MMC MULTI-STATE

Uniform Report of Examination

COMPANY

ADDRESS

NMLS Entity ID: XXXX

DATE

***THIS REPORT OF EXAMINATION IS STRICTLY CONFIDENTIAL***

*Notice*

This is a duly authenticated copy of a report of examination entered under the protocols established by CSBS/AARMR Nationwide Cooperative Agreement for Mortgage Supervision and is made by an Examiner selected or approved by the Multi-State Mortgage Committee (MMC).

The information contained within this report is considered confidential supervisory information and is furnished to the institution examined for its confidential use.  Under no circumstances shall the institution or any of its directors or trustees, or officers or employees disclose or make public in any manner to anyone including outside accountants the report or any portion thereof without the permission of the MMC.

The information contained in this report is based upon the books and records of the institution, upon statements made to the Examiners by directors or trustees, officers and employees, and upon information obtained from other sources believed to be reliable and presumed by the Examiners to be correct.

Each director or trustee in keeping with his/her responsibilities should become fully informed regarding the contents of this report.  In making this review, it should be kept in mind that an examination is not the same as an audit, and that this report should not be considered to be an audit report.

|  |
| --- |
| NameTitleAgency Name |
|  |
|  |
|  |
|  |
|  |
|  |

[Nationwide Cooperative Protocol and Agreement for Mortgage Supervision 5](#_Toc504738433)

[MMC ROLE 5](#_Toc504738434)

[Examination Scope 6](#_Toc504738435)

[Electronic Loan Portfolio Compliance Analysis 6](#_Toc504738436)

[Institution Profile 8](#_Toc504738437)

[Summary of Examination Findings 9](#_Toc504738438)

[Composite Examination Rating 9](#_Toc504738439)

[Meetings with Management 10](#_Toc504738440)

[Financial Condition Scope of Review 12](#_Toc504738441)

[Financial Condition Component Rating 12](#_Toc504738442)

[Financial Ratios 13](#_Toc504738443)

[Financial Condition Comments and Conclusion 14](#_Toc504738444)

[Board Oversight and Management Scope of Review 15](#_Toc504738445)

[Board Oversight and Management Component Rating 15](#_Toc504738446)

[Board Oversight and Management Comments and Conclusion 17](#_Toc504738447)

[Compliance Program Scope of Review 18](#_Toc504738448)

[Compliance Program Component Rating 18](#_Toc504738449)

[Compliance Program Comments and Conclusion 20](#_Toc504738450)

[Violations of Law and Consumer Harm Scope of Review 21](#_Toc504738451)

[Violations of Law and Consumer Harm Component Rating 21](#_Toc504738452)

[Violations of Law and Consumer Harm Examination Findings 22](#_Toc504738453)

[Federal Regulatory Compliance 23](#_Toc504738454)

[Finding ##: RESPA Disclosures not provided within three days: 23](#_Toc504738455)

[State Regulatory Compliance - <STATE> 24](#_Toc504738456)

[Finding ##: Payoff Statement Fees 24](#_Toc504738457)

[Finding ##: Records to be Maintained 24](#_Toc504738458)

##

## Nationwide Cooperative Protocol and Agreement for Mortgage Supervision

State Regulators have independent and individual responsibility for the supervision of Multi-State Mortgage Entities (MMEs), and the best way to fulfill those responsibilities with respect to MMEs is through a coordinated supervision process.

On December 5, 2007[[1]](#footnote-2), the State Regulators[[2]](#footnote-3) adopted the Nationwide Cooperative Protocol and Agreement for Mortgage Supervision (the “Protocol and Agreement”), which establish the supervisory structure for MMEs. The Protocol and Agreement were designed to assist state mortgage regulators by outlining a basic framework for the coordination and supervision of MMEs.

The States’ objectives are to: (a) protect consumers; (b) ensure the safety and soundness of MMEs; (c) identify and prevent mortgage fraud; (d) supervise and examine in a seamless, flexible and risk-focused manner; (e) minimize regulatory burden and expense; and (f) foster consistency, coordination and communication among the State Regulators.

## MMC ROLE

The Multi-State Mortgage Committee (MMC) is the state representative body responsible for overseeing multi-state examinations. The role of the MMC is to provide supervisory and administrative support to the examination of MMEs. This includes scheduling exams of identified MMEs, identifying participating states and their respective examiners, reviewing preliminary results, and approving the final report of examination (Report). Additionally, the MMC coordinates any necessary negotiations regarding corrective action and multi-state settlements.

##

## Examination Scope

The MMC conducted a full-scope, mortgage lender examination of <INSTITUTION NAME>. The review period for this examination was <SCOPE BEGINNING DATE> through <SCOPE ENDING DATE>. The on-site portion of the examination took place <ON-SITE START DATE> through <ON-SITE END DATE> at the Institution’s office in <CITY, STATE>.

The Examination Team consisted of <NUMBER of EXAMINERS> examiners from <NUMBER OF STATES> which included <LIST STATES>. The Examiner-in-Charge was <NAME>, <TITLE> for the <STATE AGENCY>. The Single Point of Contact was <NAME>, <TITLE> for the <STATE AGENCY>.

