

Money Service Business Application

For Money Transmission



Texas Department of Banking

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NOTICE TO APPLICANTS

Note that effective December 1, 2011 this website has been updated. Numerous forms and instructions have been revised. Please carefully review instructions and forms to make certain that your application submission complies with the current requirements. Failure to use correct forms may delay processing and/or result in a return of your application.

Texas Finance Code, Chapter 151 (Chapter 151), generally requires a person or business to have a license to engage in the money services business in Texas. There are two types of Money Services Business licenses and separate applications for each type. A person or business that engages in the money transmission business must have a money transmission license. Money transmission includes 1) issuing or selling prepaid access cards and instruments such as checks, money orders and traveler's checks; 2) receiving money for transmission; 3) providing third-party bill paying services; 4) transporting currency; or 5) currency exchange. A person or business that engages **only** in the currency exchange business must have a currency exchange license. **Please note that the application for a currency exchange only license is a separate application form.**

Certain requirements for a money transmission license are different from the requirements for a currency exchange license. Please read Chapter 151 to determine if you are engaged in a business that requires a license and what kind of license you need. Refer particularly to §151.002 (definitions), §151.003 (exclusions), §151.301 (definitions related specifically to money transmission), §151.302 (money transmission license required); §151.501 (definitions related specifically to currency exchange) and §151.502 (currency exchange license required.) All licenses expire on August 15 of each year.

The filing of an Application for a Money Services Business (Application) for a new license, or requesting an Application or otherwise corresponding with the Texas Department of Banking about the need for a license or about your Application, does not authorize you to engage in business activities that require a license under Chapter 151. If you are operating without the required license, you are violating Chapter 151 and you are subject to enforcement action and penalties.

To apply for a Money Services Business license, you must file an Application with the Texas Department of Banking. The Application consists of the forms, schedules, exhibits and attachments that are attached to or follow this Notice.

The filing fee of \$2,500 must accompany your application. Your check should be made payable to the Texas Department of Banking. The filing fee is non-refundable. In addition, the Department may charge investigations fees for processing applications that take longer than normal or where an onsite investigation is necessary. You will be notified before any investigation fees are imposed.

If you do not submit the filing fee at the same time you submit your application, your application will be returned. Additionally your application will be returned to you if the application does not include or is not accompanied by:

1. The applicant's signature, sworn to before a notary.

2. The security, if required, as explained in the SECURITY Section of this Notice and *Exhibit G* of the application
3. Financial statements, as explained in the NET WORTH Section of this Notice.
4. If applicable, a search firm background investigation report, as explained in BACKGROUND CHECKS Section of this Notice and *Appendix A* of the application.

The Application must be fully completed and all of the required information must be provided. You must respond to each question, even if the answer is “None” or Not Applicable”. Be sure to:

1. Provide complete addresses, including zip codes.
2. Sign each form where required.
3. Have signatures notarized as required.
4. Cross-check the information BEFORE you submit the Application to insure accuracy and consistency in the information provided.

In accordance with the USA PATRIOT Act of 2001 and the Department of Treasury’s Title 31 CFR Chapter X, pertaining to anti-money laundering programs for the Money Services Businesses, each applicant must be aware of the requirements of the law and its implementation deadlines. Money services businesses currently established must be in compliance with these requirements, including a current registration with Financial Crimes Enforcement Network (FinCEN), a division of the U.S. Department of Treasury, www.fincen.gov as a money services business.

Please direct any questions regarding a Money Services Business Application or a proposed new license to the Texas Department of Banking, Corporate Activities Division, at (512) 475-1342 or carrie.lemke@dob.texas.gov.

SECURITY: Security is the term used in Chapter 151 to describe the surety bond, irrevocable letter of credit, or deposit required under §151.308 for a money transmission license and §151.506 for a currency exchange license. The security must accompany the Application when it is submitted to the Department. The required amounts are:

Currency Exchange License: \$2,500

Money Transmission License: The greater of \$300,000 or an amount equal to one percent of the license holder's total yearly dollar volume of money transmission business in this state or the applicant's projected total volume of business in this state for the first year of licensure, up to a maximum of \$2 million.

Please carefully review §151.304, §151.308, and §151.504 and §151.506 for details about the security requirements.

NET WORTH: An Applicant that intends to engage only in the currency exchange business and that applies for a Currency Exchange License must submit a current financial statement that demonstrates the Applicant’s solvency. The financial statement must be certified to by a responsible officer.

An Applicant for a Money Transmission License must submit a current audited financial statement that demonstrates that the Applicant possesses and is likely to maintain the net worth, if the license is granted. Section 151.307 of the Code requires a minimum net worth of \$100,000 if business is proposed to be conducted at four or fewer locations and transmission is not conducted via the internet, and \$500,000 if business is proposed to be conducted at five or more locations. If an Applicant provides services or products over the internet, or offers a prepaid access card or similar product, the higher net worth standard of \$500,000 will be required. (The commissioner may increase the required net worth up to a maximum of \$1 million based on the factors set out in §151.307.) The required financial statements must be in English and denominated in U.S. Dollars.

BACKGROUND CHECKS: Extensive background checks are conducted on each Applicant as well as the control shareholders, principals of the Applicant and responsible individuals. See §151.002 for definitions and *Appendix A-Supplemental Forms* for clarification. These checks include law enforcement agencies, credit reports, and other regulators.

Any non-U.S. citizen who is required to submit fingerprints as noted above and has not resided in the U.S. for at least the last 10 years, must have an investigative background report prepared by an acceptable search firm in lieu of submitting fingerprints.

U.S. citizens living abroad for more than 2 of the last 10 years must also have an investigative background report prepared by an acceptable search firm in addition to submitting fingerprints. The cost of the report must be borne by the applicant or the individual. **The investigation report must be submitted directly to the Department with a copy of the report provided at the time of submission of the application.** Refer to Search Firm Report instructions in *Appendix A*. Contact the Corporate Activities Division for additional information.

CONFIDENTIALITY: Review Chapter 151 of the Texas Finance Code thoroughly prior to completing the application form. If you have any questions please contact the Corporate Activities Division at (512) 475-1342. Completed application forms should be mailed to:

**Texas Department of Banking
Corporate Activities Division
2601 North Lamar Blvd.
Austin, TX 78705-4294**

Information submitted in connection with the application may be subject to disclosure under the Open Records Act and Chapter 151 of the Code. Confidential information should be clearly marked when submitted.

