

CHECKLIST SECTIONS

- General Information
- License Fees
- Requirements Completed in NMLS
- Requirements/Documents Uploaded in NMLS
- Requirements Submitted Outside of NMLS

GENERAL INFORMATION

Senate Bill 276 passed in the 2023 Nevada Legislative Session. This bill amended Nevada Collection Agency laws. While this checklist has been updated to include several new requirements, the collection agency should ensure it has reviewed the bill and understands its obligations under the law.

Who Is Required to Have This License?

A collection agency license is required for any person or company that intends to engage in the business of a collection agency in Nevada (NRS 649.075 and Senate Bill 276).

"Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another. The definition includes debt buyers.

A person engages in the business of a collection agency in Nevada if the person is located:

- (a) In this State and is seeking to collect a claim, regardless of whether the debtor resided or currently resides in this State or another state;
- (b) In another state and is seeking to collect a claim from a debtor that resides in this State; or
- (c) In another state and is seeking to collect a claim on behalf of a person or entity that resides in this State.

Activities Authorized Under This License

This license authorizes the following activities...

- Consumer Loan Servicing
- Judgment Recovery
- Non-Private Student Loan Servicing
- Private Student Loan Servicing
- Active Debt Buying

- Passive Debt Buying
- Reverse Mortgage Servicing
- Third Party Debt Collection
- Third Party First Mortgage Servicing
- Third Party Subordinate Lien Mortgage Servicing

Updated: 1/11/2024 Page 1 of 16

Pre-Requisites for License Applications

- Nevada requires that a Collection Agency application is submitted concurrently with a Collection Agency Compliance Manager application unless the company employs a manager that is already licensed as a Compliance Manager in Nevada.
- Failure to submit the Compliance Manager application at the same time as the agency application or failure for either application to meet the requirements for licensure, will cause the agency application to expire.
- The Compliance Manager will be required to grant the collection agency access to its NMLS record.
 The agency will then create a relationship between the agency and manager in NMLS and request sponsorship. For additional resources on this process, review the NMLS Guide for Creating Relationships & Sponsorships.

Document Uploads Guidance

Documents that must be uploaded to the *Document Uploads* section of the Company Form (MU1) in NMLS are indicated in the checklist below. When uploading documents:

- Follow the guidance in Document Upload Descriptions and Examples.
- Only upload documents relevant to the company application.
- Only upload documents where there is a selectable document category. If inappropriate documents
 are uploaded that should not be, you will be contacted by your regulator and asked to remove them
 from NMLS.
- Do not upload the same company documents multiple times. Generally, unless the document is state-specific, if the document has already been uploaded for another state, a new upload is not required unless changes have been made.
- If a document previously uploaded has been revised, delete the old document and replace it with the new document (history of the old document will remain in NMLS).
- For state-specific documents (e.g., Surety Bonds), be sure to indicate the applicable state.

Helpful Resources

- Company Form (MU1) Filing Instructions
- Document Upload Descriptions and Examples
- Individual Form (MU2) Filing Quick Guide
- Financial Statements Quick Guide
- Payment Options Quick Guide
- License Status Definitions Quick Guide

Updated: 1/11/2024 Page 2 of 16

Agency Contact Information

Contact <u>Nevada Financial Institutions Division</u> licensing staff by phone at <u>(775) 684-2970</u> or send your questions via email to <u>FIDLicensing@fid.state.nv.us</u> for additional assistance.

For U.S. Postal Service:

Nevada Financial Institutions Division Attn: Application Processing 1830 E. College Pkwy, Ste 100 Carson City, NV 89706

For Overnight Delivery:

Nevada Financial Institutions Division Attn: Application Processing 1830 E. College Pkwy, Ste 100 Carson City, NV 89706

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 NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.

Updated: 1/11/2024 Page 3 of 16

LICENSE FEES - Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.		
Complete	NV-FID Collection Agency License	Submitted via
	Nevada License/Registration Fee: \$300.00 Nevada Application Fee: \$375.00 NMLS Initial Processing Fee: \$0	(NMLS (Filing submission)
	Credit Report for Control Persons: \$15 per control person.	NMLS (Filing submission)
	FBI Criminal Background Check for MU2 Individual: \$36.25 per person.	NMLS (Filing submission)

REQUIREMENTS COMPLETED IN NMLS		
Complete	NV-FID Collection Agency License	Submitted via
	Submission of Company Form (MU1): Complete and submit the Company Form (MU1) in NMLS. This form serves as the application for the license/registration through NMLS.	NMLS
	Financial Statements: Upload a financial statement dated within 90 days of your fiscal year end. Financial statements should include a balance sheet and income statement. If the company has audited financial statements, please submit those. If not, the Nevada Financial Institutions Division will accept unaudited statements. If applicant is a start-up company, only an initial statement of condition is required. Note: Financial statements are uploaded separately under the Filing tab and	NMLS
	Financial Statement submenu link. See the Financial Statements Quick Guide for instructions.	

