

Utah! DIVISION of REAL ESTATE NEWS

A publication for Utah's real estate, appraisal, and mortgage professionals.

Jon M. Huntsman, Jr., Governor • Francine A. Gian, Executive Director • Derek B. Miller, Division Director

JANUARY 2006

Volume 1 -- Number 1

From the Director's Desk



Derek B. Miller

Welcome to the inaugural edition of the Utah Division of Real Estate newsletter. In addition to a new look and design, the most

significant change is that this newsletter will serve all of the Division's licensees, rather than different newsletters for the appraisal, real estate, and mortgage industries. I believe this is an improvement in two important ways. First, it allows us to consolidate our efforts so that we can communicate with you on a more regular and consistent basis. More significantly, a single, inter-industry newsletter will allow you not only to read about what is going on in your profession, but will also keep you up to date with the other industries as well.

This consolidated newsletter is only one of the many improvements at the Division. Some improvements are currently underway, some are just being implemented, and others are still in the concept phase. All of them are designed to help serve you, our customers, in a more efficient and effective manner, which is why I would like to highlight just a handful.

First is a fix to some "bugs" in our online renewal system for mortgage and real estate licensees to reduce the error in CE reporting (and we are looking into setting up online renewals for appraisers). A large part of this fix is automated CE tracking which will allow the Division to automatically audit CE requirements for online renewals. With this fix in place, we strongly encourage the use of online renewals. It saves you time. It saves the Division time. And it allows you to print a temporary license while waiting for the permanent copy to arrive in the mail. In fact, as a preview of things to come, you will soon see a change in the license renewal notice you receive from the Division, so that instead of receiving a bulky envelope with multiple pages, you will receive a postcard sized notice with instructions for either renewing online or downloading a newly streamlined, one-page renewal form from the Division's website.

Another improvement underway at the

Division is streamlining the sanctions process so that those applicants whose licenses are approved will be notified in a more timely fashion. Of course, the point is not to sacrifice due process for timeliness; cases involving serious issues will continue to receive appropriate review and consideration. But for cases that involve "lesser offenses" which would not normally bar a person from obtaining a license, the Division has improved its process in order to inform those people of their license approval.

The last improvement I will mention is our plan to regularly visit some "off-the-beaten-path" sites across the state. Too often our customers in these rural areas of the state do not have the opportunity of attending

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From the Director's Desk

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many of the wonderful events that are offered along the Wasatch Front. So, in the early Spring I will be visiting a number of these sites with a handful of Division staff, to meet with these folks, talk about where the Division is headed, provide a forum for some Q&A, and allow this time to count for CE. Please stay tuned for dates and locations.

Each of these improvements is designed to advance my vision of "making things as easy as possible for the good guys and as difficult as possible for the bad guys." This informal mission statement captures the Division's dual responsibility to both protect the public and serve our licensees. Everything I've mentioned up to now deals with how we are trying to make things "easier for the good guys" but I would also like to take a moment to write about making things "hard for the bad guys." Simply put, there is no higher priority for this Division than fighting fraud. Notice that I didn't say "mortgage fraud" and there is a reason for that. To those outside of our industries, "mortgage fraud" is the term used to describe this problem. But when talking "inside the family" I use the term "fraud" because it involves more than the mortgage industry. It involves all of us, appraisers, mortgage officers, and real estate agents/brokers. It affects us all. It hurts us all, and over the next series of newsletters I will outline what each of us (the Division, the industries, individual licensees, and consumers) *can* be doing and *should* be doing to fight this type of fraud in our state.

On a personal note, let me say how delighted I am to be back in my home state of Utah. I have already had the opportunity to meet many of you (and hope to meet many more) and appreciate the warm welcome. I look forward to working *with* you and working *for* you!

Principal Lending Manager License (PLM)... The Who, What, Where, When, and Why

by Mark Fagergren, Director of Licensing/Education
and Derek Miller, Division Director

This article attempts to address many questions dealing with the 2005 Legislation that creates a new licensing category, the Principal Lending Manager.

After May 1, 2006, all mortgage officers must conduct all residential mortgage lending business through (and under the same entity name as) a Principal Lending Manager with whom the individual mortgage officer is affiliated.