MONEY SERVICES BUSINESS LICENSE APPLICATION
FOR MONEY TRANSMISSION

This application must be completed for entities seeking to engage in the business of money transmission. Refer to Chapter 151 of the Texas Finance Code (TFC)

1. Full legal name of the Applicant and Federal Taxpayer Identification number.

2. a) Indicate the form of the Applicant's legal organization, e.g. corporation, LLC, limited partnership, sole proprietorship. _____
b) If the Applicant is not a sole proprietorship, and is owned 25% or more by any corporate entity, provide a chart detailing the structure of the organization.

3. Any DBA or assumed name to be used in Texas, if applicable.

4. Primary Business Location (street address, city, state, zip code).

5. Mailing address of Applicant:

Street Address	P.O. Box
City, State, Zip Code	City, State, Zip Code

6. Individual who is to serve as primary contact for questions on the application
Name: _____
Title: _____
Telephone Number: _____
Email Address: _____

7. Anticipated number of locations to be established in Texas by the Applicant during the first year of operations _____. Service is to be provided through (indicate the number of all that apply):

- ____ Company Owned Outlets ____ Subsidiaries or Affiliates
- ____ Authorized Delegate ____ Internet
- ____ Other (explain)

8. a) Products or services to be offered directly to Texas citizens under this license (mark all that apply):

- ____ Money Transmission ____ Bill Pay ____ Currency Transportation
- ____ Checks ____ Money Orders ____ Currency Exchange
- ____ Travelers Checks ____ Drafts ____ Prepaid Access Products
- ____ Other (explain) ____ Gift Cards

b) Products or services to be offered as an authorized delegate (mark all that apply):

Product or Service	Name of Licensee
____ Money Transmission	
____ Checks	
____ Travelers Checks	
____ Bill Pay	
____ Currency Transportation	
____ Money Orders	
____ Drafts	
____ Prepaid Access Products	
____ Gift Cards	
____ Other (explain)	

9. Identify all websites operated by the Applicant. Indicate which website will have the listing of authorized delegates required by §151.402(f).

10. Provide the name, title, telephone number, and email addresses for each of the following individuals:

a) President

Name: _____

Title: _____

Telephone Number: _____

Facsimile Number: _____

Email Address: _____

b) Chief Financial Officer

Name: _____

Title: _____

Telephone Number: _____

Email Address: _____

c) Chief Compliance Officer

Name: _____

Title: _____

Telephone Number: _____

Email Address: _____

d) Individual who is to serve as primary regulatory contact with the Department if the license is granted

Name: _____

Title: _____

Telephone Number: _____

Email Address: _____

11. Identify shareholders who own or control 10% or more of the Applicant. Include the name, address, shares owned or controlled, number and percent of outstanding. If the Applicant is a limited partnership, provide information on the general partner, directors, managers, control shareholders, executive officers or responsible individuals of the general partner.
12. List all individuals who serve on the Board of Directors or Board of Managers or otherwise control or direct the activities of the Applicant.
13. List the names and title of all executive officers of the Applicant, as well as any "responsible individual" (not already included in number 10 above) as defined in §151.002 (b)(20) which states in part, "an individual who has direct control over or significant management policy and decision-making authority..."

***NOTE:** For the purpose of §151.002, the position of Chief Compliance Officer is to be included as an executive officer.

14. Provide a listing of the other states or jurisdictions in which a license or similar authorization is sought, has been granted, or denied to the Applicant or its affiliates, to engage in the money services business. Include the state, year licensed, type of license held, the agency issuing the license, the name, phone number and email address of the primary regulatory contact and date of last exam. Indicate the volume of business conducted in each jurisdiction in dollars and in number of transactions, and the number of CTR's and SAR's filed in each jurisdiction.
15. If the Applicant is an existing money service business, attach evidence of current registration as an MSB is required. Forms can be found at the Financial Crimes Enforcement Network (FinCEN) a division of the US Department of Treasury, www.fincen.gov. If the Applicant is a new company that is not engaged in the money service business, submit a commitment to the Commissioner to register as an MSB once approval is granted, but before the license is issued.
16. Describe in detail any pending or any outstanding enforcement actions taken by a regulatory agency against the Applicant, its affiliates, and any principals of the Applicant, and any judgments outstanding against the Applicant.
17. Does the Applicant owe the department a delinquent fee, assessment, administrative penalty or other amount imposed under Chapter 151 or a rule or Order issued under Chapter 151?

CERTIFICATION

I hereby certify that:

1. I am authorized to file this application, and that all information submitted to the Commissioner in connection with this application including the forms, schedules, exhibits, attachments and any related correspondence is true, and correct, to the best of my knowledge and belief.
2. The Applicant and all individuals required to be qualified under the statute, particularly § 151.202, meet the requirements for qualification.
3. On behalf of the Applicant, I certify that the Applicant and each principal of, person in control of, and proposed responsible individual of the Applicant: (1) is familiar with and agrees to fully comply with all applicable state and federal laws and regulations pertaining to the applicant's proposed money services business, including TFC Chapters 151 and 271, relevant provisions of the Bank Secrecy Act, and the USA PATRIOT ACT; (2) has not within the preceding three years knowingly failed to file or evaded the obligation to file a report, including a currency transaction or suspicious activity report required by the Bank Secrecy Act, the USA PATRIOT ACT, or Chapter 271; and (3) has not knowingly accepted money for transmission or exchange in which a portion of the money was derived from an illegal transaction or activity.

- 4. The Applicant is not indebted to any local, state, or federal government or political subdivision of the government for delinquent taxes, fines, penalties or fees.
- 5. To the best of my knowledge and belief, all information necessary for the Commissioner to make an informed decision is contained herein. In addition, I agree to notify the Commissioner if the facts described in the filing materials change prior to issuance of the license.

A person commits a felony offense if the person intentionally makes an untrue statement of material fact in this application.

_____ by _____
(Applicant) (Signature)

(CORPORATE SEAL) _____
(Printed or Typed Name)

(Title)

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20____, before me, a Notary Public in and for said County, of said State, personally appeared: _____ known to me to be the person named in, and who executed the foregoing form and made oath that the statements and representations set forth therein are true to the best of his/her knowledge and belief.

(SEAL) _____
(Notary Public)

REQUIRED EXHIBITS TO APPLICATION

The following exhibits are REQUIRED of every Applicant. Exhibits must be clearly marked. **All information requested in each exhibit should be provided to ensure timely processing of the application.**

EXHIBIT A – BUSINESS PLAN

Attach a copy of the business plan or a detailed summary of the business plan. The business plan must describe in detail the following:

1. Method and types of operations including activities and types.
2. Location of operations and outlets, number and type, at the end of each of the first two years of operation in Texas.
3. Projections for the first two years showing the anticipated growth in volume and in number of transactions during each of the first two years of operations in Texas.
4. Other information which you believe might impact the Commissioner's decision on the adequacy of the net worth and the security. See §151.307 of the Texas Finance Code (the Code).

