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NMLS Policy Guidebook

Table of Contents

INTRODUCTION & PURPOSE	
Chapter I - GETTING STARTED ON THE SYSTEM	8
Account Creation	ç
Companies and individuals that need to apply for a license in NMLS must first create an account	ç
Individual Account Creation	<u>e</u>
Use of "NMLS" in a Public Facing Email Address Domain Name	11
When NMLS should be used	
Record Creation	11
Licensee responsibility for their One Record in NMLS	13
State-specific requirements outside NMLS	
Creation of New Company Record	14
Amendments to a company's structure that will require the creation of a new NMLS record	14
Unique Transactions	16
Multi-series LLCs	16
F Reorganizations	16
Consumer Access and Publicly Available Information	17
Chapter II - NMLS COMPANY FORM (MU1)	18
Terminology Used in this Chapter	18
General Instructions	19
BUSINESS ACTIVITIES	21
REQUEST LICENSE	
LICENSE/REGISTRATION INFORMATION	
IDENTIFYING INFORMATION	
Entity name and EIN	
Main address (Do not use a PO Box)	
Business phone, fax and email address	
Mailing address	
Other business locations?	
OTHER TRADE NAMES	
Industry Type(s)	
State	
RESIDENT/REGISTERED AGENT	
WEB ADDRESSES	
CONTACT EMPLOYEES	
BOOKS AND RECORDS INFORMATION	
APPROVALS AND DESIGNATIONS	
BANK ACCOUNTS	
LEGAL STATUS	
Fiscal year end	
Formation State	
Formation Country/Province	
Date of Formation	
Indicate Legal Status	
AFFILIATES/SUBSIDIARIES	
FINANCIAL INSTITUTIONS	
DISCLOSURE QUESTIONS	40

DISCLOSURE EXPLANATIONS	
DIRECT OWNERS, EXECUTIVE OFFICERS AND CORPORATE GOVERNANCE	43
Entity ID, Full Legal Name, Title, and Percentage of Ownership	43
Direct Owners	
Control Person	45
Stock Symbol	45
SSN or EIN	45
Individual or Company	45
INDIRECT OWNERS	47
Control Person	48
Individual or Company?	48
QUALIFYING INDIVIDUALS	49
ADVANCE CHANGE NOTICE (ACN)	50
Company (MU1) Form Advance Change Notice (ACN) Events	
Advance Change Notice Refresh	
DOCUMENT UPLOADS	51
Advance Change Notice Document Type	51
Deletion of Uploaded Documentation	51
HISTORICAL FILINGS	53
ATTEST AND SUBMIT	54
Chapter III - NMLS INDIVIDUAL FORM (MU2)	55
General Instructions	55
IDENTIFYING INFORMATION	
Individual's Identifying Information:	
Business phone, home phone, cell phone, fax and email:	
Mailing Address	
Do you want to amend your legal name?	57
Any other business activities?	
OTHER NAMES	
RESIDENTIAL HISTORY	
EMPLOYMENT HISTORY	
OTHER BUSINESS	
DISCLOSURE QUESTIONS	
Foreclosure	
Regulatory and Civil Judicial	
Difference between K4 and K9	
Criminal	
DISCLOSURE EXPLANATIONS	
CRIMINAL BACKGROUND CHECK (CBC)	
DOCUMENT UPLOADS	68
Deletion of Uploaded Documentation	
CREDIT REPORT REQUEST	
ATTEST AND SUBMIT	
Chapter IV - NMLS BRANCH FORM (MU3)	
General Instructions	
Main in-state branch location	
Consumer Access*	
CREATE A BRANCH (MU3) FILING	
BUSINESS ACTIVITIESREQUEST A LICENSE	
LICENSE/REGISTRATION INFORMATION IDENTIFYING INFORMATION*	
LIGENSE/REGISTRATION INFORMATION IDENTIFYING INFORMATION"	/6

Physical address (Do not use a PO Box)*	76
Mailing address, if different from main address*	76
Business phone, fax and email address*	76
OTHER TRADE NAMES	
Name*	
BRANCH MANAGER*	
WEB ADDRESSES	
BOOKS AND RECORDS INFORMATION	
Company, First Name, Last Name, Business Address	
OPERATION INFORMATION	81
EXPENSE INFORMATION	
ADVANCE CHANGE NOTICE (ACN)	
Branch (MU3) Form Advance Change Notice (ACN) Events	
Advance Change Notice Refresh	
DOCUMENT UPLOADS	
Advance Change Notice Document Type	
Deletion of Uploaded Documentation	
HISTORICAL FILINGS	
MU2 FORM	
ATTEST AND SUBMIT	
Chapter V - NMLS INDIVIDUAL LICENSE FORM (MU4)	
A. General Instructions	
B. Consumer Access	
CREATE INDIVIDUAL RECORD	
LICENSE/REGISTRATION INFORMATION	
IDENTIFYING INFORMATION	
Individual's Identifying Information	
Business phone, home phone, cell phone, fax and email	
Mailing Address	
Do you want to amend your legal name?	93
Are you currently engaged in any other business as a proprietor, partner, officer, director, employee,	
trustee, agent or otherwise?	93
OTHER NAMES	94
RESIDENTIAL HISTORY	95
EMPLOYMENT HISTORY	
OTHER BUSINESS	
DISCLOSURE QUESTIONS	
Criminal	
DISCLOSURE EXPLANATIONS	
CRIMINAL BACKGROUND CHECK (CBC)	. 102
DOCUMENT UPLOADS	
Historical Filings	
Deletion of Uploaded Documentation	
CREDIT REPORT	
ATTEST AND SUBMIT	
COMPANY – MANAGING INDIVIDUAL RECORDS	
COMPANY ACCESS	
COMPANY RELATIONSHIPS	. 109
Establish a Relationship	
Add a Registered Location	
Terminate a Relationship	

SPONSORING A LICENSE	111
Sponsor a License	
Remove Sponsorship	111
Chapter VI - TEMPORARY AUTHORITY TO OPERATE	112
Background	112
ELIGIBILITY REQUIREMENTS	112
LENGTH OF TA PERIOD	
TA APPLICATION REQUIREMENTS	
HOW ELIGIBILITY IS DETERMINED IN THE SYSTEM	113
WORKER CLASSIFICATION	
SPONSORSHIP	
CRIMINAL HISTORY RECORD INFORMATION (CHRI)	115
INTENT TO DENY	
TA LICENSING STATUSES	
CONSUMER ACCESS	
PROFESSIONAL STANDARDS: EDUCATION	
ENHANCED INDIVIDUAL ROSTER REPORT (COMPANY)	117
RECOVERY FUNDS AND SURETY BONDS	117 110
LOSS OF TA AND EFFECT ON ORIGINATED LOANS	
MORTGAGE CALL REPORT (MCR)	
NOTIFICATIONS	
Chapter VII- FINANCIAL STATEMENT & NET WORTH FILING	
A. General Instructions	
MANAGE FILINGS – FINANCIAL STATEMENTS	
MANAGE FILINGS – FINANCIAL STATEMENTS	
FINANCIAL INFORMATION	
ACCOUNTANT INFORMATION	
FINANCIAL STATEMENT ATTACHMENT	
ATTEST AND SUBMIT	
Chapter VIII - CALL REPORTS	
MORTGAGE CALL REPORT (MCR)	
MORTGAGE CALL REPORT	
MORTGAGE CALL REPORT COMPONENTS	
Financial Condition	128
Residential Mortgage Loan Activity (RMLA)	128
Explanatory Notes	
File Upload	129
MONEY SERVICES BUSINESSES (MSB) CALL REPORT	
MSB CALL REPORT	131
MSB CALL REPORT COMPONENTS	132
UNIFORM AUTHORIZED AGENT REPORTING (UAAR)	
UAAR PHYSICAL ADDRESS VALIDATION	136
Chapter IX - NMLS ELECTRONIC SURETY BOND (ESB)	
RESOURCES	
BOND CREATION	
SURETY COMPANY ACCOUNT CREATION PROCESS FLOW	138
COMPLETING THE SURETY COMPANY LIMITED ACCOUNT REQUEST:	
COMPLETING THE SURETY COMPANY FULL ENTITY REQUEST:	140
COMPLETING THE SURETY BOND PRODUCER ACCOUNT REQUEST FORM	141
CREATE A NEW BOND	142
Chapter X - PROFESSIONAL REQUIREMENTS	145

A. General Instructions	145
NON-DISCLOSABLE EVENTS AND REGULATORY ACTIONS	146
GLOSSARY	147
EXPLANATION OF TERMS	
FOUND	149
LICENSE STATUS DEFINITIONS	153
BUSINESS ACTIVITIES DEFINITIONS	154
Appendix 1	155

INTRODU**CTION & PURPOSE**

The goal of NMLS is to improve mortgage, consumer finance, debt, and money services industry supervision, heighten communication across states, increase consistency in licensing requirements, and automate processes to the greatest degree possible.

The <u>NMLS Policy Guidebook</u> is intended to be a resource for applicants, licensees, and state regulatory agencies using NMLS. It is intended to assist applicants and licensees in understanding the policies related to using NMLS. It is a living document that will be updated regularly in response to decisions and conclusions reached through the NMLS policy-making process, as well as through experience in using NMLS.

NMLS contains forms available to applicants and licensees created as part of an effort to build the System:

- Company Form (MU1)
- Individual Form (MU2)
- Branch Form (MU3) Individual License Form (MU4)

These forms are available electronically on the MMLS Resource Center.

The NMLS Policy Guidebook <u>IS NOT</u> a substitute for understanding the licensing requirements of each state in which an applicant or licensee wishes to apply for or maintain a license. It is not a substitute for obtaining information directly from the state(s) from which an applicant or licensee is seeking or maintaining licensure. All applicants or licensees should consult directly with their appropriate state regulator(s) for licensing requirements and how to use NMLS to meet these requirements.

The NMLS Policy Guidebook does not supersede state laws, rules, regulations, or guidance issued by the state(s) related to seeking or maintaining licensure. For those licensees that operate in multiple states, it is possible that complying with a state specific requirement may result in disclosures in NMLS that are not required by all states where the entity is licensed

It is the responsibility of all users of NMLS to fully understand the information required in each state in which they wish to apply for or maintain a license.

We do not endorse, represent, or warrant the accuracy or reliability of any of the information or content contained in or referenced by this Guidebook.

Chapter I - GETTING STARTED ON THE SYSTEM

Terminology Used in this Chapter

Account: An account is the vehicle through which a user accesses their record in the System

Disabled Account:

- An individual account associated with a record that has not been accessed by the individual user within 425 days.
- A company account administrator or organization user account that has not been accessed for 425 days
- An institution account administrator account that has not been accessed for 90 days
- An institution organizational user account where the user has CHRI access that has not been accessed for 90 days
- An institution organizational user account where the user has no CHRI access that has not been accessed for 425 days

If a user account is disabled, the System will prompt the user to provide identifying information before access to the account is granted.

Company accounts can be disabled if the company has not logged in to the account for 120 days or if fraud or suspicious activity on the account is detected.

Dormant Account:

Company accounts do not go dormant.

An individual account associated with a record that contains no data such as testing and education results, regulatory actions or submitted licensure applications on the record.

Filing: The process by which a company or individual completes and submits the appropriate form—such as the Company form (MU1), Individual form (MU2 or MU4), or Branch form (MU3)—to apply for, transition, or surrender a license, or to update information in their record. The term may also encompass the submission of financial statements or call reports within the System.

License Item: Created by a regulator to denote a deficiency in a filing or a jurisdictional requirement. A license item may be generated by the System to enforce System-set requirements,

Record: Each company, branch and individual has a unique record in the System. A record is completed by submitting the information shown on the Company Form (MU1), Individual Form (MU2), Branch Form (MU3), or Individual Licensing Form (MU4), as the case may be and any accompanying documents. A record may include supervisory information, including documents or other items collected during an examination, investigation or consumer complaint handling.

Transition: The submission of a license request by an existing licensee, whose license is being managed outside NMLS, is being transferred to NMLS by the state regulator.

Unsubmitted Filing: A filing that is in a pending status because an individual or company user has not submitted the application or new information to a state agency through the System.

A. Getting Started

Generally getting started necessitates three steps:

- Determine if a license is on NMLS.
- 2. Account creation
- 3. Record creation

Determine if a license is on NMLS

Each state agency determines which of their license authorities they wish to manage through NMLS. License authorities managed through NMLS include mortgage, consumer finance, debt, and money services businesses.

Business activities drive license types in the System. Business activity detail, which applies to NMLS and SES, can be found here.

It is important to note that a state agency may not manage all of these license authorities on NMLS.

NMLS is designed to replace each state's existing licensing application forms and manual processes and therefore it is intended to be the sole vehicle for applicants or licensees to apply for and manage these licenses.

Account Creation

Companies and individuals that need to apply for a license in NMLS must first create an account.

Individual Account Creation

An account is used to generate, access and maintain a record in NMLS. When an individual requests an account in NMLS, the system requires a Date of Birth (DOB) and a social security number (SSN) for identification purposes. It is important to ensure that this information is entered accurately upon establishing the individual account. If the DOB or SSN is entered incorrectly the individual must contact the NMLS Call Center¹ to have the information updated.

Individuals that do not have a social security number in NMLS will need to contact the NMLS Call Center to complete a request form and provide supporting documentation to obtain an account in NMLS.

For further information, see the <u>Individual Account Creation Quick Guide</u>.

¹ The NMLS Call Center is available for help with system functionality. The representatives cannot confirm licensing requirements or state specific information. The call center is available from 9:00 a.m. to 9:00 p.m. Eastern Time Monday thru Friday.

When creating an account, an individual must provide an email address for business purposes of contacting you or assisting you with your account on NMLS. SRR, on behalf of state regulators, may periodically monitor the use of duplicate email addresses contained in an individual account to ensure one email address (and thus one person) does not have access to multiple individual accounts.

Individuals must provide a recovery email address that is directly and continually accessible by the individual whose name and SSN are associated with that account. This email address should be the address a person may use in the case of an employment change or other event that would normally remove their ability to access NMLS. Users can also add a mobile number which can be used for password resets.



An individual account is considered dormant if it contains no data such as testing and education results, regulatory actions or submitted licensure applications on the record. NMLS will delete a dormant individual user account after 180 days. Pending filings do not prevent an account from dormancy and will be deleted after 180 days along with any related dormant accounts. Any record of an individual on a company filing named as a noncontrol Indirect Owner will not be marked as dormant.

For accounts with education and testing results or submitted or approved filings, NMLS will disable the account if it has not been accessed in 120 days by a company account user or 15 months by an individual user. If a user account is disabled, the System prompts the user to provide identifying information before they can log into their account.

Company Account Creation

Companies wishing to access NMLS to create a record for their company must first go through an entitlement process. This process requires an official within the company to complete the Company Account Request Form, which designates who is entitled to have access to the company account.

NMLS uses four pieces of information from the Company Account Request Form to determine if the company currently has an existing record in the system:

- Full Name of Applicant
- IRS Employer Identification Number
- State/Province & Country of formation
- Date of formation

When requesting a company account in NMLS, only company employees that should have access to NMLS should be listed as account administrators. If additional users outside of the company need to have access to NMLS, the administrators can create user accounts for them once the company account is established.



The Internal Revenue Service (IRS) indicates that Employer Identification Numbers (EIN) are unique and are never re-issued. Therefore, the EIN is the basis for maintaining unique records.

Additionally, companies with the same full legal name and state of incorporation will be flagged for review to determine that they are separate entities. In no case should any two NMLS records share the same data for the 4 pieces of information above. This should prevent a company from inadvertently establishing two records in the system for the same company.

Licensees cannot change their EIN. Only the NMLS Call Center can change an EIN with appropriate approval. Licensees needing to change their EIN should contact the NMLS Call Center.



Use of "NMLS" in a Public Facing Email Address Domain Name

"NMLS" shall not be used in a public facing email address domain name. An email address domain name containing "NMLS" shall not be used in advertising, which would imply there is a relationship between NMLS and the parties. An email address domain name using NMLS cannot appear on consumer access.

When NMLS should be used

Any person or entity wishing to apply for a license, amend an existing license, surrender a license, cancel a license request, or renew their license should do so through NMLS

Record Creation

Once an account is created, companies and individuals must create their record in the System. Each distinct legal entity, branch, and natural person will have a single, unique record in the NMLS. The record consists of demographic and other data points, as well as information required by the <u>SAFE Act.</u> This information is captured on the following forms:

- Company Form (MU1)
- Individual Form (MU2)
- Branch Form (MU3)
- Individual License Form (MU4)

These forms are available electronically on the <u>NMLS Resource Center</u>.

Once a record is created, a licensee will use NMLS to amend the data in their record, maintain their licenses, apply for new licenses, transition an existing license onto the System², surrender a license, cancel a license request, or renew their license.

An applicant or licensee generates a "filing" in NMLS incorporating the most recent information from their record to accomplish these tasks. The filing is then submitted to a regulator to apply for, surrender, or amend a license. A filing may contain a request to more than one regulator. When submitting a filing, one must attest that the information is true and accurate as of the date of the filing. The term "filing" may also encompass the submission of financial statements or call reports within the System.

Note: Licensees are responsible for maintaining their record and can update their record by submitting a new filing to the state regulator.

Note: In certain instances, a company may be required to create a new record (see Section I "Amendments to a company's structure that will require the creation of a new NMLS record" below).

² See Appendix 1 for license transition information



NMLS operates as a real-time system and is the legal system of record for the state agency. When a company, branch, or individual updates their record, the change applies to every state in which they hold a license.

As a real time system, document uploads, including regulatory actions, changes made to a licensee's record, or license status by a regulator become part of a company, branch, or individual record and are effective as of the date and time of the change in NMLS except for an advance change notice (defined in Chapter II).

With the exception of state-specific documents, all states see the same information in NMLS about licensees. If one state does not accept the information on an applicant's filing or does not accept a license amendment submitted by a licensee, the entity has the choice of foregoing licensure in that state or changing their record for all states.

You are required to update your NMLS record no later than 30 days after information in their record changes. Some jurisdictions may have earlier amendment requirements.

B. Licensee responsibility for their One Record in NMLS

Each company and individual is responsible for their record in NMLS. Regulators cannot change a company, branch, or individual's information. If a regulator has an issue with information on an applicant or licensee's record, they may require the applicant or licensee to change their record. They will typically do this by placing a "license item" on the entity's record.

Industry users of the System must agree to the Industry Terms of Use³: Among other provisions the Terms of Use states:

- (1) An account, including a user's unique username and password, is not transferable to any other person or entity
- (2) A user is responsible for protecting the confidentiality of login credentials (including without limitation usernames and passwords).
- (3) Everyone accessing the System must do so with unique login credentials that can be used only by that individual.

³ The Industry Terms of Use which governs industry's use of the System can be accessed here.
<a href="https://www.nusers.com/nusers.

C. State-specific requirements outside NMLS

Applicants and licensees may be required by a state to submit additional items outside the system. The state licensing requirements will provide instructions that will:

- a. detail any information not contained on the NMLS record that must be submitted by license applicants and licensees; and
- explain how certain questions on the licensee's or applicant's NMLS record should be answered to meet jurisdiction-specific requirements.

Licensees and applicants can access state licensing requirements from links on the MU form within NMLS or visiting the <u>Licensing and Registrations</u> page on the NMLS Resource Center. Materials submitted outside NMLS are generally expected to be received by the state regulator within <u>5 days</u> of submission of a filing in NMLS.

D. Creation of New Company Record

Each distinct company in NMLS will have a single record, regardless of licensing status or the number of jurisdictions they are licensed in.

The system will provide the company with a unique identification number ("NMLS ID Number") that will remain constant across states and over time. The unique identifying number is different than a license number, which will be provided by a regulatory agency. As a result, it is important in NMLS to ensure that only a single record is created for each entity that the system wishes to track.

E. Amendments to a company's structure that will require the creation of a new NMLS record

Changes made to a company's structure may necessitate a new company record.

Whether a new record is required depends on how the change is treated pursuant to the state statutory provisions under which the company was formed and/or how the IRS treats the change.

If an entity is considered to be the same entity after a change is made to its structure, the existing record will be used. If the Internal Revenue Service requires a new EIN, regardless of the statutory provisions in the state, a new NMLS record is normally required.

When the change results in dissolution of the entity or formation of a new entity a new record will be required; this includes a change in EIN.

If the company has created a record in NMLS or submitted a filing to one or more states through NMLS and their EIN has changed, they should not update any information related to the Legal Status of the entity until first contacting the NMLS Call Center.



Tool Tips to Determine if a New Record is Required

- Generally, if an entity is considered to be the same entity after a change is made to its structure and there is no change in the entity's EIN, a new NMLS record is not required.
- If the *Employer Identification Number* changes, then a new NMLS record is required. A possible exception to this rule is in the case of a Sole Proprietor who converts from using his or her Social Security Number to using an IRS Employer Identification Number without changing their corporate structure (remaining a Sole Proprietorship). In cases where a Sole Proprietor changes its corporate structure, most often to an LLC or other Corporation, a new NMLS record is required.
- Companies cannot change their EIN themselves. When a licensee changes its EIN, they must contact the Call Center to walk through the process developed to appropriately handle these changes.
- If the Full Name of Applicant changes, but none of the other three identifying pieces of information changes (EIN, state and date of formation), then a new record is not required. NMLS allows companies to make such a change themselves.
- If state law and the IRS allow conversions to a new structure while maintaining the same EIN, state and date of formation, then NMLS will not require a new record to be created.
- If a company changes ONLY its state and date of formation and (1) state law
 and the IRS allow these changes and (2) there is no change in the EIN or the
 structure of the company, then NMLS will not require a new record to be
 created. However, some states may require a new license.
- When a company creates a subsidiary that has a different Full Name of Applicant, Employer Identification Number, State/Province & Country of formation, and date of formation, then NMLS requires a new record.
- If a licensee changes its EIN after they create their NMLS record, but before
 they submit any filings in the system, then NMLS will not require a new record
 to be created.
- If a company has purchased another company within NMLS, a new record may
 or may not be required based on the circumstances of the purchase. The NMLS
 Call Center and SRR will work with the company to determine the best course of
 action to take within NMLS concerning their record(s).

See the chart below.

Original Structure	New Structure	New Record Required?
Sole Proprietorship	Any other form	Yes
Partnership	Any other form	Yes
Partnership	Partnership with new or different partner names	No
Any corporate form	Conversion under state of domicile statutes	No-Unless New EIN is Issued
Mergers of two corporations or LLCs	One of original corporations or LLCs remains	No – licensee elects which entity remains in system
Mergers of two corporations or LLCs	New corporation or LLC	Yes

Questions about when a new record will need to be created can be referred to the Call Center for consideration. The only requirement that NMLS enforces is the fact that a change in EIN requires a new record. If a company fails to respond to continued requests for the creation of a new record, the state regulator will be contacted for further action and could result in the company account being disabled.

Unique Transactions

a. Multi-series LLCs

Approximately 6 or 7 state corporation statutes (DE is the most notable) allows the operating agreements of limited liability companies to provide for the establishment of one or more designated series of members, managers, or LLC interests that have separate rights, powers, or duties. The decision as to whether these "series LLCs" have separate Exact Name, IRS Employer Identification Numbers, State/Province & Country of formation, and date of formation is determined by the incorporated LLC. Additionally, states have treated these entities differently.

The NMLS Account Creation Policy requires all entities to obtain a unique employer identification number (EIN), regardless of whether this is a requirement for federal income tax purposes. Therefore, NMLS requires that each entity under a series LLC have its own unique EIN for licensing purposes.

b. F Reorganizations

In cases such as an F Reorganization, when there is a change in the state of formation, but no change to the entity's EIN, the Date of Formation in the entity's record shall reflect the date of formation in the new state of formation. The Date of Formation field in the company record populates the Date Formed field in Consumer Access.

F. Consumer Access and Publicly Available Information

The *Safe Act* states NMLS shall "provide consumers with easily accessible information, offered at no charge, utilizing electronic media, including the Internet, regarding the employment history of, and publicly adjudicated disciplinary and enforcement actions against, loan originators."

