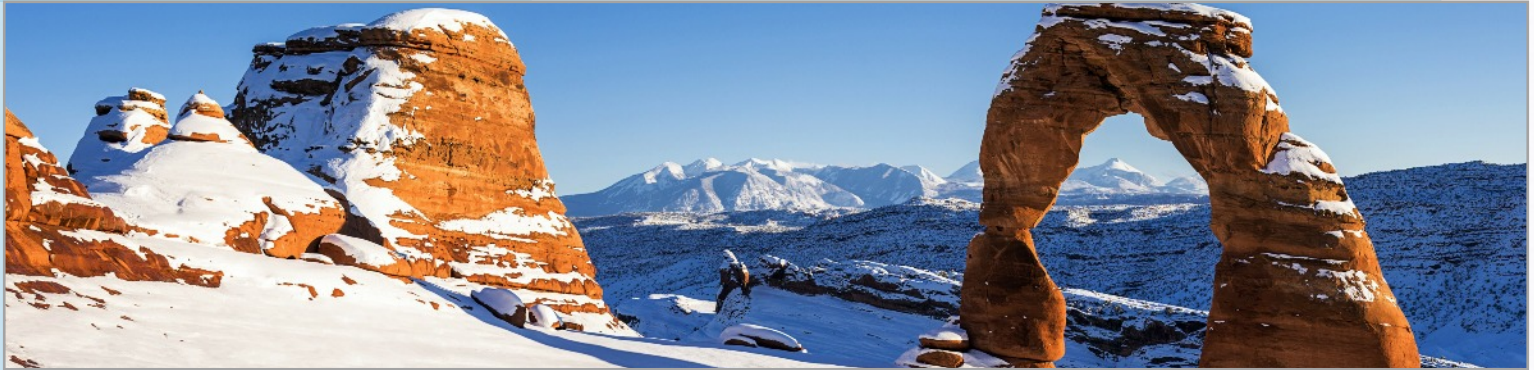


Division of Real Estate

Gary R. Herbert, Governor

Francine A. Giani, Executive Director

Jonathan Stewart, Division Director



Fourth Quarter 2015

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Broker Notification System Coming in January!

For a number of years Real Estate Brokers, both Principal and Branch, have desired and requested some method of Broker Notification to provide an easy means of tracking licensees that are affiliated with their brokerage. A system that would allow the Broker to easily account for those licensees whose licenses will soon be, or that have expired. The Division is very pleased to announce that that day has now arrived!

Beginning the first week in January, all Principal and Branch Brokers will 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 in yellow** so that the broker will easily be able to see whose licenses will be expiring as well as the current number of Continuing Education hours that the licensees have

completed (as of the date of the Division email notification). Brokers will be better able to monitor their licensees and encourage them to complete their CE by the 15th of the month that their license is scheduled to expire.

If an individual has allowed their license to expire, the expired (now formerly affiliated licensee’s) license will appear **highlighted in red**. Brokers should take steps to immediately have this licensee discontinue performing anything that requires a license until they complete the renewal process.

This new notification system should better enable Principal and Branch Brokers to be aware of the license status of their licensees and encourage timely license renewal.

To assure delivery of these notifications, Brokers and all licensees are encouraged to verify that their email address is correct in their [RELMS](#) account.

Director's Message Record Requests



Jonathan Stewart

In the last six months several licensees have refused to comply with statutes and administrative rules, to which they have voluntarily subjected themselves, specifically those laws and rules regarding requests for records. The statute and accompanying administrative rules are very clear in regards to record retention and responding to a record request from the Division:

Real Estate

61-2f-401 Grounds for disciplinary action

(9) failing to keep and make available for inspection by the division a record for each transaction...

R162-2f-401k Record keeping Requirement

A principal broker shall:

(3) upon request of the division, make any record identified in Subsection R162-2f-401k(1) available for inspection and copying by the division;

Mortgage

61-2c-302 Record Requirement

(3) A licensee shall, upon the division's request:

(a) make available to the division for inspection and copying during normal business hours all records required to be maintained under this chapter; and

(b) produce all records described in Subsection (3)(a) that are related to an investigation being conducted by the division at the division office for inspection and copying by the division.

