

**2025 MLTA Fall Education Seminar • Nov. 6-7**  
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**MLTA 2025 FALL ETHICS**

Insuring Marijuana Properties and the new CFPB and state enforcement of RESPA

INTRODUCTION: This presentation covers topics that are relevant to the title insurance industry with respect to the ethical considerations of insuring properties for the use of marijuana production and sales and ethical considerations surrounding federal and state enforcement of RESPA and UDAAP.

Introduction

- Why is this important
  
- The overarching ethical considerations of insuring marijuana properties

Federal law involving marijuana

- Scope and penalties

Federal enforcement entities

- Criminal enforcement entities- FBI, DEA, ATF, DOJ
  
- IRS and HUD rules and regs

Montana Law

- Moratorium on new licenses
  
- Who is an investor/liable?

Litigation and privilege

- Plumlee v. Steep Hill
  
- Attorney-client privilege?

Question and Answer

## **Introduction to ethical considerations under RESPA and UDAAP**

- How does this impact daily operations?

### Section 8 of RESPA

- Prohibitions of fee sharing and payments for referrals

### Section 8(c) exceptions

- ABAs and the HUD Sham Test

### Current federal guidelines and enforcement

- CFPB and the OMB

### Settlement agreements

- Fair market value of rents
  
- What is a thing of value?
  
- Joint marketing agreements
  
- Marketing Services Agreements

### State enforcement

- RESPA and UDAAP

### Q&A