The Legislature and the Division envision that direct supervision of mortgage officers by a Principal Lending Manager will assist in regulating the conduct and practices of mortgage officers throughout Utah. We are confident that the role of a PLM is consistent with the need to fight mortgage fraud in our state.

Under provisions of this legislation, all mortgage officers must work for a supervising PLM. No mortgage officer will be able to work for more than one PLM at the same time. Under no circumstances will a mortgage officer be able to work "independently" without directly reporting to his or her PLM. In short, all mortgage officers must either be a PLM, or work directly for, be licensed under, and be paid by a PLM. Similar to the relationship between real estate agents and their brokers, the PLM is responsible to either make payments directly to mortgage loan officers; or, to supervise and be personally responsible over this process. Mortgage officers may not receive compensation directly from clients, title companies, mortgage entities, etc.

The Principal/Associate Lending Manager Experience Documentation Form and Eligibility Explanation are available on our website:
www.realestate.utah.gov/LicForms/PLMdocumentationformi.pdf

There are two different methods of becoming a PLM. The PLM statute requires, under both methods, experience as a licensed mortgage officer or the "equivalent" as determined by the Residential Mortgage Regulatory Commission. The Commission recently adopted standards for what qualifies as equivalent experience and allows for those who either **originate mortgage loans**, or have **direct supervision and oversight** of the loan origination process. The following is a non-exhaustive synopsis of those activities, which would NOT qualify towards the experience requirement to become a PLM:

- Performing clerical functions
- Owning an entity that does mortgage lending (but personally not originating residential mortgage loans)
- Acting as a loan wholesaler, account executive, underwriter, processor, or closer
- Funding a loan
- Registration and/or licensure as a Non-Originating Control Person

The qualifications and requirements for each of the two methods are described below:

Option 1: (3 Year - Documentation Method)
3 years qualifying experience in the 5 years preceding the application. Qualifying experience includes:

- Those licensed/registered as a mortgage officer with the Utah Division of Real Estate, or
- Those licensed/registered as an originating control person with the Division. (Experience as a non-originating control person does not qualify.), or
- Those not licensed with the Division because they worked either out of state or for an in-state exempt entity AND they **originate loans** or have **direct supervision and oversight** of the loan origination process.

Note: Applicants will be required to submit, on the Division-prescribed form, documentation of their work experience. Documentation would include license status with the Utah Division of Real Estate, employment history (with a detailed description of job functions, full or part-time

status, etc.) from exempt or out of state entity, and license histories from states other than Utah.

If you believe that you meet the three-year experience requirement you may apply to become a PLM by doing the following:

- Complete and submit your experience documentation form to the Utah Division of Real Estate. (This form can be downloaded from www.realestate.utah.gov/LicForms/PLMdocumentationformi.pdf) After review, the Division will notify you if you meet the licensing requirements for option 1, and instructions for completing your application to become a PLM.
- Take and pass the Division-approved 40-hour curriculum for PLMs from an approved mortgage pre-license school. (See list of schools on our website: www.realestate.utah.gov/mort_prelicense_schools.html. Licensing as a PLM must occur within 1 year of completing education.)
- Take and pass both the state and national portions of the Utah PLM exam (within six months of each other) through testing contractor, Promissor.
- Following the completion of the preceding requirements, submit a completed application to the Division of Real Estate, (including fingerprints for a criminal background check, if you are not currently licensed with the Division as a mortgage officer or originating control person.)

Option 2: (5 Year - Affidavit Method)
5 years qualifying experience under requirements substantially equivalent to and in compliance with the Utah Mortgage Practices Act (61-2c-206(2)(b)).

Qualifying experience includes:

- Those licensed/registered as a mortgage officer with the Utah Division of Real Estate, or
- Those licensed/registered as an originating control person with the Division. (Experience as a non-originating control person does not qualify.), or

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PLM License

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- Those not licensed with the Division because they worked either out of state or for an in-state exempt entity AND they **originate loans** or have **direct supervision and oversight** of the loan origination process. (Those out of state must be licensed in that state based on pre-license education and an exam to qualify under Option 2.)