The Examination Team evaluated the Institution in respect to:

* Financial Condition
* Board and Management Oversight
* Compliance Program
* Violations of Law and Consumer Harm

According to the <INSTITUTION NAME>’s loan data in the NMLS, as of <SCOPE END DATE> the Institution originated <NUMBER> loans during the scope period of the examination. The Participating States individually selected their own loan file samples using their own risk assessment and loan selection procedures. The total loan sample consisted of <NUMBER> loans which were reviewed for compliance with all applicable state and federal laws.

Disclosed in NMLS, the following table details the Company’s origination loan volume:

|  |
| --- |
| All loans originated during the review period: < SCOPE BEGINNING DATE to SCOPE END DATE> |
| <YEAR> | Loans Originated | <YEAR> | Loans Originated |
| Filing Quarter  | Amount  | Count  | Filing Quarter | Amount | Count  |
| Q1 |  |  | Q1 |  |  |
| Q2 |  |  | Q2 |  |  |
| Q3 |  |  | Q3 |  |  |
| Q4 |  |  | Q4 |  |  |

##

## Electronic Loan Portfolio Compliance Analysis

Consistent with the examination team’s request, <Institution> submitted electronic loan portfolio data for compliance analysis using ComplianceAnalyzer® by ComplianceEase®. The software analyzed all loans originated by <Institution> for the loan portfolio and transaction information review period of <date> to date> for compliance with state and federal mortgage laws, rules, and regulations. <Institution> utilized <Institution’s Loan Origination Software Provider> as its Loan Origination System (LOS) during this loan portfolio and transaction information review period.

*<Briefly describe whether the LEF submission was successful or whether it presented challenges which were not able to be resolved. Below is some sample language used in prior MMC exams.>*

*Example…*

*<Institution> utilized <Institution’s Loan Origination Software Provider> as its Loan Origination System (LOS) during this loan portfolio and transaction information review period.which was found to provide mostly accurate loan portfolio data mapping into the ComplianceAnalyzer® software.*

*Example…*

*The results of this analysis were inconclusive. <Institution> uploaded files as requested, but the files did not contain adequate validations from ComplianceAnalyzer, thus creating incomplete files/validations/LEFs/etc. Therefore, due to time constraints prior to going onsite, the MMC Exam Team requested and received the random selected loan files in an electronic format from <Institution>.*

Example…

*The Company was unable to submit complete electronic loan portfolio data for compliance analysis using ComplianceAnalyzer® by ComplianceEase®. <Institution> stated that it did not have the capacity or time needed to meet our request along with the other examinations occurring at the same time. Only final closing disclosure data was included with the upload. The software was unable to analyze all loans originated by the Company during the period examined for the seven origination states for compliance with state and federal lending laws and regulations.*

*<Institution>’s proprietary loan origination system was not compatible with ComplianceEase® and <Institution>, concerned about the data integrity, was manually verifying/uploading the data. The Company was able to provide three loans for two states where data was manually input to create a complete upload that included the initial loan estimate (LE), changed circumstance LEs, initial closing disclosure (CD), and final CD. The examiners were unable to use the electronic process to review the loan files.*

*The incomplete LEF submission to Regulator Connect by the Company was invalid. The following are a sample, but not all of the incomplete data fields, along with a brief explanation:*

|  |  |
| --- | --- |
| *Data field* | *Explanation* |
| *TotalProposedJHousing expense* | *Virtual field; made up of several calculated fields* |
| *ProposedMortgageInsurancePayment* | *Virtual Field* |
| *TotalOtherExpenses* | *Virtual field, made up of several calculated fields* |
| *DisclosedFinanceCharge* | *Virtual field* |
| *BranchNMLSID* | *Not required per CFPB* |

## Institution Profile

<INSTITUTION NAME> is a <medium or large> residential mortgage lender. The Institution maintains 55 licenses while conducting business in all <NUMBER> states and <LIST DISTRICT OF COLUMBIA OR US TERRITORIES>. <INSTITUTION NAME> is a <PUBLICLY OR PRIVATELY> held <ENTITY TYPE> that is headquartered in <CITY, STATE>. <INSTITUTION NAME> operates with <NOTE NUMBER OF ACTIVE BRANCHES AND ANY KEY BRANCH OFFICES THAT ARE CRITICAL TO SERVICING OPERATIONS.>

Founded in <YEAR>, <INSTITUTION NAME> is <NUMBER> percent owned by <OWNERS>. The ultimate parent and indirect owner of <INSTITUTION NAME> is <INSTITUTION PARENT>. COMPANY has been in business since <YEAR>. Current senior management consists of:

**Table x** – **Senior Management**

|  |  |  |
| --- | --- | --- |
|  | **Name** | **Title** |
| 1 |  |  |
| 2 |  |  |
| 3 |  |  |
| 4 |  |  |
| 5 |  |  |
| 6 |  |  |

*<Briefly describe the institution’s loan origination activities. Note the characteristics of the loans it originates (i.e. loan type, rate type, etc.). What types of business line does the company use for origination (retail, wholesale, etc..)? Is there risk with the loan products used in originations? Are there any recent growth trends with origination volume and hiring of MLOs?>*

The table in this section present data filed in NMLS for the participating examination states for the defined scope period.

