



New Application Checklist Jurisdiction-Specific Requirements



WEST VIRGINIA MORTGAGE BROKER LICENSE

Prior to approving a license, state law requires findings be made regarding financial responsibility, character, reputation, experience, general fitness of the applicant - including its officers, directors, principals, and employees - warranting the belief that the business will be operated lawfully and in accordance with laws and regulations. **Management must clearly demonstrate experience that meets a minimum of two years of full management and operation (including the compliance function) of a verifiable mortgage lending or brokering entity.**

Instructions

1. Any mortgage broker wanting to conduct business under this license authority must apply by filing Form MU1 for the company and Form MU2 for each control person through NMLS.
2. A criminal background check is required of all individuals identified as principals of the applicant. However, if the applicant is (1) a wholly owned subsidiary, direct or indirect, of a company supervised and regulated by the Securities and Exchange Commission whose stock is publicly traded on a registered exchange within the U.S. or (2) a wholly owned subsidiary, direct or indirect, of an entity subject to supervision and regulation by a U.S. federal banking regulator, the credit and background checks are not required.
 - Principal - means the chief executive officer, regardless of title, managing partner if a partnership, members of the organizing group if no chief executive officer has yet been appointed or other person controlling the day-to-day operations of the applicant. A person controlling ten percent or more of the stock of any corporate applicant shall be considered a principal under this provision. In general, MU2 individuals are considered principals unless the company has provided a written explanation to the WVDFI to the contrary.
 - Principals outside of the U.S must submit comprehensive background information obtained from a third-party vendor specializing in international background reports. Reports must be translated to English and denominated in US dollars, including comprehensive criminal and credit information. Contact the licensing staff detailed below with any questions.
3. Each branch location wanting to conduct business under this license authority must be separately authorized and will require a filing of Form MU3 through NMLS.
4. Every location must have a licensed MLO for the license to be approved. If you plan to employ individuals who currently hold a West Virginia MLO license or if you believe a valid statutory exception exists, contact licensing staff to discuss prior to submission of the license request.
5. Each individual originating mortgages needs to be separately authorized and will require a filing of Form MU4 through NMLS. After the MU4 is submitted, the company must submit a sponsorship request to the regulator before the individual MU4 license will be approved. See quick guide "Create a Company Sponsorship" [NMLS Quick Guides](#) for assistance.
6. An onsite manager must be appointed for all locations where the licensee conducts business with consumers. This individual and their business address must match the address listed as the "Main Address" on Form MU1.

7. The Resident/Registered Agent section of the MU1 form should be completed with the information currently on record with the West Virginia Secretary of State.
8. West Virginia Mortgage Brokers are prohibited from using trade names, fictitious names, or dba names unless such name has been specifically approved by the West Virginia Secretary of State and the WVDFI.
9. Financial Statements should be submitted through the Filing Tab in NMLS prior to the submission of the Form MU1 filing. For additional help, see the [Financial Statement Information Page](#) on the NMLS website. Provide a financial statement prepared in accordance with Generally Accepted Accounting Principles dated within the past 90 days and demonstrating a net worth equal to \$10,000. Financial statements should include at minimum a Balance Sheet and Income Statement. If the applicant is a start-up company, an initial Statement of Condition is required. Financial statements in the same format should also be submitted for the two previous fiscal year ends.
10. The WVDFI will review all submissions and communicate with you through NMLS. To review your status in NMLS, click the Tasks tab and click Work List. Do not email the agency for status updates.
11. The WVDFI requires Electronic Surety Bonds through NMLS with amounts as follows:
 - \$50,000 if principal has annual mortgage loan originations of up to \$3 million
 - \$75,000 if principal has annual mortgage loan originations greater than \$3 million up to \$10 million
 - \$100,000 if principal has annual mortgage loan originations greater than \$10 million
 - \$150,000 if principal also acts a table-funded lender

Fees

1. \$450 including the NMLS processing fee.
2. For each criminal background check authorized for control persons through NMLS a fee of \$36.26 is assessed.
3. All fees are collected through NMLS and ARE NOT REFUNDABLE.

