ms. Mascaro admitted to listing several properties indicating that the properties were short sales and that the lender had approved the listing prices. In fact, the lenders had not approved the list prices. This conduct is in violation of Utah law which prohibits advertising real property in a false, misleading, or deceptive manner. Ms. Mascaro agreed to pay a civil penalty of \$1,000 and to complete a total of six hours of continuing education in addition to the continuing education required for her next license renewal, three hours of agency law and three hours of Utah law. Case number RE-11-55254

MCRAE, ROURK, sales agent, Sandy, Utah. In a stipulated order dated December 20, 2017, Mr. McRae admitted to having listed a property available as a short sale. Mr. McRae later entered into a separate, unwritten agreement that he and another party would "flip" the property together with the buyer purchasing the property and Mr. McRae would remodel the property, sell it, and they would share the profits. Mr. McRae's actions were in violation of Utah administrative rules. He agreed to pay a civil penalty of \$4,000 and to complete three hours of continuing education on the topic of Utah law in addition to the continuing education re-

quired for his next license renewal. Case number RE-13-64451

MENLOVE, RUTH ANNE, sales agent, Murray, Utah. In an order dated December 8, 2017, Ms. Menlove's license was granted and placed on probation for one year due to criminal history. Case number RE-17-96524

MERRITT, LUDEAN K., sales agent, Moab, Utah. In a stipulated order dated February 21, 2018, Ms. Merritt represented both the seller and buyer in a transaction involving a vacant parcel of land. Based on representations of the seller, Ms. Merritt represented to the buyer that a shared well agreement existed with regard to the property. Although the buyer requested a copy of the agreement no agreement was provided prior to closing and, in fact, no shared well agreement existed. Buyer closed the transaction and later was compelled to retain an attorney to resolve the issue. Ms. Merritt admitted that her actions were a violation of the fiduciary duties owed to buyer. Ms. Merritt agreed to pay a civil penalty of \$500 and to complete three hours of continuing education on the topic of agency law in addition to the continuing education required for her next license renewal. Case number RE-16-86717

MILAR, MATTHEW, sales agent, Salt Lake City, Utah. On December 11, 2017, the Division issued a citation to Mr. Milar for advertising his services as real estate sales agent without listing his brokerage

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information. The citation assessed a fine in the amount of \$150. Citation number CDREC-17-38, case number RE-15-77775

MOSS, TIMOTHY J., sales agent, Clearfield, Utah. In a stipulated order dated January 17, 2018, Mr. Moss represented a seller in a property transaction. The transaction closed. Mr. Moss then advertised the property for sale again even though he did not have a listing from the new owner. In addition, he failed to identify the brokerage information in the advertisement. His actions were in violation of Utah law and administrative rules. Mr. Moss agreed to pay a civil penalty of \$650. Case number RE-16-80138

MURDOCK, DYLAN, sales agent, St. George, Utah. In an order dated February 23, 2018, Mr. Murdock's license was granted and placed on probation due to a pending criminal matter. Case number RE-18-98302

OLSEN, NICHOLAS GARY, sales agent, Garden City, Utah. In an order dated February 6, 2018, Mr. Olsen's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-18-97890

PEHRSON, MATTHEW, sales agent, Salt Lake City, Utah. In a stipulated order dated January 17, 2018, Mr. Pehrson admitted to having conducted the business of real estate while his license was expired and while it was inactive. He represented a number of clients during these periods and collected

commissions for the several transactions. He also admitted that he has a history of failing to timely renew his license. In addition, Mr. Pehrson failed to enter into a buyer representation agreement until long after he had submitted a REPC on behalf of a buyer. Mr. Pehrson's actions are in violation of Utah law. He agreed to pay a civil penalty of \$5,000 and to complete three hours of continuing education on the topic of Utah law in addition to the continuing education required for his next license renewal. Case number RE-14-68829

PERRENOUD, KEVIN, sales agent, Bluffton, South Carolina. In an order dated February 13, 2018, Mr. Perrenoud's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-18-98112

