

Fund 8075 Securities Investor Recovery Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

The fund was set up as a holding account for the Department of Commerce to hold funds for a court proceeding being conducted pursuant to UCA 60-1-21(2)(a). The case was expected to be a multi-million dollar settlement. However, the case never came to fruition. The fund would be used strictly as a pass through to the public.

Recommendation

The Analyst recommends closing this account. The Department of Commerce and the Division of Finance do not object.

No Financial History Available

Transaction Information

The fund was set up in anticipation of a settlement which at this time has not occurred.

Fund 8070 Consumer Protection Agency

Agency(s): Commerce

Analyst: Andrea Wilko

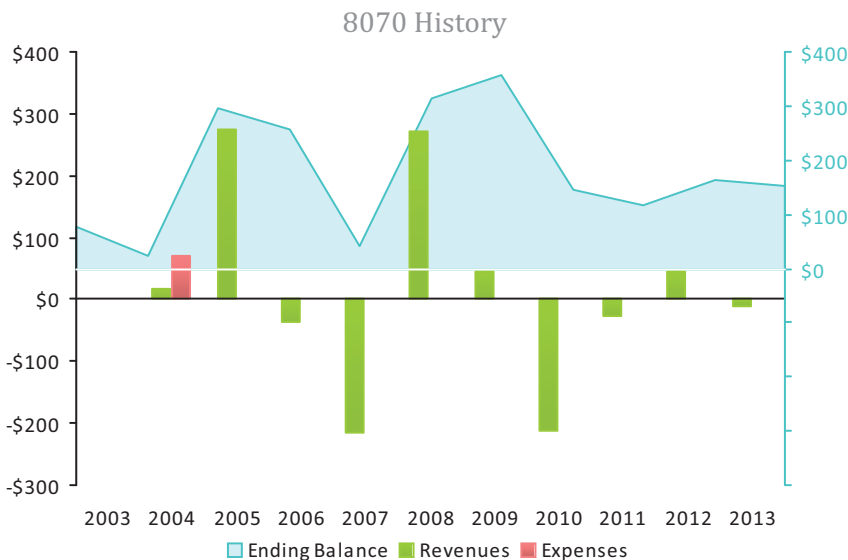
Purpose and Uses

The Consumer Protection Agency fund allows the Department of Commerce to hold funds obtained on behalf of others. When the Department of Commerce collects money that is improperly donated to a "charitable organization" or other fraud type activities the money is sent back to the impacted individuals.

Accountability

The fund uses are established under the following court cases: Court order civil nos. 70553 (4th District Court) and 900901687AA (3rd District Court). The court requires that funds improperly attained be sent back to the impacted individuals. There are no fund-specific reports.

No Changes Recommended



Graph Notes

Revenue collections have been less than \$100,000 for the last three years. Revenue to the fund is from improper donations to charitable organizations held in trust until the Department of Commerce is able to send the money back to the impacted individuals.

*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Fund 2045 Consumer Protect Education & Training Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

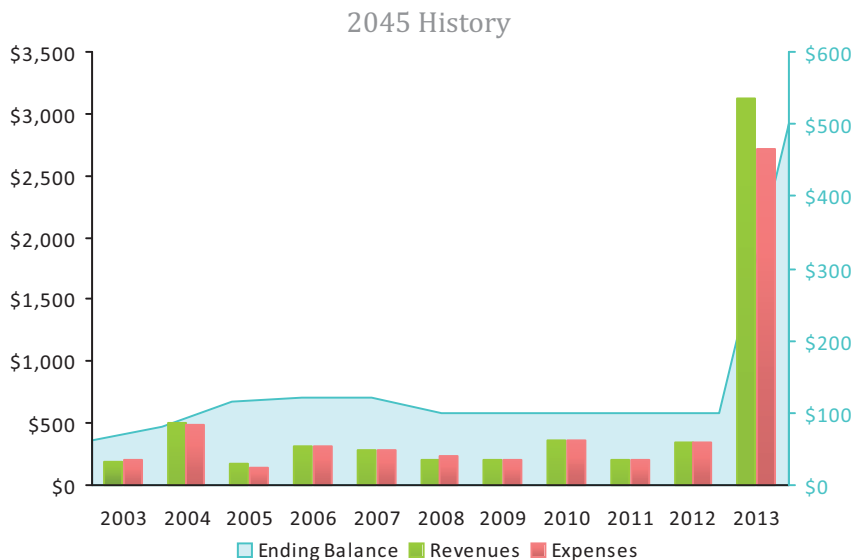
This fund is used primarily to educate and train citizens on the purposes and processes related to charitable solicitation.