Updated: 1/11/2024 Page 4 of 16

Other Trade Name: If operating under a name that is different from the licensee's legal name, that name ("Trade Name", "Assumed Name" or "DBA") must be listed under the Other Trade Names section of the Company Form (MU1). The Nevada Financial Institutions Division does not limit the number of other trade names. If operating under an "Other Trade Name", upload the Fictitious Firm Name filing for each Nevada county in which the applicant intends to do business. This document should be named NV Collection Agency Trade Name – Assumed Name.	Upload in NMLS: under the Document Type Trade Name/Assumed Name Registration Certificates in the Document Uploads section of the Company Form (MU1).
Resident/Registered Agent: The Resident/Registered Agent must be listed under the Resident/Registered Agent section of the Company Form (MU1)	NMLS
Primary Contact Employees: The following individuals must be entered into the Contact Employees section of the Company Form (MU1). 1. Primary Company Contact. 2. Primary Consumer Complaint Contact.	NMLS
Non-Primary Contact Employees: The Financial Institutions Division requires that an individual(s) be identified as a Non-Primary Contact for the following areas. These contacts must be listed in the Contact Employees section of the Company Form (MU1). 1. Pre-Exam Contact	NMLS
Bank Account: Bank account information must be completed for the company's Operating and Trust accounts in the Bank Account section of the Company Form (MU1). Trust accounts are not required for debt buyers. The following bank account information must be completed for each account in the Bank Account section of the Company Form (MU1): Name of Bank Title/Nickname of Account – This should be entered into the Notes section. Ensure the title of the account complies with NRS 649.355. Last Four Digits of Account Number	NMLS
Disclosure Questions: Provide a complete and detailed explanation and document upload for each "Yes" response to Disclosure Questions made by the company or related control persons (MU2). See the Company Disclosure Explanations Quick Guide for instructions.	Upload in NMLS in the Disclosure Explanations section of the Company Form (MU1) or Individual Form (MU2).

Updated: 1/11/2024 Page 5 of 16

Internal Use Only

Qualifying Individual: All licensed/registered Nevada Collection Agencies must maintain a separate "Collection Agency Compliance Manager Registration", who must also be designated as the Qualifying Individual in NMLS.	NMLS
This individual must be listed in the <i>Qualifying Individual</i> section of Company Form (MU1) for Debt.	
Note: Only the primary Compliance Manager can be listed as a QI for Nevada. No other individual should be listed as a QI in Nevada.	
This Compliance Manager registration requires the individual to complete the Individual Filing (MU4) in NMLS.	
Control Person (MU2) Attestation: Complete the Individual Form (MU2) in NMLS. This form must be attested to by the applicable control person before it is able to be submitted along with the Company Form (MU1).	NMLS
Credit Report: Individuals in a position of control are required to authorize a credit report through NMLS. Individuals will be required to complete an Identity Verification Process (IDV) along with an individual attestation before a license request for your company can be filed through NMLS. This authorization is made when the Individual Form (MU2) is submitted as part of the Company Form (MU1).	NMLS

Updated: 1/11/2024 Page 6 of 16

MU2 Individual FBI Criminal Background Check Requirements: The following **NMLS** Individuals, as specified below, on the Company Form (MU1) are required to authorize an FBI criminal background check (CBC) through NMLS. **Direct Owners** Any direct, individual owner regardless of percentage of ownership **Executive Officers** Each director, officer, responsible person and each person in control of the applicant. All signers on the Nevada trust account "Responsible person" means a person who is employed by an applicant and who has principal, active managerial authority over the provision of services in this State. "Control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through ownership of voting securities, by contract, other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. After authorizing an FBI criminal background check through the submission of the Company Form (MU1) and Individual Form (MU2), you must schedule an appointment to be fingerprinted if new prints are required. See the Criminal Background Check section of the NMLS Resource Center for more information. **Note:** If you are able to 'Use Existing Prints' to process the FBI criminal background check, you DO NOT have to schedule an appointment. NMLS will automatically submit the fingerprints on file.