R162-2c-301a Unprofessional Conduct

(1) Mortgage Loan Originator

(a)(v) comply with a division request for information within 10 business days of the date of the request.

(2) Lending Manager

(b)(i) be accountable for the affirmative duties outlined in Subsection (1)(a)

(3) Mortgage Entity

(a)(iii) comply with a division request for information within 10 business days of the date of the request;

Appraisal

Under the Record Keeping Rule of USPAP it states: "A workfile must be made available by the appraiser when required by a state appraiser regulatory agency or due process of law."

continued from page 2

61-2g-405 Record keeping requirement

(3) Upon reasonable notice, a person licensed or certified under this chapter and a person required to be registered under this chapter before May 3, 2001, shall make the records required to be maintained under this chapter available to the division for inspection and copying.

R162-2g-502a Standards of Practice and Conduct

(1)(h) unless Subsection (2)(b) applies, respond within ten business days to division notification:

- (i)** of a complaint against the individual; or
- (ii)** that information is needed from the individual.

Appraisal Management Company

61-2e-401 Division Authority

(1)(b) A failure to respond to a request by the division in an investigation under this chapter is considered to be a separate violation of this chapter, including:

- (i)** failing to respond to a subpoena;
- (ii)** withholding evidence; or
- (iii)** failing to produce a document or record.

You might be interested to know that of the 588 complaints the Division closed in fiscal year 2015, only 12% of them resulted in an action (stipulation or order) against the licensee. The majority of complaints are closed without action taken against the licensee. There is either no violation, there is insufficient evidence to prove a violation, or the Division does not have jurisdiction over the complaint.

Imagine a complaint is filed against a licensee of the Division. The Division requests documents as part of their investigation, but the licensee refuses to comply. Eventually, the licensee reluctantly hands over the requested files and the Division completes their investigation and finds that there was no violation and no reason to take action based on the allegations in the complaint. A complaint that otherwise would have not resulted in any action being taken against the licensee now could result in a violation for failure to provide records in accordance with a statutory requirement.

The 2014 fourth quarter newsletter included some advice about how to protect yourself. You can read the full article here:

http://www.realestate.utah.gov/newsletters/newsletter_q4-2014_full.pdf

Item 2 in the article notes that if a complaint is filed against you, it is to your advantage to cooperate with the Division. If you fail to timely respond and comply with a records request from the Division, you are not cooperating with the investigation.

Again, most complaints do not result in an action against the licensee. When the Division has finished an investigation and is determining what action, if any, to take, one of the things taken into consideration is how cooperative the licensee has been with the investigation. Failure to comply with the outlined record request statutes and rules is not only a violation, it also removes the potentially mitigating factor of cooperation from consideration. Cooperating with investigations, including all record requests, actually helps protect licensees.

Thank you for another great year! We commend you for the excellent service you give to Utah communities and wish you all a prosperous and happy New Year!

YOU'VE GOT Questions... ...WE'VE GOT Answers!

Based on an article in the Division's 3rd Quarter 2015 Newsletter, **11 Things Every Real Estate Licensee Should Know About Managing and Operating Rental Properties in Utah** by L. Paul Smith, Executive Director, Utah Apartment Association, questions about inactive agents managing properties they own have been raised. Specifically, questions about whether licensees need or are required to disclose their status as "owner/agent" in advertising.

As shown in the newsletter article, Administrative Rule R162-2f-401h(1) provides the answer. That rule states:

Advertising shall include the name of the real estate brokerage or, as applicable, the property management brokerage as shown on division records except where:

- (a) a licensee advertises unlisted property in which the licensee has an ownership interest; and
- (b) the advertisement identifies the licensee as "owner-agent" or "owner-broker."

To further break down the rule, if you are licensed and have listed the property through the broker with whom you are affiliated, you do not need to state "owner/agent" in the advertising. The Division believes it would be good practice to do so, but such disclosure is not required by rule.

If you are not affiliated with a broker, or will not be listing through the broker with whom you are affiliated (e.g. a FSBO), you would need to state "owner/agent" in any advertising for your own properties, whether they are listed for sale or for rent.