Accordingly, some information from a licensee's record is made publicly available through NMLS Consumer Access which is a separate system than NMLS. Areas of the Company, Branch, and Individual Forms that are made available are indicated throughout the Guidebook.

Chapter II - NMLS COMPANY FORM (MU1)

Terminology Used in this Chapter

Account: An account is the vehicle through which a user accesses their record in the System.

Filing: The process by which a company or individual completes and submits the appropriate form—such as the Company form (MU1), Individual form (MU2 or MU4), or Branch form (MU3)—to apply for, transition, or surrender a license, or to update information in their record. The term may also encompass the submission of financial statements or call reports within the System.

Record: Each company, branch and individual has a unique record in the System. A record is completed by submitting the information shown on the Company Form (MU1), Individual Form (MU2), Branch Form (MU3), or Individual Licensing Form (MU4), as the case may be and any accompanying documents. A record may include supervisory information, including documents or other items collected during an examination, investigation or consumer complaint handling.

A. General Instructions

A company or sole proprietorship creates its record in the System by completing the NMLS Company Form (MU1). The form is used to apply for a license/registration in one or more states, to transition a license, to amend information in the record or to surrender a license ("a filing"). If the company is applying for a new license, the Individual Form (MU2) must also be completed by individuals identified as Direct Owners & Executive Officers, Indirect Owners with control and Qualifying Individuals on the Company Form (MU1).

Note: Some information may have to be submitted to state regulators outside of the System.



To ensure all state licensing requirements are met, applicants should review the state licensing checklists available on the NMLS Resource Center.



In NMLS, there is no distinction between the filing date and the effective date. The filing date is the date the submission is made in the System to one or more regulators. The change is made to the licensee's record in the NMLS instantly. Thus, the effective date and the filing date are the same.

.



Company Information Shown In Consumer Access

NMLS Unique ID

License # by State

License name by State and Industry Type

License status by State and Industry Type

Entity Name

Entity Main Address (City, State, Zip)

Business Phone, Toll Free Phone Number, Fax, Email Address

Mailing Address if different from Main Address (City, State, Zip)

Other and Prior Trade Names

Resident/Registered Agent

Web Address

Legal Status (Fiscal Year End, Formation State, Formation Country, Date of Formation, Stock Symbol (if applicable),

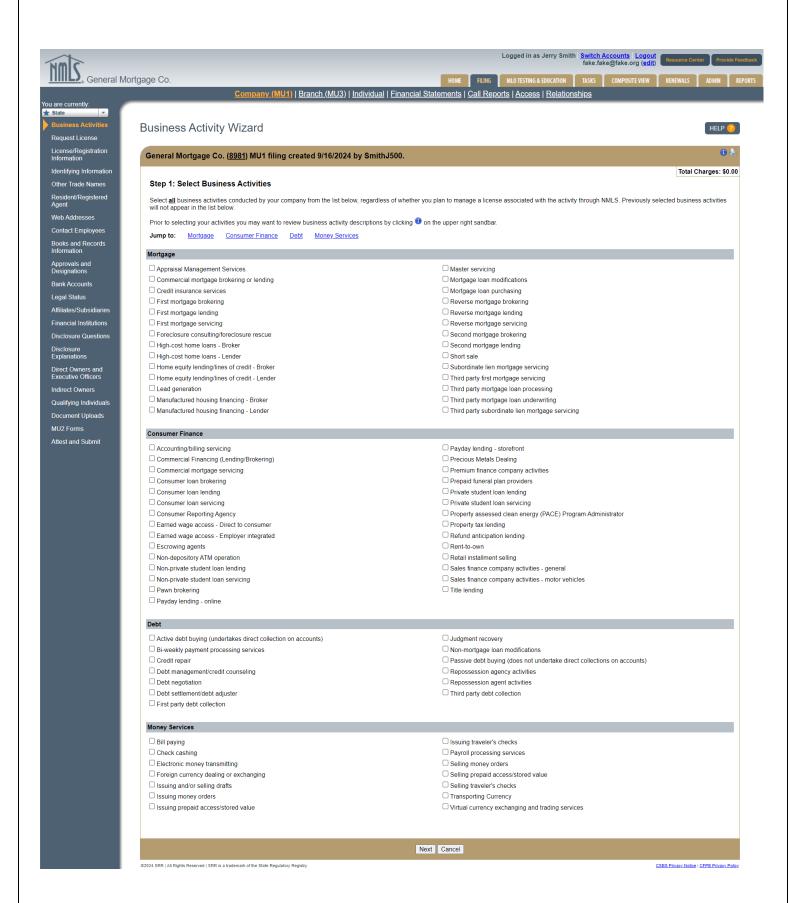
status)

Public State Regulatory Actions

BUSINESS ACTIVITIES

Applicants will be asked to select all business activities conducted by their company from a list provided. Applicants and licensees should indicate <u>all</u> business activities the company engages in, regardless of whether those activities are undertaken in a state in which they are applying for a license and whether or not you plan to manage a license associated with the activity through the System. Your selected business activities will enable the System to provide you with a list of licenses for which you may apply.

Below is a screenshot of the Business Activity Wizard in NMLS. Review the current business activities list and definitions for an up to date description of each activity.

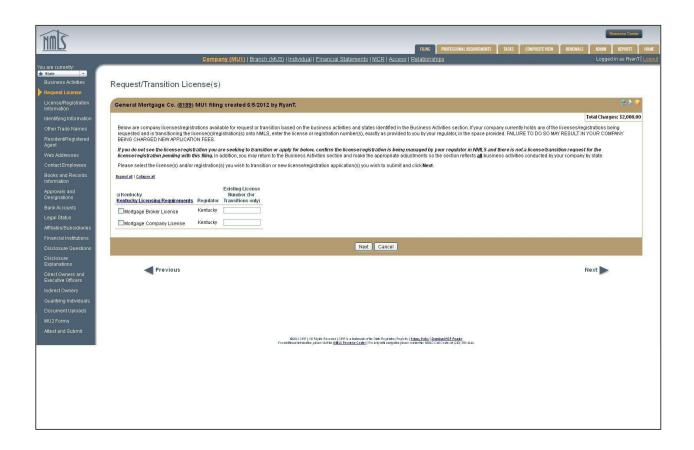


REQUEST LICENSE

The Request/Transition License(s) screen identifies the license/registration types available based on the business activities and states selected in the Business Activities Wizard. The System does not allow applicants or licensees to apply for or maintain two of the same license types in any one state.

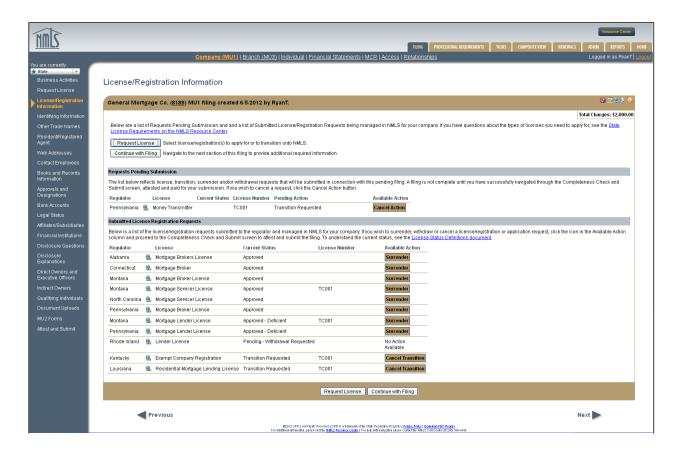


Entities that are currently licensed with a state (outside of NMLS) and have been directed to transition their license(s) will enter the license number on this screen.



LICENSE/REGISTRATION INFORMATION

The License/Registration Information screen will display a list of all license/registration requests pending submission as well as any previously submitted license/registration requests. From this screen users can request a new license, review existing requests, cancel a previously submitted request, request to withdraw an existing license/registration or request to surrender an existing license/registration.



IDENTIFYING INFORMATION

Guidance for each required piece of company identifying information is below:

1. Entity Name and EIN

The entity name should be the full legal name as found in the formation documents and as shown on the documentation provided by the domestic state. On a new application, the company may be required to submit formation documents in the Document Uploads section. Consult state licensing requirements to see if any states in which you are applying require these documents.



It is important that each company is set up by their legal name and not by any trade name or "doing business as" name they may use.

If the applicant or licensee is a sole proprietor, then they should use their Last, First, Middle names, and suffix ("Jr", "III", etc.) if any. Do not enter a professional or academic suffix.

Note: As noted above, if the Full Name of Applicant changes for an existing licensee, but the Employer Identification Number, the State/Province & Country of formation, and the Date of Formation does not change, NMLS will not require a new record to be created in the System. The EIN is the Taxpayer Identification Number issued by the IRS. If the applicant is a sole proprietor without employees, this number may be the sole proprietor's Social Security Number (SSN) or an IRS issued EIN. These numbers are also known as "FEIN" or "TIN."

This number may or may not change upon amendment to reorganize the company. For example, a sole proprietor without employees may use the proprietor's SSN, but if the proprietor establishes an LLC or Corp, the company will need an EIN even if no employees are added at the time of re-organization.

Many states require currently approved companies to provide the regulator with advance notice before making changes to their legal name and/or main address. An advance notification allows the regulator to review the change prior to its effective date and indicate to the licensee if the proposed change is acceptable.

2. Do you want to amend your legal name?

This field gives licensees the ability to change their name in NMLS. In most states, name changes require additional documentation and approval by the state regulator(s). See

the state licensing requirements amendment checklists or consult your state regulator prior to changing your name in NMLS.

Additionally, some states charge a fee for a name change. The "Total Charges" section of your filing (upper right corner) will indicate when this occurs as part of a filing.

3. Main address (Do not use a PO Box)

A physical address is required. Since NMLS contains a single record on a company, the main address listed shall be the principal executive office that is a single place, domestic or foreign, where a company's key individuals (such as control persons) direct, control, and coordinate the company's activities.



In practice the main address should normally be the place where the company maintains its headquarters—provided that the headquarters is the actual center of direction, control, and coordination, i.e., the "nerve center," and not simply an office where the company holds its board meetings or the like.

NMLS presumes that the license authority conferred with a Company Form (MU1) is a general license authority for a company. The main address is automatically considered by the system as a licensed or registered location.



Notwithstanding the system requirement, depending upon the activity being conducted at the main address, a state may not require the main address to be licensed or registered.

If no licensable activity is being conducted at the main address location as defined above (i.e., a majority of states would not require that location to be licensed or registered), then the operations hub for the licensee may be listed as the main address.

4. Business phone, fax and email address

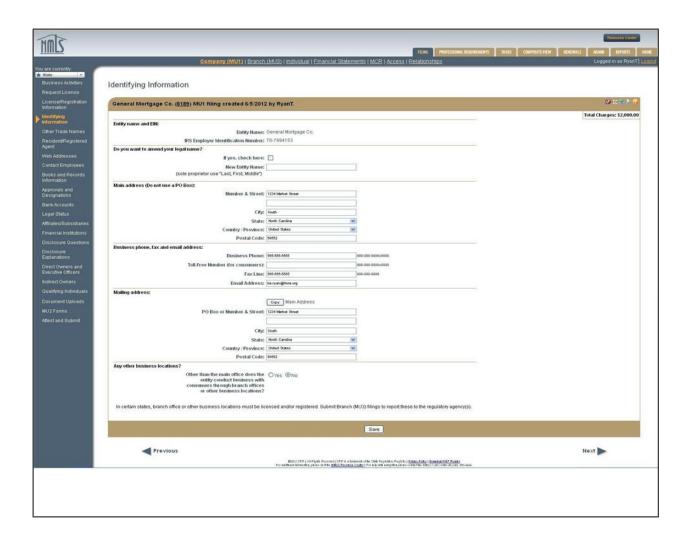
Provide a business phone, toll-free phone number, fax, and email address for a contact person in your organization.

5. Mailing address

Licensees who use a drop box or PO Box for their mailing can indicate a Mailing Address. A copy button is available to copy the main address if the mailing address is the same.

6. Any other business locations?

If you answer "Yes" to this question, consult the state licensing requirements to determine if you need to file a Branch Form (MU3) for each of these locations.



OTHER TRADE NAMES

As noted in the field descriptions below, Other Trade Names must be completed for all other names the company will be using in NMLS participating states and for which industry types. These include other business names, fictitious names, forced dba's "doing business as", etc. NMLS allows an unlimited number of Other Trade Names.

Licensees should not include "dba" in front of their Other Trade Name. The name inputted should be exactly as used in advertising, documents, etc.

Licensees should indicate if the "dba" is forced by a state by checking the box in the forced column. A forced "dba" is one that is required to be used because the state's Secretary of State or other agency will not allow the company to use its legal name.

This may be due to several reasons, including the company's legal name is already used by another company in that state. Please consult state licensing requirements for additional information related to forced "dbas."

Consult state licensing requirements to determine if there are any restrictions or additional requirements for Other Trade Names.

Industry Type(s)

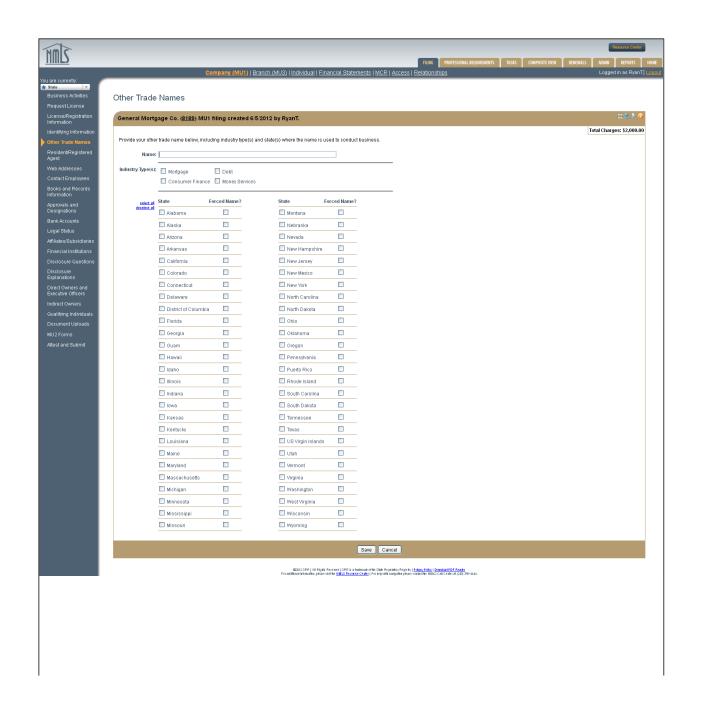
Applicants and licensees must indicate the industry type(s) to which the Other Trade Name applies.

State

Applicants and licensees must indicate the state(s) to which the Other Trade Name applies. A forced name is applicable when a particular state has forced you to use a particular trade name in their jurisdiction.



Check state licensing requirements to determine if a state requires Other Trade Names to hold a separate license.

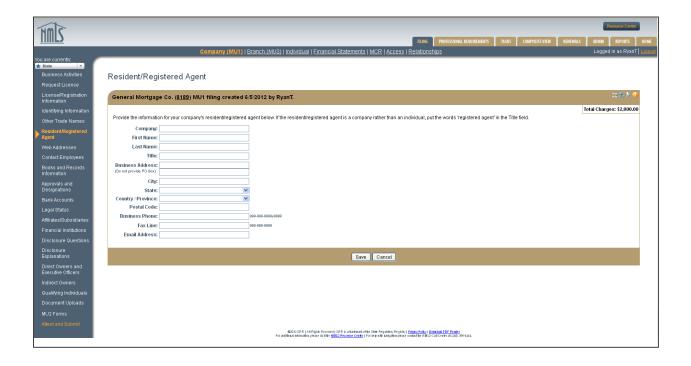


RESIDENT/REGISTERED AGENT

The Resident/Registered Agent is the entity that will receive service of legal process on behalf of the applicant or licensee. A resident/registered agent must be identified in each state in which a license/registration is held, and the business address must be within that state.

If a state does not require the identification of a resident/registered agent, consult the state licensing requirements to determine how to complete this section. Typically, such states will accept an owner or officer of the company to be included here.

Resident/Registered Agent should match Secretary of State documentation.



WEB ADDRESSES

A web address is optional in NMLS. Applicants or licensees should include any corporate websites, including any and all websites through which they solicit customers or through which they transact business. There is no limit to the number of websites that can be entered.

Note: Some states have additional requirements for websites, please check state licensing requirements for additional information.

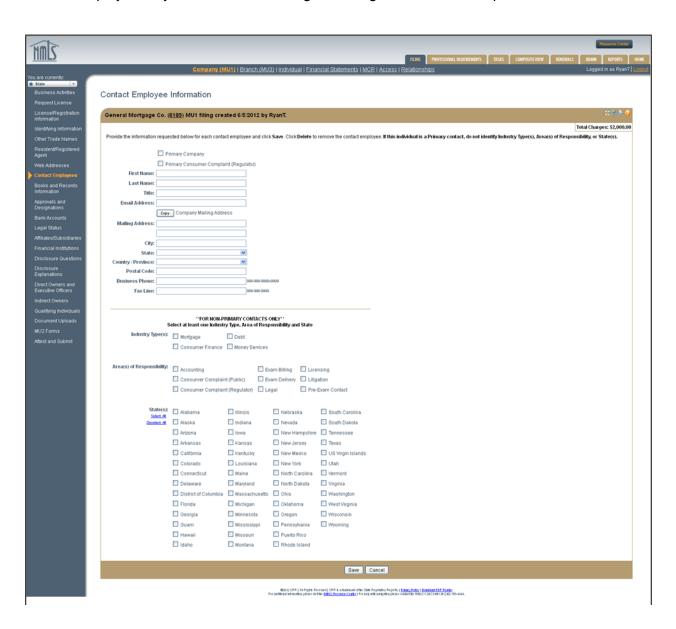


CONTACT EMPLOYEES

The individual(s) listed as the primary company contact must be authorized to receive ALL compliance and licensing information, communications, and mailings regarding the entity, officers, directors, and individuals. They must also be responsible for disseminating it within the applicant or licensee's organization. The Company Contact is for regulator use.

Applicants and licensees are required to submit a primary company contact and a primary consumer complaint contact. If allowed by a state, this can be the same person. Applicants and licensees also have the ability to submit additional, non-primary, contacts. For non-primary contacts, you must also list the applicable industry type(s), area(s) of responsibility, and state(s).

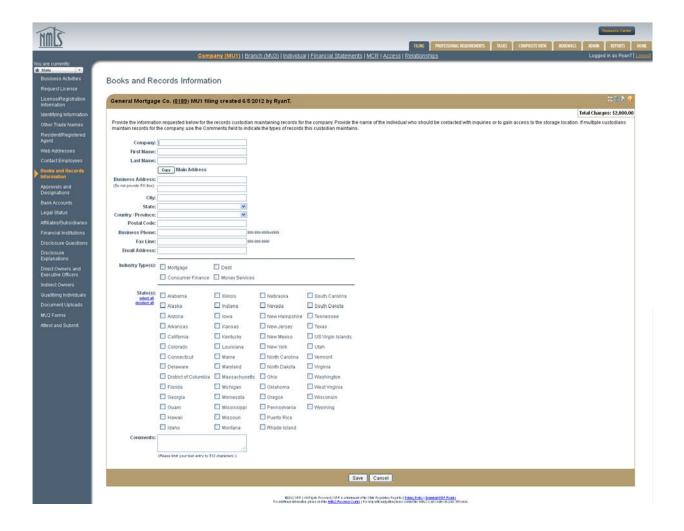
The Contact Employee may be the "Resident/Registered Agent" for service of process.



BOOKS AND RECORDS INFORMATION

Applicants and licensees should list the company name and address of the location where books and records are stored. They should also list the name of the individual at this location that should be contacted with inquiries about or to gain access to the storage location. A company can copy the *Main Address* here.

Multiple contacts for record retention are allowed in the System and you must specify contact by industry type(s) and state(s). You can use the comments field to specify the types of records being retained by your company at that location. Please consult state licensing requirements to see if any states have further requirements for this section.



APPROVALS AND DESIGNATIONS

Licensees and applicants must provide information related to any approvals and designations that their company currently holds. If you feel that certain approvals/designations are not captured by the mentioned categories, or not captured accurately, select the *Other Approval/Designation* field provided to clarify. If a licensee or applicant has no approvals, they can skip this section.

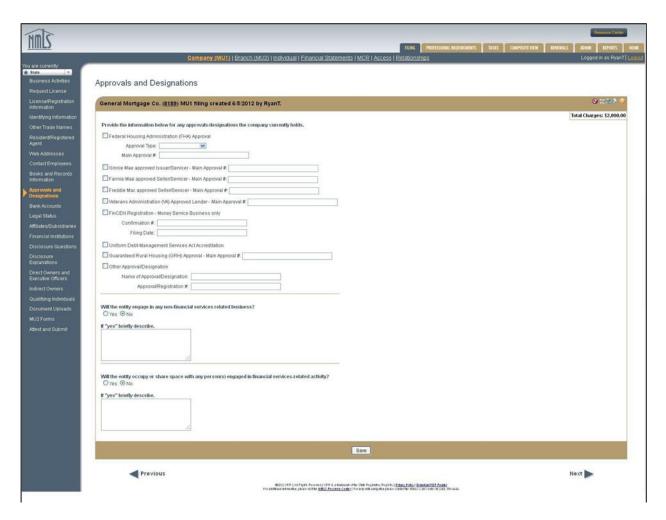
In addition, licensees and applicants must answer the following questions:

Will the entity engage in any non-financial services related businesses?

If the applicant or licensee answers "Yes" to this question, identify the name of the business and describe the type of non-financial services related business in which you will be engaged.

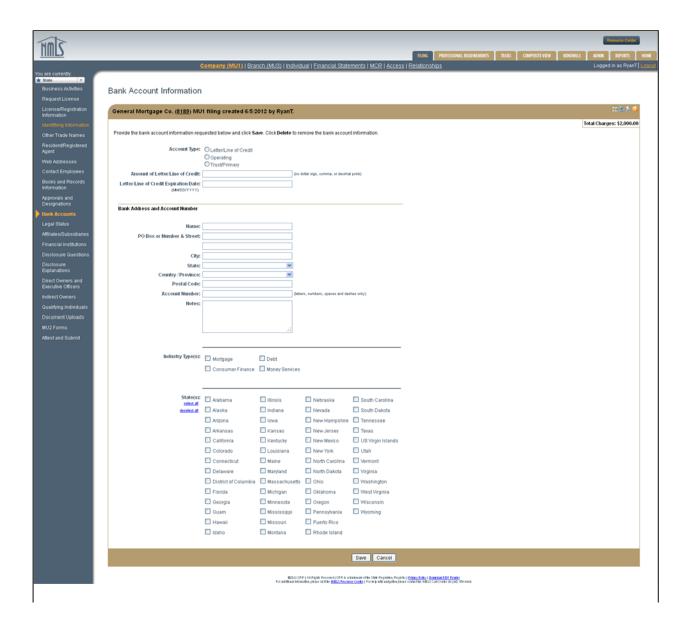
Will the entity occupy or share space with any person(s) engaged in financial services-related activity?

If the applicant or licensee answers "Yes" to this question, identify the name of the business with which space will be shared and the specific type of financial services related activity in which the other company or person is engaged.



BANK ACCOUNTS

Applicants and licensees should consult state licensing requirements to see if bank account information must be provided. Generally, applicants and licensees should leave this section blank unless directed to complete it by one or more regulators.



LEGAL STATUS

In addition to entering the information in this section, applicants and licenses may upload supporting documentation (e.g. formation documents) through the document uploads section of this filing.

Fiscal year end

The applicant or licensee should enter the month and day of the end of its corporate fiscal year. Sole proprietorships should enter 12/31 for fiscal year end.

Formation State

The applicant or licensee should enter the state in which legal status of the corporate entity was obtained. This information can be found on the company's incorporating documents. Sole proprietorships must leave this field blank. If an applicant was formed outside the U.S., leave this field blank.

Formation Country/Province

The applicant or licensee should enter the formation country or province of the corporate entity. This information can be found on the company's incorporating documents.

Date of Formation

The applicant or licensee should enter the month, day, and year in which the company was legally formed. This information can be found on the company's incorporating documents. This must be in the MM/DD/YYYY format. Sole proprietorships must leave this field blank.

