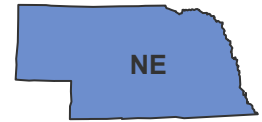




Company New Application Checklist Agency Requirements



NEBRASKA MONEY TRANSMITTER LICENSE

This document includes instructions for a company to complete an application for licensure through NMLS as a money transmitter in Nebraska.

Total License costs: \$1,000.00. Fees collected through the NMLS ARE NOT REFUNDABLE.

Use the checklist below to complete the requirements for the Nebraska Department of Banking and Finance.

The checklist provides instructions and requirements for information to be entered in NMLS, the documents that must be uploaded into NMLS, as well as the documents that must be sent outside NMLS.

For help with the NMLS application, see the [Quick Guide for submitting a complete Company Form](#) filing through NMLS.

Agency specific requirements marked **Filed in NMLS** must be completed and/or uploaded in NMLS; this information will not be viewable to the agency until the application has been submitted through NMLS.

For help with document uploads, see the [Quick Guide for document upload in NMLS](#)

Requests for Confidentiality: See last page of this checklist for specific information.

Note: Financial statements are uploaded separately under the Filing tab, “Financial Statement” submenu. All other documents are uploaded in the Filing tab under the “Document Upload” section of the company form.

Agency specific requirements marked **Attached** on the checklist below must be received with this checklist within 5 business days of the electronic submission of your application through the NMLS at the following:

For U.S. Postal Service:

Nebraska Department of Banking & Finance
P.O. Box 95006
Lincoln, NE 68509-5006

For Overnight Delivery:

Nebraska Department of Banking & Finance
1526 K Street, Suite 300
Lincoln, NE 68508-2732

NMLS **Company** Unique ID Number: _____

Applicant Legal Name: _____

| FILED IN NMLS | ATTACHED | NOT APPLICABLE | NEBRASKA MONEY TRANSMITTER LICENSE |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | N/A | <input type="checkbox"/> | Other Trade Name: DBA's should be listed under Other Trade Names on the NMLS Company (MU1) Form. The Nebraska Department of Banking and Finance does not limit the number of dba's. Trade names should match what is on record with Nebraska Secretary of State. |
| <input type="checkbox"/> | N/A | N/A | Resident/Registered Agent: The Resident/Registered Agent section of the NMLS Company Form should be completed with the information currently on record with Nebraska Secretary of State. |
| <input type="checkbox"/> | N/A | N/A | Approvals and Designations: Enter your MSB registration number on the FinCEN Registration line (confirmation # and filing date). Note: Money Services Business (MSB) must register with the United States Treasury Department within 180 days of the start of operations. Information regarding MSB responsibilities under federal law can be found at http://www.fincen.gov or by calling 1-800-949-2732. |
| <input type="checkbox"/> | N/A | N/A | Bank Account: Bank account information must be provided for the applicant's Operating and Primary Trust accounts, including trust accounts through which the applicant's payment instruments and stored value obligations will be paid. |
| N/A | N/A | N/A | Qualifying Individual: Qualifying Individual field does not require an individual, this field can be left blank on the NMLS Company Form. |
| <input type="checkbox"/> | N/A | <input type="checkbox"/> | Disclosure Questions: Provide an explanation for any "Yes" response. Upload a copy of any applicable orders or supporting documents in NMLS. |
| <input type="checkbox"/> | N/A | N/A | Financial Statements: Upload the audited financial statement prepared by a Certified Public Accountant in accordance with Generally Accepted Accounting Principles for the three most recent fiscal years. Financial Statements must include a Balance Sheet, Income Statement and a Statement of Cash Flows and all relevant notes thereto. If applicant is a subsidiary of a publicly traded company, it may elect to upload audited financials for the parent company, and upload unaudited financials for the applicant. If the applicant is a start-up and does not have audited financial statements for the most recent three years, contact the Department for additional instructions. |
| N/A | <input type="checkbox"/> | <input type="checkbox"/> | United States Securities and Exchange Commission: Mail copies of filings, if any, made with the United States Securities and Exchange Commission, or with similar regulator outside the United States, not more than one (1) year prior to the date of filing of the application. |