PUEFUA, SOLOSOLO, sales agent, Magna, Utah. In an order dated December 7, 2017, Mr. Puefua's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-17-96490

REYES, GABRIELLE, unlicensed, Vernal, Utah. On March 21, 2017, the Division issued a citation to Ms. Reyes for engaging in unlicensed property management services. The citation assessed a fine in the amount of \$1,000. Citation number DREC-17-7, Case number RE-15-79782

ROBERTS, JOHN M., principal broker, West Jordan, Utah. In a stipulated order dated February 21, 2018, Mr. Roberts advertised property for sale that was listed with another broker. However, he did not have the consent of either the property owner or the listing broker to advertise the property. Mr. Roberts admitted that his actions were in violation of Utah administrative rules and agreed to pay a civil penalty of \$250. Case number RE-14-73042

ROUNKLES, BLAKE D., sales agent, Kaysville, Utah. In a stipulated order dated January 17, 2018, Mr. Rounkles admitted to two separate incidents in which he advertised a chance to win a \$500 gift card in exchange for a participant's providing him a referral. Mr. Rounkles did give away a gift card in connection with the promotion. His actions are in violation of Utah administrative rules which prohibit the solicitation of a referral from an unlicensed person for a fee and limit the value of a fee or gift for an **unsolicited** referral to \$150. Mr. Rounkles agreed to pay a civil penalty of \$500 and to complete two hours of continuing education on the topic of Utah law in addition to the continuing education required for his next license renewal. Case numbers RE-115-75175 and RE-15-79500

ROXBURGH, M. SHANE, sales agent, Holladay, Utah. On January 27, 2017, the Division issued a citation to Mr. Roxburgh for advertising his team name without properly identifying his brokerage

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information. Some of the ads were also false, misleading, or deceptive. The citation assessed a fine in the amount of \$1,000. Mr. Roxburgh paid the fine. Citation number DREC-17-2, case number RE-15-77052

SINGLETON, STEVEN, sales agent, Taylorsville, Utah. On April 26, 2017, the Division issued a citation to Mr. Singleton for failing to display his brokerage information on his website. The citation assessed a fine in the amount of \$150 which Mr. Singleton paid. Citation number DREC-17-13, RE-17-88943

SMITH, GREGORY C., sales agent, Sandy, Utah. On September 13, 2017, the Division issued a citation to Mr. Smith posting a video ad on social media which did not include his brokerage information. The citation assessed a fine in the amount of \$150 which Mr. Smith paid. Citation number DREC-17-27, Case number RE-17-91685

STRONG, BRANDI L., sales agent, South Jordan, Utah. In a stipulated order dated December 20, 2017, Ms. Strong admitted advertising violations. She agreed to pay a civil penalty of \$500. Case number RE-14-69002

TREJOS, LEAF DILLON, sales agent, Ogden, Utah. In an order dated December 5, 2017, Mr. Trejos's license was granted and placed on probation for the initial licensing period due to a criminal

history. Case number RE-17-96438

VASQUEZ CENICEROS, BRIAN-DA, sales agent, Vernal, Utah. In an order dated October 26, 2017, Ms. Vasquez Ceniceros's license was granted and placed on probation for one year due to a plea in abeyance to a criminal matter. Case number RE-17-95496

WINGET, BRADLEY P., branch broker, Murray, Utah. In a stipulated order dated December 20, 2017, Mr. Winget admitted that he was the manager and employee of a limited liability company which owned property for sale. Mr. Winget listed the property, but failed to disclose his position as a principal in the transaction, in violation of Utah administrative rules. Mr. Winget agreed to pay a civil penalty of \$2,500 and to complete two hours of continuing education on the topic of Utah law in addition to the continuing education required for his next license renewal. Case number RE-14-72670

WISCOMBE, MARSHAL JOHN, sales agent, Clearfield, Utah. In an order dated February 28, 2018, Mr. Wiscombe's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-18-98467