EXHIBIT A-1 – PREPAID ACCESS PLANS

Applicants planning to issue prepaid access products, including services in which balances can be accessed electronically, such as by telephone or over the Internet, must provide the following:

1. Details about how the prepaid access program(s) will work. Include information about loading, reloading, activation of the cards, and projected total outstanding balance on cards at the end of the first and second years. Indicate whether the card can be loaded or reload from outside of the United States.
2. Describe how the Texas Department of Banking will have access to necessary records and personnel in order to effectively conduct examinations.
3. If applicable, a copy of the written agreement or contract between the applicant and the card issuing bank.
4. A Provider Agreement that clearly identifies the provider, which is the party responsible for recordkeeping, of the prepaid access program.
5. Indicate whether the applicant or processor has undergone SSAE16, Standards for Attestation Engagements (formerly SAS70 II).

EXHIBIT B – AUDITED FINANCIAL STATEMENTS

An audited financial statement for every Applicant seeking a license to engage in money transmission. The financial statement must be:

1. Constructed in accordance with generally accepted accounting principles.
2. Prepared and certified by an independent certified public accountant registered or licensed to practice as a certified public accountant by the appropriate regulatory authority.
3. Including:
 - a) Opinion Letter;
 - b) Balance Sheet;
 - c) Statement of Income and Retained Earnings;
 - d) Statement of Changes in Financial Position;
 - e) Statement of Cash Flow; and
 - f) Related Notes to Such Statements
 - g) Name and Address of the Independent Certified Accountant

EXHIBIT C – INTERIM FINANCIALS

If the Applicant's fiscal year ends 120 or more days prior to the date of application, then the Applicant must forward a quarterly certified financial statement. The interim financial statement covering the most recent quarter-end must be as of a date within 90 days of the date of application. The quarter-ended financial statement must be prepared by the auditor or other qualified party, and certified by a responsible officer. Such statement must contain certification language such as: "I hereby certify under penalty of perjury that the information contained in this confidential financial report, including supplemental schedules, has been carefully examined by me and is correct and complete and further acknowledge that there are no misrepresentation or omissions of material facts."

EXHIBIT D – SUPPLEMENTAL FORMS

A number of forms are considered supplemental forms and must also be included with the application. *Refer to Appendix A of this application to determine which forms must be completed and by whom.*

EXHIBIT E – ORGANIZATIONAL DOCUMENTS

A copy of the filed Applicant's Articles of Incorporation or other organizing documents, as well as those of any other entity that controls the Applicant, and evidence of registration with the Texas Secretary of State, if the Applicant is not a Texas entity.

***NOTE TO CORPORATIONS:** *If the Applicant is applying as a Texas corporation, limited liability company or limited partnership, or if the Applicant is a foreign corporation (e.g., a corporation not incorporated in Texas) wishing to register to do business in Texas, contact:*

*Texas Secretary of State
Corporations Section
P.O. Box 13697
Austin, Texas 78711-3697
512/463-5555*

EXHIBIT F – CERTIFICATE OF GOOD STANDING

A Certificate of Good Standing in the state or country of incorporation and a Certificate of Account Status from the Texas Office of Comptroller of Public Accounts, if the Applicant is a corporation. *See Appendix B for NOTICE TO ALL CORPORATIONS.*

EXHIBIT G – ASSUMED NAME FILINGS

Copies of the assumed name filings, as applicable, filed with the Secretary of State and with the clerk of court in the counties where the Applicant proposes to do business, if a name other than the legal name of the Applicant is to be used in Texas.

EXHIBIT H – SECURITY & COMMITMENT TO PROVIDE REQUIRED SECURITY

Acceptable security may be in the form of a surety bond issued by a company authorized to do business in Texas or deposit in or letter of credit issued by an acceptable financial institution in the minimum amount of \$300,000, subject to the additional security requirements of §151.308 of the Code.

A commitment to increase or supplement the bond, letter of credit, or deposit in lieu of bond, furnished with the application to equal the aggregate bond required by the Commissioner before issuance of the license. The sample "Commitment to Provide Required Security" form may be utilized. *Refer to Appendix C of this application for forms.*

EXHIBIT I – CLEARING ACCOUNTS

Provide the following information on each of the clearing accounts to be utilized in the business.

Name of Financial Institution _____

Street Address _____

City/State/Zip Code _____

Contact Person _____

Phone Number _____ Email Address _____

Account Type _____ Account Number _____

EXHIBIT J – IRS FORM 4056T FOR APPLICANT

Provide IRS Form 4056T for applicant. You may obtain a copy of this form at <http://www.irs.gov/pub/irs-pdf/f4506t.pdf>

EXHIBIT K – ACH FORM

This form may be submitted at the time of application if the banking account to be used for assessment by DOB is known; however, if it is not included with the application, it will be required before the license is issued. Please note that it must be signed by the applicant and the bank. *Refer to Appendix D of this application for ACH form.*

EXHIBIT L – CERTIFICATION OF REGULATORY COMPLIANCE

A signed Certification of Regulatory Compliance (below) with all required attachments provided.

EXHIBIT L
CERTIFICATION OF REGULATORY COMPLIANCE

As evidenced by our signatures, we duly appointed principals of (name of applicant)
_____, do hereby certify the following:

1. Applicant and each principal of, person in control of, and proposed responsible individual of the Applicant is familiar with and agrees to fully comply with all applicable state and federal laws and regulations pertaining to the applicant's proposed money services business, including Chapters 151 and 271, and 278 of the Texas Finance Code, Chapter 33 of the Texas Administrative Code and relevant provisions of the Bank Secrecy Act and, the USA PATRIOT ACT.
2. The applicant will have in a place a formally adopted and fully implemented written anti-money laundering program that complies with Title 31 Code of Federal Regulations §1022.210. Such program shall include a risk assessment and procedures employed to "Know your customer". **[A copy of the written anti-money laundering program and risk assessment must be submitted with this exhibit and marked as Exhibit L-1]**
3. The applicant will ensure that the methods to be utilized to inform customers about their rights to file a complaint with the Texas Department of Banking will comply with the requirements of Texas Administrative Code §33.51. **[A copy of the consumer complaint notice be submitted with this exhibit and marked as Exhibit L-2]**
4. The applicant will ensure compliance with the disclosures and cancellation and refund of transaction requirements of Finance Code, Chapter 278.
5. The applicant will adopt and implement procedures pertaining to the establishment of consumer awareness programs addressing fraud-induced wire transfers in accordance with Supervisory Memorandum - 1021 dated January 17, 2006.
6. The applicant will have in place procedures for reporting dormant instruments to the State Comptroller's Office in compliance with Chapter 72, Property Code, Sections 72.001; 72.101; 72.102; and 72.103.
7. The applicant will prepare permissible investment reports in accordance with the requirements of with Texas Finance Code §151.309 and §151.603 and §33.23 Texas Administrative Code.
8. The applicant acknowledges that the aggregate daily amount of outstanding U.S. money transmissions must be computed in accordance with §33.23(b).
9. The applicant acknowledges that each authorized delegate must prominently display a notice that indicates that the person is an authorized delegate of the applicant in accordance with Texas Finance Code §151.403(a)(6) and Texas Administrative Code §33.51(f). **[A copy of the authorized delegate affiliation notice must be submitted with this exhibit and marked as Exhibit L-3]**

