

STATE OF NEBRASKA
Department of Banking & Finance

APPLICATION TO RENEW
SALE OF CHECKS AND FUNDS TRANSMISSION LICENSE
GENERAL INFORMATION

To the Applicant: Review the general guidelines listed below before completing the attached renewal application.

INTRODUCTION

The Nebraska Sale of Checks and Funds Transmission Act, Neb. Rev. Stat. §§ 8-1001 to 8-1019 (Reissue 2012) requires the renewal of a Sale of Checks and Funds Transmission License on or before July 1 of each year.

REQUIRED FEE

The statutory fee to accompany this application for a license renewal is two hundred fifty dollars (\$250.00), made payable to the "Nebraska Department of Banking and Finance."

BOND

Prior to submitting the renewal application, verify that your bond coverage is through July 1 of the following year, unless the bond is on a continuous basis. The bond amount is determined by the number of non-financial institution agent locations. **The minimum amount of the bond is \$100,000.00, up to a maximum of \$250,000.00.** Compute the amount required by taking the base amount of \$100,000.00 and adding \$5,000.00 for each Nebraska agent location minus one. (Example: ten agents in Nebraska: \$100,000.00 + ((10-1)) x \$5,000.00 = \$100,000.00 + \$45,000.00 = \$145,000.00). Note: Refer to Items #17 and #18 of the application. Certain securities may be pledged in lieu of the bond.

OFFICES

A list of all Nebraska offices and agents (excluding financial institutions) must be submitted. Refer to Item #17 of the application.

DEFINITIONS

In completing this application, the following definitions apply:

APPLICANT – The individual applying or amending information on this form.

CHARGED – Being accused of a crime in a formal complaint, information, or indictment (or equivalent formal charge).

CONTROL – The power, directly or indirectly, to direct the management or policies of a licensee, whether through ownership of securities, by contract, or otherwise. Any person who (a) has the power to elect a majority of executive officers, managers, directors, trustees, or other persons exercising managerial authority of a licensee or any person in control of a licensee, (b) directly or indirectly has the right to vote ten percent or more of a class of voting security or has the power to sell or direct the sale of ten percent or more of a class of voting securities, (c) in the case of a limited liability company, is a managing member, or (d) in the case of a partnership, has the right to receive, upon dissolution, or has contributed, ten percent or more of the capital, is presumed to control that licensee.

CONTROL AFFILIATE – A partnership, corporation, trust, LLC, or other organization that directly or indirectly *controls*, or is *controlled by*, the *Applicant*.

FELONY – For *jurisdictions* that do not differentiate between a *felony* and a *misdemeanor*, a *felony* is an offense punishable by a sentence of at least one year imprisonment and/or a fine of at least \$1,000.00. The term also includes a general court martial.

FINANCIAL SERVICES OR FINANCIAL SERVICES RELATED – Pertaining to securities, commodities, banking, insurance, sale of checks and funds transmission, consumer lending, or real estate (including, but not limited to; acting as or being associated with a bank or savings association, credit union, Farm Credit System institution, mortgage lender, mortgage broker, real estate salesperson or agent, appraiser, closing agent, title company, or escrow agent).

FOUND – Includes adverse final actions, including consent decrees in which the respondent has neither admitted nor denied the findings, but does not include agreements, deficiency letters, examination reports, memoranda of understanding, letters of caution, admonishments, and similar informal resolutions of matters.

JURISDICTION – A state, the District of Columbia, the Commonwealth of Puerto Rico, any territory of the United States, or any subdivision or regulatory body thereof.

MATERIAL LITIGATION – Any litigation that, according to generally accepted accounting principles, is deemed significant to an Applicant's or Licensee's financial health and would be required to be referenced in that entity's annual audited financial statements, report to shareholders, or similar documents.

MISDEMEANOR – For *jurisdictions* that do not differentiate between a *felony* and a *misdemeanor*, a *misdemeanor* is an offense punishable by a sentence of less than one year imprisonment and/or a fine of less than \$1,000.00. The term also includes a special court martial.

ORDER – A written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation; does not include special stipulations, undertakings or agreements relating to payments, limitations on activity or other restrictions unless they are included in an *order*.

PROCEEDING – Includes a formal administrative or civil action initiated by a governmental agency, self-regulatory organization, or a *foreign financial regulatory authority*; a *felony* criminal indictment or information (or equivalent formal charge); or a *misdemeanor* criminal information (or equivalent formal charge). The term does not include other civil litigation, investigations, or arrests or similar charges affected in the absence of a formal criminal indictment or information (or equivalent formal charge).

DEPARTMENTAL PROCEDURE

Renewal applications are to be submitted prior to July 1 of each year. If approved, a renewal license will be mailed to the Applicant by July 10 of each year.

LATE FILINGS

Renewal applications which are post-marked after July 1 will be returned and an application for a new license will be required. All Nebraska business must immediately cease until a new license is approved.