Note: Applicants will be required to submit, on the Division prescribed form, documentation of their work experience. An acceptable affidavit would indicate license status with the Utah Division of Real Estate, employment history (with a detailed description of job functions) from an exempt or out of state entity, and license histories from states other than Utah.

If you believe that you meet the five-year experience requirement you may apply to become a PLM by doing the following:

- Complete and submit your experience documentation form to the Utah Division of Real Estate. (This form can be downloaded from www.realestate.utah.gov/LicForms/PLMdocumentationformi.pdf) After review, the Division will notify you if you meet the licensing requirements of Option 2, and instructions for completing your application to become a PLM.
- Take and pass only the state portion of the Utah PLM exam through testing contractor, Promissor.
- No pre-licensing education is required.
- Following the completion of the preceding requirements, submit a completed application to the Division of Real Estate, (including fingerprints for a criminal background check, if you are not currently licensed with the Division as a mortgage officer or originating control person.)

As stated previously, the statute requires that individuals who worked outside of Utah must be licensed under similar licensing requirements to those who acquired their experience in Utah. Pre-license education and a qualify-

ing exam are mandatory requirements for licensing as a mortgage officer in Utah. Individuals who have sufficient qualified experience working for states other than Utah that do not have pre-license education and a qualifying exam for licensure, do not meet the requirements for PLM licensure under Option 2 (5 year – Affidavit Method). They will have to qualify under Option 1 (3 year – Documentation Method).

The pre-license education and exam help ensure that PLM candidates have the same fundamental knowledge base as existing mortgage licensees. The rationale for requiring individuals out of state not previously licensed to fulfill the same requirements as Utah licensees, helps to ensure that they start on the same footing.

After May 1, 2006, a single Principal Lending Manager is required for each Division-approved entity (regardless of the size of the entity, or location of the mortgage officers licensed under the PLM). The Division has considered adopting rules that would require each branch location to have a branch PLM, to receive direction from the PLM but directly supervise the activities of mortgage officers working at that branch location. The implementation of a “branch manager” is under consideration, but is currently not required.

The need for a “branch PLM” stems from the circumstances where an entity may have multiple branch offices throughout the state. Likewise, a lender may have corporate offices outside of Utah and the PLM may work hundreds of miles from the mortgage officers he or she will supervise. Additionally, some entities have a large number, even hundreds of mortgage officers who the PLM will be responsible for supervising. These situations present a number of challenges with accountability and responsibility for an effective Principal Lending Manager.

So, although use of more than one PLM per entity is not currently required, the Division strongly encourages the use of Associate Lending Managers (individuals who have met the licensing requirements to become a PLM but who are not currently acting in the capacity of a PLM) to assist in an entity’s quality control program. Consider how your organization could benefit from the utilization of qualified individuals (many will hold an Associate Lending Manager

license) for supervision and oversight of your personnel. Although a branch PLM is not required, using Associate Lending Managers to provide adequate supervision and assistance is strongly recommended.

The Division has received significant input from industry group representatives: Legislators, the Utah Residential Mortgage Regulatory Commission, the Division Director, Division staff, and other interested parties concerning the many challenges addressing the regulation of the mortgage industry and specifically the implementation of the new PLM licensing requirements. We recognize that, as with any change, there are challenges associated with the adoption of new requirements. Our hope is that you will appreciate the implementation of the PLM and ALM licenses as meaningful advances in the industry.

Control Person and PLM Responsibilities For Their Loan Officers

The new supervisory license, Principal Lending Manager license, will come into effect on May 1, 2006. Some do not realize that under current law Control Persons are already responsible to the Division for the actions of the loan officers that their entity employs. The existing statute (61-2c-301) states:

Prohibited Conduct

- (l) An individual or entity transacting the business of residential mortgage loans in this state may not:
- (r) in the case of a control person of an entity, fail to exercise reasonable supervision over the activities of:
 - (i) the individuals engaged in the business of residential mortgage loans on behalf of the entity; or
 - (ii) any unlicensed staff.