"Know Before You Owe" Disclosure Information Now Included in Mortgage & Real Estate Exams

With the recent changes in mortgage loan disclosures, testing candidates for Utah Mortgage and Real Estate will no longer see questions regarding 1003 settlement statements. Exam questions will now include fundamental information on "Know Before You Owe" disclosures. Additional questions will be added as our mortgage and real estate industries work through the application of these new federal disclosure requirements.

Division of Real Estate

Appraiser
National Registry

Unique Identifier



The Appraisal Subcommittee recently indicated their desire to develop and implement a single, unique identifier for each appraiser or appraisal management company (AMC). The unique identifier would be used rather than using Social Security Numbers for listings on the National Registry. Each State will be provided information from The Appraisal Subcommittee on the implementation of this unique identifier system for all credentialed appraisers or registered AMCs.

Further details will follow as individual states receive implementation information.



Renda Christensen
Retires

Renda, Christensen, a longtime friend and co-worker retired in October from her position as secretary for the Appraiser Board, Real Estate Commission, and Mortgage Commission. The office is not the same without her. We will miss seeing and working with her on a daily basis, but wish her well in retirement.

Renda has been an institution at the Division for the past 12 years. During her tenure, she prepared for and assisted in approximately 450 board and commission meetings. In addition to serving as secretary to the Board and Commissions, Renda had many other responsibilities. She was a hard worker and a voice of reason during the daily grind of regulating more than 20,000 licensees. Renda personally handled applications for licensure that required special attention. Many current and former licensees can thank Renda for the personal attention their applications received. Renda was also a strong advocate for the Division of Real Estate within the Department of Commerce.

While we are a little sad that we will not see Renda at the office every day, we are happy for her and happy to have been associated with her. We hope that retirement brings her fulfillment and we thank her for a job well done.

Congratulations Renda!!

RULE DEVELOPMENTS SINCE OCTOBER 1, 2015

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

There are no proposed rule amendments under consideration for the appraisal management rules for the fourth quarter.

Appraisal

Rule R162-2g-304d and 307d. These sections were amended on October 22, 2015. The amendment of Section 304d clarifies that a licensee may receive experience credit for work without a traditional client up to a maximum of 50% of the required experience and also limits experience credit to the actual hours worked. The amendment of Section 307d clarifies that a licensee may receive credit for up to one-half of the individual's continuing education requirement for participation, other than as a student, in educational processes and programs.

Mortgage

There are no proposed rule amendments under consideration for the residential mortgage rules for the fourth quarter.

Real Estate

Rule 162-2f. The following rule sections were amended effective during December 2015:

1. R162-2f-202b - updates and clarifies the broker experience rules including a new requirement that one-half of broker experience points derive from transactions of properties located with the state of Utah;

2. R162-2f-401a - clarifies that licensees may fill out those legal forms as provided for in state law; a separate rule is provided for the authorization of signatures in property management transactions;
3. R162-2f-401i – corrects a reference to state law;
4. R162-2f-407 – provides for the Division to designate an administrative proceeding as either a formal or an informal proceeding; provides for an administrative hearing before the Commission to appeal a division order denying or restricting a license; allows the Division to direct the review of an application that presents unusual circumstances to the Commission; clarifies that adjudicative proceedings will be conducted pursuant to the Administrative Procedures Act and Commerce Department rules;
5. R162-2f-501 – updates and clarifies broker experience tables.

Timeshare and Camp Resort

There are no proposed rule amendments under consideration for the timeshare and camp resort rules for the fourth quarter.



KAGIE'S KORNER

From time to time, the Division receives calls from agents, brokers, and attorneys asking variations of the following question: Can a Utah attorney receive or share in the real estate commissions resulting from a real estate transaction? The answer is generally “NO.”

When can an attorney receive compensation for assisting individuals in a real estate transaction?

According to statute, a person is required to have a license with the Division to receive compensation when doing real estate related activities. Specifically, UCA § 61-2f-201(2), provides:

Except as provided in Section [61-2f-202](#), 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
- (b) offering for another person to buy, sell, lease, manage, or exchange real estate.