WRIGHT, PATRICIA, sales agent, Washington, Utah. In a stipulated order dated January 17, 2018, Ms. Wright acted as agent for herself and her spouse in the purchase of a home. Prior to closing the purchase and in anticipation of work

she planned to have done after closing, Ms. Wright removed or caused to be removed crown molding without the knowledge or permission of the seller or seller's agent. Ms. Wright admitted that her actions were in violation of Utah law. She agreed to pay a civil penalty of \$500 and to complete three hours of continuing education on the topic of Utah law in addition to the continuing education required for her next license renewal. Case number RE-14-74326

TIMESHARE

TRAN, DILLON MARSHALL, timeshare salesperson, Draper, Utah. In an order dated February 14, 2017, Mr. Tran's license was denied due to criminal history. Case number TX-17-88675.

Division of Real Estate



RULE DEVELOPMENTS

Since January 1, 2018

To view and comment on any proposed or amended rules, please visit the [Utah State Bulletin here](#).

Appraisal Management Company Rules

The Real Estate Appraisal Licensing and Certification Board has approved the filing of a proposed rule amendment to the AMC administrative rules. The primary changes proposed include the timing and content of notice from an AMC to appraisers on the AMC's panels, required communications between an AMC and its appraisers, and the manner by which an AMC offers an appraisal assignment to appraisers.

The proposed rule amendment would also provide a presumption of compliance with the customary and reasonable fee requirement. If the proposed rule is adopted, an AMC that compensates an appraiser for a completed appraisal at a rate consistent with the fee schedule for the state of Utah as published by the United States Department of Veterans Affairs Denver Regional Loan Center Appraisal Fee Schedule (the "VA Fee Schedule") would be presumed to be in compliance. The proposed rule does not adopt the VA Fee Schedule and the VA Fee Schedule would not become a minimum fee or the required fee. Rather, the VA Fee Schedule would be presumed to be customary and reasonable and in compliance with Utah and Federal law. An AMC could pay a fee lower than the VA Fee Schedule if the AMC can document that

the lower fee is customary and reasonable.

The proposed rule amendment will be filed and time allowed for public comment before the Board determines whether to adopt the proposed amendment.

Appraisal

The Real Estate Appraisal Licensing and Certification Board is reviewing the real estate appraiser qualification criteria changes that the Appraiser Qualifications Board (the "AQB") recently adopted and which become the national minimum qualification criteria beginning May 1, 2018. The Utah appraiser rules already meet or exceed AQB qualification criteria. The Appraiser Board is reviewing the AQB changes to determine whether a change in the Utah qualification rules is appropriate for Utah. No formal proposed rule amendment has yet been approved for filing, but some proposed changes are likely to result as the review process continues.

Mortgage

The Residential Mortgage Regulatory Commission proposed a rule amendment that has been approved for filing that would provide optional experience points for a licensed mortgage loan originator working as a junior loan officer or assistant loan officer. The optional experience

points could accumulate at the rate on one-half point per month. After the proposed rule is filed, the public will be allowed to comment before the Mortgage Commission will determine whether to adopt the proposed amendment.

Real Estate

The Real Estate Commission has approved for filing a proposed rule amendment relating to required experience to qualify to become a broker. If the proposed amendment is adopted an individual applying for a broker license would select from the individual's documented experience at least 60 points but no more than 80 points for consideration and review by the Division.

The Real Estate Commission has approved the filing of a proposed rule amendment to alter and clarify the rule which exempts owners from licensing requirements and possible changes to the state approved forms relating to the lead-based paint disclosure and addendum.

The proposed rule amendment will be filed and time allowed for public comment before the Commission determines whether to adopt the proposed amendment.

Timeshare and Camp Resort

There are no recently adopted or proposed rule amendments under consideration.



COMPLAINTS! COMPLAINTS! COMPLAINTS!