The point is that Control Persons currently must exercise reasonable supervision of their lending officers and staff. Many people have been unaware of this provision and have thought incorrectly that supervisory responsibility would not be imposed until the introduction of the PLM on May 1, 2006. But supervisory responsibility is already required for Control Persons.

The statute carves out provisions for limiting PLM regulatory liability if the PLM establishes and follows reasonable supervisory procedures, attempts to prevent or mitigate violations he learned of, and do not participate in or try to avoid learning of violations. The Division and the Utah Mortgage Regulatory Commission would likely take those factors into account when considering disciplinary action against a Control Person, even though they are not explicitly written into the statute as applying to Control Persons.

Control Persons and new Principal Lending Managers, be cautious. Take measures today to ensure that your peoples' actions are in full regulatory compliance.

Licensee Statistics

As of January 6, 2006

Real Estate:

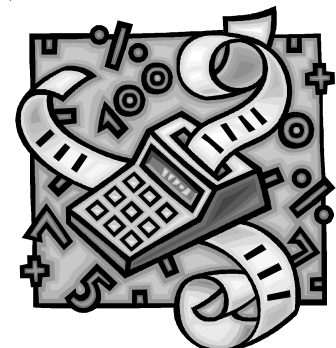
Companies	2,477
Active Principal Brokers	2,084
Inactive Principal Brokers	350
Dual Brokers	79
Branch Brokers	163
Active Associate Brokers	1,114
Inactive Associate Brokers	62
Active Sales Agents	12,255
Inactive Sales Agents	4,328
Pre-license Schools	12
Pre-license Instructors	44
CE Providers	311
CE Courses	564

Mortgage:

Companies	2,311
Principal Lending Managers	0
Associate Lending Managers	0
Active Officers	6,708
Inactive Officers	1,674
Mortgage Lender Owners (Originators)	1,386
Mortgage Lender Owners (Non-originators)	936
Pre-license Schools	15
Pre-license Instructors	50
CE Providers	46
CE Courses	188

Appraisers:

Trainees	305
Licensed Appraisers	156
Certified Residential	618
Certified General	344
Pre-license Schools	19
Pre-license Instructors	29



Appraiser Educational Requirements Increase

[Another Important Reminder]

The Appraisal Qualifications Board (AQB) has adopted increased educational requirements to become an appraiser. According to the AQB, state appraiser regulators indicate that the majority of disciplinary actions relate to a lack of education on the part of the appraiser. There have been considerable inconsistencies in the education received by appraisers holding similar state credentials, according to the AQB. **Therefore, on January 1, 2008 pre-licensing educational requirements to become an appraiser will increase.**

1. There are college-level course requirements for the Certified Residential and Certified General classifications;
2. The required number of classroom hours in appraisal education has increased significantly in all three licensure classifications; and
3. Concerning pre-license education, there are minimum classroom hours of coverage requirements for specific topic areas, which are known as modules. Appraiser candidates will be required to take more mandatory courses and will be allowed significantly fewer pre-license elective educational offerings.

For the first time, there will be college-level course requirements for the certified classifications:

Certified Residential: Associates degree or higher in any field of study; or, in lieu of the required degree, twenty-one (21) semester credit hours covering the following subject matter courses: English Composition; Principles of Economics (Micro or Macro); Finance; Algebra; Geometry or higher mathematics; Statistics; Introduction to Computers: Word Processing/Spreadsheets; and Business or Real Estate Law, are acceptable.

Certified General: Bachelors degree or higher in any field of study; or, in lieu of the required degree, thirty (30) semester credit hours covering the

following subject matter courses: English Composition; Principles of Economics (Micro or Macro); Finance; Algebra, Geometry, agricultural economics, business management, or real estate, are acceptable.

In addition to the college-level course requirements, the appraisal education classroom hour requirement has increased for the State Licensed, State Certified Residential and State Certified General classifications. The Trainee registration requirement remains unchanged at 75 classroom hours. **The number of appraisal education classroom hours to become a State Licensed appraiser has increased from 90 hours to 150 hours; Certified Residential has increased from 120 hours to 200 hours; and, Certified General classification has increased from 180 hours to 300 hours** (link to the AQB Appraiser Qualification Criteria from our website: www.realestate.utah.gov/education.html).