**Table x**

**Residential Mortgage Loan Activity (RMLA) Sum Activity - <Insert Scope Dates>**

|  |  |  |  |
| --- | --- | --- | --- |
| **Heading** | **Line Item** | **$ Amount** | **Count** |
| **Residential First Mortgages (1-4 Unit)** | **I010 - Government (FHA/VA/RHS) Fixed** |  |  |
| **I020 - Government (FHA/VA/RHS) Arm** |  |  |
| **I030 - Prime Conforming Fixed** |  |  |
| **I040 - Prime Conforming Arm** |  |  |
| **I050 - Prime Non-Conforming (Jumbo) Fixed** |  |  |
| **I060 - Prime Non-Conforming (Jumbo) ARM** |  |  |
| **I100 - Total Residential First Mortgage Loans** |  |  |
| **Other Mortgages** | **I110 - Closed-End Second Mortgages** |  |  |
| **I120 - Funded HELOCs** |  |  |
| **I180 - Total Other Mortgages** |  |  |
| **Total** | **I200 - Total Mortgages Originated** |  |  |
| **Business Line** | **I210 - Retail** |  |  |
| **Term** | **I250 - Fixed Rate** |  |  |
| **I251 - ARM** |  |  |
| **Size** | **I260 - Jumbo** |  |  |
| **I261 - Non-Jumbo** |  |  |
| **Documentation** | **I271 - Full Doc** |  |  |
| **Interest** | **I281 - Not Interest Only** |  |  |
| **ARM** | **I291 - Not Option ARMs** |  |  |
| **Prepayment Penalty** | **I301 - Loans without Prepayment Penalties** |  |  |
| **Purpose** | **I310 - Purchase** |  |  |
| **I311 - Refinance Rate-Term** |  |  |
| **I312 - Refinance Cash-Out Refinances** |  |  |
| **Owner Occupied** | **I320 - Owner-Occupied** |  |  |
| **I321 - Non-Owner Occupied** |  |  |

## Summary of Examination Findings

Regulatory Compliance was found to be satisfactory as examiners identified a low level of violations of federal and state mortgage servicing laws. Management was found to need improvement, as its ability to respond and fulfill information requests subsequent to the on-site examination was less than satisfactory. Financial condition was satisfactory with net worth at appropriate levels. Financial management was less than satisfactory with the inability to provide financial models, plans, or procedures to ensure a secure future financial foundation.

## Composite Examination Rating

<INSTITUTION NAME> is assigned a composite rating of <NUMERICAL RATING 1-5> by the EIC in consultation with the Multi-State Mortgage Committee. For institutions in this category…<USE KEY ATTRIBUTES ASSOCIATED WITH RATINGS BELOW. THE CONTENT PAIRED WITH THE ASSIGNED RATING MUST BE CUSTOMIZED TO DESCRIBE THE ASSESSMENT OF THIS INSTIUTION. THE CONTENT BELOW IS A STARTING POINT, BUT WILL LIKELY NEED TO BE MODIFIED TO ACCURATELY REFLECT THE INSTITUTION’S OVERALL RATING.>

*The highest rating of 1 is assigned to a financial institution that maintains a strong Compliance Management System (CMS) and takes action to prevent violations of law and consumer harm. Financial condition is strong in all areas.*

*A rating of 2 is assigned to a financial institution that maintains a CMS that is satisfactory at managing consumer compliance risk in the institution’s products and services and at substantially limiting violations of law and consumer harm. This rating indicates that the institution maintains a satisfactory state of financial condition.*

*A rating of 3 reflects a CMS deficient at managing consumer compliance risk in the institution’s products and services and at limiting violations of law and consumer harm. This rating is an indicator that the institution’s financial condition is deficient.*

*A rating of 4 reflects a CMS seriously deficient at managing consumer compliance risk in the institution’s products and services and/or at preventing violations of law and consumer harm. “Seriously deficient” indicates fundamental and persistent weaknesses in crucial CMS elements and severe inadequacies in core compliance areas necessary to operate within the scope of statutory and regulatory consumer protection requirements and to prevent consumer harm. This rating indicates that financial condition is seriously deficient.*

*A rating of 5 reflects a CMS critically deficient at managing consumer compliance risk in the institution’s products and services and/or at preventing violations of law and consumer harm. “Critically deficient” indicates an absence of crucial CMS elements and a demonstrated lack of willingness or capability to take the appropriate steps necessary to operate within the scope of statutory and regulatory consumer protection requirements and to prevent consumer harm.* This rating indicates financial condition is critically deficient.

## Meetings with Management

The on-site examination commenced on <DATE>, at the <INSTITUTION NAME> office in <CITY, STATE>. An introductory meeting was held the same day between the MMC and <IF APPLICABLE…CFPB> examination teams, and <INSTITUTION NAME> management.