Occasionally, and we hope not too often, it is necessary to file a complaint with the Division of Real Estate. The Division uses complaints to regulate licensees and investigate unlicensed activity by persons who are or should be licensed. Licensees consist of the following:

- Appraisers
- Residential Mortgage Lenders and Brokers
- Real Estate Brokers and Agents
- Salespeople for Subdivisions, Timeshares, and Camp Resorts.

Often, we receive calls from complainants hoping we can help resolve their current issue. Typically, the Division does NOT resolve specific disputes; we investigate whether a licensee violated the statutes or rules that govern their license. Please keep in mind that the Division does not have jurisdiction over homeowners associations or providers of nightly lodging.

If it becomes necessary to file a complaint, the form for each industry can be found in the Enforcement section on the Division of Real Estate website located at <https://realestate.utah.gov>. The

form requires some information that helps us in the investigation process such as the complainant's information, who the complaint is against, if there is a property related to the complaint, and if there is another agency involved in the matter. This information is necessary for us to create a case file.

The most important section of the complaint is the Summary of Compliant. This is where the complainant explains the situation and what happened. Reasons for filing a complaint on a licensee can be very emotional. But, it is best to keep the emotional aspect out of the complaint and stick to just the facts. The more factual information you provide, the better we can construct an over-all picture of the situation. Evidence is required to substantiate the complaint. Please provide copies of the documents necessary to support your allegation. Please do not provide originals, the Division does not return documents. Photographs should be clear and in color if possible. Descriptions of photographs should be included in order for us to understand what it is we are looking at. All photographs should include a date stamp. If the complaint involves an advertising

violation, include clear documentation of the advertisement, where and when it was obtained, and where we can see or find it first-hand. Screen shots from a cell phone, or a portion of an advertisement without a location is not sufficient information to open an investigation. All web links in advertisements or emails should remain intact so we can investigate the context of the evidence.

Remember, the Division of Real Estate does not have the jurisdiction to remedy monetary losses, or fix the damage that has been done in certain situations. As the regulatory body, we can only take action on a licensee for violations of the statute and rules. Often remedies must be obtained through a civil lawsuit, or the Real Estate Education, Research, and Recovery Fund. More information on the Recovery Fund can be found in Utah Code 61-2f-501, "click on the RTF file" found [HERE](#). If you have a complaint, or a question regarding a possible complaint, please contact us at the Division of Real Estate and speak with an investigator. We can answer questions you may have and assist you in the complaint process in order for the issue to be properly addressed.

Division of Real Estate

Mortgage MLOs Licensed Since May 8, 2017 Required to Complete Post Licensing Course

The Utah Residential Mortgage Regulatory Commission (Commission) recently approved a 5-hour post license education course for all Mortgage Loan Originators (MLOs) who receive an original Utah mortgage loan originators license after May 8, 2017.

The Statutory change which substituted the Uniform State Test (UST) for the previous Utah State MLO Exam and the strong housing market in Utah have increased the overall number of MLOs licensed in Utah by approximately 20% (since May 8, 2017). The Commission determined that since the Utah MLO exam has now been eliminated, there was a persuasive need for a CE Course to instruct new Utah MLO licensees regarding the Statutes and Administrative Rules that were previously encompassed by the Utah exam.

The Commission approved the content outline for the 5-hour Post Licensing Course to be taught to new Utah mortgage licensees. This post license course is required to be completed by all newly licensed Utah MLOs who received their original Utah MLO license on or after May 8, 2017 and before December 31, 2017. The time table deadline for completion of the required post license course is the end of year following prior to the start of the annual license renewal period in which the MLO is initially licensed in Utah. For example, a mortgage licensee who has been licensed for 12 years in Texas (or any other state) and received their original Utah MLO li-

cence in August of 2017 must complete the 5-hour Post Licensing Course in order to request license renewal for their Utah MLO license (no later than October 21, 2018).