If an attorney is licensed by the Division as an agent or broker, they obviously can receive compensation pursuant to UCA § 61-2f-201(2). As is the case with any sales agent, an attorney licensed as a sales agent must receive their commission from their broker.

What if an attorney is not licensed by the Division as a sales agent or broker?

UCA § 61-2f-202(2)(b) provides that a license is not required for “services rendered by an attorney admitted to practice law in this state **in performing the attorney's duties as an attorney.**” (Emphasis added). Further, UCA § 61-2f-201(2)(c) states a license is not required for “a receiver, trustee in bankruptcy,

administrator, executor, or an individual acting under order of a court.”

Therefore, an attorney, as counsel for a party to a real estate transaction, can act in a way that normally requires a real estate license and receive compensation because of the exemptions cited above. The area of potential concern however, would be with how an attorney is compensated for the services rendered as an attorney. [Please note that the attorney can ONLY be compensated for legal representation of their client. They cannot be compensated for acting as a real estate licensee unless they are an active real estate licensee].

An attorney licensed to practice law in Utah and representing a client in a real estate transaction cannot share in a real estate commission earned by a broker. UCA § 61-2f-401(5) prohibits a broker from paying anyone in the transaction who is not licensed by the Division. A broker paying a commission split to an attorney not licensed as a real estate agent would be in violation of Section 61-2f-401(5).

However, the attorney could be compensated through a representation agreement with their client. For example, the client may pay attorney fees to an attorney for assistance in negotiating with a bank on a short sale, for review of transaction documents, or other legal services. The attorney could receive payment from a retainer agreement, or be paid based on their hourly rate, etc., for performance of legal services.

To summarize, there are only two ways an attorney can be compensated for assisting another person in a real estate transaction. Either the attorney is licensed as a real estate professional by the Division and receives their commission through their principal broker, or the attorney is licensed to practice law in the state of Utah and is paid attorney fees by their client.

Division of Real Estate

FOURTH 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

There are no appraiser licensing or disciplinary actions to report this quarter.

MORTGAGE

KIMBALL, KRIS, mortgage loan originator, Sandy, Utah. In an October 2, 2015 order, Mr. Kimball's license was granted and placed on probation for criminal history. Case number MG-15-78872

ROWELL, JAMES ALLEN, mortgage loan originator, Linden, Utah. In a September 8, 2015 order, Mr. Rowell's license was denied for criminal history. Case number MG-15-76526

REAL ESTATE

ALLEN, DARCI, sales agent, West Jordan, Utah. In a September 9, 2015 order, Ms. Allen's license was renewed and placed on probation for the renewal period due to her criminal history. Case number RE-15-78494

ANDERSON, CHRISTOPHER L., sales agent, North Ogden, Utah. In a September 29, 2015 order, Mr. Anderson's license was renewed and placed on probation for the renewal period due to his criminal

history. Case number RE-15-78810

BENGTZEN, SPRING N., branch broker, Layton, Utah. In a stipulated order dated September 16, 2015, Ms. Bengtzen admitted to having violated the advertising rules of the Division. Ms. Bengtzen agreed to pay a civil penalty of \$150. Case number RE-14-69001

CALDER, DAVID D., sales agent, St. George, Utah. In a September 28, 2015 order, Mr. Calder's license was renewed and placed on probation for the renewal period due to his criminal history. Case number RE-15-78784

CASE, LINDSY NICOLE, sales agent, South Jordan, Utah. In a stipulated order dated October 21, 2015, Ms. Case admitted to having failed to disclose criminal history in her application for licensure as a sales agent. Ms. Case agreed to pay a civil penalty of \$500 and to have her license placed on probation for the initial licensing period. Case number RE-15-78850

ESSUMAN, DAVID, associate broker, Provo, Utah. In a stipulated order dated November 18, 2015, Mr. Essuman admitted to having violated the advertising rules of the Division. Mr. Essuman agreed to

pay a civil penalty of \$150. Case number RE-14-70159

FITZGERALD, M. KEITH, principal broker, American Fork, Utah. In a stipulated order dated September 16, 2015, Mr. Fitzgerald admitted to having violated the advertising rules of the Division. Mr. Fitzgerald agreed to pay a civil penalty of \$150. Case number RE-14-69338

