

ITEMS TO REMEMBER IN RENEWING YOUR IDAHO MORTGAGE LOAN ORIGINATOR LICENSE

Dear Mortgage Loan Originator Licensee:

The renewal period for your license is approaching (opens November 1st). This information will help you make amendments, clear any deficient items, complete any continuing education requirements, meet conditions of the financial responsibility policy, and understand when to file your annual credit and background check authorizations with plenty of time to spare before the renewal period begins. If all items are fully complete and posted to NMLS *before* you attest to your renewal information, your renewal process should go very smoothly.

DO NOT FILE A FALSE ATTESTATION. Read and comply with all items listed in the renewal attestation *before* you attest to your filing. Attestation is your legal certification that: (i) your NMLS record is up-to-date and in a full "Approved" status, (ii) renewal requirements have been completed, and (iii) you meet all renewal eligibility requirements. Once attested, either you or your sponsoring company can submit your renewal request. The filing of a false attestation may lead to a reportable enforcement action against you, involving possible loss of license and a fine.

ITEMS TO COMPLETE BEFORE YOU ATTEST TO YOUR RENEWAL INFORMATION:

- 1) You must have fully completed required continuing education and credit must have been posted to NMLS *before* you submit the attestation for your renewal.
- 2) Deficient items must be cleared from your filing *before* you submit the attestation for your renewal. A few exceptions include sponsorship items. If you think an item cannot be cleared by the renewal period, please contact the department directly for further instruction.
- 3) If you notified the Department of any sort of payment plan with creditors, you must provide proof that the last 6 months payments have been made and the account is current.
- 4) Idaho **does** require new credit report and new criminal background check (CBC) authorizations to be filed and results posted to NMLS annually on or after November 1st but **prior to attesting** to and filing your renewal. These authorizations are filed separate from the renewal filing process.

Licenses not successfully renewed by December 31st expire by operation of law. If you file your renewal after December 15, 2012, your license may be at risk. To avoid possible disruption in your mortgage business, submit your license renewal filing by December 15, 2012. This will allow you some time to try to cure any renewal-related deficiencies, if any, in your renewal submission prior to the deadline of December 31st. If your license expires, you will no longer be authorized to engage in activities for which a mortgage license is required. Rather, you must apply for and receive a new license before resuming such activities. Renewal filings are accepted through the NMLS until midnight (**Eastern Time**) on December 31, 2012. Please consider your time zone when filing. Idaho does not have a license reinstatement period.

If you have any questions regarding what the Idaho renewal requirements are, you may review the requirements on the NMLS Resource center at

<http://mortgage.nationwidelicencingsystem.org/slr/common/renewals/Pages/default.aspx>, email the Department with your questions at: MLO@finance.idaho.gov, or you may call the Department Loan Originator Licensing Section at 208-332-8002.

NMLS Application and Renewal Attestation: What is it and What Does it Mean to You?

In the last two years the Department of Finance has sent Letters of Warning to approximately 1,250 of its mortgage loan originator licensees for filing false attestations through the Nationwide Mortgage License System (NMLS). What is an attestation and why does the Department take this information so seriously? Merriam-Webster defines "attestation" as:

- 1A: To affirm to be true or genuine; specifically: to authenticate by signing as a witness
- 1B: To authenticate officially

The attestation each loan originator and company administrator completes in the NMLS is a legal oath to the Department equivalent to a notarized signature. The attestation replaced the 'wet' signature on the applications when the mortgage industry transitioned to the NMLS.

It is important to understand that there are two types of attestations in the NMLS. The first type is completed at the filing of an initial license application and when amendments are made to an application form (i.e. update addresses, phone numbers, disclosures, or other information.) This "application attestation" or "amendment attestation" is filed every time a new license application is submitted or an amendment is made at any time to an existing application.

The second is the "renewal attestation" which must be completed during the annual license renewal period of November 1 through December 31. The "renewal attestation" is specific to the renewal request and serves as the oath to the Department attesting (as of that date), that (i) all license renewal requirements are complete, such as continuing education, background checks, credit authorizations, financial statements (company only), and clearance of any deficiency items, (ii) the application record is current, and (iii) the filing is truthful and accurate.

Specific language of the renewal attestation can be viewed through the following path on the NMLS: Composite View > View Individual/Company/Branch > View Renewals Attestation History > Filter >. Click on the license name link for renewal year 2012. The language may change slightly from year to year as new requirements or refinements to the NMLS are made, so it is very important to read the language carefully before submitting an attestation.

How to avoid filing a false "Renewal Attestation" and receiving a Letter of Warning? The answer is simple: review the "Composite View" information to make sure all renewal requirements have been posted to the NMLS before attesting. For instance, continuing education credits completed should be listed in the "Education Information" section of the "Composite View." To view all credits posted, including state specific credits, go into the detail portion of the "Continuing Education" section for the year completed to see a breakdown of all credits reported. To verify "Credit Report

Authorization" and "Criminal Background Check" information, view the dates of posted results through "View Individual Snapshot." If there are outstanding deficient license items, clear them before attesting. Keep in mind that the "Renewal Attestation" and renewal filing are separate actions and may be completed or submitted at different times. For example, a record may be attested to on November 1st, but not actually submitted for renewal until December 1st. The date of attestation is recorded at the time the attestation is completed, not the date of submitting the renewal request. Do not complete the "Renewal Attestation" until all requirements are fully complete even if the renewal submission is planned for a later date.

Renewal requirements for each state and jurisdiction are posted on the NMLS website annually and can be found in the "Renewal" section of the NMLS Resource Center. Additionally, the Department sends e-mail notifications to all mortgage licensees annually in September or October to remind them of the requirements for license renewal. In 2011, a reminder was included: "DO NOT FILE A FALSE ATTESTATION" with instructions on how to avoid filing false information. The Department sends reminders as a courtesy to assist its licensees in submitting a successful renewal!

Questions about license renewal requirements may be directed to the Department's licensing staff at: (208) 332-8002 or by email at: mortgage@finance.idaho.gov or mlo@finance.idaho.gov.