The Utah Appraiser Qualifications Board and the Utah Division of Real Estate have agreed to allow a “segmented” implementation scenario. This means that an appraiser licensing candidate would have to meet the criteria in effect at the time he or she completes a particular component or segment. If an applicant’s experience or education were completed prior to January 1, 2008, this would satisfy the current criteria, while any component not completed by January 1, 2008 (experience, education, or exam) would have to conform to the new criteria.

Meeting the January 1, 2008 deadline - (application submission vs. application approval)

Although the segmented application scenario allows an applicant to potentially complete a portion of their license application (experience and/or education), without having completed the exam; adequate processing time must be provided to the Division in order to review, evaluate, submit for consideration to either/both experience and/or education review committees, and submission to the Utah

Appraiser Licensing and Certification Board for approval or denial. Applications submitted after October 1, 2007 will likely not receive approval by year-end. Any application not totally approved by 1/1/08 will fall under the new AQB requirements!

An example of how the segmented approval process works follows: An applicant for a Certified General license completes all of the currently required 180 hours of qualifying education (and receives division approval) before 1/1/08, but does not possess the required 30 months and 600 experience points, and exam which are all necessary to become licensed as a Certified General Appraiser. However, since the applicant completed the education component prior to January 1, 2008, he or she would be deemed to have satisfied this component. Therefore, the applicant would need to complete the experience and exam requirement under the new criteria after 1/1/08.

All appraiser candidates will need to act with these new requirements in mind. Please understand that there are no exceptions to these requirements.

Real Estate Broker Duties

(The Buck Stops Here...)

by Jon Brown, Director of Enforcement
and Mark Fagergren, Director of Licensing/Education

Over the past number of years we have all observed dramatic changes in the real estate industry. Technology innovation and advancements have allowed real estate licensees to function independently from their automobile or home office, thus reducing the time spent in their real estate office. Many company mergers and acquisitions have lead to fewer but significantly larger real estate offices (in terms of numbers of sales agents). Some of these trends contribute to a growing area of concern that the Division feels requires consideration and attention.

In many instances real estate agents are acting in such a self-sufficient manner that they often conduct real estate transactions with little, if any, direct input or contact with their brokerage. One potential negative ramification of this shift in

the way business is performed is the lack of adequate supervision and direction between principal and branch brokers and their sales agents.

Administrative Rule R162-6.2.8-8.2 - "Broker Supervision. Principal brokers and associate brokers who are branch brokers **shall be responsible for exercising active supervision over the conduct of all licensees affiliated with them...** Brokers to ensure that licensees receive adequate supervision must establish reasonable procedures... The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees **shall not release the broker and licensees of any duties, obligations, or responsibilities.**"

Therefore, despite the benefits of these industry advances, a common unintended result is often inadequate supervision of real estate licensees.

In the last year the Division has sanctioned the licenses of several principal brokers for failure to adequately supervise both their licensed agents and unlicensed personnel. Often agents are making decisions and conducting business without receiving necessary direction from their broker. A far too common result is that unintentional mistakes are made and parties to the transaction become angry and/or frustrated, often leading to complaints to the Division, or even lawsuits.

A recurring violation occurs when a sales agent allows his license to expire but his principal broker is not aware of the license expiration. The broker allows the agent to continue to perform duties that would require a license. In past years, the Division would mail out a printed warning to the principal broker that one of or more of their licensees license was about to expire. We no longer do this. A prudent broker should closely monitor the license status of their agents. Frequently a broker should go to the Division website and search the licensee database for the licensees affiliated with his or her company. Another solution would be for the broker to keep a copy of all licensees licenses and regularly monitor their expiration dates from the physical license.

The act of signing a change card by a principal broker does not mean that their affiliation is automatically assigned and/or dissolved. In many instances a sales agent may not submit that signed change card to the Division for many months, if at all. Far too often a Division investigator will discover that an agent has failed to submit a change card to the Division for a

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R.E. Broker Duties

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significant period of time. Any work performed at a real estate brokerage other than where a licensee is actually affiliated will result in both the individual licensee and the broker being sanctioned.