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|--------------------------|--------------------------|--------------------------|--|
| | | | |
| <input type="checkbox"/> | N/A | N/A | <p>Permissible Investment Worksheet (New Applicant). Upload a completed Permissible Investment Worksheet (New Applicant) Form.</p> <p>Click here for the Permissible Investment Worksheet (New Applicant) Form.</p> <p>Upload this document in NMLS under the Document Type <u>Permissible Investments</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> |
| N/A | N/A | N/A | <p>Credit Report: No credit reports on the applicant or its employees, officers or directors are required for money transmitter licensure.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Financial Statements (Individual): For all applicants that are <u>not</u> incorporated, attach individual financial statements for each individual listed in the control section of the Uniform Company License Form. If the applicant is a corporation, individual financial statements are only required for individuals who own over 10% of the applicant.</p> <p>Please use the Department's Financial Statement (Individual) form. Click here for the Financial Statement (Individual) Form.</p> <p>The Financial Statement (Individual) Form may be sent direct to NE at the address listed above or it may be uploaded into NMLS.</p> <p>If you choose to upload the document to NMLS, it should be uploaded in NMLS under the Document Type <u>Personal Financial Statement</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p> |
| <input type="checkbox"/> | N/A | N/A | <p>Business Plan: Upload a business plan detailing how money will be collected, how money will be transmitted, records collection and retention, and use of authorized delegates/additional locations, if applicable. Also, include the specific products and services applicant intends to offer in Nebraska under the license.</p> |
| <input type="checkbox"/> | N/A | N/A | <p>Certificate(s) of Authority/Good Standing Certificate(s): Upload documents issued by the Nebraska Secretary of State, and the state in which applicant is organized, if different, demonstrating that the corporation or limited liability company (LLC) or similar entity exists or is authorized to do business in the state. If applicable, include a file-stamped copy of any Certificate(s) of Trade Name Registration issued by the Nebraska Secretary of State.</p> |
| <input type="checkbox"/> | N/A | <input type="checkbox"/> | <p>Document Samples: Upload a sample form of payment instrument or instrument upon which stored value is recorded; and a specimen form of the receipt or other evidence of acceptance of money for transmission which the applicant will provide to the payer.</p> |
| <input type="checkbox"/> | N/A | N/A | <p>BSA/Anti-Money Laundering Policy: Upload a copy of the BSA/ Anti-Money Laundering Policy.</p> |

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| | | | |
| <input type="checkbox"/> | N/A | <input type="checkbox"/> | <p>Formation Document: Upload a certified copy of:</p> <ul style="list-style-type: none"> • The Corporate Charter or Articles of Incorporation (if a corporation), or • The Articles of Organization and Operating Agreement (LLC or similar), or • The Partnership Agreement (if a partnership of any form). |
| <input type="checkbox"/> | N/A | <input type="checkbox"/> | <p>Management Chart: Upload an organizational chart showing the applicant's divisions, officers, and managers.</p> |
| <input type="checkbox"/> | N/A | <input type="checkbox"/> | <p>Organizational Chart/Description: Upload an organizational chart if applicant is owned by another entity or entities or person, or has subsidiaries or affiliated entities. The chart must include percentages of ownership and jurisdictions of organization for all entities.</p> |
| <input type="checkbox"/> | N/A | N/A | <p>Nebraska Locations: If your company has company owned locations/branches that are authorized to conduct money services businesses in the state of Nebraska, please include these as part of your UAAR.</p> |
| <input type="checkbox"/> | N/A | <input type="checkbox"/> | <p>Authorized Delegate Contract: Does applicant plan to use authorized delegates to conduct business in Nebraska? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, upload a sample authorized delegate contract.</p> |
| <input type="checkbox"/> | N/A | N/A | <p>Authorized Agents (Delegates) Locations: Licensees must use the NMLS Uniform Authorized Agent Reporting (UAAR) functionality to report Authorized Agents. Upon license approval, applicants are required to utilize the UAAR to upload a list of agents who are authorized to conduct money services businesses in the state of <i>Nebraska</i> on the Applicant's behalf. Agent adjustments (additions, deletions, and modifications) must be submitted through the UAAR on a <i>quarterly</i> basis, even if there are no changes to report. For more information, consult the NMLS Resource Center.</p> |
| N/A | <input type="checkbox"/> | N/A | <p>Company Owned Locations/Branches: If your company has company owned locations/branches that are authorized to conduct money services businesses in the state of <i>Nebraska</i>, please DO NOT include these as part of your UAAR. See the <i>Company Owned Locations/Branches</i> requirement in the <i>Requirements Submitted Outside of NMLS</i> section for more information.</p> |
| <input type="checkbox"/> | N/A | N/A | <p>Electronic Surety Bond: Electronic Surety Bond via NMLS in the amount of \$100,000 or as described below furnished and submitted by a surety company authorized to conduct business in the State of Nebraska. The name of the principal insured on the bond must match exactly the Full Legal Name of applicant.</p> <p>The minimum amount of the surety bond is \$100,000.00. The Director may</p> |