Accountability

The uses of the fund identified in UCA 13-2-8 are very specific. The fund is used to educate the public on the purposes and processes related to charitable solicitation. Any balance over \$500,000 lapses to the General Fund. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



Graph Notes

Expenditures have been used for the education and training programs as directed by the statute. Funds have been spent in the following ways: 25% enforcement personnel, 48% consumer outreach/advertising, and 17% consumer education grants. Balances at the end of the year lapse to the General Fund. Because of this the expenditures are overstated in FY 2013 because the numbers include transfers for the General Fund.

*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Fund 2050 Cosmetologist/Barber, Esthetician, Electrologist Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

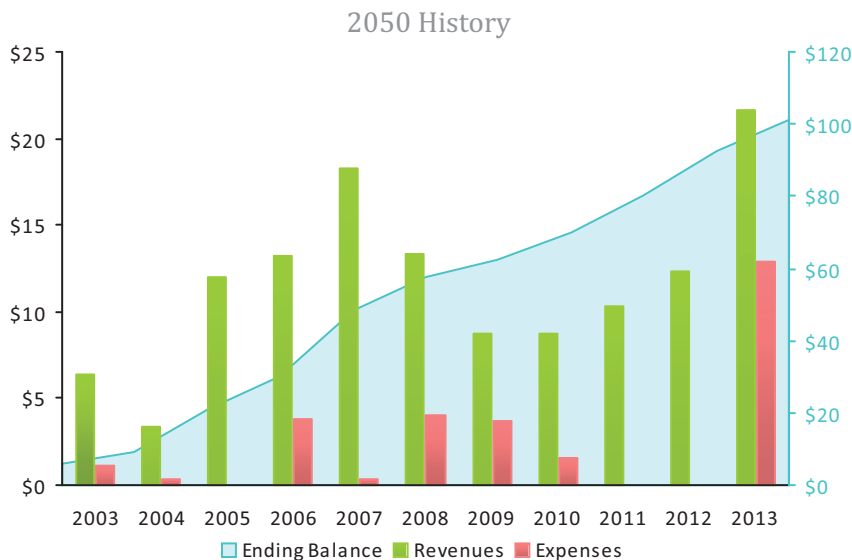
The fund is used for 1) education and training of cosmetologist/barber, esthetician and electrologist licensees and the public, 2) investigating unprofessional conduct, and 3) providing legal representation to licensees.

Accountability

The fund consists of money from administrative penalties collected pursuant to UCA 58-11A. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports; however, the Department of Commerce is required by statute to present a summary of the fund to the appropriate appropriations subcommittee.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



Graph Notes

Revenues have increased each of the last three years. The fund consists of money from administrative penalties collected pursuant to UCA 58-11A. Funds have been used for Board travel and educational registrations as allowed by statute.

*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Fund 2055 Land Surveyor/Engineer Education & Enforcement Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

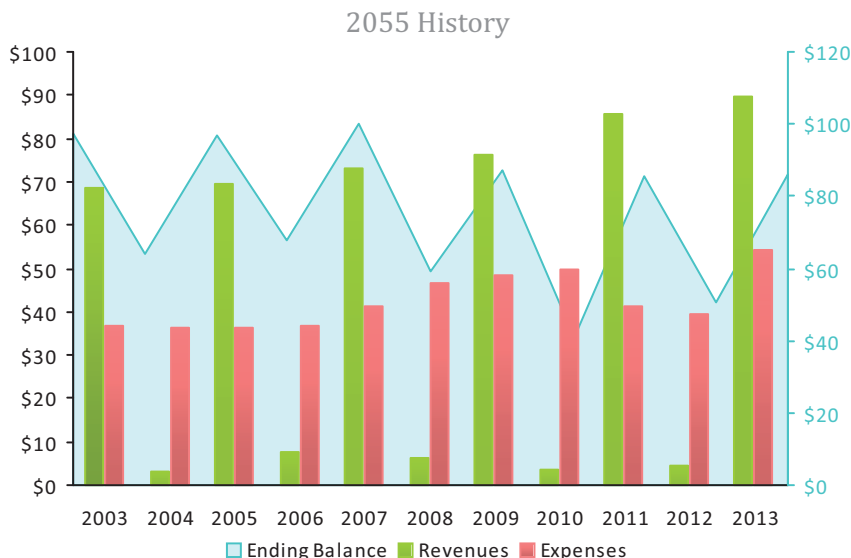
The fund provides for the education of land surveyor and engineer licensees and the public. Funds are also allowed to enforce investigation of unlawful and unprofessional conduct. The fund is administered by the board and director of the Division of Occupational and Professional Licensing. Any fund balance in excess of \$100,000 at the end of a fiscal year is transferred to the General Fund.