The EICs introduced participating states’ examiners to Institution management and heads of business units, and gave a brief overview of the objective and scope of the examination. <INSTITUTION NAME> encouraged the teams to request whatever was needed while onsite and they would provide it to us as quickly as possible. The entire <INSTITUTION NAME> team was very cooperative and accommodating throughout the exam and on-site visit.

Meetings were conducted with various heads of operating units, and a preliminary exit meeting was held on <DATE> to update management on the status of the examination and discuss any known preliminary findings as well as any outstanding requests from the examination team.

The final exit meeting was held <on-site or via teleconference> on <DATE>. The Examination Team was represented by the EIC, SPOC, and examiners from the Participating States. The Institution was represented during the exit meeting by <LIST INSTITUTION EMPLOYEES>.

*<Comments may be included to highlight an Institution’s level of cooperation in respect to satisfying information requests. Two samples are below.>*

*<The Institution was cooperative and provided responses to the MMC’s initial information request and loan file selection in a timely manner. On-site examination operations were cooperative and responsive. Management’s overall response and handling of the examination process by way of scheduling meetings, providing logistics support for onsite examiners, and responding to follow-up requests was satisfactory.>*

*<The Institution was generally cooperative and provided responses to the MMC’s initial information request and loan file selection in a timely manner. On-site examination operations were cooperative and responsive. However, after the on-site portion of the examination, <INSTITUTION NAME> failed to provide appropriate and timely follow up. The Institution delayed responses and or failed to respond to examiner requests. Management’s overall response and handling of the examination process by way of scheduling meetings, providing logistics support for onsite examiners, and responding to follow-up requests is deemed to be less than satisfactory.>*

## Financial Condition Scope of Review

The Examination Team has assessed the Institution’s financial condition based upon the adequacy of earnings, capital, liquidity, asset quality, and level of sensitivity to market risk. Additional factors that are considered include trends, stability of and threats to future performance, adequacy of projections, and quality of risk management.

The Examination Team used the financial condition examination procedures as outlined in the MMC Examination Manual which includes:

* Earnings
* Capital
* Liquidity
* Asset Quality
* Sensitivity to Market Risk

The financial condition review covered the consolidated financial statements for the years ending <YEAR> and <YEAR>. <THIRD PARTY AUDITOR> provided an <TYPE OF OPINION E.G. UNQUALIFIED> opinion on the financial statements.

## Financial Condition Component Rating

The <INSTITUTION’S NAME> financial condition rating is a <NUMERICAL RATING 1 – 5> For institutions in this category…<USE KEY ATTRIBUTES ASSOCIATED WITH *RATINGS BELOW.* . THE CONTENT PAIRED WITH THE ASSIGNED RATING MUST BE CUSTOMIZED TO DESCRIBE THE ASSESSMENT OF THIS INSTIUTION. THE CONTENT BELOW IS A STARTING POINT, BUT WILL LIKELY NEED TO BE MODIFIED TO ACCURATELY REFLECT THE INSTITUTION’S FINANCIAL CONDITION RATING.*>*

*A rating of “1” indicates strong liquidity levels, excellent earnings and well-developed and practiced funds management policy. Such institutions demonstrate reliable access to sufficient sources of funds on favorable terms to meet present and anticipated liquidity needs. Capital levels and asset quality are strong. Additionally, such institutions have strong mechanisms for controlling sensitivity to market risk.*

*A rating of “2” indicates satisfactory sources of funds on acceptable terms to meet present and anticipated liquidity needs; satisfactory capital and earnings, modest weaknesses from funds management practices, satisfactory asset quality, and sufficient interest rate risk mechanisms.*

*A rating of “3” indicates deficient liquidity management, relatively low levels of capital or decreasing earnings. Such an institution may lack ready access to funds on reasonable terms or may evidence significant weaknesses in funds management practices. Asset quality needs improvement. Additionally, interest rate risk mechanisms may be subpar.*

*A rating of “4” indicates the institution is operating at a loss in an accelerated basis, liquidity levels are deficient or capital is inadequate.  The institution may not have or be able to obtain a sufficient volume of funds on reasonable terms to meet liquidity needs. Asset quality is deficient. Sensitivity to market risk may be high and uncontrolled.*

*A rating of “5” indicates the institution has critically deficient liquidity practices. Capital has deteriorated to a critical level or earnings are non-existent.  The continued viability of the institution is threatened, and requires immediate external financial assistance to meet funding obligations. Asset quality is poor. The potential for a break down in operations due to extreme sensitivity to market risk may also be present.*