These recommendations may sound too remedial but one would be surprised to see how often brokers have paid unlicensed individuals because of their failure to track the licensing status of their licensees.

Fortunately, many real estate agents have taken advantage of the on-line renewal technology. Some agents have expressed frustration when they learn that they are deficient continuing education hours after being selected for a continuing education audit. Confusion regarding “live” vs. “passive” education, authorized distance education courses, and the NAR Code of Ethics course vs. the Utah Division of Real Estate Core Course are all matters that merit office discussion and supervision. A frequent review of continuing education requirements and policies is critically important function that a broker can provide his or her agents.

Sufficient supervision and direction of licensees will lead to smoother transactions and reduce the frustration associated with unintentional mistakes.

Did you know?

...that you can now fax change cards to the Division that do not require a fee (such as the \$15 fee for activation). This includes faxing change cards for a new employer, updated address, or change to inactive status. Please fax your change cards to (801) 530-6279.

Disciplinary Sanctions



Please note that there are 30 days after the order date for a licensee or an applicant to file a request for agency review of the order, and that there are 30 days after the issuance of an order on review for a licensee or an applicant to file a petition for judicial review. Some of the orders listed may be within those appeal periods.

***Pursuant to Utah Code 63G-4-106 and 107, all administrative disciplinary actions commenced over 10 years ago and certain actions over 5 years are not accessible online, but may be provided in response to a GRAMA request.**

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Continuing Education Banking For Real Estate and Mortgage Licensees

Since the first of this year all continuing education course credits are being individually “banked” by our testing contractor (Promissor) for the Division of Real Estate. This means that you will be able to personally track the continuing education courses that you have taken after January 1, 2006 through a link on the Division Website:



www.realestate.utah.gov. From this point forward, licensees will be able to verify their attendance and corresponding credit for each CE course taken. This will be especially helpful to licensees wanting to know how many continuing education courses they have already completed. An occasional review by a licensee of the CE courses that have been taken and given credit for will greatly aid you when you prepare for license renewal. Although your CE hours will be “banked” by the Division, you should still keep your course completion certificate to serve as a receipt for courses taken and to verify course completion if you are selected for an audit of your continuing education.

All continuing education providers are now required to upload course completion information following the presentation of a course. Please take advantage of viewing the CE credit banking database!

Because we have only started this CE banking system since the first of the year, courses taken in 2005 will not be banked. A licensee should still keep all of their CE certificates as proof of attendance.

If you have a course that you believe qualifies for “non-certified” course approval, you will need to submit your application for credit for a non-certified course (along with an original certificate and outline of the presentation you attended) with sufficient lead time for the Division to be able to process your request. In other words, don’t expect to submit your request for approval of a “non-certified” course two weeks prior to the renewal of your license, or your license renewal will likely be delayed.

*Pursuant to Utah Code 63G-4-106 and 107, all administrative disciplinary actions commenced over 10 years ago and certain actions over 5 years are not accessible online, but may be provided in response to a GRAMA request.

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Continuing Education Required for Mortgage License Renewal

Beginning January 1, 2006, mortgage licensees have to complete 14 hours of continuing education to renew their licenses. Whether renewing your license on-line, through the mail, or in person at the Division, all mortgage license renewals must have continuing education.

Courses taken before 1/1/05 did not require pre-approval by the Division of Real Estate, but the topics must still be relevant to the mortgage lending industry. Of the 14 total hours of required continuing education, five hours must be completed in the mandatory topics of Federal and State regulations (three hours) and Ethics (two hours). Certificates for courses approved in the mandatory topics will have an "MC" preceding the Division-issued course approval number. The remaining nine hours of continuing education are considered "elective" and may be any course approved by the Division since 1/1/05. Certificates for elective courses will have an "M" preceding the Division-issued course approval number. For a list of approved mortgage continuing education courses, see our website at www.realestate.utah.gov/CE.html.

Continuing education is only valid during the two years since your last license renewal. If your license renewal is February 28, 2006, you will need to submit acceptable CE courses taken between March 1, 2004 and February 28, 2006. In this instance, courses taken before 3/1/04 would not be allowed for the renewal of the license, because it would be considered "too old" (taken before the previous mortgage licensee renewal).