The 5-hour post license course covers Utah Law and Administrative Rule requirements pertaining to the following topics:

- Non-Disclosure Sales
- Property Ownership
- Property Tax Collection
 - o Due November 31st in arrears
 - o Primary and Secondary Rates
- Mortgage Products – Including State Specific
- Who Signs? – The Authority to Sign Documents
- Marketing and Advertising Requirements
 - o Trigger Terms
 - o Joint Marketing – Lender/Real Estate Licensee – Open Houses
 - o Social Media
 - o MSA – Current MSA Guidelines and Rule Changes
 - o Lead Generation and Purchasing Leads
- Review of The Utah Division of Real Estate
 - o Regulatory Authority
 - o Department/Agency Structure
 - o Responsibilities and Limitations
- Regulatory Authority and Responsibilities of The Utah Residential Mortgage Practices Licensing Act
- The Utah High Cost Home Loan Act
- Mortgage Administrative Rules and Rule Changes that Occurred in the Previous Two Years
- Utah License Law and Regulation

- o Activities Requiring a License
- o Unlicensed Activity
- o MLO Compensation and Personal Liability
- Mortgage License Maintenance
 - o Continuing Education Requirements
 - o Personal Information Updates and Required Notifications
 - o Renewal
 - o Record Keeping and Reporting
 - o License Suspension, Reinstatement, or Rescission of License
 - o Fines and Penalties
 - o Civil and Criminal Liability

An MLO licensed since May 8, 2017, needs to **PLAN NOW** to complete this important required course **in advance of the 2019 license renewal period which commences on November 1, 2018. An MLO who has not completed this required course by October 21, 2018 will be prevented from requesting license renewal for 2019 until the NMLS receives documentation of course completion by the course provider.**

Currently there are two approved course providers for this 5-Hour course:

[My Mortgage Trainer](#)
[Oncourse Learning Financial Services:](#)

The implementation of the post licensing course by the Mortgage Commission will help to ensure Utah consumers continue to be protected by requiring that all newly licensed mortgage loan originators are instructed about Utah lending industry regulatory requirements and obligations.

CARAVAN 2018

Utah Division of Real Estate

A vintage car, possibly a Jeep, is parked on a rocky cliffside. Several people are sitting on the car and on the rocks around it. The scene is outdoors and appears to be a scenic overlook.

Richfield
May 9, 2018
9:00am – 12:00pm
Sevier County
Administration Building
250 N Main St

Cedar City
May 10, 2018
9:00am – 12:00pm
Springhill Suites Marriott
1477 S Old Hwy 91

St George
May 11, 2018
9:00am – 12:00pm
Dixie State University
NEW LOCATION!
Gardner Center Ballroom

225 S University Ave

Logan
May 15, 2018
1:00pm – 4:00pm
Bridgerland
Technical College
1301 N 600 W

Park City
April 12, 2018
9:00am – 12:00pm
Park City Marriott
1895 Sidewinder Dr.

Vernal
April 17, 2018
9:00am – 12:00pm
Springhill Suites Marriott
1205 W Highway 40

Layton
April 19, 2018
9:00am - 12:00pm
Davis Convention Center
1651 N 700 W

Provo
April 24, 2018
9:00am – 12:00pm
Utah Valley Convention Center
220 W Center St

Moab
May 08, 2018
9:00am – 12:00pm
Grand Center
182 N 500 W

The Utah Division of Real Estate invites you to attend the 2018 Spring CARAVAN – a FREE 3-hour Core Continuing Education course for real estate, appraiser, and mortgage* licensees. (*Mortgage licensees will receive 2 hours of credit for attending the 3-hour event to fulfill their state specific CE requirement. Mortgage licensees additionally need to complete the 8 hour NMLS CE requirement).

For more information, and to register, browse to:

<http://realestate.utah.gov/caravan.html>

Please Note: Some locations filled up quickly upon announcement of the Division's CARAVAN. There will not be any waiting lists for CARAVAN events. Should a registrant cancel their reservation, open spots will appear on the registration website. Please check periodically if you wish to attend a location that is currently full.