## Financial Ratios

|  |  |  |
| --- | --- | --- |
| **Earnings** | Period Ended<Year> | Period Ended <Year> |
| Return on Assets |  |  |
| Return on Equity |  |  |
| Provision Expense |  |  |

|  |  |  |
| --- | --- | --- |
| **Capital** | Period Ended <Year> | Period Ended <Year> |
| Tangible Net Worth to Total Assets |  |  |
| Total Equity to Total Assets |  |  |
| Payout Ratio |  |  |

|  |  |  |
| --- | --- | --- |
| **Liquidity** | Period Ended <YEAR> | Period Ended <YEAR> |
| Cash to Total Assets | % | % |
| Current Ratio | x | x |
| Total Assets to Total Liabilities | % | % |
| Debt to Total Equity | % | % |
| Adjusted Debt to Total Equity | % | % |
| # Lines of Credit | # | # |
| % Credit Available | % | % |

|  |  |  |
| --- | --- | --- |
| **Asset Quality** | Period Ended <YEAR> | Period Ended <YEAR> |
| Total Assets |  |  |
| Real Estate Owned to Total Assets |  |  |
| Mortgage Servicing Rights to Total Equity |  |  |
| Other Assets Other to Total Assets |  |  |

## Financial Condition Comments and Conclusion

*<Insert comments and supporting analysis of the assessment factors as it pertains to Financial Condition. This narratative should be concise. More detail must be included if deficiencies are noted.>*

## Board Oversight and Management Scope of Review

The Examination Team has assessed the Institution’s board of directors and management, as appropriate for their respective roles and responsibilities, based upon the following assessment factors:

* oversight of and commitment to the institution’s Compliance Management System;
* effectiveness of the institution’s change management processes, including responding timely and satisfactorily to any variety of change, internal or external, to the institution;
* comprehension, identification, and management of risks arising from the institution’s products, services, or activities; and
* self-identification of consumer compliance issues and corrective action undertaken as such issues are identified.

The Examination Team used the following examination procedures as outlined in the MMC Examination Manual:

* Board and Management Oversight
* Company Business Model
* IT and Data Security
* Service Provicer Oversight

## Board Oversight and Management Component Rating

<INSTITUTION NAME> has been assigned a rating of <NUMERICAL RATING 1-5> for board oversight and management. For institutions in this category…<USE KEY ATTRIBUTES ASSOCIATED WITH RATINGS BELOW. THE CONTENT PAIRED WITH THE ASSIGNED RATING MUST BE CUSTOMIZED TO DESCRIBE THE ASSESSMENT OF THIS INSTIUTION. THE CONTENT BELOW IS A STARTING POINT, BUT WILL LIKELY NEED TO BE MODIFIED TO ACCURATELY REFLECT THE INSTITUTION’S BOARD OVERSIGHT AND MANAGEMENT RATING.>

*A rating of “1” indicates strong performance by management and the board of directors and strong risk management practices relative to the institution’s size, complexity, and risk profile. Board and management demonstrate strong commitment and oversight to the financial institution’s CMS. Substantial compliance resources are provided, including systems, capital, and human resources commensurate with the financial institution’s size, complexity, and risk profile. Staff is knowledgeable, empowered and held accountable for compliance with consumer laws and regulations. Management conducts comprehensive and ongoing due diligence and oversight of third parties consistent with agency expectations to ensure that the financial institution complies with consumer protection laws, and exercises strong oversight of third parties’ policies, procedures, internal controls, and training to ensure consistent oversight of compliance responsibilities.*

*Management anticipates and responds promptly to changes in applicable laws and regulations, market conditions and products and services offered by evaluating the change and implementing responses across impacted lines of business. Management conducts due diligence in advance of product changes, considers the entire life cycle of a product or service in implementing change, and reviews the change after implementation to determine that actions taken have achieved planned results.*

*Management has a solid comprehension of and effectively identifies compliance risks, including emerging risks, in the financial institution’s products, services, and other activities. Management actively engages in managing those risks, including through comprehensive self- assessments. Management proactively identifies issues and promptly responds to compliance risk management deficiencies and any violations of laws or regulations, including remediation.*

*A rating of “2” indicates that the board and management provide satisfactory oversight of the financial institution’s CMS. Compliance resources are adequate and staff is generally able to ensure the financial institution is in compliance with consumer laws and regulations. Management conducts adequate and ongoing due diligence and oversight of third parties to ensure that the financial institution complies with consumer protection laws, and adequately oversees third parties’ policies, procedures, internal controls, and training to ensure appropriate oversight of compliance responsibilities. Management responds timely and adequately to changes in applicable laws and regulations, market conditions, products and services offered by evaluating the change and implementing responses across impacted lines of business. Management evaluates product changes before and after implementing the change. Management comprehends and adequately identifies compliance risks, including emerging risks, in the financial institution’s products, services, and other activities. Management adequately manages those risks, including through self- assessments. Management adequately responds to and corrects deficiencies and/or violations, including adequate remediation, in the normal course of business.*

*A rating of “3” indicates that board and management oversight of the financial institution’s CMS is deficient. Compliance resources and staff are inadequate to ensure the financial institution is in compliance with consumer laws and regulations. Management does not adequately conduct due diligence and oversight of third parties to ensure that the financial institution complies with consumer protection laws, nor does it adequately oversee third parties’ policies, procedures, internal controls, and training to ensure appropriate oversight of compliance responsibilities. Management does not respond adequately and/or timely in adjusting to changes in applicable laws and regulations, market conditions, and products and services offered. Management has an inadequate comprehension of and ability to identify compliance risks, including emerging risks, in the financial institution’s products, services, and other activities. Management does not adequately respond to compliance deficiencies and violations including those related to remediation.*