FORD, WILLIAM A., sales agent, Highland, Utah. In a stipulated order dated October 21, 2015, Mr. Ford admitted to having violated the advertising rules of the Division. Mr. Ford agreed to pay a civil penalty of \$150. Case number RE-14-70066

GARRETT, CHRISTINE M., associate broker, Salt Lake City, Utah. In a stipulated order dated September 16, 2015, Ms. Garrett admitted to having violated the advertising rules of the Division. Ms. Garrett agreed to pay a civil penalty of \$150. Case number RE-14-69851

GILCHRIST, JENNIFER A., sales agent, Riverton, Utah. In a stipulated order dated October 21, 2015, Ms. Gilchrist admitted to having violated the advertising rules of the Division. Ms. Gilchrist

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agreed to pay a civil penalty of \$150. Case number RE-14-69340

HALES, JEANETTE M., branch broker, Eagle Mountain, Utah. In a stipulated order dated September 16, 2015, Ms. Hales consented to the revocation of her branch broker license due to her recent felony convictions. Case number RE-15-76383

HARRINGTON, STEVEN G., sales agent, Santa Clara, Utah. In a stipulated order dated October 21, 2015, Mr. Harrington admitted to having violated the advertising rules of the Division. Mr. Harrington agreed to pay a civil penalty of \$150. Case number RE-14-70614

JONES, CHRISTOPHER T., associate broker, South Jordan, Utah. In a stipulated order dated September 16, 2015, Mr. Jones admitted to having violated the advertising rules of the Division. Mr. Jones agreed to pay a civil penalty of \$150. Case number RE-14-69894

JORGENSEN, ROCHELLE, sales agent, South Ogden, Utah. In a September 23, 2015 order, Ms. Jorgensen's license was granted and placed on probation for the initial licensing period due to her criminal history. Case number RE-15-78708

LYMAN, WILLIAM H., sales agent, Salt Lake City, Utah. In a September 23, 2015 order, Mr. Lyman's license was granted and

placed on probation for the initial licensing period due to his criminal history and an unpaid tax lien. Case number RE-15-78720

MADDOCKS, JORDAN R., sales agent, Walnut, California. In a September 24, 2015 order, Mr. Maddock's application for licensure was denied for a previous sanction to the principal broker license that he held several years prior to this application. Case number RE-15-78738

MELFI, PASQUALE J., sales agent, Salt Lake City, Utah. In a November 19, 2015 order, Mr. Melfi's license was granted, immediately suspended for 30 days, and placed on probation for the remainder of the licensing period, for failing to disclose criminal history in his application for licensure as a sales agent. Case number RE-15-79408

MORGAN, BRENT ALLEN, sales agent, South Jordan, Utah. In a June 19, 2015 order, the Real Estate Commission granted Mr. Morgan's application for renewal on condition that he report the outcome of a hearing to be held by the Utah Securities Commission which was considering a case against him. If the outcome of the matter exonerated Mr. Morgan, the condition would be removed. If he was not exonerated, his real estate sales agent license would be suspended. Mr. Morgan reported the outcome of the hearing and he was not fully exonerated, therefore, his real estate sales agent license was

suspended. Case number RE-15-76959

MOSQUEDA, STEPHANIE J., Cedar City, Utah. In an October 28, 2015 order, Ms. Mosqueda's license was granted and placed on probation for the initial licensing period due to her criminal history. Case number RE-15-79252

MYERS, MAURI B., Key Largo, Florida. In a September 29, 2015 order, Mr. Myers's license was renewed and placed on probation pending criminal proceedings. Case number RE-15-78811

OCKEY, CATHERINE R., sales agent, Riverton, Utah. In a stipulated order dated October 21, 2015 Ms. Ockey consented to the revocation of her sales agent license due to her recent felony convictions. Case number RE-15-75032

PARRISH, JEFFREY E., sales agent, Orem, Utah. In a September 29, 2015 order, Mr. Parrish's application for licensure was granted on probation for criminal history and a prior sanction to a previous license to practice as a real estate sales agent. Case number RE-15-78791

