

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT
CHAPTER 55. MORTGAGE BROKERS
SUBCHAPTER 3. LICENSING**

160:55-3-1.2. Experience or educational requirement

(a) **Mortgage Broker.** To apply for a mortgage broker license, an applicant shall provide satisfactory evidence of the required experience or certificates of completion for twenty (20) hours of education courses approved by the National Association of Mortgage Brokers taken within the required time period. [59:2085(A)(1)(a) and (b)]

(b) **Mortgage Loan Originator.** To apply for a mortgage loan originator license, an applicant shall provide certificates of completion for sixteen (16) hours of education courses approved by the National Association of Mortgage Brokers taken within the required time period and may provide satisfactory evidence of the required experience [59:2085(L)(4) and (5)].

(c) Satisfactory evidence for experience includes, but is not limited to, W-2 forms and 1099 forms.

(d) For purposes of this section, "applicant" means an individual; an owner of a sole proprietorship; the stockholders or three largest stockholders and the officers, directors and trustees of a corporation; the partners, principals, officers and directors of a partnership or limited liability company.

160:55-3-1.4. Continuing education

(a) **Purpose.** The purpose of this section is to set forth the requirements for continuing education, and to set forth the requirements for approval by the Administrator of a proposed continuing education course.

(b) **Definitions.** The following words or terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Certificate of completion"** means a form acceptable to the Administrator and completed by the provider that signifies satisfactory completion of the approved course and reflects hours earned.

(2) **"Education verification form"** means a form acceptable to the Administrator and completed by the mortgage broker or mortgage loan originator that states under oath to compliance with the continuing education requirements.

(3) **"Provider"** means the Commission; a technology center school; a college or university; a private school; the Oklahoma Association of Mortgage Brokers, the National Association of Mortgage Brokers or any affiliate thereof; the Oklahoma Bar Association, American Bar Association or any affiliate thereof; or an education provider that provides approved continuing education courses. [59:2093(B)]

(c) **Continuing education requirements.**

(1) **Hours.**

(A) All mortgage brokers and mortgage loan originators shall complete sixteen (16) hours of continuing education before license renewal or reactivation. [59:2093(A)] Courses taken in excess of the required hours shall not carry forward.

(B) A minimum of seven (7) of the sixteen (16) credit hours shall consist of:

(i) one (1) credit hour covering the Real Estate Settlement Procedures Act;

(ii) one (1) credit hour covering the Truth In Lending Act;

(iii) one (1) credit hour covering federal laws related to fair lending - the Equal Credit Opportunity Act, the Fair Housing Act and the Home Mortgage Disclosure Act; and

(iv) four (4) credit hours covering ethics. [59:2093(A)]

(2) **Credit for instructors.** An instructor who is a mortgage broker or a mortgage loan originator shall receive the same continuing education credit for presenting approved course materials as a mortgage broker or mortgage loan originator who attends an approved classroom instructional session.

(3) **Certificates of completion required for license renewal or reactivation.** Each mortgage broker and mortgage loan originator shall attach an education verification form and certificates of completion for the required number of hours to the renewal or reactivation application. [59:2093(A)]

(4) **Repeating courses.** A mortgage broker or mortgage loan originator may repeat a course before renewal, if the maximum hours designated for the course were not attained in the first attempt. By repeating the course, the mortgage broker or mortgage loan originator may not earn more than the maximum hours designated for the course. A mortgage broker or mortgage loan originator may repeat a course after two (2) license renewal dates have elapsed and receive the maximum hours designated for the course.

(5) **Exceptions.** The requirements for continuing education in this section shall not apply to:

(A) a mortgage broker whose license is on inactive status; or,

(B) a non-resident mortgage broker or mortgage loan originator who is licensed in a state having continuing education requirements and the mortgage broker or mortgage loan originator meets all the requirements of that state. The non-resident mortgage broker or mortgage loan originator shall be responsible for providing satisfactory proof of compliance with the other state's requirements. [59:2093(E)]

(6) **Extensions.** For good cause shown, the Administrator may grant an extension of time during which the continuing education requirements may be completed. The extension shall not exceed twelve (12) months. The extension will not alter the requirements or due date of the succeeding renewal. "Good cause" includes disability, natural disaster, or other extenuating circumstances. Each request for extension of time shall be in writing from the mortgage broker or mortgage loan originator and shall include details and any documentation to support the request. Each request must be received by the Administrator no less than thirty (30) days before renewal.

(d) **Approval of continuing education courses.**

(1) **Information required.** Each provider shall apply for approval of each course. All providers, including publicly funded educational institutions, shall provide:

(A) Name and address of the provider.

(B) Contact person and his or her address and telephone number(s).

(C) The location of the course, unless it is an individual study or correspondence course.

(D) Documentation that each course is approved by the National Association of Mortgage Brokers and the number of hours approved for each course. Courses must consist of a minimum of one (1) hour.