*A rating of “4” indicates that board and management oversight, resources, and attention to the CMS are seriously deficient. Compliance resources and staff are seriously deficient and are ineffective at ensuring the financial institution’s compliance with consumer laws and regulations. Management oversight and due diligence over third-party performance, as well as management’s ability to adequately identify, measure, monitor, or manage compliance risks, is seriously deficient. Management’s response to changes in applicable laws and regulations, market conditions, or products and services offered is seriously deficient. Management exhibits a seriously deficient comprehension of and ability to identify compliance risks, including emerging risks, in the financial institution. Management response to deficiencies, violations and examination findings is seriously deficient.*

*A rating of “5” indicates board and management oversight, resources, and attention to the CMS are critically deficient. Compliance resources are critically deficient in supporting the financial institution’s compliance with consumer laws and regulations, and management and staff are unwilling or incapable of operating within the scope of consumer protection laws and regulations. Management oversight and due diligence of third- party performance is critically deficient. Management fails to monitor and respond to changes in applicable laws and regulations, market conditions, or products and services offered. Management does not comprehend nor identify compliance risks, including emerging risks, in the financial institution. Management is incapable, unwilling and/or fails to respond to deficiencies, violations or examination findings.*

## Board Oversight and Management Comments and Conclusion

*<Insert comments and supporting analysis of these assessment factors as it pertains to the Board of Directors and Management Oversight. This narratative should be concise. More detail must be included if deficiencies are noted.>*

## Compliance Program Scope of Review

A Compliance Program is an integral component of an institution’s operations. The Examination Team has assessed the effectiveness of the Compliance Program based on the following assessment factors:

* whether the institution’s policies and procedures are appropriate to the risk in the products, services, and activities of the institution;
* the degree to which compliance training is current and tailored to risk and staff responsibilities;
* the sufficiency of the monitoring and, if applicable, audit to encompass compliance risks throughout the institution; and
* the responsiveness and effectiveness of the consumer complaint resolution process.

The Examination Team used the following compliance program examination procedures as outlined in the MMC Examination Manual:

* Policies and procedures
* Training
* Monitoring and/or audit
* Consumer complaint response

## Compliance Program Component Rating

<INSTITUTION NAME> has been assigned a rating of <NUMERICAL RATING 1-5> for its compliance management system. For institutions in this category…<USE KEY ATTRIBUTES ASSOCIATED WITH RATINGS BELOW. . THE CONTENT PAIRED WITH THE ASSIGNED RATING MUST BE CUSTOMIZED TO DESCRIBE THE ASSESSMENT OF THIS INSTIUTION. THE CONTENT BELOW IS A STARTING POINT, BUT WILL LIKELY NEED TO BE MODIFIED TO ACCURATELY REFLECT THE INSTITUTION’S COMPLIANCE PROGRAM RATING.>

*The highest rating of 1 reflects that compliance policies and procedures and third-party relationship management programs are strong, comprehensive and provide standards to effectively manage compliance risk in the products, services and activities of the financial institution. Compliance training is comprehensive, timely, and specifically tailored to the particular responsibilities of the staff receiving it, including those responsible for product development, marketing and customer service. The compliance training program is updated proactively in advance of the introduction of new products or new consumer protection laws and regulations to ensure that all staff are aware of compliance responsibilities before rolled out. Compliance monitoring practices, management information systems, reporting, compliance audit, and internal control systems are comprehensive, timely, and successful at identifying and measuring material compliance risk management throughout the financial institution. Programs are monitored proactively to identify procedural or training weaknesses to preclude regulatory violations. Program modifications are made expeditiously to minimize compliance risk. Processes and procedures for addressing consumer complaints are strong. Consumer complaint investigations and responses are prompt and thorough. Management monitors consumer complaints to identify risks of potential consumer harm, program deficiencies, and customer service issues and takes appropriate action.*

*A rating of 2 reflects that compliance policies and procedures and third-party relationship management programs are adequate to manage the compliance risk in the products, services and activities of the financial institution. Compliance training outlining staff responsibilities is adequate and provided timely to appropriate staff. The compliance training program is updated to encompass new products and to comply with changes to consumer protection laws and regulations. Compliance monitoring practices, management information systems, reporting, compliance audit, and internal control systems adequately address compliance risks throughout the financial institution. Processes and procedures for addressing consumer complaints are adequate. Consumer complaint investigations and responses are generally prompt and thorough. Management adequately monitors consumer complaints and responds to issues identified.*

*A rating of 3 reflects that compliance policies and procedures and third-party relationship management programs are inadequate at managing the compliance risk in the products, services and activities of the financial institution. Compliance training is not adequately comprehensive, timely, updated, or appropriately tailored to the particular responsibilities of the staff. Compliance monitoring practices, management information systems, reporting, compliance audit, and internal control systems do not adequately address risks involving products, services or other activities including, timing and scope. Processes and procedures for addressing consumer complaints are inadequate. Consumer complaint investigations and responses are not thorough or timely. Management does not adequately monitor consumer complaints.*