If publicly traded, please insert stock symbol

A stock symbol is a combination of letters.

Indicate Legal Status

If a state is a community property state, the state's licensing requirements may outline additional details for spouses of sole proprietors. Some states distinguish between S- and C-corporate organizations.

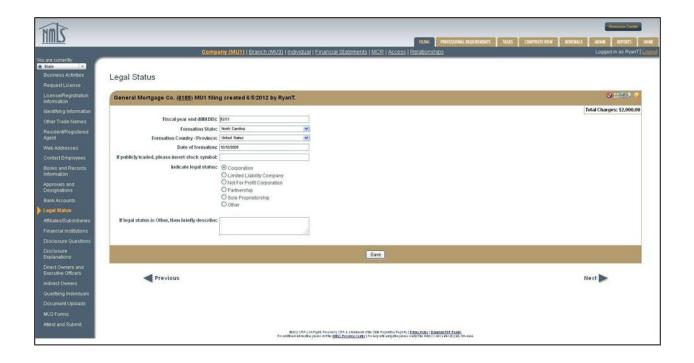
In addition to the Company Form (MU1), a sole proprietor of the sole proprietorship <u>must</u> complete the Individual Form (MU2). The Company Form (MU1) is completed in terms of the sole proprietorship as a business entity and the Individual Form (MU2) is completed in terms of the natural person. If the state requires a sole proprietor to also hold a loan originator's license, then the sole proprietor must also complete the Individual Licensing Form (MU4).

Note: A sole proprietor will have one NMLS login which will allow access to the business entity account and the individual account.

Amendments to the Fiscal Year End, Legal Status, and State or Date of Formation NMLS allows amendments to the FYE, legal status, and state or date of formation but does not allow amendments to the company's EIN without contacting the NMLS Call Center. In many cases, a change to the FYE, legal status, and state or date of formation indicates a new entity has been formed and a new NMLS record is required. (See "Tool Tips to

NMLS Guidebook-Updated: May 15, 2025

determine if a New Record is Required" in Chapter I.)



AFFILIATES/SUBSIDIARIES

Applicants and licensees must identify each entity under common ownership (affiliate) and each entity under control (subsidiary) that provides financial services or settlement services.

For purposes of this section4:

- (1) An affiliate is defined as an entity whereby the common owner, regardless of ownership amount of the applicant, owns 10% or more of the entity.
- (2) A subsidiary is defined as an entity that is owned 25% or more by the applicant, either directly or indirectly.

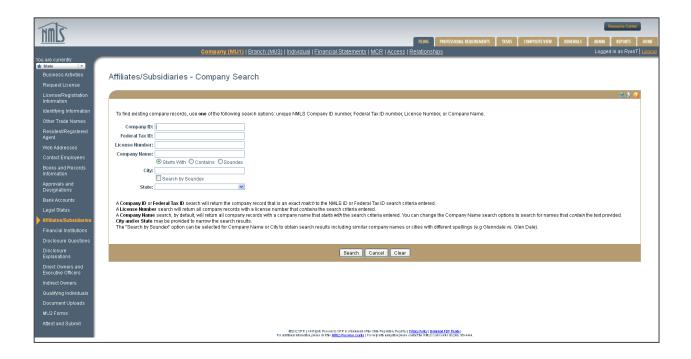
You may utilize the search option to find the entity's record in the system. If no record is found, then you must input the following information:

Affiliate/Subsidiary Name – provide the full legal name of the affiliate or subsidiary

Name and Street/City/State/Country/Postal Code – provide the main address for the affiliate or subsidiary

Control Relationship – identify whether the entity is under common ownership (affiliate) or under control (subsidiary) of the applicant or licensee

Description – the description should include the line of businesses engaged in by the affiliate or subsidiary



⁴ States may have different definitions and Company users are advised some states may require additional information in connection with affiliates and subsidiaries that provide financial services or settlement services.

FINANCIAL INSTITUTIONS

If the applicant or licensee is controlled by a Credit Union, Bank Holding Company, State Member Bank of the Federal Reserve System, State Non-Member Bank, National Bank, Foreign Bank, Savings Association/Savings Bank, or Thrift Holding Company the institution must be identified in this section. A company search option is not available for this section.



Financial Institution information required here <u>DOES NOT</u> include the institution the company uses in financing its operations. This is not an area for corporate banking information. Information related to corporate bank information may be entered in the Bank Accounts section if required by your regulator(s).



DISCLOSURE QUESTIONS

The definitions for terms used in the disclosure questions are contained in the **Glossary-Explanation of Terms** section of this Guidebook.

All Disclosure Questions must be answered. Any "Yes" response requires an explanation to be provided in the **Disclosure Explanations** section. A single PDF file can be uploaded with any applicable documentation. The regulator will be able to review the explanation and documentation.

While a licensee may have disclosed a "Yes" answer in a previous application, when transitioning their license onto NMLS they will have to answer "Yes" again, if still relevant.

When responding to questions regarding Control Affiliates, all current and former Control Affiliates for the last ten years must be disclosed.

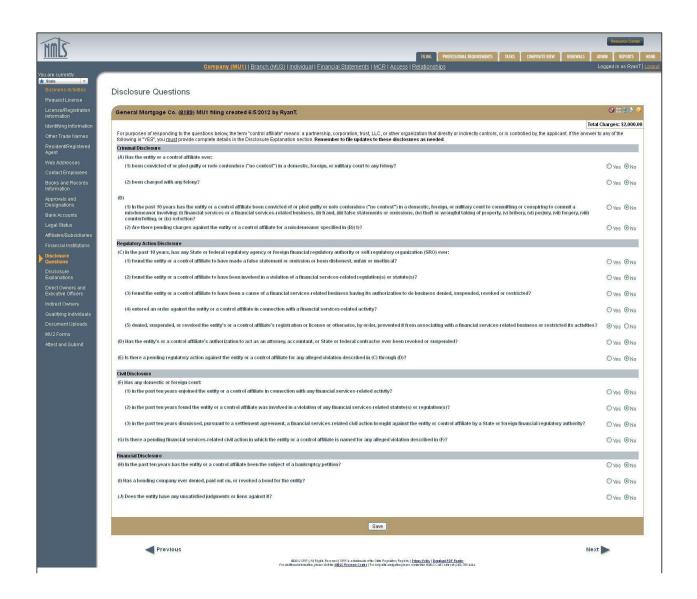
Financial services related convictions entered by a municipal court (if the violation stems from a city ordinance and not necessarily from criminal code, for example) rather than a criminal court should generally be disclosed under the Civil Disclosure section of the disclosure questions.

Disclosure of a sealed or expunged conviction or item is not required if relevant state law or a court order does not require or prohibits disclosure.

Disclosure of a felony or misdemeanor case disposed of in juvenile court is not required if relevant state law or a court order does not require or prohibits disclosure.

Companies who in the normal course of business face multiple civil actions must respond affirmatively to the questions in F and G. An explanation stating this fact is required and further details related to specific cases may be required, including supporting documentation for each civil action. Please consult state licensing requirements to verify what information is required to be submitted through NMLS.

Companies are required to update their Disclosure Questions when circumstances change in accordance with state law or within 30 days, whichever is shorter. This includes answers that are changed from "Yes" to "No". A change in response requires an update to the Disclosure Explanation section.



DISCLOSURE EXPLANATIONS

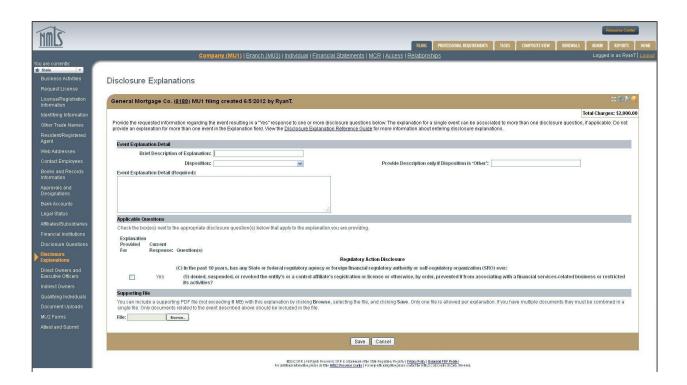
An explanation must be provided for each disclosure question that has a "Yes" response. A separate explanation should be provided for each event resulting in a 'Yes' response to a disclosure question. A single explanation can be associated to multiple "Yes" responses and each explanation allows a single PDF to be uploaded in support of the explanation. Also, multiple explanations may be provided if multiple events are related to a single question.

You should provide an explanation for a "No" response only if you answer "No" to a disclosure question and have information to provide to the regulator to clarify the response.

Companies are required to update their Disclosure Explanations when circumstances change in accordance with state law or within 30 days, whichever is shorter. This includes adding a new explanation for each new event, even if the disclosure question response has not changed.

Consult the disclosure explanation reference guide for additional information.

Note: Some states may require companies to provide an explanation and/or supporting documentation for previous "yes" responses.



DIRECT OWNERS, EXECUTIVE OFFICERS AND CORPORATE GOVERNANCE

Entity ID, Full Legal Name, Title, and Percentage of Ownership

The applicant or licensee must identify all Direct Owners with 10% or more ownership and Executive Officers.

If the direct owner or executive officer is a natural person (individual), the applicant or licensee should list their full legal name as First, Middle, Last, Suffix, provide their title and the percentage of ownership. All natural persons listed in the Direct Owners and Executive Officers section of the Company Form (MU1) are required to complete and submit an Individual Form (MU2).

Note: Applicants and licensees should review the definition of *Control* when completing this section and include any individual or company that has *Control* over the entity.

CONTROL is determined in several ways:

- 1) Equity Owners an entity or individual that, directly or indirectly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities. In the case of a partnership, an entity or individual that has the right to receive upon dissolution, or has contributed, 10% or more of the capital, is presumed to control that company
- 2) Corporate Governance as set out in the most recent Articles of Incorporation, Articles of Organization, or Partnership Agreement.
 - A) Board of Directors, Board of Managers, Member Manager, General Partner, or similar governing body, whether they are compensated or not.
 - B) President, Executive Vice President, Senior Vice President, Treasurer, Secretary, or similarly elected or appointed senior corporate officers
- Functional Responsibility Individuals, regardless of title, who have the power, directly or indirectly, to direct the management or policies of a company by contract, or otherwise. Job description holds individuals responsible for the operational, financial, information technology, compliance, and/or security functions of the company, including Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Credit Officer, Chief Compliance Officer, and individuals occupying similar positions or performing similar functions. Other required individuals may include qualified persons, location supervisors, and branch managers.

Entities & Individuals that Should be Included in Direct Owners and Officers							
Applicant Type	Equity Owners	Corporate Governance		Functional Responsibility			
"C" Corporation	Shareholders ≥10%	All members of Board of Directors	Elected or Appointed Officers	Chief Officers & other required individuals			
"S" Corporation	Shareholders ≥10%	All members of Board of Directors	Elected or Appointed Officers	Chief Officers & other required individuals			
Limited Liability Company	All Members ≥10%	Member Managed (Managing Member) All Managers (Board of Managers)	Elected or Appointed Officers	Chief Officers & other required individuals			
Partnership	All Partners ≥10%	General Partner	Elected or Appointed Officers	Chief Officers & other required individuals			

The following points will help companies decide who to include:

Direct Owners

Direct owners include any person that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10% or more of a class of voting security of the applicant or licensee. For purpose of this section, a person beneficially owns any securities (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in- law, brother-in-law or sister-in-law, sharing the same residence; in cases where the company is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 10% or more of the partnership's capital.

In the case of a trust that directly owns 10% or more of the class of voting security of the applicant, or that has the right to receive upon dissolution, or have contributed, 10% or more of the applicant or licensee's capital, the trust and each trustee.

In the case where the company is a Limited Liability Company ("LLC"), (i) if member managed, the managing member, (ii) if managed by elected or appointed managers, all elected or appointed managers; and (iii) those members that have the right to receive upon dissolution, or have contributed, 10% or more of the LLC's capital. In the case where the company is a partnership, (i) all general partners, and (ii) those limited and special partners that have the right to receive upon dissolution, or have contributed, 10% or more of the partnership's capital.

In certain states, other required persons, including "qualified persons" or branch supervisors. Consult the state licensing requirements in which the applicant or licensee is applying for details.

Ownership must be disclosed as it is found on the organizing documents of an entity. Ownership disclosure in NMLS is not dependent on community property statutes and therefore should be represented in NMLS as found on legal organizing documents for the entity.

Control Person

A control person is an individual (natural person) that directly or indirectly exercises control over the applicant or licensee. This definition includes any individual that is a "director, general partner, or executive officer." The term director includes all members of a company's board of directors, including board members that are not employees of the company.

Stock Symbol

Provide the stock symbol (if the company is publicly traded).

SSN or EIN

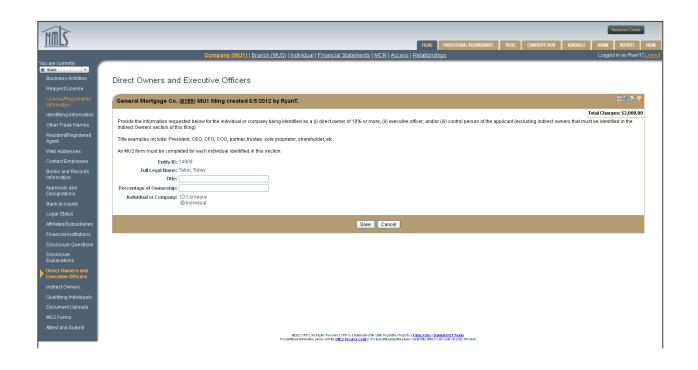
Provide the person's social security number or the company's tax identification number or employer identification number, as issued by the IRS.

Individual or Company

All direct owners of 10% or more should be identified, regardless of the applicant or licensee's business structure. All individuals listed in this section are required to complete and submit an Individual Form (MU2).



Note: If an applicant or licensee is publicly traded or there are *Control* persons holding less than 10% ownership, then the total percent ownership derived from the individual line items may not equal 100%.



INDIRECT OWNERS

Applicants and licensees must identify all indirect owners with 25% or more ownership in this section. For each owner indicate percentage of ownership.

If the indirect owner is a natural person (individual), the applicant or licensee should list their full legal name as First, Middle, Last, Suffix.

In the case of an indirect owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25% or more of a class of voting security of that corporation shall be identified. For purposes of this section, a person beneficially owns any securities (i) owned by his/her child, stepchild, grandchild, parent, stepparent, grandparent, spouse, sibling, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law, sharing the same residence.

In the case of an indirect owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25% or more of the partnership's capital shall be identified.

In the case of an indirect owner that is a trust that owns 25% or more of the class of voting security of its direct owners, the trust and each trustee for the trust shall be identified.

In the case of an indirect owner that is a Limited Liability Company ("LLC"), (i) those members that have the right to receive upon dissolution, or have contributed, 25% or more of the LLC's capital, and (ii) if managed by elected or appointed managers, all elected or appointed managers shall be identified.

Continue up the chain of ownership listing all 25% or more indirect owners at each level of ownership. Only once a public reporting company, a credit union, a bank or a bank holding company regulated by a Federal Banking or Credit Union Regulator, a trust (with its trustee(s)) or a natural person is reached, no ownership information further up the chain of ownership need be given.

Full Legal Name – Provide the full legal name of the Indirect Owner. If the person listed is a company (organization), the applicant or licensee should list the full legal name in its domestic state.

Ownership Type – Status examples include partner, trustee, indirect owner, shareholder, etc.

Equity Owner in Which Interest is Held – Provide the name of the Direct or Indirect Owner in which percent ownership interest is held.

Percentage of Ownership – Identify the percentage of ownership that the Indirect Owner holds in the company that owns the applicant or licensee. The total percentage of ownership can be less than 100% due to the fact that those with less than a 25% ownership at each level need not be identified. The total percentage of ownership cannot be more than 100%.

SSN or EIN – Provide the person's social security number or the company's tax identification number or employer identification number, as issued by the IRS.

Control Person

Licensees must identify natural person indirect owners of 10% or more of the licensee as a *Control Person* using the available radio button. These individuals must complete and submit an Individual Form (MU2). See Chapter III herein.

Note: Sections completed throughout the Company Form (MU1) assist in the completion of the Individual Form (MU2). The Individual Form (MU2) filing(s) are created based on the designated Control Persons and Qualifying Individuals. The individuals must attest to the Individual Form (MU2) prior to submitting the Company Form (MU1).

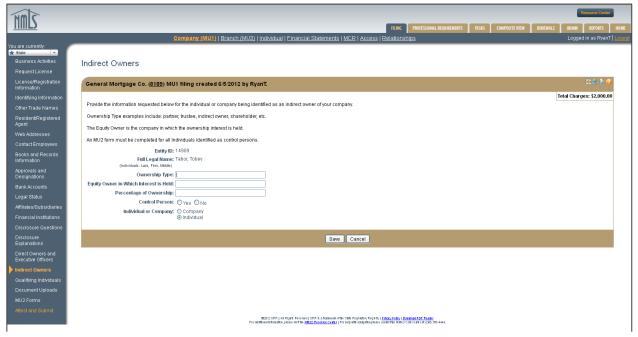
Individual or Company?

An applicant or licensee's owners may include company organizations so they should continue up the ownership chain (or "ladder"), reporting those with 25% or more ownership interest at each level, until the reporting reaches a publicly traded entity, or the last natural person.

If the person listed is a natural person (individual), the applicant should list his/her full legal name as Last, First, Middle, use the "Direct Owner In Which Interest is Owned" field to enter the company name for which this individual is reporting, and provide his/her title and the percentage owned for the applicant.

All indirect owners of 25% or more should be identified, regardless of the applicant's business structure.

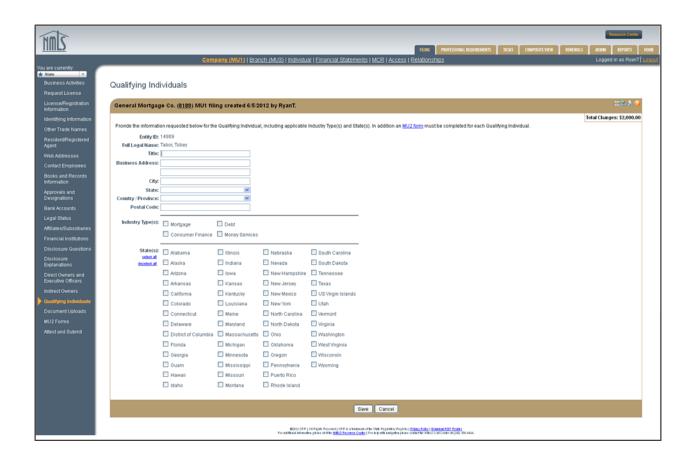
Note: If the legal status on the Company Form (MU1) is a Sole Proprietor, this <u>entire</u> section will be blank.



QUALIFYING INDIVIDUALS

Different states refer to "Qualifying Individual" as other names, such as "Qualified Person in Charge (QPIC)" or "Managing Principal." Consult the state licensing requirements to determine if and how you should complete this section.

If a state does not require the identification of a Qualifying Individual, NMLS will allow a Company Form (MU1) to be submitted without this section being completed. If a Qualifying Individual is identified, then an Individual Form (MU2) must be filed for that individual.



ADVANCE CHANGE NOTICE (ACN)

NMLS allows state licensees to submit certain changes to their NMLS Record in advance of the desired effective date. This functionality permits state regulators to electronically process future NMLS Record amendments and reduces the forms and filings submitted outside the system.

Companies and branches are able to provide an effective date for the following changes to their NMLS Record:

Company (MU1) Form Advance Change Notice (ACN) Events

Main (Corporate) Address
\ I /
Other Trade Names
_egal Status
Affiliates/Subsidiaries
Direct and Indirect Owners/Executive Officers
Qualifying Individuals

Additionally, a category exists within the Document Upload section of the Company and Branch Forms allowing supporting documents with proposed changes to be submitted as part of the ACN filing.

Note: All documents uploaded under the Document Type of Advance Change Notice in support of an ACN are considered proposed and should be removed on the effective date of the event. Licensees must upload a final document on the effective date as an applicable Document Type, or mail documentation to the agency for those types not currently accepted within NMLS (e.g. Main Address documentation).

Advance Change Notice Refresh

If an unsubmitted Company Form (MU1) filing exists and an Advance Change Notice (ACN) is processed, the system is programed to refresh the Company (MU1) filing to incorporate the processed changes.

Each section affected by the update is listed below the Filing Refresh on-screen notice, and a hyperlink to the respective section is displayed. When selected, the affected section is displayed in a new window identifying the impacted areas using a redline comparison.

Unlike other filing refreshes in the system, this message does not allow the user to accept or reject changes. The filing must be refreshed in order to continue working on the unsubmitted Company Form (MU1) filing.

As an alternative to the Refresh button, the unsubmitted filing can be deleted by clicking the "Delete" icon. Once the filing is deleted, the "Create New Filing" button will appear, and all processed ACN's will reflect within the new filing.

DOCUMENT UPLOADS

The Document Uploads section allows users to upload and submit PDF documents to regulators. The <u>Document Upload Descriptions & Examples</u> guide details the types of documents that can be uploaded in connection with a company record. Only documents that are available for selection can be provided through NMLS; all other documentation required by a state regulator must be submitted outside NMLS. For more information, refer to state licensing requirements checklists.

Only the applicable document for the Document Type selected can be uploaded in NMLS (e.g., when selecting to upload a business plan, only a business plan document related to the company should be provided).

If you have multiple documents for one Document Type for a specific state, they should be combined into one PDF and uploaded as a single document. If you have different versions of the same Document Type that are specific to different states (e.g., Certificate of Good Standing for each state in which you operate), upload each state-specific version separately, indicating to which state the document is relevant.

Advance Change Notice Document Type

Documentation submitted in support of an Advance Change Notice is considered proposed. Upon the effective date of the change, documents must be re-submitted under the appropriate Document Type (do not re-submit as Advance Change Notice). If the submission does not fall under an existing Document Type, documents must be submitted directly to the state agency; see the state's Amendment Checklist for the appropriate license for details.

Deletion of Uploaded Documentation

NMLS stores all documents that have been uploaded on the record. If you need to delete or replace a document for any reason, you can do so; however, the system maintains previously uploaded documents in a document type historical section on the composite view page.

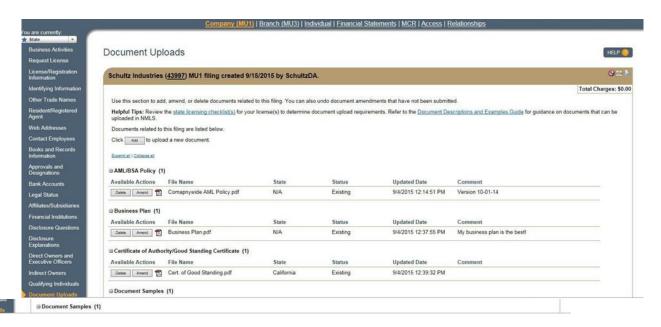
The document types that can be uploaded in connection with a company filing are listed below, as well as indication whether the relevant state must be identified.

Company Filing

- ACN Related Documents
- Additional Requirement(s) (State Required)
- AML/BSA Policy
- Business Plan
- Certificate of Authority/Good Standing Certificate (State required)
- Company Staffing and Internal Policies
- Debt Management Agreement
- Document Samples (State required)
- Errors and Omissions (State required)

- Fidelity Bond (State required)
- Flow of Funds Structure
- Formation Document
- Management Chart
- Mortgage Servicing Agreement
- Organization Chart/Description
- Permissible Investments (State required)
- Surety Bond (State required)
- Trade Name/Assumed Name registration Certificates (State required)
- Trust Account Authorization (State required)
- Warehouse Line of Credit Documentation
- Surety Bond (State required)

•



HISTORICAL FILINGS

The Historical Filings section under the Filing tab contains copies of previously submitted Company filings. Company users with appropriate roles can also view a complete list of company filings in the "Historical Filings" section under the Composite View tab.

To view the changes between two filings, select the checkbox next to two filings and click the Compare button. A new browser window or tab will open with the changes redlined.