10. The contract utilized in the business with authorized delegates will conform to the requirements of Texas Finance Code §151.402 and shall including the following:
- a) the nature and scope of the relationship between the applicant and the authorized delegate and the respective rights and responsibilities of the parties;
 - b) a certification that the delegate is familiar with and agrees to fully comply with all applicable state and federal laws, rules, and regulations pertaining to money transmission, including this chapter and rules adopted under this chapter, relevant provisions of the Bank Secrecy Act and the USA PATRIOT ACT, and Chapter 271;
 - c) a requirement that the authorized delegate will remit and handle money and monetary value in accordance with Texas Finance Code §151.403(b) and (c);
 - d) impose a trust on money and monetary value received in accordance with Texas Finance Code §151.404;
 - e) a requirement that the authorized delegate will prepare and maintain records as required by this chapter or a rule adopted under this chapter or as reasonably requested by the commissioner;
 - f) an acknowledgement that the authorized delegate consents to examination or investigation by the commissioner;
 - g) a statement that the applicant is subject to regulation by the commissioner and that, as part of that regulation, the commissioner may suspend or revoke an authorized delegate designation or require the applicant holder to terminate an authorized delegate designation;
 - h) an acknowledgement from the authorized delegate of receipt of the written policies and procedures designed to ensure that the authorized delegate complies with applicable state and federal law; and
 - i) an acknowledgement that the authorized delegate has been provided regulatory website addresses through which the authorized delegate can access Chapters 151, 271, and 278 of the Texas Finance Code, Chapter 33 of the Texas Administrative and relevant provisions of the Bank Secrecy Act, the USA PATRIOT ACT. **[A copy of the authorized delegate agreement must be submitted with this exhibit and marked as Exhibit L-4]**
11. If the applicant is proposing to issue prepaid access products, it shall have in place procedures to ensure compliance with applicable reduction in value and expiration requirements in accordance with Chapter 604, Business and Commerce Code, Section 604.052 and 604.101 and relevant provisions of the Bank Secrecy Act and the USA PATRIOT ACT.
12. The applicant will take all measures to ensure that customer information is protected and will have in place procedures to adhere to the Gramm-Leach-Bliley Act (Right to Financial Privacy Act).

13. The applicant will adopt and implement procedures pertaining to Office of Foreign Asset Control (OFAC) to ensure compliance with regulations prohibiting transactions with persons or entities on the OFAC Specially Designated Nationals List.
14. If applicant proposing to engage in currency exchange transactions, it shall have in place procedures to ensure compliance with state recordkeeping requirements including Texas Administrative Code §33.31 and §33.33 federal recordkeeping requirements including Title 31 Code of Federal Regulations Chapter 1022.410.
15. If applicant is proposing to engage in currency exchange transactions, it shall ensure that receipts provide in connection with the currency exchange activity are in compliance with Texas Administrative Code §33.33. **[A sample copy of the currency exchange receipt must be submitted with this exhibit and marked as Exhibit L-5]**
16. If applicant is proposing to engage in the sale or issuance of payment instruments (third-party bill paying, travelers checks, money orders, checks or similar instruments) it shall have in place procedures to ensure compliance with state recordkeeping requirements including Texas Administrative Code §33.35 and federal recordkeeping requirements including Title 31 Code of Federal Regulations Chapter 1010.415. **[A sample copy of the travelers check, money order, check, or similar instrument must be submitted with this exhibit and marked as Exhibit L-6]**
17. If applicant is proposing to engage in the transmission of funds, including third party bill paying transactions, it shall have in place procedures to ensure compliance with state recordkeeping requirements including Texas Administrative Code §33.35 and §33.37 and federal recordkeeping requirements including Title 31 Code of Federal Regulations Chapter 1010.410.
18. If applicant is proposing to engage in the transmission of funds, it shall ensure that receipts provided in connection with the transmission are in compliance with Texas Administrative Code § 33.37. **[A sample copy of the transmission receipt must be submitted with this exhibit and marked as Exhibit L-7]**
19. If applicant is proposing to engage in currency transportation, it shall have in place procedures to ensure compliance with state recordkeeping requirements including Texas Administrative Code 33.35(f).
20. The applicant will have in place an information system which is suitable to the type of business in which the applicant will engage and the security hardware, software, and procedures will be sufficient to protect the applicant from unauthorized tampering or access; and as appropriate, will be integrated with the anti-money laundering program and compliance procedures.

At a minimum, this certification must be signed by the President, Chief Financial Officer, and the Chief Compliance Officer.

We, the undersigned principals of _____(applicant) do hereby acknowledge that we have received and read this Certificate of Regulatory Compliance and further acknowledge that it is not inclusive of regulatory requirements and/or best business practices.

(Printed Name) Title_____

(Signature) Date_____

(Printed Name) Title_____

(Signature) Date_____

(Printed Name) Title_____

(Signature) Date_____

(Printed Name) Title_____

(use additional pages if needed)

APPENDICES

The attached forms and instructions are part of the application. The forms must be completed as indicated and included in the application as part of the exhibits indicated above.

APPENDIX A – REQUIRED SUPPLEMENTAL FORMS

Refer to the instructions below to determine which of these supplemental forms must be completed. Unless indicated to the contrary, all requirements for supplemental forms apply only to individuals.

Applicant

The applicant, and the general partner if the applicant is a partnership, must submit IRS Form 4056T – (a copy of which may be obtained at <http://www.irs.gov/pub/irs-pdf/f4506t.pdf>).

