

WAC 208-620-490 What are my reporting responsibilities when something of significance happens to my business? (1) **Prior notification required.** You must amend your NMLS record at least ten days prior to a change of your:

- (a) Principal place of business or any of branch offices;
- (b) Name or legal status (e.g., from sole proprietor to corporation, etc.);
- (c) Legal or trade name;
- (d) Ownership control of ten percent or more; or
- (e) Addition of a control person.

(2) **NMLS update within ten days.** You must amend your NMLS record and upload supporting documents, if applicable, within ten days after an occurrence of any of the following:

- (a) A change in mailing address, telephone number, fax number, or email address;
- (b) A change in the name and mailing address of your registered agent if you are located outside the state;
- (c) A closure of surrender of your license. See WAC 208-620-499;
- (d) Termination of sponsorship of a loan originator;
- (e) A change in primary company contact or primary consumer complaint contact;
- (f) A change in your response to a disclosure question within NMLS or if your answer does not change but another event has occurred that requires disclosure and uploading of explanatory documentation; or
- (g) Any change in the information provided to the director in your original application.

(3) **Written notice to the department within ten days.** You must notify the department in writing within ten days after an occurrence of any of the following:

- (a) A cancellation or expiration of your Washington state business license;
- (b) A change in standing with the state of Washington secretary of state, including the resignation or change of the registered agent;
- (c) Failure to maintain the appropriate unimpaired capital under WAC 208-620-340. See WAC 208-620-360;
- (d) Receipt of notification of cancellation of your surety bond;
- (e) Receipt of notification of a claim against your bond;
- (f) For student education loan servicers servicing for the federal government, the occurrence of any event that alters the condition of the business to the extent it would no longer qualify for a federal contract;
- (g) Notification of termination from servicing student education loans for the federal government, if applicable;
- (h) Notification from a GSE of a breach of contract, waiver, or nonperformance if the reason for the notification remains unresolved for more than ninety days;
- (i) Notification from the federal government of a breach of contract, waiver, nonperformance if the reason for the notification remains unresolved for more than ninety days; or
- (j) Your capital falling below the required government sponsored entity (GSE) minimum capital requirements, if applicable.

(4) **NMLS update within twenty days.** You must amend your NMLS record within twenty days after the occurrence of any of the following developments:

- (a) Receipt of notification of license revocation procedures against your license in any state;

(b) The filing of a felony indictment or information related to lending or brokering activities against you or any officer, board director, or principal or an indictment or information involving dishonesty against you or any officer, board director, or principal;

(c) Conviction of you or any officer, director, or principal for a felony, or a gross misdemeanor involving lending, brokering or financial misconduct;

(d) See WAC 208-620-499 for the requirements when you close your business.

(5) **Written notice to the department within thirty days.** You must notify the department in writing within thirty days after an occurrence of any of the following:

(a) A data breach. This notification requirement may change based on directives or recommendations from law enforcement. See also WAC 208-620-573;

(b) Actions by employees discovered, known, or reasonably should have known. This includes illegal, fraudulent, or any other act that could subject the company to a violation described in RCW 31.04.027.

(6) **Student education loan servicers.** In addition to keeping records in compliance with the act, servicers of student education loans must also collect, maintain, and report to the department specific information about the student education loans in their portfolio. Such information includes, but is not limited to, and as applicable: Loan volume; default, refinance, and modification information; loan type (subsidized or unsubsidized, Stafford or Direct, PLUS, etc.) information; and collection practices.

[Statutory Authority: RCW 43.320.040 and 31.04.165. WSR 19-21-157, § 208-620-490, filed 10/22/19, effective 11/24/19; WSR 18-24-013, § 208-620-490, filed 11/27/18, effective 1/1/19; WSR 18-16-024, § 208-620-490, filed 7/24/18, effective 9/1/18. Statutory Authority: Chapter 43.320 RCW, RCW 31.04.165. WSR 16-08-026, § 208-620-490, filed 3/30/16, effective 4/30/16. Statutory Authority: RCW 43.320.040 and 31.04.165. WSR 13-24-024, § 208-620-490, filed 11/22/13, effective 1/1/14. Statutory Authority: RCW 43.320.040, 31.04.165, 2009 c 120, and 2009 c 149. WSR 09-24-090, § 208-620-490, filed 12/1/09, effective 1/1/10. Statutory Authority: RCW 31.04.165, 31.04.015, 31.04.045, 31.04.075, 31.04.085, 31.04.093, 31.04.102, 31.04.115, 31.04.145, 31.04.155, and 31.04.175. WSR 06-04-053, § 208-620-490, filed 1/27/06, effective 2/27/06.]