Clicking the words "Click to View" under the Sections Changed column displays the Company Form sections that were modified.

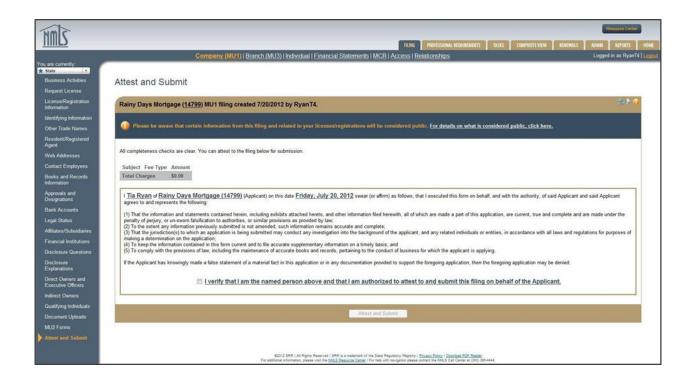
ATTEST AND SUBMIT

The "Submit Filing" button will only appear if the Company Form (MU1) passes all completeness checks, including Individual Form (MU2) attestations.

The Attestation must include the name of a natural person after the "I". The applicant or licensee's name should appear after the "of". Company attestations must be performed by an actual employee of the company.

When clicking the "Submit Filing" button, applicants and licensees are making a legal attestation to all states in which they are applying for or maintaining a license through NMLS.

After clicking the "Submit Filing" button, the applicant or licensee is taken to a one-time payment page to make an electronic payment for the filing. Once the payment information has been successfully submitted the filing becomes viewable by the regulator(s). NMLS only accepts payment by credit card (Visa or Mastercard only) or ACH transfer.



Chapter III - NMLS INDIVIDUAL FORM (MU2)

A. General Instructions

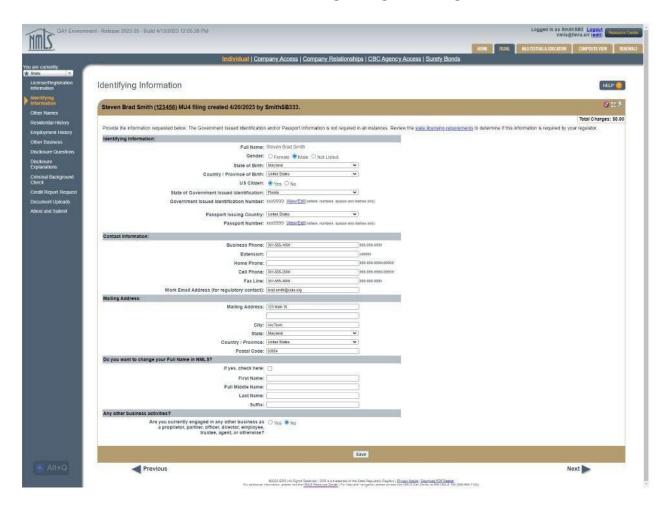
<u>Filing</u> – The Individual Form (MU2) must accompany the Company or Branch Form. Each individual identified as a Control Person, Qualifying Individual, or a Branch Manager for the applicant, must complete the Individual Form (MU2). The Individual Form (MU2) is an automatic requirement and is part of the Company and Branch Forms. The Company and Branch Forms will not be considered complete without all Individual Form (MU2) data entered and attested to by each individual.

The Individual Form (MU2) is required for all natural persons identified in the Company Form. In addition, all Qualifying Individuals and Branch Managers identified on the Company Form (MU1) must submit an Individual Form (MU2). Any natural person who is an indirect owner of 10% or more, must submit an Individual Form (MU2). For percentage requirements in other industries view the state licensing requirements on the NMLS Resource Center.

An applicant or licensee must also refer to state licensing requirements published by each state in which it is applying. Some states may require biographical information about individuals that do not fit the Control Person definition. These states may therefore request an Individual Form (MU2) with other filings. Additionally, applicants must update the roster of control persons on the Company Form as needed, potentially requiring additional Individual Forms (MU2). State agencies may require an authorization for a credit report and/or criminal background check to be submitted upon filing the Individual Form (MU2).

<u>Terms Used</u> – For uniformity, terms used throughout the Individual Form (MU2) are defined in the glossary.

IDENTIFYING INFORMATION



Individual's Identifying Information:

- Full Name should be the individual's legal name as found on their birth certificate, including a middle name even if not used, unless modified by a legal proceeding.
- Individuals should use their Last, First, Middle names, and suffix ("Jr", "III", etc.) if any. Do not enter a professional or academic suffix.
- If the individual's name has changed, they must provide legal documentation of the change.
- If the individual's name has changed and proof of the name change is requested by an agency, the individual must provide legal documentation of the change; namely, a government issued ID¹ and a copy of a marriage certificate, a divorce decree, a court order or a certificate of naturalization, as applicable.

In the case that the legal name was changed as a result of marriage, the marriage

¹ Examples of a government issued ID are a Real ID, driver's license, passport, and/or other identification documents provided by a state or federal government. Where an individual does not have a REAL ID, additional documentation may be required.

certificate may be used to prove the following scenarios:

- 1. Listing their full legal name as shown on their marriage certificate;
- 2. Listing their maiden name shown on the marriage certificate as their middle name: or
- 3. Listing their last name as a hyphenated name (e.g., [maiden name]-[married name] or previous surname-married name).
- State of Birth and Country/Province of Birth for the individual must be identified.
- Individuals must identify if they are a US Citizen.
- The Government Issued ID and/or Passport information is not required for all individuals. Please review the state licensing requirements to see if you must submit this information.

An individual's middle name must be included in the individual's NMLS record, if it is part of their full legal name, even if not on the form of identification provided.

If a person does not have a middle name, they may be requested to produce a birth certificate or other legal documentation to evidence they have no middle name.

Business phone, home phone, cell phone, fax and email:

The business phone and email address are required; home phone, cell phone number, and fax number are optional.

Mailing Address

The individual's home mailing address is required.

Do you want to amend your legal name?

If the individual's name is changing due to marriage, divorce, or legal name change, the full name must be listed. Check jurisdiction specific documents to determine if you must submit documents outside the system for a legal name change.

Any other business activities?

If an individual is engaged in more than one business, indicate those here. If individual selects "Yes" completion of the **Other Business** section will be required.

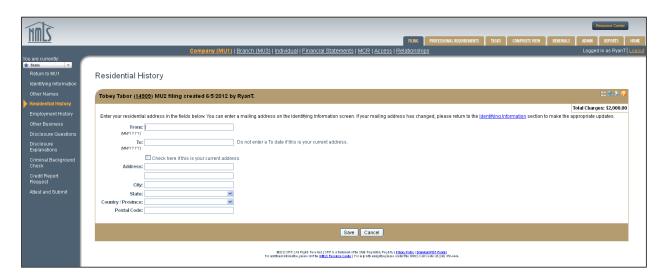
OTHER NAMES



Individuals are required to provide any names other than their legal name used since the age of 18. Examples include nicknames, aliases, initials, names used on business cards or advertisements, and names used before or after marriage. Make sure that all names used in business practices are included such as those listed on business cards.

The information provided in this section is used to enhance the searchable data available on NMLS Consumer Access, as well as to verify information on credit reports, criminal background checks and for general compliance purposes.

RESIDENTIAL HISTORY



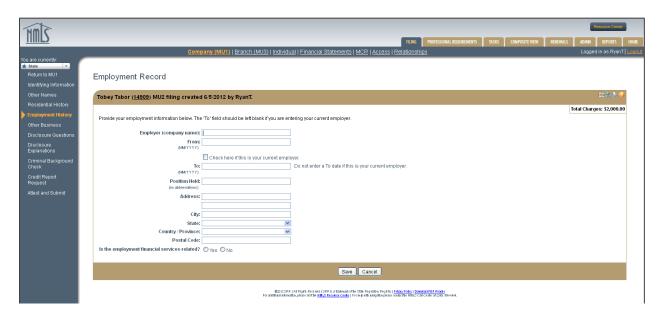
Provide full residential history for the past 10 years. No gaps should be present. This information is used by regulators for a number of reasons, including completing background checks.

Applicants or licensees must list all addresses where they have resided during the past 10 years. NMLS requires a minimum 10-year history but does not require more than that. Thus, an individual could annually amend their residential history to include only the last 10 years and remove any addresses on NMLS more than 10 years ago.

Only the month and year are necessary to be provided in this section.

The address at age 18 can be used for any period of time before that date to reach a 10-year residential history.

EMPLOYMENT HISTORY



Provide full employment history for the past 10 years. No gaps should be present. Provide the full legal name of the company, beginning with your current employer. For the purposes of this history, include both 1099 independent contractor assignments as well as W-2 status employment. The actual physical location the individual works from should be listed in the address field.

The work location stated in one's NMLS record should remain a licensed or registered location, however, an individual working remote under executive order, state guidance, laws, regulations or any other pronouncement that has the effect of law, need not change their work location.

If you change your work location address for your current employer, update the address to that of the new location on the current employer entry.

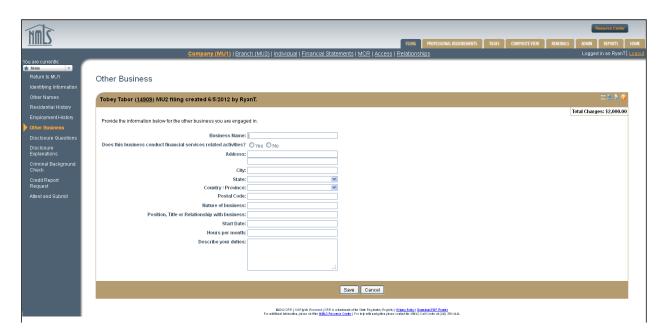
The current employment should reflect the company where the individual receives their compensation. Additional information on positions of authority the individual may hold with other companies owned by the parent company of an organization should be disclosed in the Other Business section of the Individual Form (MU2). If the name or address of your current employer changes, update these fields accordingly. This process is not applicable to name or address changes that are the result of a merger, acquisition or other corporate structure change. You may be required to provide different information if a company name or address change is a result of a merge, acquisition or other corporate structure change.

No gaps in employment should be present. Part-time employment should be included where the employment time is needed for the applicant to meet the required years of experience. Indicate "part time" or "PT" in the "position held" field (e.g. PT school teacher).

Time unemployed should be stated as such, for example "unemployed, homemaker,

etc.". This is needed to verify required experience as well as to complete background checks in some states. All periods of unemployment must be accounted for. Time as a student should be stated as such. For example, use "student" and list the school address in the address field.					

OTHER BUSINESS



If the individual indicated that they are engaged in "Other Business Activities" on the **Identifying Information** screen, they are required to provide information about that business. The name of the business, whether or not it is financial services related along with the business address is required. The nature of the business, position, title or relationship with business along with the start date, hours per month and description of duties are optional.

The state licensing requirements may contain additional information about this section.

DISCLOSURE QUESTIONS



Applicants and licensees should refer carefully to the **Glossary - Explanation of Terms** section of the instructions when answering these questions.

All Disclosure Questions must be answered. Any "Yes" response requires an explanation to be provided in the **Disclosure Explanations** section. A single PDF file can be uploaded with any applicable documentation. The regulator will be able to review the explanation and documentation.

Individuals are required to update their Disclosure Questions when circumstances change in accordance with state law or within 30 days, whichever is shorter. This includes answers that are changed from "Yes" to "No". A change in response requires an update to the Disclosure Explanation section.

Foreclosure

For purposes of individual disclosure questions, any foreclosure action that has at least been initiated, whether or not the action is considered final, must be disclosed to your state regulators through NMLS.

Regulatory and Civil Judicial

Individuals must respond affirmatively to certain disclosure questions if they relate to activities that occurred while that individual exercised control over the organization. Individuals exercising control over companies who in the normal course of business face multiple regulatory or civil actions must respond affirmatively to the appropriate questions. An explanation stating this fact is required and further details related to specific actions may be required, including supporting documentation. Please consult state licensing requirements to verify what information is required to be submitted through NMLS.

Difference between K4 and K9

K(4) is asking if an order was issued against the individual that involved a financial service related activity, regardless of whether a license or registration was held or required.

K(9) is asking if an order was entered specifically regarding a license or registration or the requirement to be licensed or registered.

"Order" is 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. Orders include temporary and permanent Cease and Desist Orders.

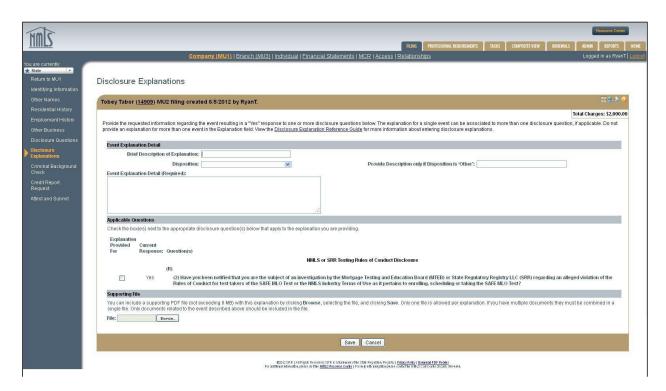
Not all denials of a license are the result of an order. This may vary state to state.

Criminal

Disclosure of a sealed or expunged conviction or item is not required if relevant state law or a court order does not require or prohibits disclosure.

Disclosure of a felony or misdemeanor case disposed of in juvenile court is not required if relevant state law or a court order does not require or prohibits disclosure.

DISCLOSURE EXPLANATIONS



State regulators require licensees and applicants to explain events that must be disclosed through a "Yes" response to any of the existing *Disclosure Questions*. In addition, an optional explanation can be provided for a "No" response. A separate explanation should be provided for each event related to a disclosure question. Each explanation allows a single PDF to be uploaded in support of the explanation. It is expected that the PDF contain relevant official documentation related to the explanation (e.g., finding issued by a state regulatory agency, a court order, civil judgment).

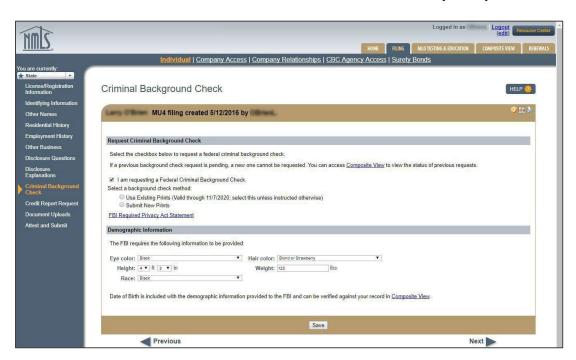
You should provide an explanation for a "No" response only if you answer "No" to a disclosure question and have information to provide to the regulator to clarify the response.

Individuals are required to update their Disclosure Explanations when circumstances change in accordance with state law or within 30 days, whichever is shorter. This includes adding a new explanation for each new event, even if the disclosure question response hasn't changed.

Consult the disclosure explanation reference guide for additional information.

Some states may require companies to provide an explanation and/or supporting documentation for previous "yes" responses. Consult state specific licensing requirements for this information.

CRIMINAL BACKGROUND CHECK (CBC)



As determined by each state agency, certain Control Persons, Direct Owners, Indirect Owners, Executive Officers, Branch Managers, and Qualifying Individuals are required to submit a Criminal Background Check (CBC) through NMLS. The requirement to submit a CBC through NMLS varies by license types, position held, and agency. Please review the MU2 NMLS CBC Requirements Chart to determine individuals reported on the MU2 Form that are required to submit a CBC through NMLS.

NMLS can use existing fingerprints already on file in NMLS that are less than three years old to process a new Criminal Background Check (CBC) request. If fingerprints on file are older than three years, the individual must be newly fingerprinted.

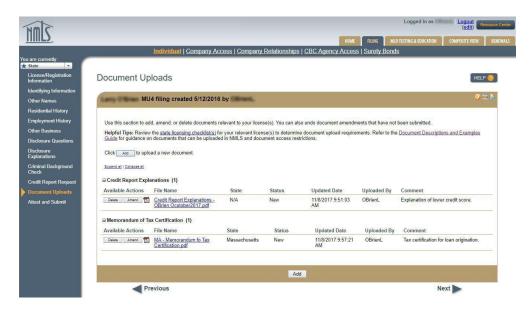
If NMLS does not have existing prints on file or the prints on file are older than three years, individuals must schedule their fingerprinting appointment through the NMLS fingerprint vendor within 180 days of submitting the Individual (MU2) Form / CBC request. If new fingerprints are not submitted within 180 days, the background check window expires, and the individual must authorize and pay for a new CBC.

CBC results are only viewable to the authorized state regulators and are not viewable to the individual or posted on NMLS Consumer Access. Failure to select the state you are authorizing to view the CBC before requesting the CBC will result in having to request and pay for another CBC.

A state may require submission of fingerprints through an alternative process for a state background check. View the <u>state licensing checklist</u> to determine state specific requirements and processing instructions for MU2 individual criminal background checks.

All international requests for packets shall be sent in a traceable manner (e.g. overnight delivery) to the applicant's international address which may be the applicant's current residential address, (mailing or physical), or the applicant's current employer address. The applicant shall provide a mailing label to facilitate the transmission of the packet.	

DOCUMENT UPLOADS



The Document Uploads section allows individuals to upload and submit PDF documents to regulators. The <u>Document Upload Descriptions & Examples</u> guide details the types of documents that can be uploaded in connection with an individual record. Only documents that are available for selection can be provided through NMLS; all other documentation required by a state regulator must be submitted outside NMLS. For more information, refer to state licensing requirements checklists.

Only the applicable document for the Document Type selected can be uploaded in NMLS (e.g., when selecting to upload a business plan, only a business plan document related to the company should be provided).

Deletion of Uploaded Documentation

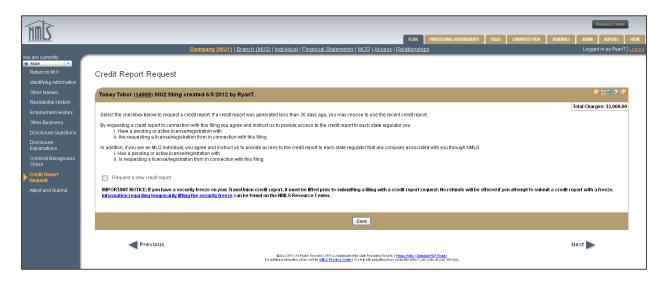
NMLS stores all documents that have been uploaded on the record. If you need to delete or replace a document for any reason, you can do so; however, the system maintains previously uploaded documents in a document type historical section on the composite view page.

The document types that can be uploaded in connection with an individual filing are determined by each state agency. Not all licenses may require or permit all the documents listed below to be uploaded.

MU2 Individual Filing (Ability to Upload Determined by Agency)

- Credit Report Explanations
- Legal Name / Status Documentation
- Memorandum of Tax Certification
- Personal Financial Statement
- State Background Check Authorization
- Verification of Experience

CREDIT REPORT REQUEST



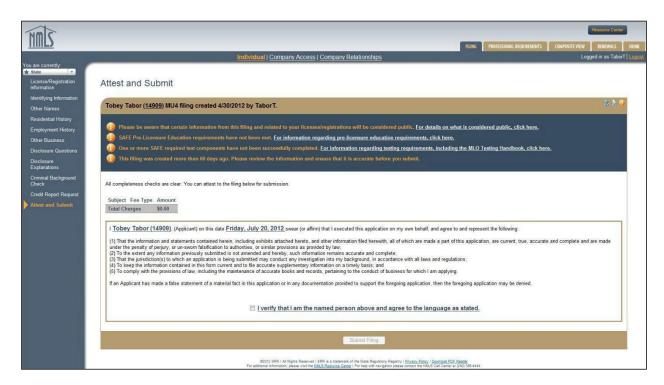
Individuals should consult the state licensing requirements to determine if they should request a credit report through NMLS. The system allows an applicant to grant access to an existing credit report, if done so within 30 days of the original credit report retrieval.

The system requires that anyone requesting a credit report be at least 15 years old and have a social security number.

State agencies are prohibited from disclosing any information from the credit report with any third party. When placing an external note related to an individual's credit report or criminal background check, you must mark the notes as "Private" so they are only viewable to the individual entity.

Foreign nationals or individuals who do not reside in the United States should refer to the State Agency checklist for instructions on how to meet this requirement.

ATTEST AND SUBMIT



The individual must attest to the MU2 form before the company can then submit the Company (MU1) filing. All completeness checks must pass before the individual can attest.

Chapter IV - NMLS BRANCH FORM (MU3)

A. General Instructions

<u>Filing</u> – The Branch Form (MU3) is the branch office information tied to a company's record. The Branch Forms may only be submitted after a company submits a Company Form (MU1). Applicant and licensees are not considered authorized to conduct licensed activities from branch locations in a participating state unless they have an approved license tied to the Branch Form. Only one Branch Form is allowed to be filed per physical location. Regulators and SRR will periodically monitor compliance with this requirement.

<u>Dates</u> – In NMLS, there is no distinction between the filing date and the effective date. The filing date is the date the filing submission is made in the system to one or more regulators. The change is made to the licensee's record in NMLS instantly. Thus, the effective date and the filing date are the same.

<u>Terms Used</u> – For uniformity, terms used throughout the Branch Form (MU3) are defined in the glossary.

B. Main in-state branch location

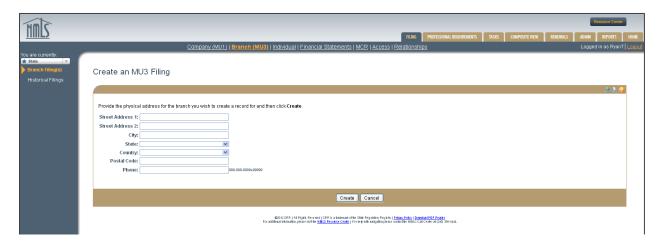
NMLS functionality treats all branch locations within a state equally. Given that the Company (MU1) Form's Main Address will be the company's corporate headquarters location, if a regulator wishes an applicant or licensee to identify a "main" in-state location, the regulator should create two different license types for Branch (MU3) Form filings- one signifying the "main" in-state location and a second for one or more other instate locations.

C. Consumer Access*

The following information will be available and viewable in NMLS Consumer Access and are indicated by an asterisk (*) throughout the guidebook:

- NMLS Unique ID
- Entity Name
- License # by Jurisdiction
- License status by Jurisdiction
- Branch Address (City, State, Zip)
- Branch Phone, Fax,
- Other and Prior Trade Names
- Web Address
- Branch Manager Name
- Branch's Authorization to conduct business

CREATE A BRANCH (MU3) FILING



The address information listed here must be for the Branch location.

This information should not match the information contained in any other Branch Form for the company. Only one Branch Form is allowed per physical address. Companies must not create more than one Branch Form per address. Regulators and SRR will periodically monitor compliance with this requirement.

A branch's authorization to conduct business will be reflected on NMLS Consumer Access.