NMLS Unique ID Number: _____

Applicant Legal Name: _____

| ATTACHED | NOT APPLICABLE | ITEM |
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| <input type="checkbox"/> | <input type="checkbox"/> | <p>Electronic Surety Bond (ESB): ESB via NMLS in the appropriate amount as set forth in the checklist above, furnished and submitted by a surety company authorized to conduct business in West Virginia.</p> <p>See the ESB Adoption Table and the ESB for NMLS Licensees page of the NMLS Recourse Center for more information.</p> <p>Note: Surety bonds submitted via the Document Uploads section will not satisfy this requirement.</p> <p>The name of the principal insured on the bond must match exactly the Full Legal Name of applicant.</p> |

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| <input type="checkbox"/> | <input type="checkbox"/> | <p>Secretary of State Documentation: A certified copy of:</p> <ul style="list-style-type: none"> • The Corporate Charter or Articles of Incorporation (corporation), or • The Articles of Organization and Operating Agreement (LLC), or • The Partnership Agreement (partnership of any form) |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>Certificate of Authorization/Certificate of Good Standing: Copy issued by the WV Secretary of State and dated not more than 60 days prior to the filing of an application through NMLS.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>WV Secretary of State –Trade Name Registration: Provide a certificate for each dba, fictitious, or trade name to be used by the applicant.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>WV Secretary of State – Credit Service Organization filing: Provide a copy of the certificate. If exempt from this registration, provide a detailed reason for the exemption.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>WV Department of Revenue (Tax Department)– Business Registration Certificate: The certificate must be current.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>Contact Individuals – Examination and Compliance: Provide the name, title, address, telephone number, and email address for each individual.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>MU2 Individual Criminal Background Check (CBC) Requirements: The following Individuals, as specified below, on the Company Form (MU1) are required to authorize a CBC through NMLS.</p> <ol style="list-style-type: none"> 1. <i>Direct Owners</i> – individuals who own 10% or more of the applicant. 2. <i>Executive Officers</i> – president, chief executive officer, regardless of title, managing partner, or other person controlling the affairs of an applicant. 3. <i>Indirect Owners</i> – individuals holding 10% or greater beneficial ownership in the applicant. If ultimately held by other than a natural person, contact the WVDFI licensing staff for further information. <p>After authorizing a CBC by submission of the Company Form (MU1) and Individual Form (MU2), you must schedule an appointment to be fingerprinted if new prints are required. If you can ‘Use Existing Prints’ to process the background check, you DO NOT have to schedule an appointment. NMLS will automatically submit the fingerprints on file.</p> <p>See the Criminal Background Check section of the NMLS Resource Center for more information.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>For individuals not subject to CBC through NMLS: Contact the WVDFI licensing staff for instructions on how to enroll and set up fingerprint appointment with the third-party vendor used by West Virginia.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>MLO License Application(s): If no MLO applications are submitted at the time of filing, processing of the broker license request will be delayed. If the company plans to employ MLOs already licensed within WV and provide a sponsorship and amendment, or if a valid statutory exception exists, please contact WVDFI licensing staff. All temporary authority MLO applicants must be located at a fully licensed location to operate under temporary authority. A pending application does not meet the threshold.</p> |

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| <input type="checkbox"/> | <input type="checkbox"/> | <p>Certificate of Compliance by Executive Officer (must be signed and uploaded to NMLS):</p> <p>I certify that as long as this entity maintains a license in West Virginia, it will comply with all applicable requirements in the state, including federal and state mortgage laws, consumer protection laws, and legislative rules.</p> <p>I further certify that I understand and confirm the following:</p> <p>That the applicant will be subject to the provisions set forth in the West Virginia Code §31-17-1 et seq;</p> <p>That the applicant is subject to the provisions set forth in the West Virginia Consumer Credit and Protection Act, Chapter 46A of the West Virginia Code, which include but are not limited to, maximum late fees on loans, prepayment penalties and methods of curing default;</p> <p>That total points and fees permitted on mortgage contracts secured by real estate located in West Virginia are limited to six points including the yield spread and that up front points are limited to five; and</p> <p>That other provisions of West Virginia State law may be applicable to mortgage activities in West Virginia.</p> <p style="text-align: right;">By: _____</p> <p style="text-align: right;">Title: _____</p> |
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WHO TO CONTACT – Contact the WVDFI licensing staff by phone at (304) 558-2294 or via e-mail:

Lisa Miller at lmiller@wvdfi.org or
Kim Compton-Goff at kcompton-goff@wvdfi.org.

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING. THE JURISDICTION SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH THE NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.