Regardless of the renewal method, Division staff will verify that each licensee has submitted 14 hours of approved mortgage continuing education (including the five hours of mandatory topics).

To be accepted for continuing education credit, each certificate will need to include:

- CE course title
- Instructor's name and signature
- Licensee's name and signature
- Licensee's license number



- Date of the course
- Course certificate number
- Course certificate expiration date

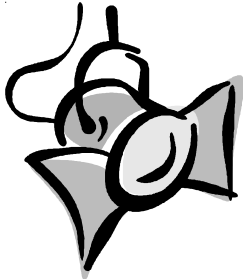
Certificates for courses taken before 2005 do not require the course certificate number or the course expiration date.

According to administrative rule, certain topics are unacceptable for continuing education credit for mortgage licensees such as: offerings in mechanical office and business skills such as typing, speed reading, memory improvement, report writing, advertising or similar offerings; offerings concerning physical well being or personal development, such as personal motivation, stress management, dress-for-success, or similar offerings; and meetings held in conjunction with the business... such as sales meetings, or in-house staff meetings unless the in-house staff meetings consist of training on the subjects on the Utah mortgage lenders exam.

On-line or distance education courses may be used for continuing education if they have been approved by the Division. To view mortgage continuing education courses that have been approved by the Division go to the website listed previously. Course numbers marked with a "D" indicates that the course is approved as a distance education course.

Real Estate or appraisal continuing education courses that have been approved by the Division *for these other professions* are not allowed for mortgage licensing renewal (see Administrative Rule R162-208-15).

Finally, if you have taken a CE class on or after 1/1/05 that was not pre-approved by the Division you may apply for credit for a non-certified course. The Division must approve non-certified education in advance of your renewal. Only courses taken outside of Utah, or that are not marketed to mortgage licensees are submittable for non-certified approval consideration. Courses that enhance your mortgage related professional skills could be considered for approval. Allow at least two months advance submission prior to your renewal for Division review. The form and instructions for receiving credit for a non-certified course are found on our website at www.realestate.utah.gov/continuinged.html.



Staff Spotlight

New Division Director Derek B. Miller

The Utah Division of Real Estate welcomes new Division Director, Derek B. Miller. Derek was appointed to the position in September 2005 by Department of Commerce Director Francine Giani. He is a graduate of the J. Reuben Clark Law School at BYU and holds a Master of Public Administration degree from BYU's Marriott School of Management. Before his appointment to the Division, Derek lived in Virginia with his wife Laura and their three children – Hunter, Max, and Ellie - where Derek worked as Congressional Counsel for the U.S. House of Representatives.

As Counsel Derek had oversight over various federal agencies, including EPA, DOT, and TSA. His duties included making sure that the agencies were implementing the laws

in the way that Congress intended. Derek also assisted on the recently passed Transportation Reauthorization Bill, which provided nearly \$300 billion in funding for highways, transit, and highway safety.

Prior to working for Congress, Derek was a management consultant at Arthur Andersen. While there, he managed a number of projects for public sector clients including the Department of Housing and Urban Development and the Department of Transportation.

Derek plans to continue his zeal for "good government" at the Division of Real Estate. "I am a big believer in government being customer focused and serving those customers efficiently and effectively." Working from the "outside" as a consultant, on

the "inside" with numerous government agencies, and from the "top-down" passing legislation, has given Derek a unique perspective on what makes government work and more importantly what makes it work well.



Utah! DIVISION of REAL ESTATE NEWS

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Continuing Education Banking

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Please submit such requests at least two months in advance of your license renewal to avoid possible delays. Mortgage licensees may not submit continuing education courses that have been approved for real estate or appraisal licensing. Any non-certified courses approved by the Division will be banked by the Division for the licensee.

License renewals in 2008 will totally rely on the CE banking system to verify a licensee's continuing education. Beginning January 1, 2008, a renewing licensee will be prevented from renewing on-line, in person, or through the mail if the CE banking database does not confirm sufficient continuing education. We are confident that the continuing education banking service will allow our licensees to better and more conveniently track their CE course attendance.

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