BUSINESS ACTIVITIES

		Logged in as Jerry Smith Switch Accounts Logout fake.fake@fake.org (edit)	Resource Center Provide
eral Mortgage Co.		HOME FILING MLO TESTING & EDUCATION TASKS COMPOSITE VIEW	RENEWALS ADMIN
Compa	<u>ny (MU1)</u> <mark>Branch (MU3</mark>) <u>Individual</u> F	inancial Statements Call Reports Access Relationships	
Business Activity Wizard	d		HELP 😢
General Mortgage Co., Rapid C	ity, NV Branch (<u>38988)</u> MU3 filing creat	ted 9/16/2024 by SmithJ500.	⊕ &
Step 1: Select Business Activi	ties		Total Charges: \$0.0
·		thether you plan to manage a license associated with the activity through NMLS. Previously select	ed business activities
will not appear in the list below.			
	y want to review business activity descriptions by o	clicking 📵 on the upper right sandbar.	
Jump to: Mortgage Consumer F	Finance Debt Money Services		
Mortgage			
Appraisal Management Services		☐ Master servicing	
☐ Commercial mortgage brokering or le ☐ Credit insurance services	nding	☐ Mortgage loan modifications ☐ Mortgage loan purchasing	
☐ First mortgage brokering		Reverse mortgage brokering	
☐ First mortgage lending		Reverse mortgage lending	
☐ First mortgage servicing		☐ Reverse mortgage servicing	
☐ Foreclosure consulting/foreclosure re	scue	☐ Second mortgage brokering	
High-cost home loans - Broker		☐ Second mortgage lending ☐ Short sale	
☐ High-cost home loans - Lender ☐ Home equity lending/lines of credit - E	Broker	☐ Subordinate lien mortgage servicing	
☐ Home equity lending/lines of credit - L		☐ Third party first mortgage servicing	
☐ Lead generation		☐ Third party mortgage loan processing	
☐ Manufactured housing financing - Bro		☐ Third party mortgage loan underwriting	
☐ Manufactured housing financing - Ler	ıder	☐ Third party subordinate lien mortgage servicing	
Consumer Finance			
Accounting/billing servicing		Payday lending - storefront	
☐ Commercial Financing (Lending/Brok ☐ Commercial mortgage servicing	ering)	☐ Precious Metals Dealing ☐ Premium finance company activities	
Consumer loan brokering		☐ Prepaid funeral plan providers	
☐ Consumer loan lending		☐ Private student loan lending	
Consumer loan servicing		☐ Private student loan servicing	
Consumer Reporting Agency		Property assessed clean energy (PACE) Program Administrator	
☐ Earned wage access - Direct to const ☐ Earned wage access - Employer integ		☐ Property tax lending ☐ Refund anticipation lending	
☐ Escrowing agents	jialeu	Rent-to-own	
☐ Non-depository ATM operation		☐ Retail installment selling	
☐ Non-private student loan lending		☐ Sales finance company activities - general	
□ Non-private student loan servicing		Sales finance company activities - motor vehicles	
☐ Pawn brokering ☐ Payday lending - online		☐ Title lending	
Debt			
Active debt buying (undertakes direct	collection on accounts)	☐ Judgment recovery	
☐ Bi-weekly payment processing service	, , , , , , , , , , , , , , , , , , ,	□ Non-mortgage loan modifications	
Credit repair		Passive debt buying (does not undertake direct collections on accounts)	
☐ Debt management/credit counseling		Repossession agency activities	
☐ Debt negotiation ☐ Debt settlement/debt adjuster		☐ Repossession agent activities ☐ Third party debt collection	
☐ First party debt collection		Trind party debt conection	
Money Services			
☐ Bill paying		☐ Issuing traveler's checks	
☐ Check cashing		☐ Payroll processing services	
☐ Electronic money transmitting		☐ Selling money orders	
Foreign currency dealing or exchangi	ng	Selling prepaid access/stored value	
☐ Issuing and/or selling drafts ☐ Issuing money orders		☐ Selling traveler's checks ☐ Transporting Currency	
☐ Issuing money orders ☐ Issuing prepaid access/stored value		 □ Iransporting Currency □ Virtual currency exchanging and trading services 	
		. 55	
		Next Cancel	
@2024 SRR All Rights Reserved SRR is a trademark of the	State Regulatory Registry	<u>cs</u>	SBS Privacy Notice CFPB Privacy Po

Applicants and licensees should indicate <u>all</u> business activities the branch engages in, regardless of whether those activities are undertaken in a state in which they are applying for a license or whether the state manages certain license types in NMLS. The selected business activities in this section will allow the system to provide you with a list of licenses for which you may apply. Applicants have the ability to "copy" the business activities from the company (MU1) form to the branch (MU3) form. See <u>business activities definitions</u> for a description of each activity available.

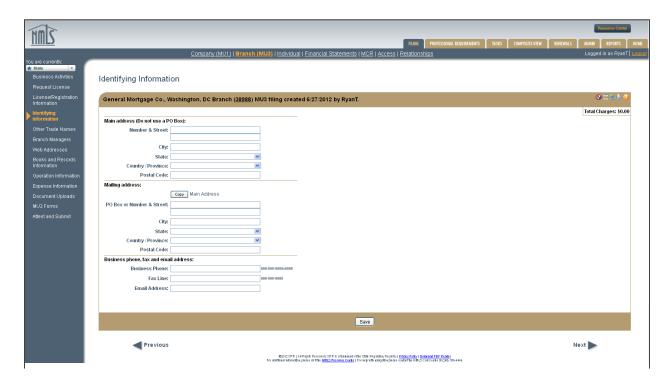
Companies filing a branch form must ensure the activities listed on the branch form are also accurately reflected on the company's filing.

REQUEST A LICENSE



The Request/Transition License(s) screen identifies the license/registration types available based on the business activities and states selected on the Business Activities screen. The system does not allow applicants or licensees to apply for or maintain two of the same license types in any one state.

LICENSE/REGISTRATION INFORMATION IDENTIFYING INFORMATION*



Physical address (Do not use a PO Box)*

A physical address is required. Ensure your company does not have an existing Branch Form (MU3) for this address.

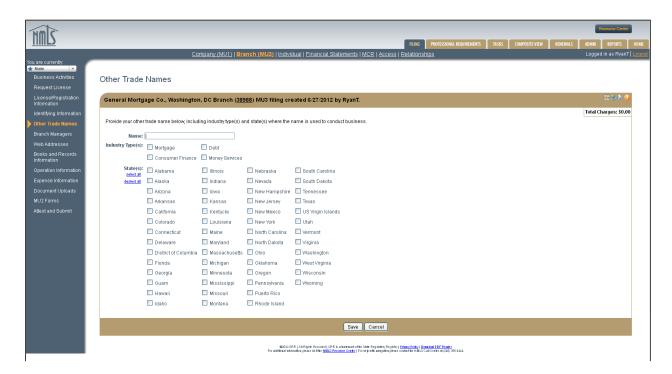
Mailing address, if different from main address*

Licensees who use a drop box or have another place they receive mail for the branch can indicate a mailing address different from their physical address.

Business phone, fax and email address*

Provide the Business phone, fax, and email address of the branch. The fax and email are option and should reflect information specific to the branch.

OTHER TRADE NAMES



Name*

Other Trade Names must be completed for all other names the company will be using at this branch location. These include business names, fictitious names, DBAs, etc. NMLS allows an unlimited number of Other Trade Names and requires licensees to indicate to which state the Other Trade Name applies.

If a state restricts usage, these will be detailed in the state licensing requirements.

Applicants and licensees must include ALL **Other Trade Names** identified on a Branch Form on the Company Form.

BRANCH MANAGER*



NMLS requires the identification of a Branch Manager. The Branch Manager must have a completed Individual Form (MU2) filed at the same time as the Branch Form (MU3). The Branch Manager must meet the requirements of the states for which the branch is requesting licensure. There can only be one Branch Manager for each Industry Type and State combination.

Individuals listed as a Branch Manager on the Branch (MU3) Form must have an individual NMLS account and will be required to complete an Individual (MU2) Form. One or more Branch Managers may be required depending on the licenses held by the Branch.

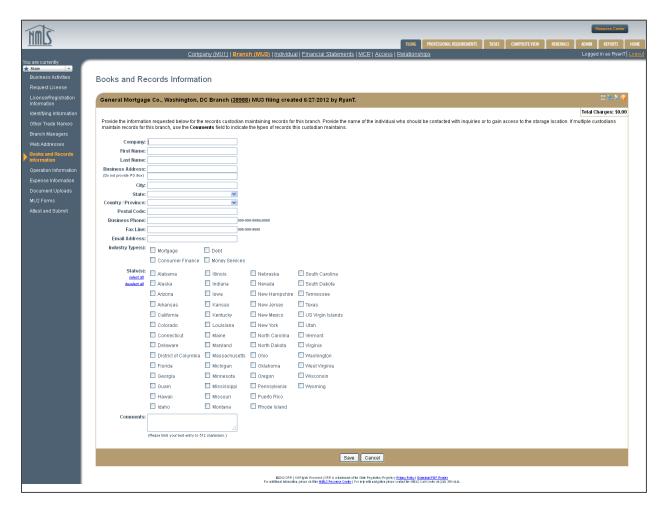
A branch license can be surrendered without a Branch Manager associated with the Branch. If a Branch Manager has, in anticipation of branch closure for instance, severed their relationship with the licensee, the licensee may surrender all licenses associated to that branch manager. Any license the licensee wishes to retain must have a branch manager associated before the Branch (MU3) Form can be submitted to surrender a license or make any other updates. When a branch surrenders their last license the Branch Manager is automatically disassociated from the Branch.

WEB ADDRESSES



A web address is optional in NMLS. If a web address is provided, applicants must indicate if the company is accepting applications or transacting business through the website. Applicants or licensees should include any corporate websites, including any and all websites through which they solicit customers.

BOOKS AND RECORDS INFORMATION



Company, First Name, Last Name, Business Address

Applicants and licensees must list the company name and address of the location where books and records are stored. Licensee must also list the name of the individual at this location that should be contacted with inquiries about or to gain access to the storage location. A company can repeat the *Main Address* here. This is likely to be the case if the company is small or a sole proprietorship.

Multiple contacts for record retention are allowed. If multiple contacts are provided, applicant or licensee must specify contact by state.

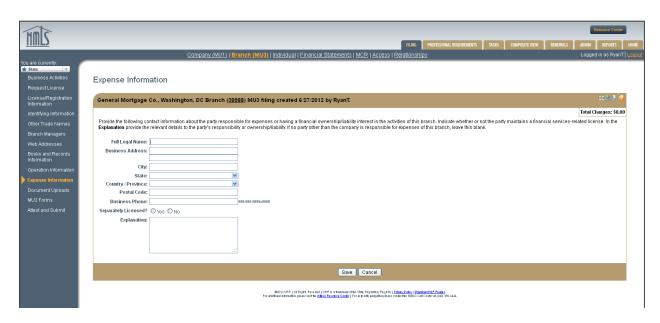
Applicants and licensees can use the comments field to specify the types of records being retained at that location.

OPERATION INFORMATION



Consult state licensing requirements if a "Yes" answer to any of these questions requires the submission of items outside the system.

EXPENSE INFORMATION



If you answered "Yes" to the fourth question on the previous screen [Other than the entity, is anyone responsible for the expenses or have a financial interest in the activities of this branch?], you must provide information about the entity here.

ADVANCE CHANGE NOTICE (ACN)

NMLS allows state licensees to submit certain changes to their NMLS Record in advance of a desired effective date. This functionality permits state regulators to electronically process future NMLS Record amendments and reduces the forms and filings submitted outside the System.

Companies and branches are able to provide an effective date for the following changes to their NMLS Record:

Branch (MU3) Form Advance Change Notice (ACN) Events

- Branch Main Address
- Other Trade Names

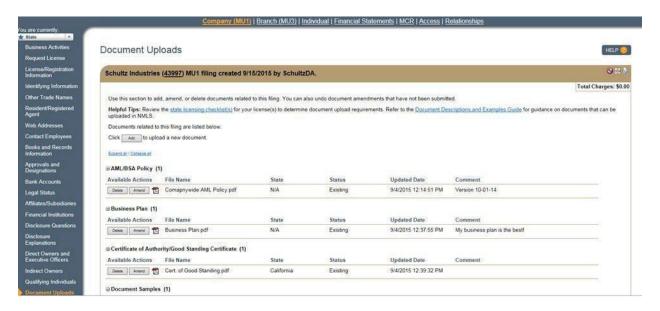
Additionally, a category exists within the Document Upload section of the Company and Branch Forms allowing supporting documents with proposed changes to be submitted as part of the ACN filing.

Note: All documents uploaded under the Document Type of Advance Change Notice in support of an ACN are considered proposed and should be removed on the effective date of the event. Licensees must upload a final document on the effective date as an applicable Document Type, or mail documentation to the agency for those types not currently accepted within NMLS (e.g. Main Address documentation).

Advance Change Notice Refresh

If an un-submitted Branch Form (MU3) filing exists and an Advance Change Notice (ACN) is processed, the system is programed to refresh the un-submitted Branch Form (MU3) filing to incorporate the processed ACN(s).

DOCUMENT UPLOADS



The Document Uploads section allows users to upload and submit PDF documents to regulators. The <u>Document Upload Descriptions & Examples</u> guide details the types of documents that can be uploaded in connection with a branch record. Only documents that are available for selection can be provided through NMLS; all other documentation required by a state regulator must be submitted outside NMLS. For more information, refer to state licensing requirements checklists.

Only the applicable document for the Document Type selected can be uploaded in NMLS (e.g., when selecting to upload a branch written agreement, only a branch written agreement document related to the branch should be provided).

If you have multiple documents for one Document Type for a specific state, they should be combined into one PDF and uploaded as a single document. When uploading a document with a change, include a cover sheet or make note in the comment box describing what change has occurred.

Advance Change Notice Document Type

Documentation submitted in support of an Advance Change Notice is considered proposed. Upon the effective date of the change, documents must be re-submitted under the appropriate Document Type (do not re-submit as Advance Change Notice). If the submission does not fall under an existing Document Type, documents must be submitted directly to the state agency; see the state Amendment Checklist for the appropriate license for details.

Deletion of Uploaded Documentation

NMLS stores all documents that have been uploaded on the record. If you need to delete or replace a document for any reason, you can do so. However, the system maintains previously uploaded documents in a document type historical section on the composite view page.

Branch Filing

- ACN Related Documents
- Additional Requirement(s) (State required)
- Branch Written Agreement
- Designation of Branch Qualified Employee (State required)

HISTORICAL FILINGS

The Historical Filings section under the Filing tab contains copies of previously submitted Branch filings. Company users with appropriate roles can also view a complete list of branch filings in the "Historical Filings" section under the Composite View tab.

To view the changes between two filings, select the checkbox next to two filings and click the Compare button. A new browser window or tab will open with the changes redlined.

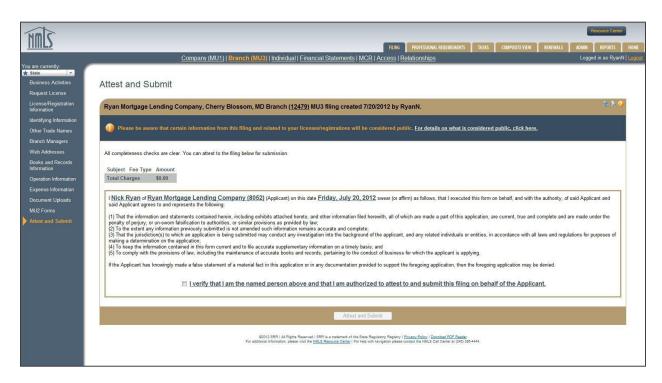
Clicking the words "Click to View" under the Sections Changed column displays the Company Branch Form sections that were modified.

MU2 FORM



The system requires an Individual Form (MU2) be completed for each Branch Manager. See instructions for completing the Individual Form (MU2).

ATTEST AND SUBMIT



The **Attest and Submit** button for the MU3 Branch Form will only appear if the Company Form (MU1) passes all completeness checks, including Individual Form (MU2) attestations.

The Attestation must include the name of a natural person after the "I". The applicant or licensee's name should appear after the "of". Branch attestations must be performed by an actual employee of the company.

When clicking the **Attest and Submit** button, applicants and licensees are making a legal attestation to all states in which they are applying for or maintaining a license through NMLS.

After clicking the **Attest and Submit** button, the applicant or licensee is taken to a one-time payment page to make an electronic payment for the filing. Once the payment information has been successfully submitted the filing becomes viewable by the regulator(s). NMLS only accepts payment by credit card (Visa or Mastercard only) or ACH transfer.

Chapter V - NMLS INDIVIDUAL LICENSE FORM (MU4)

A. General Instructions

<u>Filing</u> – The Individual License Form (MU4) is the Individual Mortgage License/Registration & Consent form. Applicants or licensees for an individual license/registration may use this form to apply for a license, amend a license, establish a relationship with a company, terminate a relationship with a company, or Surrender/Cancel a license.

Applicants and licensees should consult the jurisdiction-specific instructions for any requirements that must be met in addition to submitting the Individual Form (MU4).

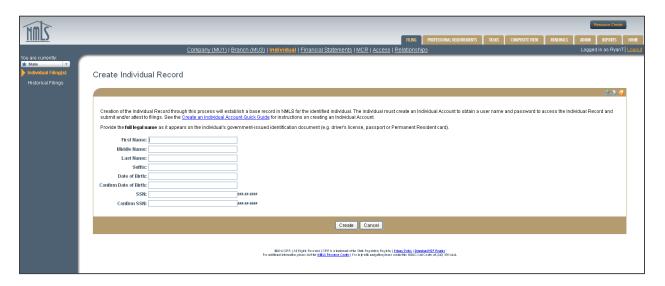
<u>Dates</u> – In the NMLS, there is no distinction between the filing date and the effective date. The filing date is the date the filing submission is made in the system to one or more regulators. The change is made to the licensee's record in the NMLS instantly. Thus, the effective date and the filing date are the same.

B. Consumer Access

The following information will be available and viewable in NMLS Consumer Access:

- > NMLS Unique ID
- > Name (First, Middle, Last, Suffix)
- Business Phone, Fax
- Indication as to whether the individual is engaged in other business as director, owner, employee, etc.
- > Other Names
- Employment History
- ➤ License # by Jurisdiction
- License status by Jurisdiction
- > Sponsorship for License
- > Branch location associated with the individual
- > Public State Regulatory Actions

CREATE INDIVIDUAL RECORD

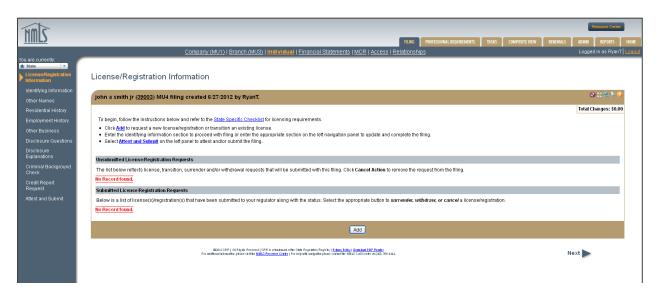


Full legal name (First, Middle, Last), Date of Birth and Social Security Number are required for each Licensee to generate the Unique Identification Number.

Each applicant is responsible for the input of data, creation of a record, or changes to his or her record. Applicants that allow others (including employers) to have access to their records are still responsible for all data changes and any appropriate fines, fees and penalties that may be a result of these changes.

In some circumstances, individuals and entities may request to have data corrected that cannot be self-corrected in the system. Certain requests to modify information in their respective NMLS account, will have a cost associated with making the correction and may require approval from relevant state agencies before it can be processed. If there are work arounds that may be faster and less costly than a data fix, a data fix request may not be approved. Some examples of requests that will have a cost include, but are not limited to, modifying start and end dates for a relationship or registered location and correcting duplicate accounts made by invalid data entry. The cost for these corrections is based on an hourly rate. The minimum rate charged will be the current rate for one hour.

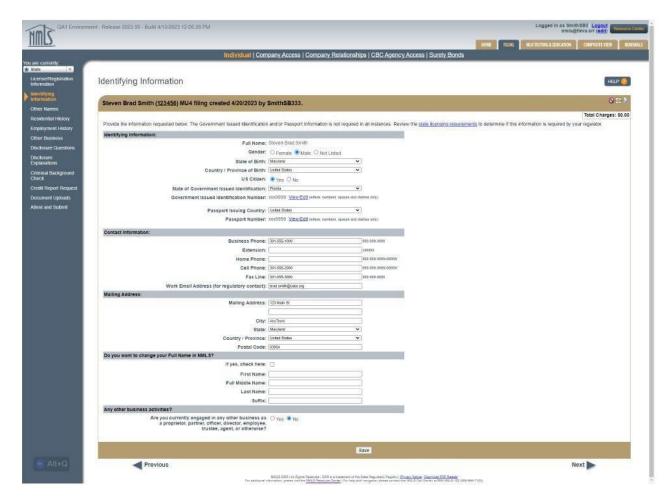
LICENSE/REGISTRATION INFORMATION



The License Wizard identifies the license/registration types available in each individual jurisdiction. Applicants and Licensees should familiarize themselves with the jurisdiction's specific instructions and checklist before completing any MU Forms in NMLS.

These instructions and checklists can be found here: State Licensing Resource Page

IDENTIFYING INFORMATION



Individual's Identifying Information

- Full Name should be the individual's legal name as found on their birth certificate, including a middle name even if not used, unless modified by a legal proceeding.
- Individuals should use their Last, First, Middle names, and suffix ("Jr", "III", etc.) if any. Do not enter a professional or academic suffix.
- If the individual's name has changed, they must provide legal documentation of the change.
- If the individual's name has changed and proof of the name change is requested by an agency, the individual must provide legal documentation of the change; namely, a government issued ID² and a copy of a marriage certificate, a divorce decree, a court order or a certificate of naturalization, as applicable.
- In the case that the legal name was changed as a result of marriage, the marriage certificate may be used to prove the following scenarios:

²Examples of a government issued ID are a Real ID, driver's license, passport, and/or other Identification documents provided by a state or federal government. Where an individual does not have a REAL ID, additional documentation may be required.

- 1. Listing their full legal name as shown on their marriage certificate;
- 2. Listing their maiden name shown on the marriage certificate as their middle name; or
- 3. Listing their last name as a hyphenated name (e.g., [maiden name]-[married name] or previous surname-married name).
- State of Birth and Country/Province of Birth for the individual must be identified.
- Individuals must identify if they are a US Citizen.
- The Government Issued ID and/or Passport information is not required for all individuals.
 Please review the state licensing requirements to see if you must submit this information.

An individual's middle name must be included in the individual's NMLS record, if it is part of their full legal name, even if not on the form of identification provided.

If a person does not have a middle name, they may be requested to produce a birth certificate or other legal documentation to evidence they have no middle name.

Business phone, home phone, cell phone, fax and email

The business phone and email address are required; home phone, cell phone number, and fax number are optional.

Mailing Address

The individual's home mailing address is required.

Do you want to amend your legal name?

If the individual's name is changing due to marriage, divorce, or legal name change, the full name must be listed. Check jurisdiction specific documents to determine if you must submit documents outside the system for a legal name change.

Are you currently engaged in any other business as a proprietor, partner, officer, director, employee, trustee, agent or otherwise?

If an individual is engaged in more than one business, it should be indicated here. If individual selects "Yes" completion of the **Other Business** screen will be required.

OTHER NAMES



Individuals are required to provide any names other than their legal name used since the age of 18. Examples include nicknames, aliases, initials, names used on business cards or advertisements, and names used before or after marriage. Make sure that all names used in business practices are included such as the name used when signing loan documents.

The information provided in this section is used to enhance the searchable data available on NMLS Consumer Access, as well as to verify information on credit reports, criminal background checks and for general compliance purposes.

RESIDENTIAL HISTORY



Provide full residential history for the past 10 years. No gaps should be present. This information is used by regulators for a number of reasons, including completing background checks.

Applicants or licensees must list all addresses where they have resided during the past 10 years. NMLS requires a minimum 10-year history but does not require more than that. Thus, an individual could annually amend their residential history to include only the last 10 years and remove any addresses on NMLS more than 10 years ago.

Only the month and year are necessary to be provided in this section.

The address at age 18 can be used for any period of time before that date to reach a 10-year residential history.

EMPLOYMENT HISTORY



Provide full employment history for the past 10 years. No gaps should be present. Provide the full legal name of the company, beginning with your current employer. For the purposes of this history, include both 1099 independent contractor assignments as well as W-2 status employment. The actual physical location the licensee works from should be listed in the address field.

The work location stated in one's NMLS record should remain a licensed or registered location, however, an individual working remote under executive order, state guidance, laws, regulations or any other pronouncement that has the effect of law, need not change their work location.

If you change your work location address for your current employer, update the address to that of the new location on the current employer entry.

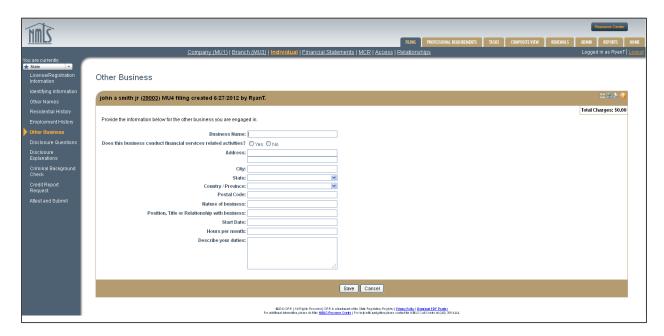
The current employment should reflect the company where the individual receives their compensation. Additional information on positions of authority the individual may hold with other companies owned by the parent company of an organization should be disclosed in the Other Business section of the Individual Form (MU4). If the name or address of your current employer changes, update these fields accordingly on the current employer entry. This process is not applicable to name or address changes that are the result of a merger, acquisition or other corporate structure change.