Executive Officers, Chief Compliance Officer and Directors

Executive officers*, directors, general partner, trustee, chief compliance officer, or manager of the applicant as applicable, must submit:

1. Authority to Release Information
2. Statement of Personal History
3. Fingerprints – (See *Fingerprint Instructions below*)
4. Search Firm Report (See *Search Firm Report Instructions below*)

***Executive Officer**

- *Includes any “responsible individual” as defined in §151.002 (b)(20) which states in part, “an individual who has direct control over significant management policy and decision-making authority...”.*
- *Refer to the definitions contained in §151.002(b) for definitions of Executive Officer, Control, Principal and Responsible individual.*

Controlling Individuals and Legal Entities

- Individuals with the power to directly or indirectly vote 25% or more (includes an individual whose ownership is through one or more legal entities) of the outstanding voting interest of the applicant must submit:
 1. Authority to Release Information
 2. Statement of Personal History
 3. Personal Financial Statement**
 4. Fingerprints – (See *Fingerprint Instructions below*)
 5. Search Firm Report (See *Search Firm Report Instructions below*)
- Spouse – Applicants who are individuals or wholly owned directly or indirectly by a single individual must have spouses of the controlling owners also submit fingerprints, authority to release information and statement of personal history.

APPENDIX A REQUIRED SUPPLEMENTAL FORMS (Continued)

- Legal Entities controlling 50% or more of the applicant must submit a current certified financial statement.

***Personal Financial Statements, whether required only for an individual or for an individual and spouse, may include joint financial information for both spouses. Joint financial statements must be signed by both spouses.*

Complex Organizational Structures

Supplemental form requirements for complex organizational structures will be evaluated on a case-by-case basis. Pre-submission of the organizational chart and proposed structure may be necessary to determine the applicability of various forms.

FINGERPRINT INSTRUCTIONS

The collecting and submitting of fingerprints to the FBI is handled through the Texas Department of Public Safety (DPS). They use an exclusive vendor, L-1 Enrollment Services (L-1) to gather the fingerprints. Fingerprints for Department required background investigations can be submitted electronically through the Fingerprint Applicant Services of Texas (FAST). This electronic method is available in locations throughout Texas. Non-Texas residents and Texas residents located outside of L-1's service areas may submit physical fingerprint cards.

Texas Residents

Fingerprints can be obtained and submitted electronically through FAST. The cost of this service is \$41.45 (\$9.95 plus a \$31.50 fee for the State and National Criminal History Record Information).

- Open and print the [FAST Pass](#) form to begin.
- Follow the directions on the form to schedule a fingerprint appointment online at www.L1enrollment.com or by calling 1-888-467-2080.
- You may pay for FAST services online with a credit card or onsite with a check or money order made payable to L-1 Enrollment Services only. **Cash is not accepted! Take the completed FAST Pass form with you to the appointment.**

Non-Texas Residents and Texas Residents Located Outside of L-1's Service Area

Non-Texas residents and Texas residents located outside of L-1's service area can submit physical fingerprints cards. L-1 uses a LiveScan Processing Program to convert traditional ink cards to an electronic record. The cost of this service is \$41.45 (\$9.95 processing fee plus a \$31.50 fee for the State and National Criminal History Record Information).

- Open and print the [Fingerprint Card Scan Authorization Form](#) to begin.
- Fingerprint cards may be requested by calling the Texas Department of Banking at (512) 475-1294.
- Fingerprints may also be submitted on FBI fingerprint cards. However, the following information must be included on the card in the ORI Box:

TX920450Z

APPENDIX A
REQUIRED SUPPLEMENTAL FORMS (Continued)

TX Dept. of Banking
Austin, TX

- Applicants should have their fingerprints taken by a local Law Enforcement Agency, such as a local police station, sheriff's office or county police department. Be prepared to pay a fee for having the fingerprints taken as some law enforcement agencies do charge a fee.
- Mail the cards with the completed Fingerprint Card Scan Authorization Form and requisite \$41.45 fee to L-1 Enrollment Services at the address listed on the form.

SEARCH FIRM REPORT INSTRUCTIONS

Any non-U.S. citizen who is required to submit fingerprints as noted above and has not resided in the U.S. for at least the last 10 years, must have an investigative background report prepared by an acceptable search firm in lieu of submitting fingerprints.

U.S. citizens living abroad for more than 2 of the last 10 years must also have an investigative background report prepared by an acceptable search firm in addition to submitting fingerprints.

At a minimum, the firm performing the investigate background report must demonstrate that they have sufficient resources and are properly licensed to conduct the search of the background and that the firm is not affiliated with or an interest of any of the individuals under investigation. The background investigation report must be in English. The cost of the report must be borne by the applicant or the individual. **The investigation report must be submitted directly to the Department with a copy of the report provided at the time of submission of the application.**

At a minimum, the report must contain the following:

1. A comprehensive credit report/history including the actual credit report as well as a summary.
2. Civil court and bankruptcy court records for the past 10 years, including a search of court data in the country (ies), states, towns, where the individual resided and worked and in contiguous areas.
3. Criminal records including felonies, misdemeanors and violations including a search of court data in the country (ies), states, towns, where the individual resided and worked and in contiguous areas.
4. Employment history.
5. Media history including an electronic search of national and local publications, wire services and business publications.
6. Regulatory history, particularly securities, insurance, mortgage-related, real estate, etc., if applicable.
7. Judgments and liens filed against the individual in the last 10 years (primary search would be in the areas listed above in 2 and 3).
8. Licenses granted by any governmental agency or judicial body; indicate if they are current and in good standing.

APPENDIX A
REQUIRED SUPPLEMENTAL FORMS (Continued)

The report must be accompanied by a summary letter which identifies the scope of the search, indicates the independence of the search firm from the individuals and the applicant, and identifies a person and provides contact information if questions should arise.

If an individual has had such a report, which meets the specifications listed above, prepared for another licensing agency within the past 12 months, the individual may have the investigating agency submit a copy of that report to us. In addition to the documentation generally required, the individual would need to submit a statement of no material change.

B. EDUCATION: (Account for all schools attended beyond 12th grade.)

Dates	Name and Address of School	Grade Completed

C. EMPLOYMENT: (List all employment for the past 10 years in chronological order.)

Dates From: To:	Name and Address of Employer (Include Street, City, State and Zip)	Reason For Leaving

D. RESIDENCES: (Show all residences for the past 10 years in chronological order)

Dates From: To:	Street and Number, City, State, and Zip

E. List all your occupational or professional licenses, including those surrendered, which have been issued by an agency of **ANY** state, the U.S. federal government, or the government of any other country.

Type of License	Name/Address of Licensing Agency	Original Issuance Date	Expiration Date

F. List all your occupational or professional licenses that have been refused, denied, revoked, or suspended by an agency of **ANY** state, the U.S. federal government, or the government of any other country.

