



DATE: August 28, 2008 via email

TO: National Credit Union Administration General Counsel/Board ogcmail@ncua.gov / boardmail@ncua.gov
1775 Duke Street
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FROM: The American Credit Union Mortgage Association
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SUBJECT: Questions pertaining to the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Mortgage Licensing Act of 2008) a part of the Housing and Economic Recovery Act of 2008 as enacted by the President of the United States on July 30, 2008 as Public Law No: 110-289

The American Credit Union Mortgage Association (ACUMA), on behalf of our member Credit Union and Credit Union Service Organizations (CUSO) who originate Residential Mortgage Loans, respectfully seeks guidance on provisions contained within the S.A.F.E. Mortgage Licensing Act to wit:

- 1) **Definition of a RESIDENTIAL MORTGAGE LOAN** – The text of this Act would lead one to believe that a Residential Mortgage Loan is inclusive of a “second mortgage” or “home equity loan or line of credit” which would then include credit union and/or CUSO staff that handle these transactions within the definitions of a LOAN ORIGINATOR. Such inclusion would subject these staff members to the licensing or registration requirements as applicable. *Please confirm or refute that this is in fact the case.*
- 2) **Definition of a LOAN ORIGINATOR** – The text of this Act would lead one to believe that any individual that discusses loan terms, rates or fees or that assists a consumer in obtaining or applying to obtain a residential mortgage loan is subject to the provisions of this Act. That such an individual would include a credit union’s front line staff, including a “call center employee” within such definition, based on the employment actions of these employees. *Please confirm or refute that this is in fact the case.*
- 3) **Definition of a REGISTERED LOAN ORIGINATOR** – The text of this Act would lead one to believe that an employee, found to be included within the definition of a LOAN ORIGINATOR, of a State Chartered/Federally Insured Credit Union, in addition to a Federal Credit Union employee, is considered to be a REGISTERED LOAN ORIGINATOR and is thus *not subject to* State Licensing as a LOAN ORIGINATOR. In addition, an employee of a CUSO which is owned and controlled by a State Chartered/Federally Insured Credit Union, or a Federal Credit Union, is considered to be “Federally Regulated”, by the NCUA, and is *not subject to* State Licensing as a LOAN ORIGINATOR. *Please confirm or refute that this is in fact the case.*

Respectfully submitted,

John Reed
ACUMA Chairman
President/CEO Maine Savings FCU

Steve VanSickler
ACUMA Legislative & Regulatory Compliance Chair
Director Community Lending, LenderLive Network, Inc.