Accountability

UCA 58-22-103 establishes the uses and limitations on the Land Surveyor/Engineer Education and Enforcement fund. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Graph Notes

Funds have floated between \$40,000 and \$85,000 the past three years. Expenditures have been used for the education and training programs as directed by the statute. Distributions have specifically been for board member registrations and industry education. Revenue to the fund consists of money from a surcharge placed on initial, renewal, and reinstatement licensure fees for land surveyors or engineers.

Fund 2060 Landscapes Architects Education & Enforcement Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

The fund provides for education and training of landscape architects licensees and the public. Funds are also used to enforce and investigate unlawful and unprofessional practices. The fund is administered by the board and director of the Division of Occupational and Professional Licensing. Any fund balance in excess of \$100,000 at the end of a fiscal year is transferred to the General Fund.

Accountability

UCA 58-53-103 establishes the expenditures authorized and limitations on spending for the Landscape Architects Education and Enforcement Fund. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



Graph Notes

Fund balances have been below \$10,000 over the life of the fund. Expenditures have been used for the education and training programs as directed by the statute. Specifically, expenditures have been for education registrations and travel expenditures. Revenues to the fund come from a surcharge placed on application fees for initial, renewal, and reinstatement for landscape architects.

*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Fund 2065 Physicians Education Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

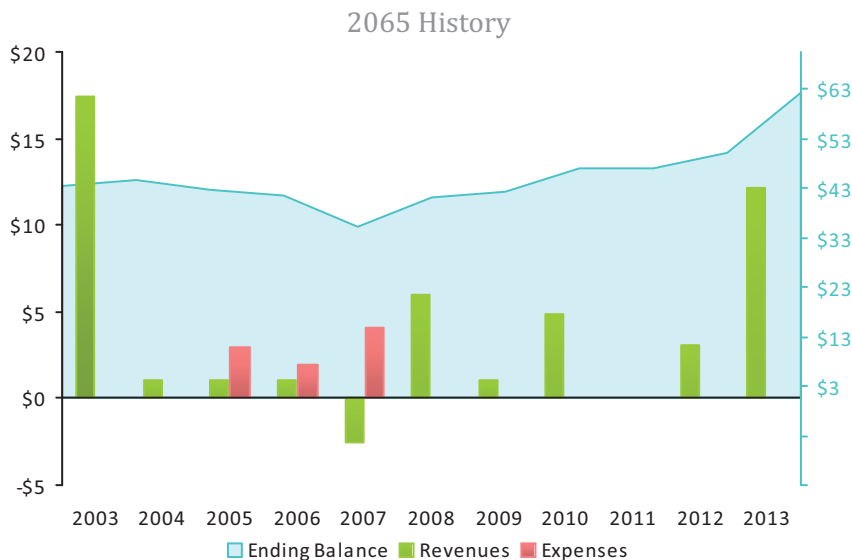
The Physicians Education Fund is used to make education available to physicians and surgeons and osteopathic physicians and surgeons concerning the requirements of UCA 58-67. Division rules and requirements are made by UCA 58-68 and UCA 58-37. Amounts over \$100,000 lapse to the General Fund.

Accountability

UCA 58-67a-1 establishes the uses and limitations of the Physicians Education Fund. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



Graph Notes

Annual revenue has remained below \$50,000 for the life of the fund. Expenditures have been used for the education and training programs as directed by the statute. Revenues accrue from administrative penalties ordered and collected pursuant to UCA 58-67A.

*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Fund 2070 Real Estate Education, Research, & Recovery Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

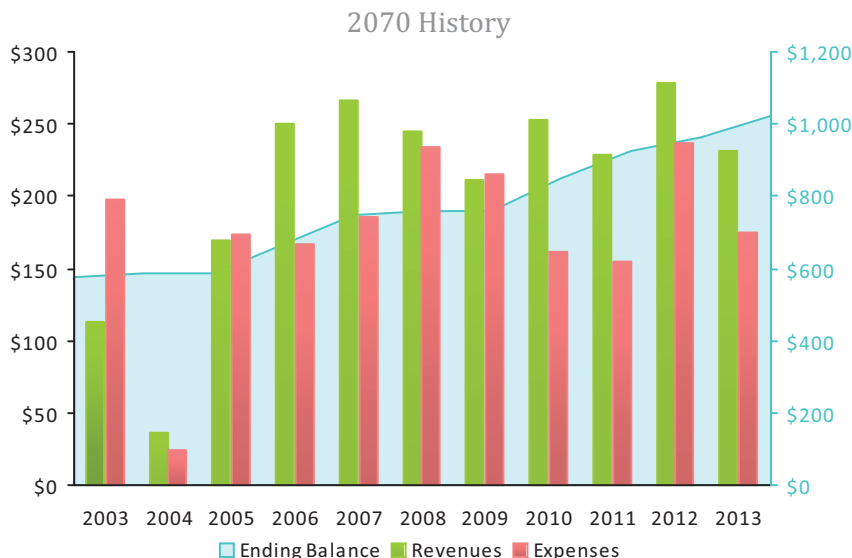
The fund is used to account for claims against business regulation for fraud and misrepresentation. Any balance over \$100,000 is used to fund real estate education and research. The money is set aside to develop educational programs.