Type of License	Name/Address of Licensing Agency	Type of Action	Date of Action

G. Have you ever been detained, held, arrested, indicted, or summoned into court as a defendant in a criminal proceeding, or convicted, fined, imprisoned, or placed on probation, or ordered to deposit bail or collateral for the violation of any law, ordinance, police regulation, or military regulation other than for a misdemeanor? Yes _____ No _____. If the answer is "Yes," complete the following.

Date	Offense	Location of Offense	Disposition

H. Have you ever been granted any security clearance in connection with any employment? Yes _____ No _____. If "Yes," provide details. _____

I. Have you ever been refused bond or had a bond cancelled or revoked? Yes _____ No _____. If "Yes," provide details. _____

J. Have you ever been in a position which required a fidelity bond? Yes _____ No _____. If any claims were made on the bond, give details. _____

K. Has an order, injunction or judgement, whether or not final, been entered against you in a civil action on account of fraud, misrepresentation or deceit? Yes _____ No _____. If "Yes," provide details on a separate sheet.

- L.** Have you been sued in a civil action within the last 10 years? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- M.** Have you filed bankruptcy or served as a principal of an entity that filed bankruptcy within the last 10 years? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- N.** Are you currently the subject of an administrative action or order issued by an administrative agency of this state, the federal government, or any other state or territory of the United States, or the government of any other country? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- O.** Do you owe delinquent taxes to any local, state, or federal government or political subdivision of the government? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- P.** Do you owe the department or any state any delinquent fees, assessments, administrative penalty, or other amount imposed by state or federal court order? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- Q.** Have you or has your spouse been convicted of a felony criminal offense under state or federal law, or a similar law of a foreign country, related to deception, dishonesty, or defalcation? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- R.** Have you or has your spouse been convicted of a felony criminal offense under state or federal law, or a similar law of a foreign country, related to money transmission or other money services, including a reporting, recordkeeping or registration requirement of the Bank Secrecy Act, the USA PATRIOT ACT or Chapter 271? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- S.** Have you or your spouse been convicted of a felony offense under state or federal law, or a similar law of a foreign country, related to money laundering, structuring, or a related financial crime, drug trafficking or terrorist funding? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- T.** Have you or your spouse been convicted of a similar criminal offense to that referenced in **Q – S** under a similar law of a foreign country? Yes ____ No _____. If "Yes," provide details on a separate sheet.

- U.** Do you owe the Department a delinquent fee, assessment, administrative penalty or other amount imposed by Chapter 151 or a rule or order issued under Chapter 151? Yes ____ No _____. If "Yes," provide details on a separate sheet.

I hereby certify under penalty of perjury that I am acting on my behalf, and that the foregoing statements are true and correct.

Date: _____ Signature: _____

Typed or Printed Name: _____

AUTHORITY TO RELEASE INFORMATION

Please print or type all information.

Full Name: _____						
Alias or DBA: _____						
Residence: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Street Address City State Zip Code </div>						
Business: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Street Address City State Zip Code </div>						
Telephone Number (Include Area Code)			Fax Number (Including Area Code)			
Social Security Number or Federal Tax ID Number			Drivers License Number/State			
Date of Birth			Citizenship			
* DPS Number			* FBI Number			
<i>* If DPS and/or FBI numbers are not known, please give the following physical description.</i>						
Race	Sex	Age	Height	Weight	Hair Color	Eye Color
<p>This release constitutes my consent and authority for The Texas Department of Banking to examine and obtain copies of records, statements, credit ratings and information regarding my background. I hereby specifically authorize the release of records to The Texas Department of Banking pertaining to the following:</p> <p style="text-align: center;">Any local, state, federal, or international governmental records Employment Information Past experience with a regulated entity Credit Information Tax Records, Federal or other jurisdictions Police and Criminal Records</p>						

This authorization is given in connection with my application filed with the Texas Department of Banking.

(Signature)

(Date)

PERSONAL FINANCIAL STATEMENT

Name _____

Applicant _____

Statement of Financial Condition as of _____, 20____ for the period
 _____, _____ to _____, _____

(Round to the nearest hundred)

ASSETS		LIABILITIES AND NET WORTH	
Cash on Hand & in Banks (Schedule 1)	\$	Notes Payable to Banks-Secured & Unsecured (Schedule 6)	\$
U.S. Government Securities		Notes Payable to Relatives (Schedule 6)	
Accounts, Loans, & Notes Receivable (Sch 2)		Accounts & Notes Payable to Others (Schedule 6)	
Marketable Stocks & Bonds (Schedule 3)*		Rents & Interest Due	
Real Estate (Schedule 4)		Real Estate Taxes Due (Schedule 4)	
Automobiles - Number ()		Liens on Real Estate (Schedule 4)	
Proprietary Interests (Schedule 5)**		Other Taxes Due	
Other Assets (Itemize)***		Other Liabilities (Itemize)	
		TOTAL LIABILITIES	
		NET WORTH	
TOTAL ASSETS	\$	TOTAL LIABILITIES AND NET WORTH	\$

ANNUAL INCOME		CONTINGENT LIABILITIES	
Salary		As Endorser or Co-Maker	
Bonus & Commissions		On Leases or Contracts	
Dividends & Interest		Legal Claims	
Real Estate Income		Provision for Federal Income Tax	
Other Income (Itemize)		Other Special Debt (Itemize)	
TOTAL INCOME	\$	TOTAL CONTINGENT LIABILITIES	\$

Assets pledged or hypothecated valued at \$_____ are pledged to secure notes or obligations aggregating \$_____.
 I have additionally endorsed, guaranteed or am contingently liable for debts of others amounting to \$_____.

I hereby certify under penalty of perjury that the information contained in this confidential financial report, including supplemental schedules, has been carefully examined by me and is correct and complete and further acknowledge that there are no misrepresentation or omissions of material facts.

Dated and signed this ____ day of _____, 20 ____.

(Signature)

(Typed or Printed Name)

* Marketable securities are generally only those which are listed on the NY, American Stock Exchanges and NASDAQ.

** If the stock of a company amounts to 25% or more of an individual's net worth, financial statements, including balance sheet, profit and loss, cash flow statements of the company must be provided for the past year.

*** If total reflected on this line represents 10% or more of your net worth, a schedule must be provided listing each item separately and providing a complete description, including financial information, if appropriate.