PEARSON, MICAH W., sales agent, Salt Lake City, Utah. In a stipulated order dated October 21, 2015 Ms. Pearson admitted to having violated several advertising rules of the Division. Ms. Pearson agreed to pay a civil penalty of \$500. Case number RE-14-68687

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PETTIT, RYAN G., sales agent, West Jordan, Utah. In a stipulated order dated September 16, 2015 Mr. Pettit admitted to having violated the advertising rules of the Division. Mr. Pettit agreed to pay a civil penalty of \$150. Case number RE-14-69893

QAZI, ARSLANE, sales agent, Salt Lake City, Utah. In a November 4, 2015 order, Mr. Qazi's application for licensure was granted on probation for criminal history. Case number RE-15-79316

RIVERA, KAYLI, sales agent, Ogden, Utah. In a November 25, 2015 order, Ms. Rivera's license was granted and placed on probation for the initial licensing period due to her criminal history. Case number RE-15-79652

SANDERS, JACOB MICHAEL, sales agent, Ogden, Utah. In an October 9, 2015 order, Mr. Sander's application for licensure was granted on probation for criminal history. Case number RE-15 78967

SAWYER, JAMES ANTHONY, sales agent, Salt Lake City, Utah. In a September 8, 2015 order, Mr. Sawyer's application for licensure was granted on probation for criminal history. Case number RE-15-78510

SCHNOOR, AMBERLEY NICOLE, sales agent, Riverton, Utah. In a November 25, 2015 order, Ms. Schnoor's license was granted and placed on probation for the initial licensing period due

to her criminal history. Case number RE-15-79635

SCOTT, MELISSA, sales agent, St. George, Utah. In an October 2, 2015 order, Ms. Scott's license was granted and placed on probation for the initial licensing period due to her criminal history. Case number RE-15-78886

SORENSEN, BRETT R., sales agent, Syracuse, Utah. In a November 25, 2015 order, Mr. Sorenson's application for licensure was granted on probation for criminal history. Case number RE-15 79650

TUCKER, KIMBERLY, sales agent, Cottonwood Heights, Utah. In a September 23, 2015 order, Ms. Tucker's license was renewed on probation during the pendency of criminal proceedings. Case number RE-11-57588

WHETMAN, JASON CRAIG, sales agent, Salt Lake City, Utah. In a September 29, 2015 order, Mr. Whetman's license was granted and placed on probation for the initial licensing period due to his criminal history and unpaid child support and tax liens. Case number RE-15-8815

WILLIAMS, CASEY C., sales agent, Spanish Fork, Utah. In a stipulated order dated October 21, 2015 Mr. Williams admitted to having violated the advertising rules of the Division. Mr. Williams agreed to pay a civil penalty of \$150. Case numbers RE-14-70067 and RE 14-72621



Sarah Nicholson
Real Estate
Licensing Specialist

Sarah Nicholson joined our Real Estate licensing team in June of this year. She was born and raised in Tucson, Arizona. She moved to Utah this spring and is quickly growing to love our beautiful state! Sarah enjoys golfing, working out and making people laugh (no matter the expense to her). She loves attending live sporting events such as baseball and football. Sarah enjoys her job and says the people she works with and helps on a daily basis makes her job very enjoyable.

We couldn't be happier to have Sarah on our team and definitely see the positive effect she has on the Division.

Mortgage Renewal Report

The year has come to an end, and so too has the 2015 Mortgage License Renewal process. This year all mortgage licensees were required to not only complete an additional two hours of Utah Law as part of their continuing education requirement; all licensees were also required to authorize a criminal background check (CBC) and credit history for the Division staff to review. The combined impact on the Division to evaluate each of these Utah specific licensing requirements for 4,726 licensees has definitely been a challenge. At the time of this writing, 78% of our licensees have requested their renewal and 75% of submitted applications have been approved. There are 1,075 individuals who have not had their renewal approved yet. 1,128 licensees have not requested license renewal. Some delays are a result of pending un cleared deficiencies on individual's licenses. Other delays are merely the result of multiple renewal requirements that are still being conscientiously considered by Division of Real Estate (UDRE) staff. Still other delays will be a result of late submission.