Accountability

UCA 61-2f-503 requires that funds be used to reimburse public damages caused by real estate fraud. Any balance over \$100,000 is used to develop and present an educational program which benefits real estate licensees and the public. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



Graph Notes

Revenue to the fund is from a fee imposed under UCA 61-2f-505 and interest earnings. Funds have been spent as follows: 74% education and enforcement personnel, 26% education outreach and office expenses.

*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Fund 2075 Residence Lien Recovery Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

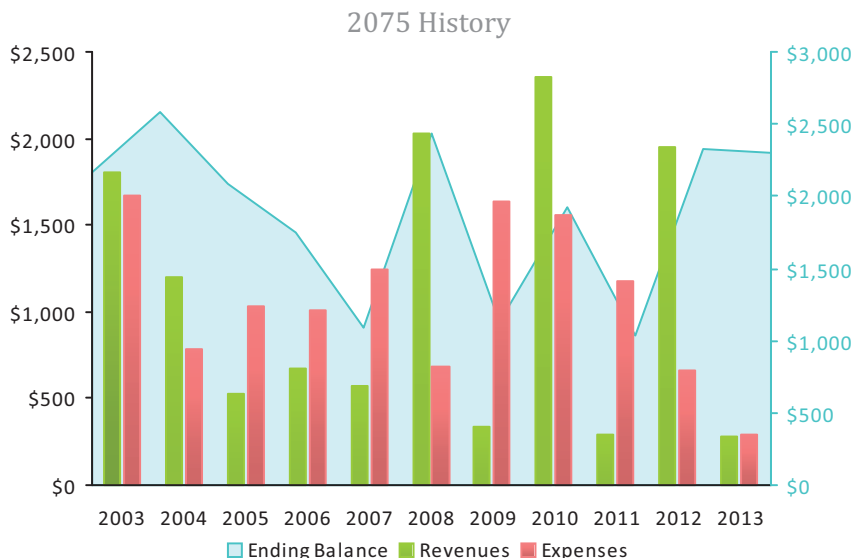
The fund is used to protect homeowners from mechanics liens (placed through no fault of the homeowner) by providing a resource for subcontractors to receive payment due them (which were uncollectible from the contractor) through claims to the fund.

Accountability

UCA 38-11-201 limits the uses of the fund to administrative cost and reimbursements. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Graph Notes

The variability in the funds balances is due largely to the number of claims in a given year. The fund consists of revenues collected under UCA 38-11-202. Specific expenditures have been as follows: 71% direct lien recovery payouts, 29% staff and attorney expenses.

Fund 2080 Residential Mortgage Loan Education, Research & Recovery

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

The fund was established to satisfy claims against licensees under the Residential Mortgage Loan statutes for fraud, misrepresentation or deceit. The Division of Real Estate is also authorized to use accumulated funds in excess of the claims to advance education and research in the field of residential mortgage loans. Any balance over \$100,000 lapses to the General Fund.

Accountability

UCA 61-2c-501 establishes the uses and expenditure limitations for the fund. The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Graph Notes

Revenues to the fund are defined under UCA 61-2c-501. Expenditures are used to pay costs related to final judgments rendered against a person licensed under the Residential Practices Licensing Act. Expenditures have been used as directed by the statute specifically as follows: 84% education and enforcement personnel and national mortgage registry management, and 26% education outreach and office expenses.