ADDRESS

The Department's address is: Nebraska Department of Banking and Finance, Commerce Court, Suite 400, 1230 "O" Street, P.O. Box 95006, Lincoln, Nebraska 68509-5006. The telephone number is (402) 471-2171. Our website is www.ndbf.ne.gov.

4. Attach a listing of the Applicant's board of directors and principal officers. Attach a completed Sale of Checks and Funds Transmission License Biographical Questionnaire and Sale of Checks and Funds Transmission Financial Statement (Individual) for each person listed, if such forms have not been previously submitted. Individual financial statements will be kept confidential.

5. List the jurisdictions in which the Applicant is currently licensed or registered.

6. Has the Applicant or any control affiliate ever been convicted of a felony, if not previously disclosed? Yes No

If "yes," give full details.

7. In the past ten years, has Applicant or any control affiliate ever been convicted or pled guilty or *nolo contendere* (no contest) in a domestic, foreign or military court to a misdemeanor or conspiring to commit a misdemeanor involving (A) financial services or financial services-related business, (B) fraud, (C) false statements or omissions, (D) theft or wrongful taking of property, (E) bribery, (F) perjury, (G) forgery, (H) counterfeiting, or (I) extortion, if not previously disclosed? Yes No

If "yes," give full details.

8. Are there any felony charges or charges related to any misdemeanor specified in Question #7 currently pending against the Applicant or any control affiliate, if not previously disclosed? Yes No

If "yes," give full details.

9. In the past ten years, has any State or federal regulatory agency issued an Order against the Applicant or a control affiliate in connection with a financial-services related activity, if not previously disclosed? Yes No

If "yes," give full details.

10. In the past ten years, has any State or federal regulatory agency denied, suspended, or revoked the Applicant's or a control affiliate's registration or license to conduct a financial-services business, if not previously disclosed? Yes No

If "yes," give full details.

11. Is the Applicant or a control affiliate currently the subject of any regulatory proceeding that could result in a "yes" answer to Questions #9 or #10 above, if not previously disclosed? Yes No

If "yes," give full details.

12. Has Applicant or a control affiliate undergone bankruptcy or business reorganization within the last ten years, if not previously disclosed? Yes No

If "yes," give full details.

13. Is Applicant currently involved in any material litigation, or has Applicant been involved in material litigation since July 1, 2012? Yes No

If "yes," give full details.

14. Do any of Applicant's directors or officers, or does any person who controls the Applicant have any Orders or Proceedings requiring a "Yes" answer to any question on the Biographical Questionnaire that have not been previously disclosed to the Department? Yes No

If yes, submit an amended Biographical Questionnaire for such individual.

15. Has Applicant adopted procedures to comply with the laws and regulations of the Office of Foreign Assets Control? Yes No

If "yes," give full details, list name, title, and business address of person responsible. If "no," provide an explanation.

16. Has Applicant adopted procedures to comply with federal currency transaction requirements? Yes No

If "yes," list name, title, and business address of person responsible. If "no," provide an explanation.

17. Attach a list of all locations at which the Applicant sells checks, travelers' checks, money orders or other instruments, and/or initiates electronic money transmissions, either directly or through an agent, in this state. The list shall include the name of the entity (if different from Applicant), physical address, mailing address (if different than the physical address), telephone number, and contact person for each such location. This list does not need to include financial institutions. **The list should include each such location that will be conducting business on behalf of the Applicant as of July 1, 2013.**

18. Include a photocopy of Applicant's current surety bond.
19. If Applicant does not have a continuous surety bond or pledged securities on file, or if the amount of the bond needs to be increased, submit an appropriate bond rider or new bond or securities pledge.
20. Attach Applicant's most recent Financial Statements.
21. **Include one check in the amount of two hundred fifty dollars (\$250.00) made payable to the "Nebraska Department of Banking and Finance."**

I represent that the information contained herein is true and complete, to the best of my knowledge and belief.

(Business Name)

DATE: _____ BY: _____
(Signature)

(Name)

(Title)

ACKNOWLEDGMENT

State of: _____

County of: _____

On this _____ day of _____, 20_____, personally appeared before me _____ whose identity is personally known to me, or proved to me on the basis of satisfactory evidence, and acknowledged that he or she signed the foregoing document on behalf of said business.

(seal)

Notary Public

Questions concerning this application should be directed to:

NAME: _____
TITLE: _____
ADDRESS: _____

_____ ZIP _____
TELEPHONE: () _____
E-MAIL: _____

Consumer complaints should be directed to:

NAME: _____
TITLE: _____
ADDRESS: _____

_____ ZIP _____
TELEPHONE: () _____
E-MAIL: _____

The Department is requesting that each licensee provide at least one contact person to receive communication from the Department concerning the implementation of the Nebraska Money Transmitters Act and the upcoming transition of licensing to the NMLS. You may designate additional persons to receive notifications, including outside legal counsel, by attaching a separate sheet with such persons' contact information.

NAME: _____

TITLE: _____

ADDRESS: _____

_____ ZIP _____

TELEPHONE: () _____

E-MAIL: _____