No gaps in employment should be present. Part-time employment should be included where the employment time is needed for the applicant to meet the required years of experience. Indicate "part time" or "PT" in the "position held" field (e.g. PT school teacher).

Time unemployed should be stated as such. For example, use "unemployed, homemaker, etc.". This is needed to verify required experience as well as to complete background checks in some states. All periods of unemployment must be accounted for.

school address in the address field.							

OTHER BUSINESS



Additional information on positions of authority an individual may hold with other companies, whether or not it is financial services, must be disclosed in the Other Business section of the Individual (MU4) Form.

If you indicated that they are engaged in "Other Business Activities" on the **Identifying Information** screen, you are required to provide information about that business. All fields must be completed.

DISCLOSURE QUESTIONS



Applicants and licensees should refer carefully to the **Glossary - Explanation of Terms** section of the instructions when answering these questions.

All Disclosure Questions must be answered. Any "Yes" response requires an explanation to be provided in the **Disclosure Explanations** section. A single PDF file can be uploaded with any applicable documentation. The regulator will be able to review the explanation and documentation.

Individuals are required to update their Disclosure Questions when circumstances change in accordance with state law or within 30 days, whichever is shorter. This includes answers that are changed from "Yes" to "No". A change in response requires an update to the Disclosure Explanation section.

Foreclosure

For purposes of individual disclosure questions, any foreclosure action that has at least been initiated, whether or not the action is considered final, must be disclosed to your state regulators through NMLS.

Regulatory and Civil Judicial

Individuals must respond affirmatively to certain disclosure questions if they relate to activities that occurred while that individual exercised control over the organization. Individuals exercising control over companies who in the normal course of business face multiple regulatory or civil actions must respond affirmatively to the appropriate questions. An explanation stating this fact is required and further details related to specific actions may be required, including supporting documentation. Please consult state licensing requirements to verify what information is required to be submitted through NMLS.

Difference between K4 and K9

K(4) is asking if an order was issued against the individual that involved a financial service related activity, regardless of whether a license or registration was held or required.

K(9) is asking if an order was entered specifically regarding a license or registration or the requirement to be licensed or registered.

"Order" is 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. Orders include temporary and permanent Cease and Desist Orders.

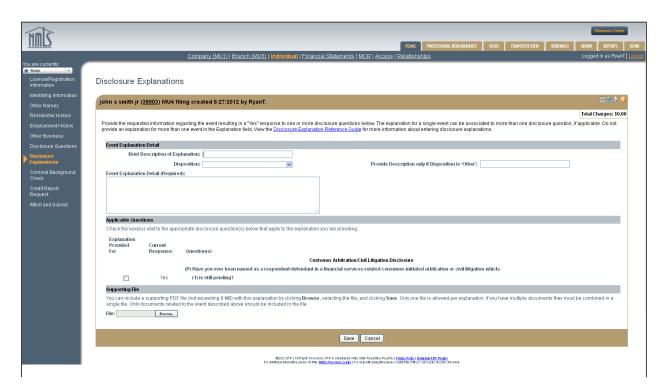
Not all denials of a license are the result of an order. This may vary state to state.

Criminal

Disclosure of a sealed or expunged conviction or item is not required if relevant state law or a court order does not require or prohibits disclosure.

Disclosure of a felony or misdemeanor case disposed of in juvenile court is not required if relevant state law or a court order does not require or prohibits disclosure.

DISCLOSURE EXPLANATIONS



State regulators require licensees and applicants to explain events that must be disclosed through a "Yes" response to any of the existing *Disclosure Questions*. A separate explanation should be provided for each event related to a disclosure question. Each explanation allows a single PDF to be uploaded in support of the explanation. It is expected that the PDF contain relevant official documentation related to the explanation (e.g., finding issued by a state regulatory agency, a court order, civil judgment). Multiple explanations may be provided if multiple events are related to a single question.

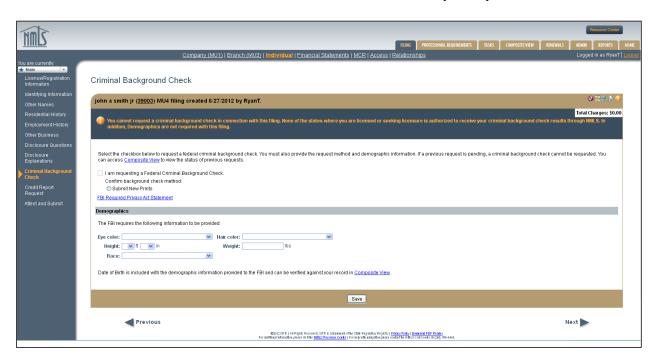
You should provide an explanation for a "No" response only if you answer "No" to a disclosure question and have information to provide to the regulator to clarify the response.

Individuals are required to update their Disclosure Explanations when circumstances change in accordance with state law or within 30 days, whichever is shorter. This includes adding a new explanation for each new event, even if the disclosure response hasn't changed.

Consult the disclosure explanation reference guide for additional information.

Some states may require companies to provide an explanation and/or supporting documentation for previous "yes" responses. Consult state specific licensing requirements for this information.

CRIMINAL BACKGROUND CHECK (CBC)



All new individual (MU4) license applications require the completion of this section. Existing licensees should complete this section to comply with state specific requirements.

NMLS can use existing fingerprints already on file in NMLS that are less than three years old to process a new Criminal Background Check (CBC) request. If fingerprints on file are older than three years, the individual must be newly fingerprinted.

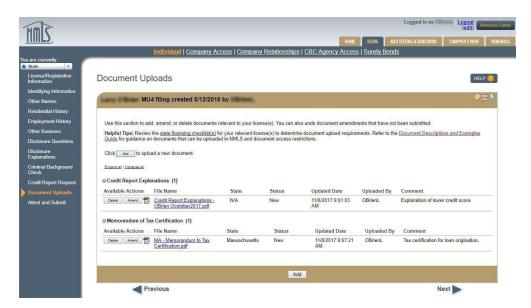
If NMLS does not have existing prints on file or the prints on file are more than three years old, individuals must schedule their fingerprinting appointment through the NMLS fingerprint vendor within 180 days of submitting the Individual (MU4) Form / CBC request. If new fingerprints are not submitted within 180 days, the background check window expires, and the individual must authorize and pay for a new CBC.

CBC results are only viewable to the authorized state regulator and are not viewable to the individual or posted on NMLS Consumer Access. Failure to select the state you are authorizing to view the CBC before requesting the CBC will result in having to request and pay for another CBC.

A state may require submission of fingerprints through an alternative process for a state background check.

All international requests for packets shall be sent in a traceable manner (e.g. overnight delivery) to the applicant's international address which may be the applicant's current residential address, (mailing or physical), or the applicant's current employer address. The applicant shall provide a mailing label to facilitate the transmission of the packet.

DOCUMENT UPLOADS



The Document Uploads section allows individuals to upload and submit PDF documents to regulators. The <u>Document Upload Descriptions & Examples</u> guide details the types of documents that can be uploaded in connection with an individual record. Only documents that are available for selection can be provided through NMLS; all other documentation required by a state regulator must be submitted outside NMLS. For more information, refer to state licensing requirements checklists.

Only the applicable document for the Document Type selected can be uploaded in NMLS (e.g., when selecting to upload a business plan, only a business plan document related to the company should be provided).

Historical Filings

The Historical Filings section contains a copy of the Individual (MU4) Form submitted by the individual. A complete listing of all Individual (MU2 and MU4) filings can be accessed in the View Historical Filings section under the Composite View tab.

The individual filing with the most recent *System Processed* date represents an individual's current information.

Users may view a single historical filing or multiple filings in a "compare" redline mode.

Deletion of Uploaded Documentation

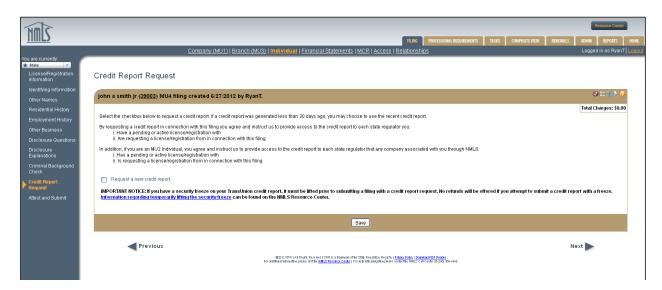
NMLS stores all documents that have been uploaded on the record. If you need to delete or replace a document for any reason, you can do so. However, the system maintains previously uploaded documents in a document type historical section on the composite view page.

The document types that can be uploaded in connection with an individual filing are determined by each state agency. Not all licenses may require or permit all the documents listed below to be uploaded.

MU4 Individual Filing (Ability to Upload Determined by Agency)

- Credit Report Explanations
- Legal Name / Status Documentation
- Memorandum of Tax Certification
- Verification of Experience

CREDIT REPORT



All new applicants for a mortgage loan originator license are required to request a credit report through NMLS. The first time an individual requests a credit report through NMLS, they must complete an Identity Verification (IDV) process.

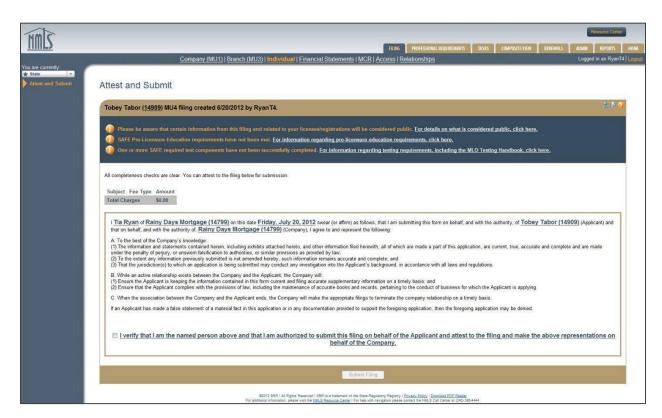
Upon submission of the new application, NMLS processes and delivers results of the credit report to all relevant state agencies. These state agencies individually evaluate the credit report to determine financial responsibility as required under the SAFE Act. Each state agency has agency-specific evaluating criteria.

If necessary, regulators communicate with licensees by either placing a license item on the record in NMLS or in some other fashion outside NMLS. State regulators are prohibited from disclosing any information from the credit report with any entity other than the individual named on the credit report.

A credit report is not typically required in connection with filing an amended Individual (MU4) Form, unless a request for a new credit report is made by a regulator.

Foreign nationals or individuals who do not reside in the United States should refer to the State Agency checklist for instructions on how to meet this requirement.

ATTEST AND SUBMIT



The "Submit Filing" button will only appear if the Individual Form (MU4) passes all completeness checks.

The Attestation must include the name of a natural person after the "I." The applicant or licensee's name should appear after the "of."

When clicking the "Submit Filing" button, applicants and licensees are making a legal attestation to all states in which they are applying for or maintaining a license through NMLS.

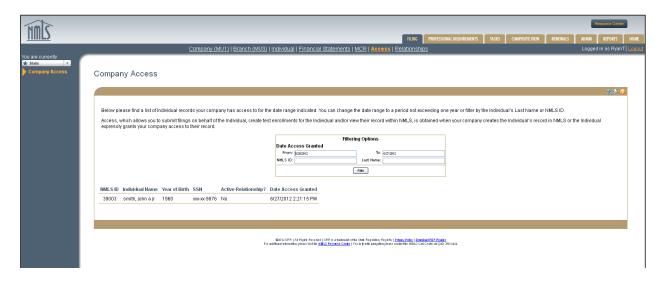
It is important for an individual to consult with the company to determine who is responsible for the submission and payment of the Individual Form (MU4). If an initial form has already been submitted, this section can also be used to complete an amendment to update the form.

Each time an individual (or his or her employing company) submits a completed filing, it will be stored in the individual's record indefinitely. Note that some of the information provided in the filing, as well as certain license/registration details, is viewable to the public through the NMLS Consumer Access website.

If the applicant completed his or her own filing, after clicking the "Submit Filing" button, the applicant or licensee is taken to a one-time payment page to make an electronic payment for the filing. Once the payment information has been successfully submitted

•	es viewable by th card only) or ACh			

COMPANY – MANAGING INDIVIDUAL RECORDS COMPANY ACCESS



If an individual already exists in the system and this individual wishes to have a license sponsored by their employer, the individual must provide company access to their record before a company can view the individual's record and establish a relationship with the individual. Through this process, individuals always stay in control of their record in NMLS.

If an individual no longer wishes for a company to have access to their record, they must remove company access. Removing company access to an individual's record is separate from ending a relationship with a company. An individual must do both if they wish to prevent a company from viewing their record.

The system prohibits Company Access from being removed by an individual if an active Relationship or Sponsorship with the company exists.

COMPANY RELATIONSHIPS



Establish a Relationship

A Company Relationship in NMLS should be viewed as a professional association, including both employees (IRS form W-2) and contractors (IRS form 1099).

A company can only establish a Company Relationship with an individual who has provided Company Access. A company MUST establish a relationship with an individual mortgage loan originator in order to submit a filing on their behalf.

When establishing a Company Relationship, companies are required to identify the Relationship Date, licensed/registered location associated with the individual, and the IRS Worker Classification (W2 employee or Non-W2 employee). A company has the ability to correct the Relationship Date and update the Worker Classification without having to first terminate the relationship. The corrected Relationship Date must be on or before the initial Relationship Date. An effective date will be required when updating the Worker Classification.

Add a Registered Location

During the creation of a company relationship, a Company User associates an individual with one or more physical locations. The Add Registered Location functionality is used to add an additional physical location for an individual.

The Add Registered Location button is found within the Company Relationship section of a company account under the Filing tab and allows the company user to identify additional location(s) where an individual works. If the appropriate location is not available for selection, a Company User should submit a Branch Form (MU3) to establish the location prior to performing this action. The Start Date should reflect the date the individual started working at the selected location(s).

The Add Registered Location button can only be accessed after a company relationship is established.

If an individual is changing locations, add the new location before removing the old location.

Terminate a Relationship

Either a company or the mortgage loan originator individual can terminate a relationship. When a relationship is terminated, an end date and a reason for ending must be provided. The reason for ending drop down box choices are as follows:

- Deceased on Date
- Voluntary Resignation
- Permitted to Resign
- Discharged
- Reduction in Force

An explanation for "Reason for Ending" may be provided but is not required.

In the case of death, the end date shall be the same date as the date of death.

SPONSORING A LICENSE



Prior to sponsoring a license, a company must first establish a relationship with the individual.

Sponsor a License

An approved **Sponsorship** in NMLS denotes that an individual's licensed activities are appropriately supervised by their employer for the individual to be eligible to hold a valid, active, approved MLO license in a state. Where required, sponsorships must be established separately for each license.

Consult applicable state licensing requirements regarding individual sponsorship from multiple companies.

Remove Sponsorship

Sponsorships can be initiated only by a company but may be removed by the company or the MLO. Sponsorships and sponsorship removal must be approved by a regulator. NMLS allows for a mortgage loan originator's licenses to be sponsored by more than one company. A single company can sponsor multiple licenses for an individual. Additionally, a company is only able to sponsor licenses in states where the company is also licensed or registered.

Note: removal of a sponsorship may affect the status of an individual's license.

Chapter VI - TEMPORARY AUTHORITY TO OPERATE

Background

The Economic Growth, Regulatory Relief, and Consumer Protection Act, 12 U.S.C. 5101 et seq., (S. 2155) was signed into law on May 24, 2018, and became effective November 24, 2019. This amendment to the 2008 SAFE Act permits eligible MLOs to originate loans while completing state specific requirements such as testing and education. The amendment applies to qualified MLOs who are changing employment from a depository institution to a state-licensed mortgage company, and qualified state- licensed MLOs seeking licensure in another state.

ELIGIBILITY REQUIREMENTS

To be eligible for Temporary Authority to Operate (TA), an MLO must meet the following eligibility requirements at application:

- An MLO must have been either continuously registered for one year, or continuously licensed for the 30 days preceding application submission;
- The MLO cannot have had a break in service of more than 14 calendar days. A break in service starts at the end of registration/licensure and ends with the request for sponsorship;
- The MLO must be a W-2 employee of a state-licensed company in the application state.

An MLO would not be eligible for TA if they have:

- Had a loan originator license application denied;
- Had a loan originator license revoked or suspended in any jurisdiction:
- Been subject to or served with a cease and desist order; or
- Been convicted of a misdemeanor or felony that would preclude licensure in the application state.

Notes: Not all licenses are eligible for Temporary Authority. To determine an individual's eligibility for Temporary Authority, consult the License Requirements and Fees Chart on the NMLS Resource Center.

Pursuant to the federal SAFE Act, an MLO cannot receive Temporary Authority if they become employed by a registered exempt mortgage company. Under the SAFE Act an MLO is deemed to have Temporary Authority, "upon becoming employed by a state-licensed mortgage company" subject to certain conditions. A state-licensed mortgage company is defined as "an entity that is licensed or registered under the law of any State to engage in residential mortgage loan origination and processing activities." Therefore, a registered exempt mortgage company does not meet the criteria of a "state-licensed mortgage company" for purposes of the Act.

Temporary Authority may be available under a state's authority. To determine if a state permits Temporary Authority, consult the License Requirements and Fee Chart on the NMLS Resource Center.

LENGTH OF TA PERIOD

TA begins when a qualified MLO, who meets all TA eligibility requirements, submits an MLO application (application requirements are listed below).

TA ends when any of the following triggering events occur:

- A state denies the application through NMLS or posts an "Intent to Deny" license item to the record in NMLS;
- The application remains incomplete on NMLS after 120 days;
- The state grants the license; or
- The MLO requests to withdraw the application. An approval of the request to withdraw the application by the state regulator is not required to end TA.TA will also end if an MLO loses their sponsorship. Once TA ends, TA cannot be reinstated.

Note: TA will continue beyond 120 days if an applicant has completed all requirements for full licensure, but the state has not made a final disposition.

TA APPLICATION REQUIREMENTS

An MLO application will enter the TA workflow if the above eligibility requirements are met and the application includes:

- A completed Individual Form (MU4), which contains personal history and experience;
- 2. An explanation and supporting documentation uploads for any "Yes" answer to a disclosure question;
- 3. The receipt of a criminal history record information check from the FBI;
- 4. Authorization to obtain a credit report;
- 5. W2 Employee is selected for the Worker Classification in the applicant's company relationship; and
- 6. A request for sponsorship from the MLO's employer.

A complete application for **licensure** must also include:

- The submission of any State-specific documents (if applicable). See the <u>state</u> <u>licensing checklist</u> to determine any state-specific requirements for each MLO license
- 2. The passing of the SAFE Act Test
- 3. Completion of pre-licensure education courses

Note: An eligible individual can submit an MLO license application without passing the SAFE Act Test or meeting Pre-Licensure education requirements and be deemed to have TA.

HOW ELIGIBILITY IS DETERMINED IN THE SYSTEM

NMLS is programmed to check the following TA eligibility requirements:

1. Continuous registration for one year or continuous licensure for the last 30 days

preceding application submission;

- 2. Whether the MLO has had a break in service of more than 14 calendar days;
- 3. Whether the MLO has an item in their CHRI results;
- 4. Whether the MLO has had a loan originator license denied;
- 5. Whether the MLO has had a loan originator license revoked or suspended;
- 6. Whether a regulator has uploaded a Cease and Desist order in NMLS; and
- 7. W-2 employee is selected as the Worker Classification in the MLO's company relationship.

WORKER CLASSIFICATION

To be eligible for TA, an MLO must be employed by a state-licensed company in the application state. "Employee" has been interpreted to mean a W-2 employee, as defined by the IRS, not a 1099 contractor. This interpretation has been validated by the definition of "employee" in Regulation H. (See 12 CFR 1008.23).

An MLO who is a W-2 employee of a parent company, but is licensed and sponsored by a subsidiary, would not be eligible for TA. The MLO must be a W-2 employee of the company that holds the license and has sponsored them.

To denote in the system that an applicant is a W-2 employee, the company must complete the Worker Classification field in the Company Relationship screen.

Note: See "Establish a Relationship" in the Company Relationship section.

SPONSORSHIP

In order for an MLO to receive TA, the MLO's company must have requested sponsorship. If all other eligibility requirements are met, TA would begin at the request of sponsorship; approval of the sponsorship by the state regulator is not required.

CRIMINAL HISTORY RECORD INFORMATION (CHRI)

There is a 2-Day/9-Day CHRI review process for applications in the TA workflow.

If a state receives an application with CHRI, they have two business days to perform the initial review of the CHRI. If CHRI is cleared, the MLO will remain eligible for TA, pending all other eligibility requirements. If a Background Check license item is set, the review period will be extended to nine business days. At the time the Background Check license item is set, the state regulator will request additional information from the applicant. During this review period, the applicant needs to provide the requested information by the date requested by the regulator so that the state can review the supplied information within the nine business days.

If a state fails to place a Background Check license item on an application with CHRI within two business days, the system will update the application status to an active Temporary Authority status.

If a state places a Background Check license item on an application with CHRI and then removes it, the system will update the application status to an active Temporary Authority status.

If a state places a Background Check license item on an application with CHRI and the MLO does not respond, the state would need to take action, by either issuing an Intent to Deny license item or denying the application. An intent to deny would end TA in the application state; a denial would end TA in all states.

Note: If an MLO is aware that they have criminal history, they should be prepared to submit their explanatory documentation at application submission to the regulator in the method that they require.

If a state places a Background Check license item on an application with CHRI and the MLO does not respond and the state does not take action, at the end of nine business days the system will automatically update the application status to an active Temporary Authority status.

If sufficient documentation is received from the MLO, the Background Check license item can be removed by the state regulator immediately.

INTENT TO DENY

The intent of S. 2155 is to permit qualified mortgage loan originators to continue originating loans for up to 120 days while completing testing, education, and/or state- specific requirements, including additional documents. During this time period, applicants are also required to complete any follow-up requests made by the regulator.

If eligible, an applicant will be deemed to have TA while their application moves through a state's normal licensing process. Under S. 2155, placing an Intent to Deny License Item would end TA. An Intent to Deny license item signifies that the regulator has reviewed the license application and has found one or more reasons legally sufficient to deny the license and has issued a notice of intent to deny the license. In certain jurisdictions, an applicant may request a hearing on a notice of intent to deny the license. NOTE: There is no appeal process for the loss of TA.

TA LICENSING STATUSES

There are four NMLS licensing statuses that will be used in relation to applications in the TA workflow.

Pending Deficient (Temporary Authority Eligible)

- Pending CBC results or a request for sponsorship
- Meets other eligibility requirements

Pending Deficient (Temporary Authority)

- CBC results satisfied and a request for sponsorship has occurred
- Pending Testing and Education requirements
- Pending License Item

Pending Review (Temporary Authority)

- Testing and Education requirements have been met
- Waiting for regulatory review

Pre- Approved (Temporary Authority)

Pending Testing and Education requirements

Notes:

- 1. A license application in a Pre-Approved status will automatically move to Approved once Testing and Education requirements are met. This status is used when Testing and Education requirements have not been completed but a state has reviewed all other requirements and is satisfied. If an MLO fails to complete Testing and Education within the 120-day TA period, the application status will be updated to Pending-Deficient.
- 2. Applications in the Pending-Deficient (Temporary Authority Eligible) status can be abandoned by a State agency if permitted by their abandonment statutes(s).

CONSUMER ACCESS

Pending Deficient (Temporary Authority), Pending Review (Temporary Authority), and Pre-Approved (Temporary Authority) will show in Consumer Access with a status of Temporary Authority.

Consumer Access will show the Temporary Authority Begin Date and whether the MLO is Authorized to Conduct Business.

Consumer Access will show that an MLO is "Authorized to Represent" once sponsorship has been requested or accepted.