If you have not received an email confirmation through the NMLS system that your license renewal is approved and you requested it more than two weeks ago, please log into your filing and see if there are deficiencies on your license (license items) that are holding up the approval. If you requested your

renewal prior to the December 31, 2015 deadline, you can continue to use your license in the status of your license as of 10/31/15, while we process the approval for your license. In addition to receiving a confirmation email from the NMLS stating that your renewal has been approved, you will also receive an email from UDRE with your Mortgage license attached. You may print your license at your convenience.

For those who have not received an approved renewal email, please check your NMLS filing in the following manner: Log in to your NMLS account and under "composite view," click on "license/registration status," then you can click on "license items." Generally, there are corrections or additions required on your filing that you can take care of fairly easily. Mostly, they are for updating your employment history, completing the Utah two Hour CE course, CBC, Credit history, or failing to authorize or provide required documentation. If you see a deficiency for failure to complete the Utah two hour Utah Law course and you know you completed it, you may send by email or fax a copy of your certificate of completion and we will clear the deficiency and renew your license quickly. Fax to 801-526-4382 or email to: realestate@utah.gov.

In January, renewal requests that continue to have licensing defi-

ciencies, will be placed on inactive status.

If you failed to request your renewal before year-end, you should immediately discontinue any activity that requires a mortgage license until you have a late renewal approved by the Division. You will need to submit a late renewal application before February 29, 2016.

If you find that you have not requested renewal prior to the end of the year and you still wish to maintain your mortgage license, you can reinstate it during the next 60 days, prior to February 29, 2016. You will still need to complete the continuing education requirement, in addition to the 2015 Late CE and the two hour Utah Law course. Through the NMLS, you will need to authorize your CBC and credit check (on or after 11/01/15). Request your renewal through the NMLS, 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 29, 2015.

Note the importance of the February 29, 2015 deadline. After that date, licensees will need to reapply for a new Mortgage license.

2015 Instructor Development Workshop

This past October, the Division held the annual Instructor Development Workshop (IDW) for pre license and continuing education instructors of the real estate, mortgage, and appraisal professions, and their licensees.

Division Director Jonathan Stewart and other staff members provided information on legislative and rule changes, information on licensing and real estate and mortgage exams, enforcement trends and areas of rising concern.



A session of question and answers included Real Estate Commissioner Calvin R. Musselman, Mortgage Commissioner Kay R. Ashton, and Appraiser Board Member Daniel Brammer, Director Stewart, and Jeff Nielsen, the Division's Chief Investigator. A number of very interesting discussions occurred on topics including new "Know Before You Owe" disclosures which are no longer uniformly being provided to brokers by lenders or title companies despite current Administrative Rules requiring broker/agent review of settlement statements:

R162-2f-401c (1)(C) "regardless of who closes a real estate transaction, ensure that final settlement statements are reviewed for content and accuracy at or before the time of closing by: the principal broker; an associate

broker or branch broker affiliated with the principal broker; or the sales agent who is affiliated with the principal broker; and representing the principal in the transaction;"

The Real Estate Commission and Division are monitoring how and if these disclosures are making their way into real estate licensees' hands for their review at or preferably before settlement. Possible Administrative Rule changes may need to be made to accommodate these new disclosure practices.

Another interesting discussion occurred dealing with different agency relationships with sellers and how statutory minimum service requirements apply to each of these agency relationships. The Q & A session was very interesting and informative.

Deborah Long is a national real estate trainer who spoke to our educators about how technology can be used by instructors. She also discussed how to use the internet, PowerPoint, and other technology to enhance instructor's lessons. Deborah also taught for an entire day on how to teach ethics to our professions and "The Struggle for Character."

We thank Deborah Long for her presentation and the support and participation of our real estate, mortgage, and appraisal education community!



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Division of Real Estate

Gary R. Herbert, Governor

Francine A. Giani, Executive Director

Jonathan Stewart, Division Director

Thank you!

For A Great 2015

HAPPY NEW YEAR



Submit questions to drenewsletter@utah.gov