(E) Subject outlines which list the summarized subjects covered in each course and a copy of any course materials.

(F) The names of instructors.

(2) **Application deadline for course approval.** At least thirty (30) days prior to the course date, the provider shall apply to the Administrator for course approval. The Administrator shall grant or deny approval in writing based upon information submitted regarding each course. The Administrator will assign the number of hours awarded for an approved course. Each course approval shall be valid for a period of twelve (12) months. Course materials must be resubmitted at the time of expiration.

(3) **Withheld or withdrawn approval.** The Administrator may withhold or withdraw approval for any course for non-compliance with any provision of this section. This withdrawal will not affect any hours attained under the course previous to the withdrawal.

(4) **List of approved courses.** A list of approved courses shall be available from the Administrator. [59:2093(C)]

(5) **Certificate of Completion.** At the completion of each course, the provider shall provide each mortgage broker or mortgage loan originator with a "Certificate of Completion" form.

(6) **List of mortgage brokers and mortgage loan originators completing course to Administrator.** At the completion of each course, the provider shall provide the Administrator a list of all mortgage brokers and mortgage loan originators who completed the course. This list shall reflect the name and license number of each mortgage broker and mortgage loan originator.

(7) **Course records.** Providers shall maintain course records for at least seven (7) years.

SUBCHAPTER 9. ENFORCEMENT

160:55-9-10. Oklahoma Mortgage Brokers Recovery Fund

(a) **Purpose.** This section establishes a procedure required by 59 O.S. § 2091(A)(2) for expending monies from the Oklahoma Mortgage Brokers Recovery Fund ("Fund") in connection with reimbursements of approved claims.

(b) **Definitions.** The following words or terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Claimant"** means a person who has been adjudged by a court of competent jurisdiction to have suffered monetary damages as specified by 59 O.S. § 2091(B)(1) and who has filed a claim for reimbursement from the Fund.

(2) **"Court of competent jurisdiction"** means a court having power and authority to hear and decide a civil action filed by a claimant.

(3) **"Final judgment"** means a written final determination by a court of competent jurisdiction of the rights of the claimant and the judgment debtor arising from a transaction or series of transactions as described by 59 O.S. §2091(B)(1). A final judgment under this section shall not include a default or a judgment by default unless the time to file a motion or petition to set aside, correct, open, modify or vacate the default or judgment by default has run and no proceedings to set aside, correct, open, modify or vacate the default or judgment by default have commenced.

(4) **"Judgment debtor"** means a person obligated through a final judgment to pay monetary damages to a claimant.

(c) **Required documentation.** To apply for reimbursement from the Fund, a claimant shall file a written claim to the Administrator. The claim shall include the following documentation:

(1) A certified copy of the affidavit or petition filed in a court of competent jurisdiction;

(2) Certified copies of the final judgment and any orders issued by a court of competent jurisdiction;

(3) Evidence that the final judgment has been enforced as provided by statute for enforcement of judgments in civil actions and the amount realized was insufficient to satisfy the final judgment; and

(4) Evidence that any compensation recovered by the claimant from the judgment debtor, or from any other source for monetary loss arising out of the transaction or series of transactions has been applied to the final judgment awarded by a court of competent jurisdiction.

(d) **Commission review.** The Administrator is authorized to determine the sufficiency of the claim and submitted documentation. After the Administrator receives the required documentation indicated in paragraph (c) of this section, he or she shall make a recommendation to the Commission concerning approval or denial of the claim. The Commission may take one of the following actions:

- (1) Approve or deny the claim based on the Administrator's recommendation;
- (2) Approve or deny the claim independent of the Administrator's recommendation; or
- (3) Request additional information and or documentation it deems necessary to render a decision in accordance with the requirements of 59 O.S. § 2091 and Oklahoma law.

(e) **Notification.** The Administrator shall submit written notification to the claimant of the Commission's decision regarding the claim.

(f) **Expenditures.**

- (1) If the Commission approves a claim, expenditures from the Fund shall be made by the Administrator in accordance with 59 O.S. § 2091 and Oklahoma law.
- (2) If at any time monies in the Fund are insufficient to satisfy existing obligations and encumbrances on the Fund or an approved claim, or portion(s) thereof, the Administrator may satisfy such unpaid claims or portion(s) thereof as soon as a sufficient amount of money has been deposited in the Fund. When there is more than one outstanding approved claim, the Commission may determine the order of payment.

(g) **Restrictions.** A claimant shall not be qualified to file a claim for reimbursement from the Fund if:

- (1) The claimant is the spouse of the judgment debtor or a personal representative of such spouse;
- (2) The claimant is a licensee that acted in their own behalf in the transaction or series of transactions that are the subject of the claim;
- (3) The claimant has previously been reimbursed the maximum amount allowed from the Fund involving the same transaction or series of transactions.