PROFESSIONAL STANDARDS: EDUCATION

TA permits MLOs to apply for a license without first completing testing and education requirements. Those MLOs who are eligible for TA may continue originating loans but must complete their testing and education requirements within the 120-day TA period. The following should be considered in order to ensure that MLOs complete their testing and education in a timely manner:

SMART TA: Requirements are complete, and the Education Record is Updated within 90 days of Receiving TA.

TA at Risk: Requirements are not complete, and the Education Record has not been Updated at day 100 of TA.

PROBABLE GUARANTEED LOSS OF TA: Requirements are not complete, and the Education Record has not been Updated at day 110 of TA.

ENHANCED INDIVIDUAL ROSTER REPORT (COMPANY)

The Individual Roster Report (Company) captures the "Worker Classification" and "Classification Begin Date" fields. The "Worker Classification" will list the MLO as either a "W2 employee" or a "Non-W2 employee." To be eligible for TA, the MLO must be a W-2 employee of a state-licensed company in the application state.

RECOVERY FUNDS AND SURETY BONDS

The SAFE Act gives the Consumer Financial Protection Bureau authorization to set minimum net worth or surety bond requirements for MLOs and for recovery funds paid into by MLOs. These amounts are based on the amount of loans originated by an MLO.

S. 2155 adds section 5117(d) to the SAFE Act which states that:

"Any individual who is deemed to have Temporary Authority to act as a loan originator... under this section and who engages in residential mortgage loan origination activities shall be subject to the requirements...to the same extent as if that individual was a State-licensed loan originator licensed by the application State."

MLOs with TA must meet all requirements of the SAFE Act, including those of bonding and recovery funds. Since MLOs with TA are able to originate loans, their total loan amount volume would need to be covered by a bond or recovery fund. Similar language in 5117(d)(1) extends this applicability to employers of MLOs with TA. Note that a sponsoring company's bond satisfies the bonding requirement for their MLOs.

LOSS OF TA AND EFFECT ON ORIGINATED LOANS

Loans, whether closed or not, are not affected by the intent to deny or denial of an MLO's application. Loans not closed belong to the company and closed loans cannot be undone. The company would need to transfer loans that are still in the origination or negotiation process to a properly licensed MLO, or an MLO with TA employed with the company.

MORTGAGE CALL REPORT (MCR)

An MCR must be completed by all state-licensed companies and companies employing state licensed MLOs. S. 2155 requires that applicants must be employed by a state-licensed company in the application state. Therefore, as employees of these companies, MLOs with Temporary Authority must be included in the MCR.

NOTIFICATIONS

Individual applicants and companies will receive notification when one of the following events occur:

TA Granted Notification – Subject: Temporary Authority to Operate Begins. This

occurs when an application status moves from Pending Deficient (Temporary Authority Eligible) to one of the Active TA Statuses below:

- Pending-Deficient (Temporary Authority),
- Pre-Approved (Temporary Authority), or
- Pending-Review (Temporary Authority).

TA Ineligible Notification – Subject: Temporary Authority to Operate Ended. This occurs when an individual license becomes TA ineligible.

'120 days' Approaching Notification – Subject: T&E Deadlines Requirements Approaching

After 90 days, a notification will be sent weekly. The last week, there will be a daily notification.

Chapter VII- FINANCIAL STATEMENT & NET WORTH FILING

NMLS enables company account administrators and designated company users to file financial statements (FS) in a single PDF document (8MB file size limit) through the system. Companies are often required to file a financial statement prior to submitting a license application, on an annual basis, or at other designated times during the year. In addition, companies holding licenses with a net worth (NW) requirement can also provide this information through NMLS.

A. General Instructions

<u>Filing</u> – Companies holding one or more license types in one or more states should consult the financial statement and net worth requirements for each license. Companies are expected to meet the most stringent financial statement and net worth requirement for their licenses. Filing the financial statements and meeting the net worth requirement to satisfy the most stringent state requirement will satisfy all FS and NW requirements for states participating in NMLS.

<u>Terms Used</u> – For uniformity, terms used in Financial Statement & Net Worth Filing are defined in the glossary.

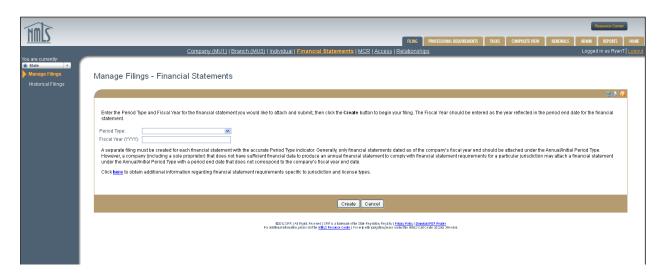
Company (MU1) | Branch (MUS) | Individual | Financial Statements | MCR | Access | Relationships Company (MU1) | Branch (MUS) | Individual | Financial Statements | MCR | Access | Relationships Company (MU1) | Branch (MUS) | Individual | Financial Statements | MCR | Access | Relationships Company (MU1) | Branch (MUS) | Individual | Financial Statements | MCR | Access | Relationships Wanage Filings Below is a list of Financial Statement filing screated for your company's record but not yet submitted through NMLS. Click (27 to complete and submit any Financial Statement filing listed below. There are no pending filings Below is a list of Financial Statement filings that have been submitted through NMLS. To amend the most recently submitted Financial Statement filing for a particular Fiscal Year and Period Type, select the respective Period Type link below. Fiscal Your Period Type 2011 Accessificial Create Filing Cre

MANAGE FILINGS - FINANCIAL STATEMENTS

As required by the license type for which you are applying, new applicants will not be able to submit a completed Company Form (MU1) unless the appropriate financial statement has been attached to their record.

Existing licensees will have the ability to file financial statements in NMLS throughout the year. State regulators have set a policy that all licensees required to file an annual financial statement must do so within 90 days of their fiscal year end. The system will allow for quarterly updates, semi-annual, and year-to-date financial statements as required by some states.

MANAGE FILINGS - FINANCIAL STATEMENTS

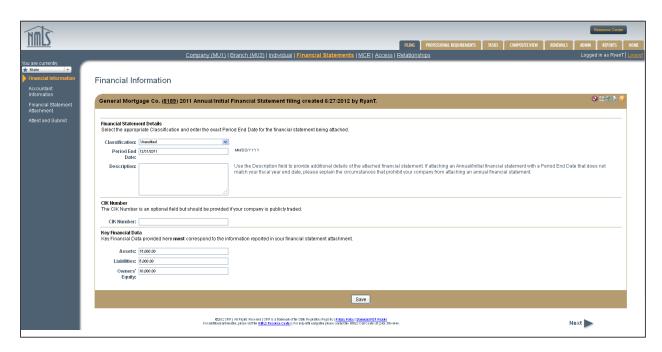


A separate filing must be created for each financial statement with the accurate Period Type indicator. Generally, only financial statements dated as of the company's fiscal year end should be attached under the Annual/Initial Period Type. If a NEW APPLICANT does not have sufficient financial data to satisfy the new application financial statement requirement for a state and all states where the company is seeking licensure allow this, the company may attach a financial statement under the Annual/Initial Period Type with a period end date that does not correspond to the company's fiscal year end. Licensed companies required to submit financial statements other than 90 days from fiscal year end must submit these under another period not and not the Annual/Initial Period Type.

If new application requirements state previous fiscal year financial statement(s) are necessary for the application (other than the most current year), only submit the most current annual financial statement under Annual/Initial Period Type. Previous periods should be submitted under another appropriate period type with the corresponding fiscal year.

If your company prepares consolidated financial statements and the states in which you are applying or are currently licensed accept them to satisfy the financial statement requirement, you may submit those through the system. Please note that most states ALSO require consolidated schedules reflecting the financial condition of the licensee itself.

FINANCIAL INFORMATION



Licensees are required to submit a financial statement and meet the net worth requirement that satisfy the highest, or most stringent, standard among all NMLS states in which they are licensed or are applying for licensure.

If attaching an Annual/Initial financial statement with a Period End Date that does not correlate with your fiscal year end date, please explain the circumstances that prohibit your company from attaching an annual financial statement.

Key Financial Data must correspond to the financial statement filed under the Annual/Initial filing and reflect the assets, liabilities, and owners' equity values of the licensee. Whenever net worth values are changed from a prior submission, a financial statement reflecting these new values must be submitted with the net worth changes.

Sole proprietors should have a 12/31 fiscal year end which should be the same Month and Day as the Period End Date if you are submitting an Annual/Initial financial statement.

If you do not remember your company's fiscal year end, reference the information you entered in the Legal Status page for fiscal year end.

ACCOUNTANT INFORMATION



Companies must provide the information listed on this page if the financial statement was prepared by an accounting firm. Filings designated as *audited*, *unaudited* (*reviewed*), *or unaudited* (*compiled*) are required to complete this section.

FINANCIAL STATEMENT ATTACHMENT



Companies must attach the financial statement that corresponds to the Period Type, Classification, and Period End Date selected under **MANAGE FILINGS – FINANCIAL STATEMENTS and FINANCIAL INFORMATION.**

This entire attachment must be in ONE. SEARCHABLE PDF file. Licensees may not submit this attachment as a password protected file. If the file is currently password protected, remove the password requirement before attaching it as part of the filing.

If an accountant or other accounting professional has prepared the financial statements, companies must also submit the CPA or accountant cover letter with the financial statements. If signatures are required on the letter, regulators will accept them through this submission process.

If a company must make an amendment or other change to their most recently submitted financial statement submission, they may do so for a particular Fiscal Year and Period Type by selecting the respective Period Type Link in the Processed Filings list on the Manage Filings – Financial Statements page.

Do not submit PERSONAL FINANCIAL STATEMENTS through the system for Individual Form (MU2) and Individual Licensing Form (MU4) licenses if required in your state. Sole proprietors required to file financial statements to satisfy Company Form (MU1) license requirements may submit personal financial statements through NMLS to satisfy these requirements if allowed in your state.

ATTEST AND SUBMIT



The "Submit Filing" button will only appear if the Financial Statements Filing passes all completeness checks.

When clicking the "Submit Filing" button, applicants and licensees are making a legal attestation to all states in which they are applying for or maintaining a license through NMLS.

After clicking the "Submit Filing" button, the financial statement filing is submitted to the regulator(s) for review. If you are submitting a financial statement in conjunction with a new company license application, return to the Company Form (MU1) filing to complete this submission.

Certain states may require designated individuals attest to and submit the financial statements. Please consult state licensing requirements to ensure the appropriate individual is performing this function.

Chapter VIII - CALL REPORTS

NMLS accommodates the below Call Reports: Mortgage Call Report Money Services Businesses (MSB) Call Report

MORTGAGE CALL REPORT (MCR)

The Mortgage Call Report (MCR) must be completed by all state-licensed companies and companies employing state licensed mortgage loan originators (MLOs). Companies will complete a single MCR filing each quarter containing one or more Residential Mortgage Loan Activity (RMLA) components. Companies reporting mortgage lending or servicing business activities must also complete the Financial Condition (FC) component each quarter.

Companies reporting brokering business activities complete the FC component annually at the calendar year end.

Filing – The MCR functionality is found under the Filing tab for a company user.

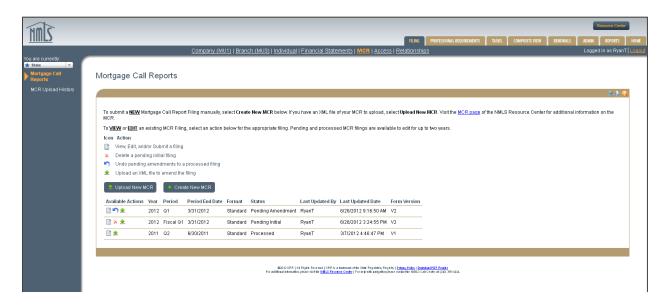
<u>Terms used</u> – Terms, definitions, and instructions for the MCR can be found on the NMLS Resource Center <u>Mortgage Call Report page</u>.

<u>State Specific Supplemental Form (SSSF)</u> – A small number of states require the SSSF to be submitted by specific licensees. The list of states that require the SSSF and state-specific guidance on SSSF submissions can be found on the NMLS Resource Center Mortgage Call Report page.

Company specific reports will not be made publicly available by NMLS. NMLS may aggregate data and release aggregated data to the public at a future date. State regulators may be subject to state public records law requirements to make the state's MCR information available to the public in certain circumstances.

The MCR is due 45 days from the end of each calendar quarter. Companies reporting brokering business activities must submit the Financial Condition (FC) component no later than 90 days from the calendar year end.

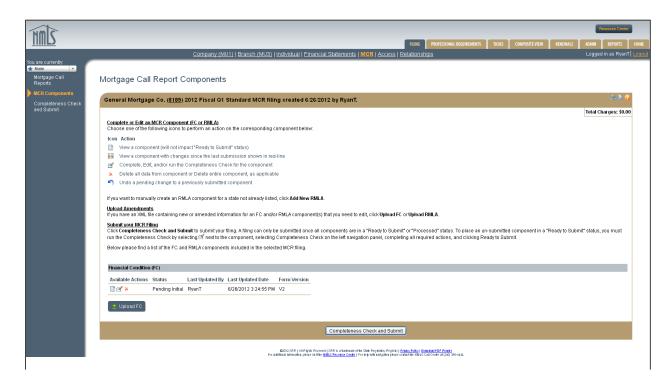
MORTGAGE CALL REPORT



The Mortgage Call Report is a quarterly report of condition which collects activity and financial activity of a company and their mortgage loan originators (MLOs). Companies holding one or more state licenses or state registrations through NMLS or employing state-licensed MLOs during a calendar quarter are required to complete a Mortgage Call Report (MCR). The MCR contains two components: the Residential Mortgage Loan Activity Report (RMLA) and the Financial Condition (FC). The RMLA component collects application, closed loan, individual MLO, Line of Credit, servicing, and repurchase information by state, in addition to company level information related to lines of credit and nationwide servicing information. The FC component collects financial information at the company level; it does not have to be completed by state.

Fannie Mae, Freddie Mac Sellers/Services and/or Ginnie Mae Issuers must submit an Expanded MCR. All other companies are required to submit the Standard MCR.

MORTGAGE CALL REPORT COMPONENTS



Components which the system has determined are required, based on licenses status and obligations, are automatically rendered on this screen. Companies may add additional components to satisfy additional requirements.

The Mortgage Call Report (MCR) Components screen lists all available MCR Components associated with an MCR Filing.

MCR filings contain two components: the Financial Condition (FC) and the Residential Mortgage Loan Activity (RMLA) Report.

Financial Condition

The FC contains the company's financial data. For Standard filers, the FC is required to be filed annually, no later than 90 days after the fiscal year end. For Expanded filers, the FC is filed quarterly. For information on who qualifies as a Standard or Expanded filer, please see the Mortgage Call Report page on the NMLS Resource Center.

Residential Mortgage Loan Activity (RMLA)

The RMLA contains information about the mortgage activities for a company and its Mortgage Loan Originators (MLOs). The RMLA has two components that contain company-level and state-specific information. The company-level RMLA component contains information related to lines of credit and nationwide servicing information, and is completed once within a filing. It is shared with each state where a company is licensed/registered. The state-specific RMLA components, which are completed for

each state where a company is licensed/registered, collects application, closed loan, individual MLO, Line of Credit, servicing, and repurchase information by state. If a company holds licenses in multiple states, it will need to complete a single company- level RMLA and a state-specific RMLA components for each state, even if there was no activity during the reporting period. The RMLA is required to be filed quarterly for both Standard and Expanded filers. Companies have the ability to submit the RMLA for additional states if necessary.

NMLS will determine the required filing type based on the year and period selected as well as the company's GSE-approval status (Fannie Mae or Freddie Mac Seller/Servicer or a Ginnie Mae Issuer).

Companies may add additional RMLA component(s) for any state(s) that NMLS did not automatically create based on the company's licensure/registration status. To add an RMLA component, see "Add State-Specific RMLA Component."

Also, NMLS will not automatically create the required state-specific RMLA component for Oregon. Companies with license/registration in Oregon will need to manually add the state-specific RMLA component.

Explanatory Notes

The Explanatory Notes section is a text field where a company user can provide additional information to the regulator. This field is optional unless there are outstanding data warning messages as described in the Completeness Checks and Warnings section.

All completeness check errors must be corrected before a component can be marked as "Ready to Submit." The presence of data warning messages does not prevent submission of the filing, but you must provide an explanatory note acknowledging that you accept the warnings prior to marking the component as "Ready to Submit."

State agencies will often ask for an explanatory note to be provided any time a Mortgage Call Report (MCR) component is amended.

Each component must be in a "Ready to Submit" status in order to submit the MCR filing on the Mortgage Call Report Component screen.

File Upload

NMLS provides company users with the ability to submit an MCR filing either through manual data entry within NMLS, or through an upload of a properly formatted XML file to NMLS. The upload feature may be used to create an initial MCR filing, change information on a pending MCR filing, or amend information on a previously submitted MCR filing.

MONEY SERVICES BUSINESSES (MSB) CALL REPORT

The Money Services Businesses (MSB) Call Report was developed with the goal of enhancing and standardizing the information available to state regulators concerning the activities of their Money Services Businesses licensees (money transmitters, check cashers, prepaid, etc.). Licensees can complete the report directly in NMLS. The report includes national and state specific MSB activity information that is submitted on a quarterly and annual basis. MSB licensees should consult with their state agencies to determine whether completion of the MSB Call Report is a requirement.

<u>Filing</u> – The MSB Call Report functionality is found under the Filing tab for a company user.

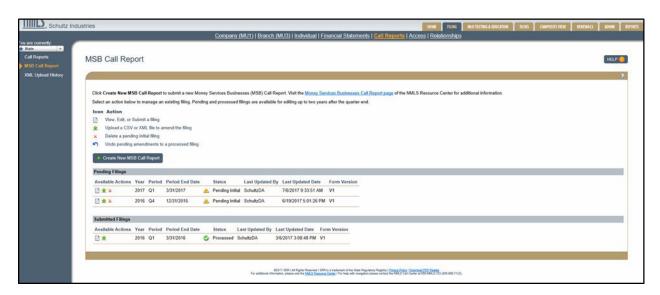
<u>Terms used</u> – Terms, definitions, and instructions for the MSB Call Report can be found on the NMLS Resource Center <u>MSB Call Report page</u>.

Company specific MSB Call Reports are not made publicly available.

Companies that complete foreign transmittal activity must complete Part IV (Destination Country Reporting) on an annual basis as part of the Q4 submission.

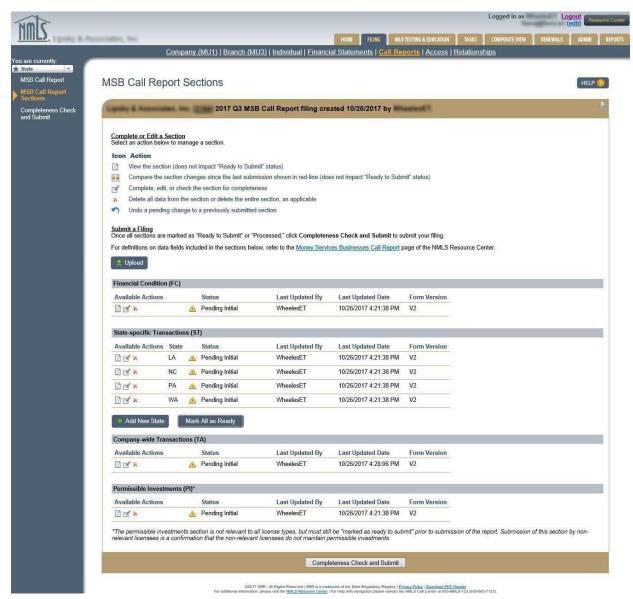
All sections of the MSB Call Report are due 45 days from the end of each calendar quarter.

MSB CALL REPORT



Companies holding a relevant MSB license during the calendar quarter will be required to file the NMLS MSB Call Report. The report is only required to be submitted for select licenses in adopting states. To view the most recent list of MSB Call Report adopting agencies, please visit the MSB Call Report page on the NMLS Resource Center. The NMLS MSB Call Report may only be submitted through NMLS. Therefore, in order for entities to submit the report, they must have an active record in NMLS.

MSB CALL REPORT COMPONENTS



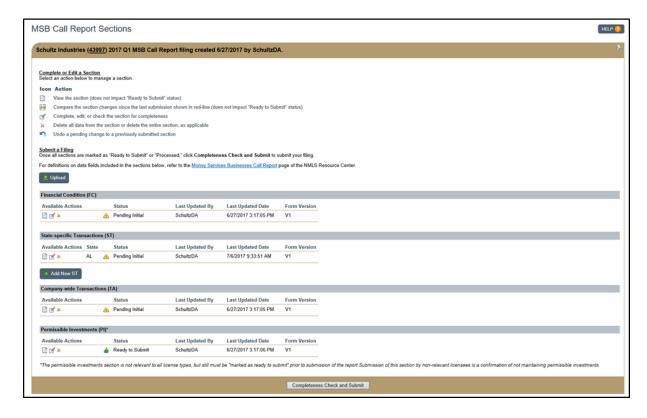
Sections, which the system has determined as required, based on license status and state requirements, are automatically rendered on this screen. Companies may add additional sections to satisfy additional requirements.

The report is comprised of four sections:

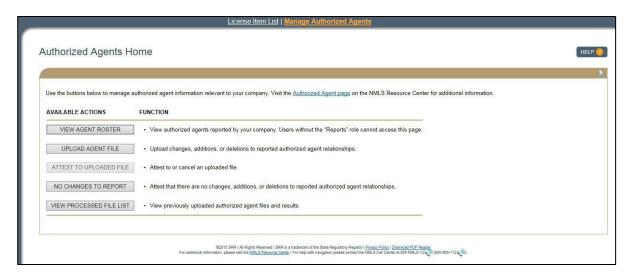
- 1. Section I: Financial Condition Report (At Company Level¹)
- 2. Section II: Transaction Activity Reporting

¹The financial condition report of the MSB Call Report must be reflective of the licensee and not "rolled- up" or consolidated information of the parent company. The financial statements must be consolidated at the <u>licensee</u> level. Financial condition information includes consolidated financial data for the licensee submitting the report inclusive of its subsidiaries.

- a. Company-wide Transactions Detail
- b. State Transactions Detail
- Section III: Permissible Investments Report (At Company Level)
- 4. Section IV: Transactions Destination Country Reporting
 - a. Company-wide Transactions Destination Country Detail
 - b. State Transactions Destination Country Detail



UNIFORM AUTHORIZED AGENT REPORTING (UAAR)				
Uniform Authorized Agent Reporting (UAAR) assists regulators with the supervision and monitoring of money services businesses and their authorized agent locations, which may include company owned branch locations. The NMLS UAAR process allows licensed money service businesses to file a single uniform report of their authorized agent (also known as authorized delegates) locations through NMLS to all participating state agencies. Reporting through NMLS replaces these states' reporting requirements. However, applicants are encouraged to review their state regulator's checklist to make sure all reporting requirements are met.				



Money services businesses submit periodic reports based on the state's reporting requirements regarding authorized agents by uploading an authorized agent file via a CSV template file for their company. Reporting includes any changes to current authorized agent locations or reporting no changes to current authorized agent locations.

Reasons to upload an authorized agent file:

- New authorized agent locations
- Updates to existing authorized agent locations
- Terminated authorized agent locations

The UAAR functionality is a living database of the licensee's locations, which may include those that are company owned branch locations. When completing updates only the updated agents should be included in the upload file. The UAAR quarterly reporting license item requires that updates or a confirmation of "No Changes to Report" be submitted within 45 days of the license item being placed on the licensee's record. An upload of any state UAAR will clear the license item. States with more frequent reporting requirements are communicated to the licensee on the checklist.

If there are no new additions, terminations, or changes to your company's current authorized agent locations, the No Changes to Report functionality allows the company to legally attest to this effect and meet its reporting requirement(s).

In some cases, a company has no Authorized Agents to report but still has a reporting obligation. For their initial submission the button will read as "No Agents to Report." Once the company has fulfilled their initial reporting obligation, the "No Changes to Report" option is presented.