****PROPERIETARY INTERESTS
(Schedule 5)**

Provide the following information regarding all business enterprises in which you hold a beneficial interest. The term "business enterprise" includes any corporation, association, partnership, business trust, sole proprietorship or other business which shares are not listed on a securities exchange or otherwise regularly traded. Under the heading "Form of Business", state the legal form of the business. Under "Nature of Business and Percentage of Ownership", explain what the business enterprise does and percentage of your ownership interest. Submit year-end financial statements, including profit and loss and cash flow statements, for the last year for each business interest in which you have an interest equal to 25% or more of your net worth.

Name and Address of Business	Legal Form of Business	Nature of Business and % of Ownership	Date Acquired	Current Value
			TOTAL	

Schedule 6. Notes or Accounts Payable.

Name of Lender	Lender's Address	Due Dates and Payments	Security or Collateral	Balance Owed
			TOTAL	

CASH FLOW STATEMENT

Provide the following information regarding sources and uses of cash during the last two years, the current year, and a projected year.

Sources of Cash	20__	20__	Current*	Projected
Salaries, Wages, Commissions, Bonuses, or Other Income from Employment (Net of Deduction)				
Dividends				
Interest				
Royalties				
Distributions				
Cash Received from Individual Business, Partnership, or Joint Ventures				
Real Estate				
Other**				
Total Cash Received				

Uses of Cash	20__	20__	Current*	Projected
Personal Expenses (Management, Rent and Household, Etc.)				
Bank Loan – Principal and Interest				
Others Loans – Principal and Interest				
Insurance Payments				
Income Taxes Not Covered by Withholding				
Other**				
Total Cash Outlays				
Cash Flow Surplus (Deficit)				

If current year is reported for less than a full fiscal or annual period, please provide the dates for the period reported.

**Itemize any items amounting to 10% or more of total income on separate page.

APPENDIX B - NOTICE TO ALL CORPORATIONS

PLEASE READ CAREFULLY

The 70th Legislature passed House Bill 175, which provides that after August 31, 1987, a **corporation** that is delinquent in franchise tax "...may not be awarded a contract by the state or an agency of the state and may not be granted a permit or license by the state or an agency of the state."

A Certificate of Account Status must be submitted with all new applications and renewals submitted by corporations, limited liability corporations, S corporations, professional corporations, and Edge Corporations. A Certificate of Account Status is valid for a specific period of time. It is not a permanent certificate and an expiration date will appear on the face.

If the Applicant does not have a physical location in Texas and has been deemed not to be doing business in Texas, then the application should include a statement from an attorney that the Applicant is not liable for franchise taxes in Texas.

You may contact the Texas Office of the Comptroller of Public Accounts at the numbers listed below to request information for obtaining a Certificate of Account Status.

Tax Assistance Station
Telephone Bank Operations
Interstate Watts: 1-800-252-5555
Austin Telephone: 512-463-4600
<http://www.cpa.state.tx.us>

APPENDIX C – SECURITY FORMS

MONEY SERVICES BOND

Policy Number _____

KNOW ALL MEN BY THESE PRESENTS, that

(Name and Business Address of Applicant)

of the City of _____ County of _____ and State of _____ as principal (the “principal” or “license holder”) and _____ of the City of _____ County of _____ and State and zip code of _____ as surety, are held and firmly bound unto the Texas Banking Commissioner (the “Commissioner”) and any customer of the license holder for the use and benefit of the Commissioner and the Texas Department of Banking (the “Department”) and any such customer of the license holder for any liability incurred with respect to any currency exchange or money transmission business conducted by the license holder under, subject to, or by virtue of the provisions of the Texas Finance Code, Chapter 151 (the “Code”), including without limitation any delinquent fee, assessment, cost, penalty, or other amount imposed on and owed by the license holder to the Commissioner or the Department, in the penal sum of _____ Dollars, (\$_____), for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally by these presents.

WHEREAS, the aforesaid principal has applied for a license under the provisions of the aforesaid Code, and,

WHEREAS, the aforesaid Code provides, and includes as a precedent to the issuance of a license, that the principal shall furnish a bond in accordance with and that satisfies the requirements of §151.308 of the Code.

NOW THEREFORE, if the license holder will faithfully conform to and abide by the provisions of this Code and will honestly and faithfully apply all funds received and perform all obligations and undertakings in connection with any currency exchange or money transmission business under the Code and will pay to the Commissioner and the Department and to any customer or recipient designated by a customer all money that becomes due and owing to the Commissioner and the Department or to such person under the provisions of the Code because of any such business by the license holder under and by virtue of the provisions of the Code, then this obligation will be void; otherwise will remain in full force and effect.

PROVIDED, HOWEVER, in no event shall all aggregate liability of the surety under this bond for any and all claims to one or more claimants exceed the penal sum of this bond.

PROVIDED FURTHER, that the bond is conditioned that the principal will not violate the Code or a rule adopted pursuant to the Code, as long as the principal holds a license issued by the Department for activities conducted subject to the Code.

The bond shall remain in effect for the entire term of the license in connection with which it is being issued, unless sooner revoked by thirty (30) or more days written notice to the Commissioner.

If the surety herein shall so elect, this bond may be conditionally cancelled at any time by the surety herein by filing with the Commissioner a thirty (30) days written notice of such conditional cancellation, but said surety so filing said notice shall not be discharged from any liability accrued under this bond or which shall accrue herein before the expiration of said thirty (30) day period. The bond shall automatically renew for any succeeding renewals of the license without need of any action or notice by any party.

IN WITNESS WHEREOF, we have duly executed the foregoing obligation this _____ day of _____, 20____, to be effective on the _____ day of _____, 20____.

Principal _____

By _____
(Print or Type Name)

Signature _____

Title _____

Surety _____

By _____
(Print or Type Name)

Signature _____

Title _____

DEPOSIT IN LIEU OF SURETY BOND

UNDER THE TEXAS FINANCE CODE CHAPTER 151

THIS CONTRACT AND AGREEMENT is entered into in triplicate on _____, 20____, between _____ (the "License Holder"), a(n) _____ organized under the laws of the State of _____ and doing business in the State of Texas, and the Commissioner of the Texas Department of Banking (the "Commissioner");

LEGAL AUTHORITY FOR DEPOSIT INSTEAD OF BOND

The License Holder is subject to the Texas Finance Code, Chapter 151 (the "Code"), entitled "Money Services Businesses" regulating the business of currency exchange and money transmission. Instead of furnishing all or part of the surety bond required by the Code, the License Holder is permitted to deposit with the Commissioner an aggregate amount (the "Security"), including cash, certificates of deposit and interest-bearing securities that equals the total amount of the required bond or the remaining part of the bond. The License Holder may deposit the Security with any financial institution possessing trust powers that is authorized to conduct a trust business in the State of Texas acceptable to the Commissioner.