Updated: 1/11/2024 Page 7 of 16

Electronic Surety Bond: Electronic Surety Bor least \$35,000 furnished and submitted by a su conduct business in Nevada.		Electronic Surety Bond in NMLS
See the <u>ESB Adoption Table</u> and the <u>ESB for N</u> Recourse Center for more information.	IMLS Licensees page of the NMLS	
Note : Surety bonds submitted via the <i>Docume</i> this requirement.	ent Uploads section will not satisfy	
Required Bond Amount		
Pursuant to NRS 649.105, the surety bond am monthly balance of Nevada client funds in the	,	
Surety Bond Requirements Table		
Average Monthly Balance	Bond Amount	
Less than \$100,000	\$35,000	
\$100,000 or more but less than \$150,000	\$40,000	
\$150,000 or more but less than \$200,000	\$50,000	
\$200,000 or more	\$60,000	

Updated: 1/11/2024 Page 8 of 16

REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS			
Complete	NV-FID Collection Agency License	Submitted via	
	Lease Agreement/Proof of Ownership: Submit a copy of the executed lease for the proposed licensed location. The lease must meet these requirements: • Be in the name of the applicant. • Be a commercial location. • Have a minimum 12-month term. • Be a physical office space and not a virtual office. If the lease is in another entity's name, the lease must explicitly permit the applicant to operate from the location or the applicant will need to submit a letter from the landlord that acknowledges the applicant's authority to operate from the leased space. This document should be named [Company Legal Name] Lease. If the landlord letter is required, that document should also be submitted and should be named [Company Legal Name] Landlord Acknowledgement.	under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).	
	Municipal Business License: Submit a copy of any required municipal business license. This includes any required city or county licenses, occupancy certificates or business tax receipts. This document should be named [Company Legal Name] Local Licenses.	under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).	
	Anticipated Activity Statement: Submit a statement showing the following information: • Anticipated number of employees at the agency • Anticipated dollar volume of accounts to be assigned • Anticipated cash flow at the end of the first year of licensure This document should be named [Company Legal Name] Activity Statement.	Upload in NMLS: under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).	
	Nevada Client List: Submit a list of Nevada clients. A Nevada client is defined as a company domestically incorporated or organized in the state of Nevada. This document should be named [Company Legal Name] Nevada Client List.	Upload in NMLS: under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).	

Updated: 1/11/2024 Page 9 of 16

Statement of Submission: If the location does not have information to submit for the alias list, municipal license or Nevada client list because they don't use those items or they do not apply to the area or location, submit a statement notifying the Financial Institutions Division of the reason these items were not submitted. This document should be named [Company Legal Name] Submission Details.	Upload in NMLS: under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).
Servicer List: Upload a list of all servicers used to service Nevada accounts. Nevada accounts include debt held by a Nevada-domiciled company and debt owed by a Nevada resident or company. This form must be updated immediately upon any changes. This document should be named Nevada Collection Servicer List.	Upload in NMLS: under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).
Branch Office List: Upload a list of all additional office locations that conduct Nevada collection activity. This does not include the location of remote workers. This document should be named Nevada Collection Branch Location List.	Upload in NMLS: under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).
Additional Address List: Upload a list of all PO Boxes that receive mail or that are displayed to the public as a mailing or billing address. This document should be named Nevada Collection PO Box List.	Upload in NMLS: under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).
Affiliate List: If the company would like to share its license with affiliate, passive debt buyers, upload the Nevada Collection Agency Affiliate List in NMLS. The form can be found on the NFID website under the Licensing tab in the Collection Agency section. Only debt buyers can share a license. Third party collectors are not permitted to share a license. This document should be named Nevada Collection Affiliate List [date]	Upload in NMLS: under the Document Type Additional Requirements in the Document Uploads section of the Company Form (MU1).
 Business Plan: Upload a business plan outlining the following information: Business activities Industries Served This document should be named [Company Legal Name] Business Plan. Note: If the existing uploaded business plan already includes the above information, an additional document does not need to be uploaded. A company should only upload a single business plan. If state-specific material is required, this information should be added to the existing uploaded business plan. 	Upload in NMLS: under the Document Type Business Plan in the Document Uploads section of the Company Form (MU1).