*A rating of 4 reflects that compliance policies and procedures and third-party relationship management programs are seriously deficient at managing compliance risk in the products, services and activities of the financial institution. Compliance training is seriously deficient in its comprehensiveness, timeliness, or relevance to staff with compliance responsibilities, or has numerous major inaccuracies. Compliance monitoring practices, management information systems, reporting, compliance audit, and internal controls are seriously deficient in addressing risks involving products, services or other activities. Processes and procedures for addressing consumer complaints and consumer complaint investigations are seriously deficient. Management monitoring of consumer complaints is seriously deficient.*

*A rating of 5 reflects that compliance policies and procedures and third-party relationship management programs are critically absent. Compliance training is critically absent. Compliance monitoring practices, management information systems, reporting, compliance audit, or internal controls are critically absent. Processes and procedures for addressing consumer complaints are critically absent. Meaningful investigations and responses are absent. Management exhibits a disregard for complaints or preventing consumer harm.*

## Compliance Program Comments and Conclusion

*<Insert comments and supporting analysis of the assessment factors as it pertains to the CMS. This narratative should be concise. More detail must be included if deficiencies are noted with the CMS as a whole or within any of the specific servicing exam procedures noted above.>*

## Violations of Law and Consumer Harm Scope of Review

The Examination Team used the following mortgage origination examination procedures as outlined in the MMC Examination Manual:

*<Insert mortgage origination exam procedures. Use list below as a starting point.>*

* Company Business Model
* Advertising and Marketing
* Loan Originators
* Loan Disclosures and Terms
* Appaisals
* Underwriting

The Examination Team reviewed <INSTITUTION NAME>’s mortgage origination activities for compliance with certain requirements of the following Federal consumer financial laws:

*<Insert applicable federal laws. Use list below as a starting point.>*

* Dodd-Frank Wall Street Reform and Consumer Protection Act
* Equal Credit Opportunity Act (ECOA) – Regulation B
* Fair Credit Reporting Act (FCRA) – Regulation V
* Gramm-Leach-Bliley Act – Regulation P
* Home Mortgage Disclosure Act – Regulation C
* Mortgage Acts and Practices – Regulation N
* Real Estate Settlement Procedures Act (RESPA) – Regulation X
* Secure and Fair Enforcement for Mortgage Licensing Act of 2008 – Regulation H
* Truth in Lending Act (TILA) – Regulation Z

## Violations of Law and Consumer Harm Component Rating

<INSTITUTION NAME> is assigned a rating of <NUMERICAL RATING 1-5> for Violations of Law and Consumer Harm. For institutions in this category…<USE KEY ATTRIBUTES ASSOCIATED WITH RATINGS BELOW. THE CONTENT PAIRED WITH THE ASSIGNED RATING MUST BE CUSTOMIZED TO DESCRIBE THE ASSESSMENT OF THIS INSTIUTION. THE CONTENT BELOW IS A STARTING POINT, BUT WILL LIKELY NEED TO BE MODIFIED TO ACCURATELY REFLECT THE INSTITUTION’S REGULATORY COMPLIANCE RATING.>

*A rating of “1” indicates that violations are the result of minor weaknesses, if any, in the compliance risk management system. The type of consumer harm, if any, resulting from the violations would have a minimal impact on consumers. The violations and resulting consumer harm, if any, occurred over a brief period of time. The violations and resulting consumer harm, if any, are isolated in number.*

*A rating of “2” indicates that violations are the result of modest weaknesses in the compliance risk management system. The type of consumer harm resulting from the violations would have a limited impact on consumers. The violations and resulting consumer harm, if any, occurred over a limited period of time. The violations and resulting consumer harm, if any, are limited in number.*

*A rating of “3” indicates that violations are the result of material weaknesses in the compliance risk management system. The type of consumer harm resulting from the violations would have a considerable impact on consumers. The violations and resulting consumer harm, if any, occurred over an extended period of time. The violations and resulting consumer harm, if any, are numerous.*

*A rating of “4” indicates violations are the result of serious deficiencies in the compliance risk management system. The type of consumer harm resulting from the violations would have a serious impact on consumers. The violations and resulting consumer harm, if any, have been long-standing or repeated. The violations and resulting consumer harm, if any, are widespread or in multiple products or services.*

*A rating of “5” indicates that violations are the result of critical deficiencies in the compliance risk management system. The type of consumer harm resulting from the violations would have a serious impact on consumers. The violations and resulting consumer harm, if any, have been long-standing or repeated. The violations and resulting consumer harm, if any, are widespread or in multiple products or services.*

##

## Violations of Law and Consumer Harm Examination Findings

The Examination Team has analyzed the federal and state-specific findings in respect to the following assessment factors:

* the root cause, or causes, of any violations of law identified during the examination;
* the severity of any consumer harm resulting from violations;
* the duration of time over which the violations occurred; and
* the pervasiveness of the violations.