A company that has no agent locations to report should select the "No Agents to Report" button on the Authorized Agent Home page. For licensees with no agents, a quarterly confirmation that there are no agents must be completed. The company

should click "No Change to Report" and attest. State agencies need to know which licensees use Agent locations and those that do not.

Only companies with a prior Company Filing and a MSB license type in a pending, approved, surrendered, or terminated status are permitted to upload an Authorized Agent file.

UAAR PHYSICAL ADDRESS VALIDATION

NMLS utilizes an external address validation service (Melissa Data) to validate Physical Addresses against the United States Postal Service's (USPS) database. As part of address validation, minor corrections and standardizations may be performed. In general, if the address a company has on file for an agent is currently recognized by the USPS and the USPS delivers mail to that address, it is accepted by NMLS.

If a Physical Address is considered invalid, an error description is provided in the results file. Licensees are expected to attempt to correct invalid addresses. If after completing due diligence in attempting to correct the address the licensees feel the address is correct, the licensee can submit, via the NMLS call center, the address for regulator review. The state regulator for which the agent is physically located in then reviews the address and either rejects or approves the address as an exception. The licensee, via email, is notified when review is complete and must then upload the agent in NMLS or further work to correct a rejected address.

Only United States and Canadian addresses are validated. If Authorized Agent information in other countries is required, NMLS accepts that information without validating the physical address information.

Chapter IX - NMLS ELECTRONIC SURETY BOND (ESB)

Many state laws or regulations require financial services licensees to obtain a surety bond as a condition of licensure. State regulators or consumers can file claims against a surety bond to cover fines or penalties assessed or to provide restitution to consumers due to the failure of a licensee to comply with licensing or statutory requirements.

In addition, Title V of P.L. 110-289, the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 ("SAFE Act") requires that applicants have met "...either a net worth or surety bond requirement or paid into a State fund..." in 12 USC §5104(b)(6). State regulations define the specific surety bond requirements (e.g. amount of coverage) that must be satisfied in order to obtain, maintain, and renew a license in the state.

Electronic Surety Bond Tracking in NMLS will allow for the tracking of surety bond requirements and the maintenance of surety bond information validated by authorized Surety Companies and/or Surety Bond Producers.

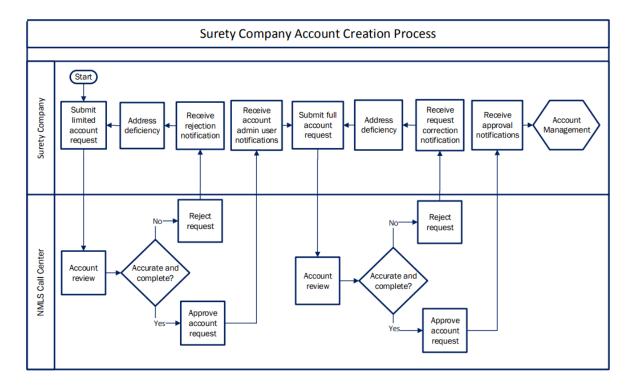
RESOURCES

Terms, definitions, and instructions for Electronic Surety Bonds can be found on the NMLS Resource Center Electronic Surety Bond <u>page</u>.

BOND CREATION

The bond form is created by the Regulator. This form is then rendered in NMLS and any NMLS licensee specific information required by the Regulator is then prompted to be provided. The process of providing the bond specific information in NMLS is known as the bond creation process. The bond can be created (using the existing form rendered in NMLS) by either a surety bond producer or a surety company. Once the bond is created, it can then be signed electronically in NMLS and then be sent through the System to the NMLS licensee to be counter-signed electronically. The bond is considered "executed" once both parties have signed.

SURETY COMPANY ACCOUNT CREATION PROCESS FLOW



COMPLETING THE SURETY COMPANY LIMITED ACCOUNT REQUEST:



- 1. Complete ALL of the fields on the Surety Company Limited Account Request screen and click the Next button.
 - a. NOTE: Be sure you have entered your NAIC number and/or EIN correctly and an email address that is readily accessible. You cannot edit the EIN or NAIC number once your record is created without contacting the NMLS Call Center.
- 2. Review the information provided. If correct click the Finish button. If incorrect click the Previous button and correct any information.

Once the Surety Company Limited Account Request has been submitted it will be reviewed by NMLS. The primary contact identified will receive an email from NMLS_Notifications@NMLSNotifications.com within 2 - 3 business days. The email will inform the applicant of approval or rejection based on verification of the information provided.

Rejection may occur if:

- Legal Name does not match NAIC data
- EIN already exists in NMLS or does not match NAIC data
- NAIC already exists in NMLS or does not match NAIC data
- Data fields appear to be incomplete or erroneous

If the Surety Company Limited Account Request is approved, the Primary Company Contact identified will receive username and password information to access NMLS in separate emails.

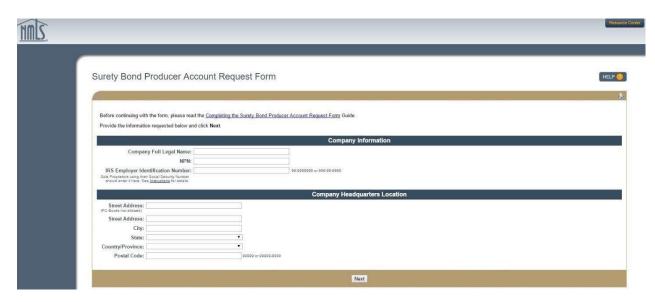
COMPLETING THE SURETY COMPANY FULL ENTITY REQUEST:

In order to complete the surety company account request, the Primary Company Contact will need to log in to NMLS and complete the Surety Company Full Entity Request.

- 1. Navigate to the NMLS Resource Center.
- 2. Click the Log in to NMLS button in the upper right corner.
- 3. If prompted, select the State context, and then log in to NMLS.
- 4. Once the account password and security question have been confirmed, the System will direct you to the Surety Company Full Entity Request.
- 5. Each section on the left navigation panel will need to be completed. Once information has been entered in each screen, click the Save button at the bottom of the page.
- 6. To navigate through the form, click the Next button at the bottom of each page to continue to the next section. For additional section specific instructions, see below.
 - a. In the Contact Information section, click the Copy button if the Secondary Contact is the same as Account Administrator #2 to default the name, email, and phone number information. If the Secondary Contact is not the same as the second Account Administrator, provide the appropriate contact information.
 - b. In the Underwriting Companies section, click the New Underwriting Company button to provide information on related surety entities performing writing activities on behalf of the surety company.
 - Click Attach File to upload the related underwriting company's formation documents. Refer to the Surety Company Account Request and State Authorization Form for a list of required documentation.
 - ii. Click the Save button to save your attachment and return to the Full Entity Request
 - iii. In the File Attachment section, click the Choose File button to upload the related surety entity's formation documents then click the Attach File button. Refer to the Surety Company Account Request and State Authorization Form for a list of required documentation.
 - iv. In the Submission section, review the attestation and confirm the statement by selecting the check box.
- 7. To submit the Surety Company Full Entity Request, click the Submit Request button.

Upon submission of the Surety Company Full Entity Request, NMLS will verify the data submitted against the NAIC database. The Account Administrators will receive an email from NMLS_Notifications@NMLSNotifications.com within 5 – 7 business days informing the applicant of approval, request correction, or rejection based on verification of the information provided.

COMPLETING THE SURETY BOND PRODUCER ACCOUNT REQUEST FORM

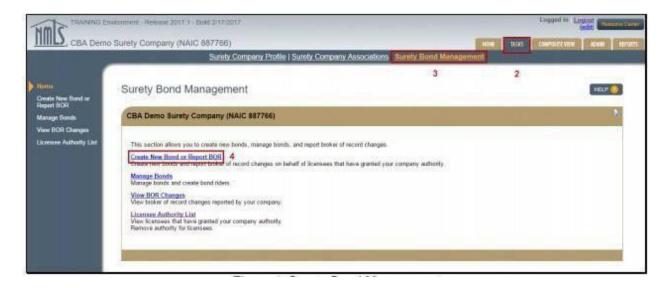


- Complete ALL of the fields within the Surety Bond Producer Account Request Form including company information, primary and secondary contact information, account administrators, state authorizations, and submitter contact information.
- 2. Once all sections have been completed, the System will allow you to review the data provided.
- 3. Prior to completing the attestation, click the Choose File button to upload related surety bond producer formation documents. Refer to the Surety Bond Producer Account Request and State Authorizations Form for a list of required documentation.
- 4. To submit the Surety Bond Producer Account Request Form, review the attestation and confirm the statement by selecting the check box.
- 5. To submit the form, click the Submit button.

CREATE A NEW BOND



- 1. Log in to NMLS.
- 2. From the Home screen, click the Tasks tab.
- 3. Click Surety Bond Management either in the top menu bar or in the main description panel.
- 4. Click Create New Bond or Report BOR. This will display a list of all licensees who have granted you authority to create bonds on their behalf.

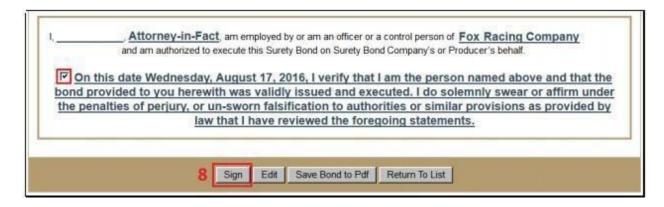


- 5. Click the Create Bond button next to the licensee you will be creating a bond for.
- Provide the requested information. Fields will automatically adjust based on requirements of the state and license type selected.
 - a. When creating a bond in NMLS to replace an existing paper bond previously provided to the Regulator, known as a bond conversion, select the Converted radio button and provide the existing information. The

- effective date on the bond (if applicable) will be the date the bond is signed in NMLS by the surety entity.
- b. A surety bond producer identified by the surety company during the bond creation process will become eligible to act as broker of record on the bond after the bond has been signed by the licensee.
- c. A "Not Formed in US" option is available at the bottom of the drop down for electronic surety bonds requiring "State of Formation" for the licensee or surety company.
- d. Confirm that the correct license type has been selected.
- 7. Click the Save & Proceed button.



8. Review all information in the rendered bond. At the bottom of the page, check the box to attest, then click the Sign button.



Instructions on executing and delivering a surety bond or a surety bond rider can be found at the following link:

os://mortgage.nationwide Bond%20Execution%20	(Company).pdf.		

Chapter X - PROFESSIONAL REQUIREMENTS

NMLS currently enables individuals to select and pay for the National and State Components of the SAFE Mortgage Loan Originator Test.

State licensed mortgage loan originators (MLOs) are currently the only individuals who have a requirement to take a test, complete pre-licensure education, or satisfy an annual continuing education requirement.

Education Requirements: Detailed information on pre-licensure and continuing education requirements for MLOs may be found in the NMLS Resource Center. Licensees may review the status of their education requirements by clicking on "Composite View" and clicking the "View Education Information" link on the left of the screen. Annual compliance information (for PE and CE) will be displayed on this page. If the current or previous year is not displayed, then you are not yet compliant for pre- licensure education and/or annual continuing education. Licensees can review progress toward completing education requirements by clicking the "compliance type" drop-down menu and then choose a year from the dropdown menu. After doing this the requested course completion record will display. The course completion record lists the hours of education required by topic as required by the SAFE Act, the hours which have been completed, as well as current compliance status. If the required numbers of hours in a subject area have not yet been completed, the category will show as "Non-Compliant."

At the bottom of the course completion record is a listing of every course which has been reported to NMLS as being completed for the year. Information such as the date the course was completed, the date the course completion was reported to NMLS, the number of hours of the course, as well as the course type.

A. General Instructions

<u>Filing</u> – In order to select and pay for the SAFE Mortgage Loan Originator Test, an individual must have a NMLS Unique ID. Applicants and licensees should consult the MLO Testing Handbook on the NMLS Resource Center for detailed instructions.

<u>Terms Used</u> - For uniformity, terms used in the Professional Requirements Filing are defined in the MLO Testing Handbook.

NON-DISCLOSABLE EVENTS AND REGULATORY ACTIONS

If a Regulatory Action is posted in NMLS with the Privacy Level of "All Regulators," and noted₁ as a non-disclosable action, the non-posting state regulator shall not require the action to be disclosed in other parts of the system or included in their exam findings or reports, or otherwise be made available to non-regulators through NMLS.

If a non-posting state regulator feels any Regulatory Action, with the Privacy Level of "All Regulators," should be reported in other parts of NMLS or included in exam findings or reports, they must contact the posting state regulator to discuss further. The non-posting state regulator shall defer and take no action contrary to the posting state regulator when it comes to requiring further disclosure of these events.

¹ This could be noted in the *Description of Action* field, *Regulator Notes* field, *External Notes* field, or in the supporting documentation included with the Regulator Action.

GLOSSARY

EXPLANATION OF TERMS

ACCESS – Indicates a company's ability to view, file, or maintain an Individual Form (MU2) or Individual Licensing Form (MU4) on behalf of an individual. Individuals must provide a company access to their record in order for the company to file or maintain their record, or to create a relationship or sponsorship.

AFFILIATE – An organization that is under common control with the applicant

AGENCY FEE INVOICE (AFI) – This functionality permits state agencies to invoice current, pending, and past relevant company, branch and individual licensees for various fees through NMLS. Licensees can pay agency invoices through the current NMLS payment process. When an invoice is created, the System places a license item on the license that is linked to the invoice. State agency users also have the ability to modify the license item to add additional information. The license item is cleared when payment has been processed or the regulator cancels the invoice.

APPLICANT – The entity applying or amending information on this form. The only instance in which the *applicant* is an individual is in the case of a sole proprietorship or applying for licensure view the Individual Licensing Form (MU4).

AUDITED FINANCIAL STATEMENT – A financial statement that has been audited and represents all components of a financial statement including: balance sheet, cash flow statement, and income statement.

AUTHORIZED AGENT/DELEGATE – An entity designated by a licensee to provide money services on behalf of the licensee. This may include company owned branch locations. This relationship is often formalized through an agreement/contract between the licensee and agent.

BUSINESS ACTIVITY - A generic, non-legal definition of a financial services activity that reasonably describes the activity. No activity can be covered by more than one definition.

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

CIK NUMBER (CENTRAL INDEX KEY) – A unique identifier assigned by the SEC to companies who file disclosure documents with the SEC. This number is reported on Company 10K filings as required for publicly traded companies. Some states alternatively refer to this number as the 10K Id number. However, the 10K Id number is a filing identifier for the 10K filing and is not used to uniquely identify a Company.

COMMERCIAL PURPOSES: Any business activity primarily engaged in for purposes other than personal, family or household.

CONSOLIDATED FINANCIAL STATEMENT – Audited financial statements of a group

(parent and all its subsidiaries) presented as those of a single entity.

CONSOLIDATED SCHEDULES – Audited or unaudited financial statements for a subsidiary as included in the parent company's consolidated financial statement.

CONTROL – The power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any *person* that (i) is a general partner or executive officer, including Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Credit Officer, Chief Compliance Officer, director, and individuals occupying similar positions or performing similar functions; (ii) directly or indirectly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities; (iii) in the case of an LLC, Managing Member; or (iv) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 10% or more of the capital, is presumed to control that company.

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

This includes companies that are "up or down the ownership ladder." In effect, this requires applicants to only disclose for relationships that go up (parent and grandparent) or those that go down (subsidiary) but not for those relationships that go sideways (brother and sister).

An applicant or licensee must disclose for companies that "go up" the ownership "ladder" until reaching the last individual owner, a publicly-traded entity, or a bank or bank holding company regulated by a Federal banking regulator, such as the Federal Reserve, the Office of the Comptroller of the Currency (OCC), the Consumer Financial Protection Bureau (CFPB) the Federal Deposit Insurance Company (FDIC), or the National Credit Union Association (NCUA). No barrier going down the "ladder."

CONTROL PERSON – An individual (natural person) named that directly or indirectly exercises *control* over the *applicant*. (see definition of control)

ENJOINED – Includes being subject to a mandatory injunction, prohibitory injunction, preliminary injunction, or a temporary restraining order.

ENTITY – A company, branch, or an individual with a record in the system.

FELONY – For states 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. The term also includes a general court martial. If your state already differentiates, use your state's definition and label.

An individual on probation would still be required to disclose. Consult state licensing requirements to determine whether or not an individual on probation for a felony is eligible for licensure in your state.

FINANCIAL SERVICES OR FINANCIAL SERVICES RELATED – Pertaining to

securities, commodities, banking, insurance, consumer lending, consumer financial product(s) or service(s), money services businesses, consumer debt management 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, escrow agent) payday lender, money transmitter, check casher, pawnbroker, collection agent, debt management company or title lender.

FINANCIAL STATEMENT – The generic reference to a financial statement, either audited or unaudited. The financial statement may contain one or more component: balance sheet, cash- flow statement, statement of income, etc.

FINANCIAL STATEMENT CLASSIFICATION – The type of financial statement required by a state in regard to one of the following designations (shown in highest to lowest ranking stringency as they appear in the system):

- Audited
- Unaudited (reviewed)
- Unaudited (compiled)
- Unaudited

FINANCIAL STATEMENT PERIOD END DATE – The period end date that corresponds to the Financial Statement Filing. This date should correspond to the classification of the financial statement and the Fiscal Year End of the Company.

FINANCIAL STATEMENT PERIOD TYPE – Represents the period to which the Financial Statement Filing pertains relative to the Fiscal Year (e.g. annual, quarterly or year-to-date). The Period Type qualifies the Financial Statement Filing in conjunction with the Fiscal Year.

FISCAL YEAR – Any 12-month period a company uses for accounting purposes.

FISCAL YEAR END – The last day of a 12-month accounting period.

FINANCIAL CONDITION – The component of an MCR which gathers the filing entity's financial data at a corporate level. The FC may be Expanded (E-FC) or Standard (S-FC).

FOREIGN FINANCIAL REGULATORY AUTHORITY – Includes (1) a *financial* services authority of a foreign country; (2) other governmental body empowered by a foreign government to administer or enforce its laws relating to the regulation of *financial services* or *financial services-related* activities; and (3) a foreign membership organization, a function of which is to regulate the participation of its members in *financial services* activities listed above.

FOUND -

Includes:

- adverse final actions
- consent decrees/orders in which the respondent has neither admitted nor denied the findings

Does not include:

- agreements
- late fees
- deficiency letters
- examination reports
- memoranda of understanding
- letters of caution
- admonishments, or
- similar informal resolutions of matters.

"Settlement" often falls under the "included" category like consent decrees and final actions. However, in jurisdictions that use "settlement" to be synonymous with "agreement" such settlements would fall under the "not included" batch with other agreements. One possibility that may be relevant in determining where a "settlement" fits in your jurisdiction is to the determination of whether it is a public record or not. In this analysis, if it is a public record then it should be included and if it is not a public record, it should not be included.

INVOLVED – In connection with the Disclosure Questions, the term involved means, doing an act or omission or aiding, abetting, counseling, commanding, inducing, conspiring with, or failing to reasonably supervise another in doing an act or omission.

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

KEY FINANCIAL DATA – Numeric values of Assets, Liabilities, and Owners' Equity to be entered into the system by the company in conjunction with submitting a Financial Statement filing that is classified as an Annual/Initial statement.

NET WORTH (OWNERS' EQUITY) – The amount by which assets exceed liabilities calculated according to Generally Accepted Accounting Principles (GAAP).

MISDEMEANOR – For states 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. The term also includes a special court martial. If your state already differentiates, use your state's definition and label. (Also see "felony.")

Company Form (MU1) Disclosure question (B)(1) is limited to "a misdemeanor involving: <u>financial services</u> or a <u>financial services-related business</u> or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses"

For purposes of disclosure questions in NMLS omit irrelevant misdemeanors, including, but not limited to, traffic violations, non-fraud related violations, etc.

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.

Orders include temporary and permanent Cease and Desist Orders.

Orders that must be disclosed are limited in Disclosure Question (C)(4) to orders directed to applicant or control affiliate. See definitions of control affiliate to understand the extent of required disclosures in this regard.

PERSON – An individual, partnership, corporation, trust, LLC or other organization.

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).

QUALIFYING INDIVIDUAL – A person that must meet certain requirements and is responsible for the actions of the company. Different terms are used in different states, such as Qualified Person in Charge or Managing Principal. The individual may be the branch manager in some cases if they meet the state's requirements.

RELATIONSHIP – A company's indication that the individual being employed by the company or having a contract to work for the company. It represents the relationship between the company and the individual and does not require approval by any regulator.

RESIDENTIAL MORTGAGE LOAN ACTIVITY REPORT (RMLA) – The component of an MCR which gathers the filing entity's information at a state level, except for the Lines of Credit information which is collected at a company level. The RMLA may be expanded (E-RMLA) or standard (S-RMLA).

SELF REGULATORY ORGANIZATION (SRO) – Non-governmental organization that has the authority or power to create and enforce industry regulations and standards.

SETTLEMENT SERVICES – The same as defined in the federal Real Estate Settlement Procedures Act (RESPA) 12 U.S.C Sec. 2601 et seq., Regulation X, 24 C.F.R. Part 3500 et seq including:

- Title searches
- Title examinations
- The provision of title certificates
- Title insurance
- Services rendered by an attorney
- The preparation of documents
- Property surveys
- The rendering of credit reports or appraisals
- Pest and fungus inspections
 - Services rendered by a real estate agent or broker

- The origination of a federally related mortgage loan (including, but not limited to, the taking of loan applications, loan processing, and the underwriting and funding of loans)
- The handling of the processing and closing or settlement.
- **SPONSORSHIP** A company's indication that the individual will conduct business under a specific license/registration for the company. Only a company user may request sponsorship of the individual's license and the company must already have an established relationship with the individual in the system. License sponsorship must be approved by the regulator.
- **STATE REGULATORY ACTION (SRA)** An action that includes public disciplinary and enforcement regulatory actions brought against a Company, Individual and posted by a state regulator in NMLS.
- **TEMPORARY AUTHORITY TO OPERATE** Temporary Authority to act as a loan originator permits: 1) qualified MLOs who are changing employment from a depository institution1 to a state-licensed mortgage company, and 2) qualified state-licensed MLOs seeking licensure in another state, to originate loans while completing any state-specific requirements for licensure such as education or testing.
- **TRUST ACCOUNT** A fiduciary arrangement whereby funds or assets are held for the benefit of another party.
- **UNAUDITED FINANCIAL STATEMENT** One or more components of a financial statement (balance sheet, cash flow statement, income statement) that has not been audited.
- **UNAUDITED (COMPILED) FINANCIAL STATEMENT** An unaudited financial statement for which the financial data has been assembled by a CPA or equivalent but not reviewed for accuracy.
- **UNAUDITED (REVIEWED) FINANCIAL STATEMENT** An unaudited financial statement for which the financial data has been reviewed for accuracy by a CPA or equivalent.

LICENSE STATUS DEFINITIONS

A current list of license statuses that are used within NMLS can be found on the <u>NMLS Resource Center</u>. Please note that some statuses may have one or more uses or definition variations, so it is important to consult with the jurisdiction that set the license status if you have a specific question.

BUSINESS ACTIVITIES DEFINITIONS

Business Activities are generic, non-legal definitions of a financial services activity that reasonably describes an activity permitted by a state, and therefore the definitions may not comport with state statutory definitions. No activity can be covered by more than one definition.

When applying for a license, applicants should review all Business Activities and make sure to select all that they intend to perform under their business model.

A current list of Business Activities can be found on the NMLS Resource Center.

Appendix 1

Addressing inconsistency between licensee's NMLS record and state files during Transition

The One Record concept poses particular issues for licensees and regulators during Transition. Transition is the submission of a license request by an existing licensee through NMLS to the state regulator. It is possible the attested Company, Branch, or Individual Form submitted by a licensee through NMLS may not match the information a state regulator has on file with regards to that licensee.

Regulators may place a license item on the entity's record and request additional information. Licensees cannot be expected to submit false information initially merely to match a state's information on file for two reasons:

- a. Licensees are required to legally attest to the accuracy of the information with each submission.
- b. A licensee's NMLS record may have already been accepted in another state. Any change they make would change that other state's license information.