Updated: 1/11/2024 Page 10 of 16

 Nevada State Business License and Certificate of Authority: Upload the following state-issued and approved documents from the Nevada Secretary of State that demonstrates authorization to do business in Nevada: Nevada State Business License If formed outside Nevada, submit the Foreign Corporate Qualification or Certificate of Registration. This document should be named Nevada – NV SOS Documentation 	Upload in NMLS: under the Document Type Certificate of Authority/Good Standing Certificate in the Document Uploads section of the Company Form (MU1).
Alias List: Upload a current list of all employees that will use an alias when calling Nevada residents/businesses and include their hire date. The form for this submission can be found here . This document should be named Alias List.	Upload in NMLS: under the Document Type Company Staffing and Internal Policies in the Document Uploads section of the Company Form (MU1).

Updated: 1/11/2024 Page 11 of 16

Remote Work Policy: Upload the agency's security policy for collection agents that work from a remote location to ensure that the data of debtors, customers and the collection agency is secure and protected from unauthorized disclosure, access, use, modification, duplication or destruction. The security policy must include, without limitation: (a) Access to the technological systems of the collection agency through a virtual private network or other similar network or system which: (1) Utilizes multifactor authentication, data encryption and frequent password changes; and (2) Automatically locks a collection agent out of his or her account if suspicious activity is detected; (b) A procedure to immediately update and repair any security network or system to ensure that current security technologies are utilized; (c) A requirement to store all data of debtors, customers and the collection agency on designated drives that are safe, secure and expandable; (d) A requirement that collection agents work on electronic devices that are secured with software and hardware protections including, without limitation, antivirus software and a firewall; (e) A requirement that collection agents access any system of the collection agency through an electronic device that has been issued by the collection agency and a prohibition on using such an electronic device for personal purposes; (f) A procedure for the containment and disclosure of any breach of data that occurs, including, without limitation, the issuance of any disclosure that is required by law; (g) A procedure for the protection of data during a natural disaster or other emergency that has the potential to impact the data or electronic devices of the collection agency at a remote location and the recovery of data after such a natural disaster or other emergency; (h) A procedure for the secure disposal of data in accordance with any applicable law or contract;	Upload in NMLS: under the Document Type Company Staffing and Internal Policies in the Document Uploads section of the Company Form (MU1).
Document Samples: Upload copies of the following sample documents used in the regular course of business in connection with this license: • Machine-derived form letters	Upload in NMLS: under the Document Type Document Samples in the Document Uploads
This document should be named Nevada Form Letters.	section of the Company Form (MU1).

Updated: 1/11/2024 Page 12 of 16

Formation Documents: Determine classification of applicant's legal status and submit a State certified copy of the requested applicable documentation detailed below. Original formation documents and all subsequent amendments, thereto including a list of any name changes.

Unincorporated Association:

• By-Laws or constitution (including all amendments).

General Partnership:

• Partnership Agreement (including all amendments).

Limited Liability Partnership:

- Certificate of Limited Liability Partnership; and
- Partnership Agreement (including all amendments).

Limited Partnership:

- Certificate of Limited Partnership; and
- Partnership Agreement (including all amendments).

Limited Liability Limited Partnership:

- Certificate of Limited Liability Limited Partnership; and
- Partnership Agreement (including all amendments).

Limited Liability Company ("LLC"):

- Articles of Organization (including all amendments);
- Operating Agreement (including all amendments);
- IRS Form 2553 or IRS Form 8832 if S-corp treatment elected; and
- LLC resolution if authority not in operating agreement.

Corporation:

- Articles of Incorporation (including all amendments);
- By-laws (including all amendments), if applicable;
- Shareholder Agreement (including all amendments), if applicable;
- IRS Form 2553 if S-corp treatment elected; and
- Corporate resolution if authority to complete application not in By-Laws or Shareholder Agreement, as amended, as applicable.

Not for Profit Corporation

- Documents requested of a Corporation; and
- Proof of nonprofit status
 - o Internal Revenue Service ("IRS") 501(c)(3) designation letter; or
 - statement from a State taxing body or the State attorney general certifying that: (i) the entity is a nonprofit organization operating within the State; and (ii) no part of the entity's net earnings may lawfully benefit any private shareholder or individual; or
 - entity's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or
 - Any of the three preceding items described, if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

Trust (Statutory)

- Certificate of Trust; and
- Governing instrument (all amendments).