Fund 2085 Securities Investor Education/Training/Enforcement Fund

Agency(s): Department of Commerce

Analyst: Andrea Wilko

Purpose and Uses

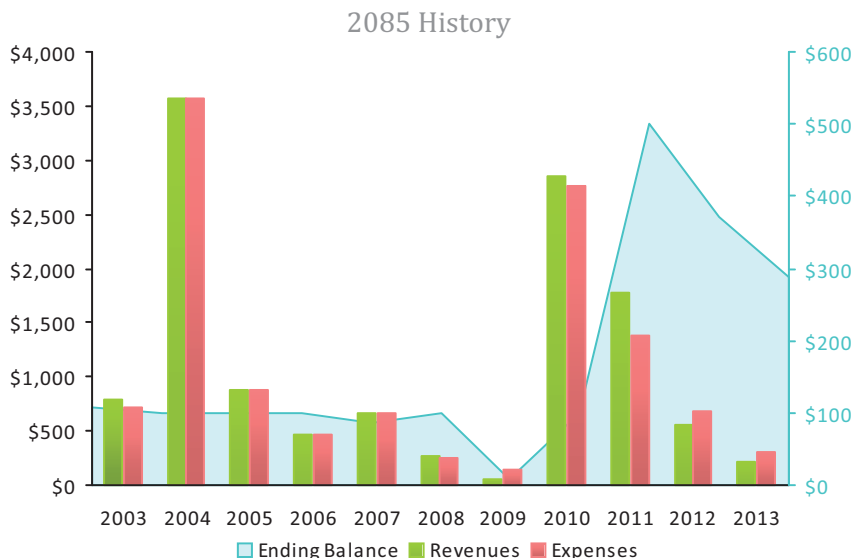
The fund is used for providing education and training to Utah residents in securities laws and investment decisions. Any fund balance in excess of \$500,000 at the end of a fiscal year is transferred to the General Fund. Funds are used as follows: (a) education and training of Utah residents in matters concerning securities laws and investment decisions through publications or presentations; (b) education of registrants and licensees under this chapter, through rules and policy statements and opinion letters; sponsorship of seminars or meetings to educate registrants and licensees; (d) investigation and litigation; and to pay awards as provided in Part 1, Securities Fraud Reporting Program Act.

Accountability

The fund has direct oversight by the Division of Occupational and Professional Licensing Boards. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



Graph Notes

Revenues accrue from money received by the State by reason of civil penalties ordered and administrative fines collected under UCA 61-1 and a fines collected by the division for voluntary settlements or administrative orders.

*Revenues and Expenses include Net Transfers; Dollar figures in thousands

Fund 2040 Architecture Education & Enforcement Fund

Agency(s): Commerce

Analyst: Andrea Wilko

Purpose and Uses

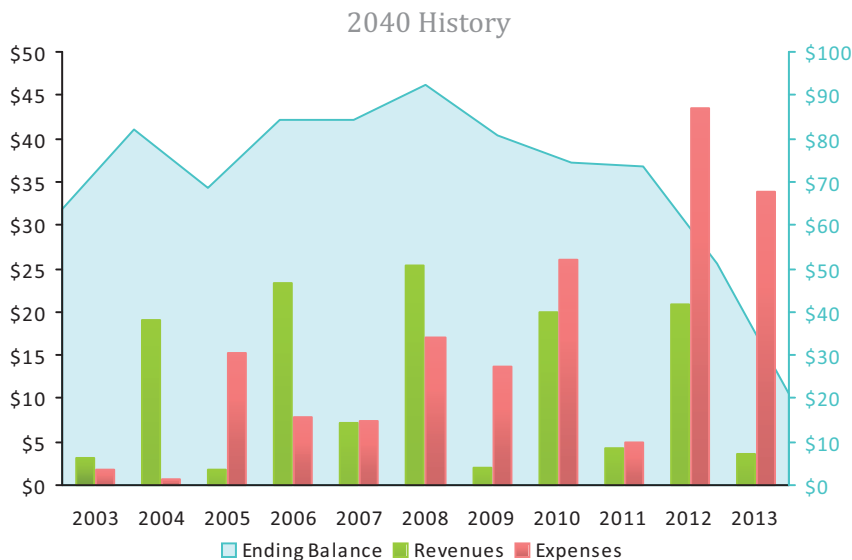
The fund is used for education and training of architectural licensees and to provide for the education and training of the public or other interested persons in matters concerning architectural laws and practices. Any balance over \$100,000 in the fund lapses to the General Fund.

Accountability

UCA 58-3a-103 details the specific uses of the fund. Funds are dedicated specifically for educational and training programs for architecture licensees. Specific expenditures have been for board member registrations and industry education. The Division of Occupational and Professional Licensing Board has direct oversight of the fund. There are no fund-specific reports.

Recommendation

This fund is an expendable special revenue fund. The Analyst recommends the Legislature review this fund annually and include it in an appropriations act.



Graph Notes

Funds have been used for the educational and training programs for architectural licensees as designated by statute. Revenue to the fund comes from a surcharge fee placed on initial, renewal, and reinstatement licensure fees.

*Revenues and Expenses include Net Transfers; Dollar figures in thousands