The violations listed in this section are based on the review of a sample of COMPANY loan records.  As a result, other violations may exist. If stipulated in the Report, COMPANY is obligated to conduct a self-examination to identify and make refunds on all transactions that violate federal and state law, not just those violations cited by the examiner.  Copies of the self-examination report, refund check(s), and transmittal letter(s) are to be forwarded as instructed within each finding.

## Federal Regulatory Compliance

[EIC note: The number of loans with violations listed in the tables below are subjective. When significant numbers exist, the EIC may wish to use an example list of loans.]

[EIC note: Identify each state in which the violation was found.]

### Finding ##: RESPA Disclosures not provided within three days:

A lender shall provide all applicants for a federally related mortgage loan with a loan estimate (LE) of the amount of or range of charges for the specific settlement services the borrower is likely to incur in connection with the settlement within three days from the date of the loan application. § 1024.7(a) and § 1026.19(a).

Additionally, United States Code requires that “each person who makes a federally related mortgage loan shall disclose to each person who applies for the loan, at the time of application for the loan, whether the servicing of the loan may be assigned, sold or transferred to any other person at any other time while the loan is outstanding”.

§ 1024.33(a)

The examiners identified four loans listed in Table XX, where the files did not contain adequate evidence to show that LE’s or Servicing Disclosures were provided to borrowers within three days from the date of the loan application. This represents XX percent of the loan file review sample (optional language).

The compliance analysis software identified XX loans (XX percent of loans submitted) where disclosures were not provided to borrowers within three days from the date of the loan application.

 **Table XX – Loans Reviewed violating § 1024.7(a), § 1024.21 (b) and § 1026.19(a)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **State** | **Loan Number** | **Borrower Initials** |  |  |  |
| 1 |  | xxxxxx | xx/xx/xxxx | xx/xx/xxxx | xx/xx/xxxx | xx/xx/xxxx |
| 2 |  | xxxxxx | xx/xx/xxxx | xx/xx/xxxx | xx/xx/xxxx | xx/xx/xxxx |
| 3 |  | xxxxxx | xx/xx/xxxx | xx/xx/xxxx | xx/xx/xxxx | xx/xx/xxxx |
| 4 |  | xxxxxx | xx/xx/xxxx | xx/xx/xxxx | xx/xx/xxxx | xx/xx/xxxx |

**[EIC Note: Use this section if appropriate. If matters have not been discussed with management, do not include.] ABC’s Initial Response and Proposed Corrective Action:**

*This finding was discussed with ABC Mortgage (if significant you can include the individuals name and title) during the examination and the company indicated that they will immediately implement procedures and controls to ensure that disclosures are provided timely. ABC Mortgage will also provide an explanation of the finding in their response to the ROE.*

**Recommendation**: Institution should review all accounts, with a payoff request, to determine if a fee was charged for the payoff statement and make the appropriate refunds. A list of refunds made should be attached to the response to the ROE.

## State Regulatory Compliance - <STATE>

### Finding ##: Payoff Statement Fees

Regulation 155-2-2-10(5) of the Alabama Consumer Credit Act requires a licensee to provide pay-off information in writing to the borrower without charge.

The examiners identified three loans (Table XX) where ABC collected pay-off statement fees . This practice was confirmed by the Licensee’s response to question 64 on the Servicing Information Request. This is a prohibited act in violation of Regulation155-2-2-10(5).

 **Table XX – Loans reviewed violating Regulation 155-2-2-10(5):**

|  | **Loan Number** | **Borrower Initials** | **Date Charged** | **Refund Due** |
| --- | --- | --- | --- | --- |
| 1 | xxxxxxx | $xx.xx | mm/dd/yyyy | $xx.xx |
| 2 | xxxxxxx | $xx.xx | mm/dd/yyyy | $xx.xx |
| 3 | xxxxxxx | $xx.xx | mm/dd/yyyy | $xx.xx |

**Recommendation**: ABC should review all Alabama accounts, with a payoff request, to determine if a fee was charged for the payoff statement and make the appropriate refunds. A list of refunds made should be attached to the response to the ROE.

### Finding ##: Records to be Maintained

Regulation 155-2-2-.10 of the Alabama Consumer Credit Act requires licensees to maintain adequate files containing all information necessary to verify compliance with the Act**.** The examiners identified two loans that were missing the documentation listed below in Table XX.

 **Table XX – Loans reviewed violating Regulation 155-2-2-10:**

|  | **Loan Number** | **Document Missing** |
| --- | --- | --- |
| 1 | xxxxxxx | **Initial Application (1003)** |
| 2 | xxxxxxx | **Loan Estimate** |

**Recommendation:** ABC should maintain all records as required under the Alabama Consumer Credit Act.

1. Amended May 1, 2009. [↑](#footnote-ref-2)
2. State Regulators means the 49 states plus D.C. and Puerto Rico signed to the Nationwide Cooperative Agreement for Mortgage Supervision. [↑](#footnote-ref-3)