



WEST VIRGINIA DIVISION OF FINANCIAL INSTITUTIONS

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Dawn E. Holstein
Commissioner

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DATE: March 13, 2020
TO: West Virginia Regulated Financial Institutions
FROM: Dawn Holstein, Commissioner
RE: Regulatory Communication -- COVID 19 Guidance -- Temporary Assignment to Alternative Location

West Virginia Governor Jim Justice has issued a State of Preparedness in West Virginia regarding the COVID-19 pandemic and reports with daily updates regarding the state's proactive efforts to limit the exposure of West Virginia citizens to the virus. In furtherance of that effort, I am issuing this temporary guidance to allow flexibility for our financial institutions to continue their operations while exercising diligence to prevent or widen exposure.

To that end, it is the Division's intent to allow employees of regulated entities temporarily to work from home or some other remote location approved by the financial institution, whether located in West Virginia or another state. Regulated financial institutions may permit employees to work at home or from a designated remote location, to the extent that the position allows, as long as privacy and security issues may be adequately addressed.

Temporary Assignments under this communication are effective from March 13, 2020 through May 1, 2020.

I am issuing this guidance in accordance with the authority granted to the commissioner pursuant to W. Va. Code §31A-2-4(c) so that organizations may maintain their stability, integrity and security while our state weathers the COVID-19 pandemic. I understand that each institution and its needs are unique, so should you have any questions, please contact the agency to discuss. Additional specific guidance for non depository and depository institutions will follow.

Guidance Specific to Non Depository Entities

This includes licensed mortgage loan originators (“MLO”), who are otherwise prohibited from working from other than the approved employment location. This guidance shall not apply to any MLO that does not hold a fully approved license from the Division of Financial Institutions and may only be exercised by companies responsible for the supervision of such remote locations.

- 1) The company must retain records identifying the dates and location(s) where each licensed mortgage loan originator worked remotely during the effective period when it does not match the employment location. The records must be available for review at the next examination cycle or upon request by the Division of Financial Institutions.
- 2) The company must have a current and approved policy for access to the company’s secure origination system directly by the MLO through a VPN (or similar secured access) from any device approved by the company for use by the MLO in their daily work. The company must be able to demonstrate upon request, that such access is restricted to strong authentication procedures and passwords.
- 3) The licensed company is responsible for assuring that security is maintained with updates, patches, or other alterations to devices used to access the loan origination system. Records of such maintenance schedule must also be available upon request by the Division of Financial Institutions.
- 4) MLOs and other employees may not, under any circumstances, relocate any physical business records nor reproduce into paper format any record that contains personal or private information at any location other than those approved as a licensed location by the Division of Financial Institutions.
- 5) MLOs and other employees may not arrange to meet with borrowers at any remote or home-based location that has not been approved as a licensed branch location.

Questions relating to this communication should be addressed to:

Tracy Hudson at thudson@wvdob.org and Terri Shock at tshock@wvdob.org

Guidance Specific to Depository Entities

- 1) Any prior notice requirements pursuant to W. Va. Code §31A-4-40 for branch closures or limited service will remain in effect.
- 2) Please review risk management and pandemic preparedness plans.

For operational issues or questions, please contact John France at jfrance@wvdob.org or Ed McMinn at emcminn@wvdob.org.