

Office of the Commissioner of Financial Regulation

# MORTGAGE LICENSING UPDATE

Volume II

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## NMLS FBI FINGERPRINTING GOES LIVE

### NMLS ACCEPTING FINGERPRINTS AND PROCESSING FEDERAL CRIMINAL BACKGROUND CHECKS EFFECTIVE JANUARY 25, 2010. Federal Submission through NMLS Required of ALL Licensees State Submission (outside NMLS) Only for New Applicants

As previously announced, the fingerprint process for Maryland mortgage loan originators (“MLOs”) is changing pursuant to the SAFE Act. Specifically, ALL MLO’s are required to submit fingerprints to NMLS regardless of status. Even if you are currently licensed and previously submitted fingerprints for a Federal criminal background check, submission of fingerprints to NMLS is required under Federal law. Once this requirement was clarified, Maryland instructed MLOs who did not require an immediate criminal background check to wait until the NMLS submission process was functional (see [Mortgage Licensing Update Oct 2009](#)).

Effective January 25, 2010 the NMLS fingerprint process is available and MLOs should begin submitting fingerprints. Please review the below information regarding required FEDERAL AND STATE criminal background check requirements and processes as they are now different processes.

## FEDERAL CRIMINAL BACKGROUND CHECK

### Timing of Federal Criminal Background Check

- Current licensees - mortgage loan originators licensed pursuant to a previous background check have been approved based on that prior submission, WHILE, SAFE STILL REQUIRES THAT YOU SUBMIT FINGERPRINTS TO NMLS AND REQUEST A FEDERAL CRIMINAL BACKGROUND CHECK. HOWEVER, YOU DO NOT HAVE TO COMPLETE AN ADDITIONAL STATE CHECK. The federal NMLS submission must be completed by the following deadlines:
  - Licensees - Interim Status (formerly exempt) – July 31, 2010
  - Licensees – General – December 31, 2010
- New applicants - Starting January 25, 2010, those applying for a mortgage loan originator license in Maryland must have fingerprints on file with NMLS and request a federal background check to be processed. The Office of the Commissioner will not approve a license until results from the federal background check have been received and reviewed. Applicants who previously submitted fingerprints to the FBI outside the NMLS may be approved based on the prior submission, but will still have to submit fingerprints to NMLS by December 31, 2010 as detailed below.

### How to Proceed With Federal Criminal Background Check

NMLS has added functionality to the MU4 filing that allows mortgage loan originators and sponsoring companies to authorize, request, and pay for a federal criminal background check within the system. You can access this functionality by logging into your account on NMLS.

After submitting a filing with a federal criminal background check request, mortgage loan originators can schedule an appointment to have their fingerprints electronically captured at one of over 700 sites nationwide. Presently, there are 16 sites in Maryland, plus you may use sites in VA, DC or PA if convenient. Originators not located within a reasonable commuting distance of an NMLS approved capture site will be afforded an opportunity to submit paper fingerprint cards through the NMLS approved vendor.

The cost of the federal criminal history background check collected through NMLS is \$39.00. This fee includes electronic print capture at an NMLS approved site and is regardless of the number of states in which a mortgage loan originator is applying for licensure at one time. Additional fees apply if a mortgage loan originator chooses to submit a paper fingerprint card.

Additional information concerning federal criminal background check processing can be found on the [NMLS Resource Center](#) under “Professional Requirements.”

If you have questions or need assistance in scheduling an appointment, please call NMLS at 240-386-4444.

## STATE CRIMINAL BACKGROUND CHECK

Current licensees – If you are currently licensed, you have completed a Maryland state criminal background check. NO additional state submission is required.

New applicants – As was the case prior to SAFE, new mortgage loan originator applicants are still required to submit fingerprints for a Maryland state criminal background check. **Applicants cannot use the NMLS functionality to submit fingerprints for the state criminal background check.** To submit fingerprints for the state criminal background check:

- **WITHIN MARYLAND** - Visit a livescan vendor to have the fingerprints submitted electronically. Electronic (or livescan) fingerprinting usually results in a much quicker response time. A list of vendors and locations is available on the Commissioner’s website – see *Instructions for Submitting Fingerprints to Maryland*.

**Note: The vendors listed on the Commissioner’s website should only be used for submission of the fingerprints for the state criminal background check. DO NOT use these vendors for submission of the federal criminal background check, as federal submission through these vendors does not satisfy SAFE. For information on submission of fingerprints for the federal criminal background check, you must visit the “Professional Requirements” section of the NMLS Resource Center.**

You must provide this agency’s name (Commissioner of Financial Regulation), authorization number (9700081215), and ORI number (MD920370Z). You must also bring a valid form of government picture identification. (Examples: driver’s license, Certificate of Naturalization, passport, Alien Registration Card, or Military Identification).

- OUTSIDE THE STATE OF MARYLAND, you must use the fingerprint card provided by the Commissioner of Financial Regulation – see [Request Fingerprint Cards](#).

The cost of a state criminal background check is \$18. In addition to the state criminal background check fee, the third party vendors, other than those within the Motor Vehicle Administration locations, may also charge fingerprint processing fee that ranges from \$20 to \$25. The total charge for a state criminal background check may range from \$38 to \$43, depending on the vendor.



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