Upload in NMLS: under the Document Type Formation Document in the Document Uploads section of the Company Form (MU1).

This document should be named Formation Documentation [Date of Creation (MM-DD-YYYY)].

Updated: 1/11/2024 Page 13 of 16

Management Chart: Submit a Management chart displaying the applicant's directors, officers, and managers (individual name and title). This document should be named [Company Legal Name] Management Chart. Note: If the existing uploaded management chart already includes the above information, an additional document does not need to be uploaded. A company should only upload a single management chart.	Upload in NMLS: under the Document Type Management Chart in the Document Uploads section of the Company Form (MU1).
 Organizational Chart/Description: Submit a chart showing (or a description which includes) the percentage of ownership of: Direct Owners (total direct ownership percentage must equate to 100%) Indirect Owners Subsidiaries and Affiliates of the applicant/licensee This document should be named [Company Legal Name] Organizational Chart – Description. Note: If the existing uploaded Organizational Chart/Description already includes the above information, an additional document does not need to be uploaded. A company should only upload a single management chart. 	Upload in NMLS: under the Document Type Organizational Chart/Description in the Document Uploads section of the Company Form (MU1).

NDIVIDU	AL (MU2) DOCUMENTS UPLOADED IN NMLS	T
	Credit Report Explanations (If applicable): Submit a line by line, detailed letter of explanation of all derogatory credit accounts along with proof of payoffs, payment arrangements and evidence of payments made, or evidence of any formal dispute filed (documents must be dated). Accounts to address include, but are not limited to: collections items, charge offs, accounts currently past due, accounts with serious delinquencies in the last 3 years, repossessions, loan modifications, etc.	Upload in NMLS: under the Document Type Credit Report Explanations in the Document Uploads section of the Individual Form (MU2)
	Note: Items regarding bankruptcy, foreclosure actions, outstanding judgments or liens, or delinquent child support payments should be addressed in the <i>Disclosure Explanations</i> section of your Individual Form (MU2).	
	This document should be named <i>Credit Report Explanations – Sub Name – Document Creation Date.</i>	

Updated: 1/11/2024 Page 14 of 16

Legal Name/Status Documentation: Upload legal documentation of legal name or legal status. This may be copies of any government issued photo ID. This document should be named [Document Name] (Ex. Driver's License, Passport, etc.).	Upload in NMLS: under the Document Type Legal Name/Status Documentation in the Document Uploads section of the Individual Form (MU2).
Personal Financial Statement: The following individuals, as specified below, on the Company Form (MU1) are required to upload a personal financial statement. The financial statement must include the individual's net worth. A list of material assets and liabilities must be disclosed to verify the individual's net worth. Direct Owners • Any direct, individual owner regardless of percentage of ownership Executive Officers • Each director, officer, responsible person and each person in control of the applicant. • All signers on the Nevada trust account Note: The individual can submit this information on another state's form, an interagency form or Nevada's Personal Financial Questionnaire form, which can be found here. They can also submit this in any other format that includes all required information. This document should be named [State Abbreviation] – Personal Financial Statement.	Upload in NMLS: under the Document Type Personal Financial Statement in the Document Uploads section of the Individual Form (MU2).

Updated: 1/11/2024 Page 15 of 16

Internal Use Only

NMLS ID Number	
Applicant Legal	
Name	

REQUIREMENTS SUBMITTED OUTSIDE OF NMLS			
Complete	NV-FID Collection Agency License	Submitted via	
	Waiver for Nevada Trust Location Requirement: Nevada law requires that all Collection Agency licensees maintain a trust account in a bank with a Nevada presence. If the bank listed for the trust account in the Bank Account section does not have a presence in Nevada, the company will need to either submit new bank information or request a temporary waiver of the location requirement. If requesting a waiver, please email a letter requesting permission to use a trust account at a bank without a Nevada presence. The letter must be on company letterhead, signed by a control person and include the following information:	Submit via email to FIDMaster@fid.state.nv.us and Julie Hanevold at jhanevold@fid.state.nv.us	
	 Company contact person and phone and email address Name of bank the company is requesting to use Title of trust account Last four digits of the trust account Reason why the company is requesting the waiver and not opening a new account If the company uses more than one bank for Nevada customer funds, a separate request must be submitted for each bank. 		

Updated: 1/11/2024 Page 16 of 16