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|--------------------------|--------------------------|----------------|--|
| | | | <p>increase the amount for good cause. If the applicant has previously conducted money transmission activities in Nebraska, the amount of the bond may need to be increased pursuant to <u>Neb. Rev. Stat. 8-2727</u>. The maximum bond amount is \$250,000.00. Click here to review the Statute.</p> <p>In the alternative, applicants can elect to pledge securities with the Department in lieu of providing a surety bond. Please contact the Department for more details concerning pledged securities.</p> <p>See the ESB Adoption Table and the ESB for NMLS Licensees page of the NMLS Recourse Center for more information.</p> <p>Note: Surety bonds submitted via the <i>Document Uploads</i> section will not satisfy this requirement.</p> |
| <input type="checkbox"/> | <input type="checkbox"/> | N/A | <p>Affidavit of Prior Activity: Upload and mail an original affidavit of prior activity executed by an authorized officer, director or owner of applicant regarding applicant's prior money transmission activities, if any, in Nebraska.</p> <p>Click here to access the Affidavit form.</p> |

Nebraska will review the filing and all required documents and communicate with applicant through NMLS. To review status or see detailed communication from the regulator, click on the Composite View tab and then click on View License/Registration in NMLS. See ([License Status Quick Guide](#)) for instruction.

WHO TO CONTACT – Contact [Nebraska Department of Banking and Finance](#) licensing staff by phone at [402-471-2171](tel:402-471-2171) or send your questions via e-mail to dob.consumerfinance@nebraska.gov for additional assistance. Include the NMLS ID number in the subject line.

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING. THE AGENCY SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH THE NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.

REQUESTS FOR CONFIDENTIALITY

The Nebraska Public Records Act, Neb. Rev. Stat. § 84-712, *et. seq.* (“Act”) requires the Nebraska Department of Banking and Finance (“Department”) to allow the public to examine and to copy the records of the Department. The Act provides that a citizen may file a lawsuit against the Department to enforce the Act and if the plaintiff is successful the Department is liable for the attorney fees and litigation costs. Moreover, the Act provides for potential criminal penalties for any official who violates the Act. Therefore, the Act creates a strong presumption that documents in the Department’s possession are available to the public.

The Act does recognize that there are certain records for which public disclosure may not be appropriate. Neb. Rev. Stat. § 84.712.05 describes documents which may be withheld from the public. Importantly, this section does not require that the Department not release these documents, but gives the Department the discretion to keep such records confidential. Op. Ag. Gen. No. 94080 (October 14, 1994).

Since the Act clearly establishes a public policy favoring disclosure of public documents, the Department is reluctant to exercise its discretion to withhold documents from public disclosure, with the exception of certain information deemed confidential. Please note that the Department does not take the position that an applicant’s entire record or licensing file is confidential.

Records that are deemed confidential include:

- bank account information;
- employer IRS identification numbers;
- individual confidential information including social security numbers, date of birth, state of birth, residential addresses, state of government issued identification and the corresponding identification number and information regarding individual passports;
- Individual Financial Statements unless the applicant is a sole proprietor, in which case only personal account identifiers are deemed confidential;
- AML/BSA Policies; and
- Internal work papers, memoranda, notes, or similar materials of the Department staff relating to a licensee or applicant.

Due to the timeframe required for providing a response to public records requests, the Department is unable to comply with requests that advance notice be provided prior to releasing any documents. Marking a document as confidential or placing any verbiage requesting confidentiality on a document does not exempt the document from a public records request. A request for confidential treatment is not binding upon the Department and does not relieve the Department from compliance with the Act. The Department has a statutory obligation to comply with the Act and will do so.