THE COMMISSIONER'S FINDING

The Commissioner finds that _____ (the "Custodian"), a(n) _____, located in _____, is authorized to conduct trust business in the State of Texas, and is an acceptable Custodian for the License Holder's deposit.

LICENSE HOLDER'S DEPOSIT

The License Holder deposits with Custodian the following Security and all renewals, substitutions and replacements thereof:

It is agreed between the parties:

1. Subject to the provisions of the Agreement, the Security is deposited for the benefit of the State of Texas and any creditor of the License Holder for any liability incurred by the License Holder under and by virtue of the Code.
2. The Security deposited may be exchanged from time to time for other Security of an equal par value that qualifies under the provisions of the law relating to this deposit, such substituted Security to be with joint written approval of the Commissioner, License Holder, and Custodian.
3. All interest or dividends on all Security deposited will be payable to or in accordance with the instructions of the License Holder, unless the Commissioner gives contrary notice in writing to the Custodian. The Commissioner's notice will be effective two business days after the Custodian actually receives the notice.
4. The original principal amount of the Security deposited under the terms of this Agreement (plus interest accruing after the effective date of any notice given in accordance with paragraph 3 above) will be controlled exclusively by the Commissioner, who has the right from time to time to withdraw it. However, any withdrawal request from the Commissioner must be either:
 - (A) in writing and supported by a certified copy of an order of a court of competent jurisdiction; or
 - (B) by an original or certified copy of a written order of the Commissioner containing the Commissioner's signature.

Withdrawals by the Commissioner must satisfy any liability the Custodian has to the Commissioner and will relieve the Custodian of all liability to License Holder for the amounts withdrawn.

5. If the License Holder will:
 - (A) faithfully conform to and abide by the provisions of the Code;
 - (B) honestly and faithfully apply all funds received and perform all obligations and undertakings for exchange issued and sold under the Code; and

(C) pay to the State and to any person all money that becomes due and owing to the State or to such person under and by virtue of the provisions of the Code;

then the Commissioner will have no further right in or claim to the Security covered by his Agreement, and must, by written order containing the signature of the Commissioner, notify the Custodian of the termination of the Commissioner's rights in the Security. Unless the Custodian receives an original or a certified copy of a written order from the Commissioner containing the signature of the Commissioner or an order from a court of competent jurisdiction terminating the Commissioner's rights in the Security, Custodian may assume that this Agreement remains in effect and that the rights of the Commissioner in the Security remain in existence.

6. The Custodian may rely on any and all certified notices or certified orders of the Commissioner submitted from the Commissioner to the Custodian under this Agreement, purporting to bear the signature of the Commissioner, without further inquiry into the authenticity of the signature or the authority or entitlement of the Commissioner to issue such certified notices or orders.
7. All notices or orders to Custodian must be delivered by certified mail, return receipt requested or by overnight or local delivery courier. All notices or orders provided for under this Agreement will be deemed to be received when actually received by the addressee. All parties must promptly notify all other parties of an address change. Notices and orders to the Custodian must be addressed as follows:

(Custodian's Name and Address)

8. Nothing in this Agreement requires Custodian to violate any applicable laws, any court order or the instructions of any bankruptcy trustee.
9. The Security is subject to Custodian's terms and conditions of deposit accounts now in existence and as they may be modified in the future, except to the extent that the terms and conditions are specifically inconsistent with this Agreement.
10. Custodian is not liable for any indirect damages, lost profits, special, punitive or consequential damages that arise out of or in connection with the obligations contemplated by this Agreement. The provisions of this paragraph will survive termination of this Agreement.
11. This Agreement is executed in triplicate originals, one to be kept by each of the parties hereto, and one to be kept by the Custodian.

SIGNED AND DELIVERED in triplicate this _____ day of _____, 20____.

(License Holder)

By: _____
(Signature)

Printed Name: _____

Title: _____

Banking Commissioner of Texas

_____, Custodian, hereby acknowledges receipt of the Security described in the foregoing agreement, and covenants and agrees that the same will be held by it for the purposes and subject to the terms and conditions of this agreement, but reserves the right to resign as Custodian by giving 30 days written notice to the signers of the Agreement at the addresses specified below.

Texas

(License Holder's Name and Address)

Banking Commissioner of
2601 North Lamar Blvd.
Austin, Texas 78705

Custodian will become bound by the terms of this Agreement only after it receives an original counterpart fully executed by all parties.

(Custodian's Name)

By: _____
(Signature)

Printed Name: _____

Title: _____

DATED: _____

MANDATORY LANGUAGE TO BE INSERTED IN LETTERS OF CREDIT

If an applicant proposes to obtain a Letter of Credit from a qualified financial institution acceptable to the Commissioner pursuant to Chapter 151 of the Texas Finance Code, the following language **must be** included in the Letter of Credit.

I, the undersigned, an authorized representative of the Texas Department of Banking, certify that NAME OF LICENSEE, has failed to timely satisfy an obligation arising under Finance Code, Chapter 151, which accrued during the effective period of letter of credit #_____, in the amount of \$_____. I further certify that the amount claimed under this draft, including all previous claims under this letter of credit (if any) does not exceed \$2500.

Also, the language should include the specific expiration provision as follows:

This letter of credit shall expire on DATE, except that drafts will be honored if presented within 60 days following expiration for claims which arose during the effective period of this letter of credit.

COMMITMENT TO PROVIDE REQUIRED SECURITY

I, _____, _____, am duly authorized to act on behalf
(Type Name) (Title or capacity)

of _____, _____ hereby commits to increase or
(Applicant) (Applicant)

supplement the security furnished with the application for a license under Section 151 of the Texas Finance Code to equal the aggregate security required by the Commissioner before the issuance of the license and the start of operations.

(Date)

By: _____
(Signature)

(Typed or Printed Name)

(Title)

APPENDIX D - ACH FORM

**AUTHORIZATION FOR DIRECT PAYMENT
OF REGULATORY ASSESSMENTS (ACH DEBIT)**

I hereby authorize the Texas Department of Banking (the "DOB") and/or the Texas Comptroller of Public Accounts, on behalf of the DOB, to initiate debit entries to the deposit account (the "account") indicated below at the depository financial institution (the "Depository") indicated below, and to debit the same to the account. I understand that debit entries will be initiated from the account to pay annual renewal and assessment fees owed the DOB pursuant to §33.27 of the Texas Administrative Code and that I will be given at least 15 days notice prior to the debit entry. I acknowledge that the entries must comply with the provisions of U.S. law.

This authorization will remain in effect unless terminated because of a corporate reorganization. The account information will remain effective unless modified because of a change in the account to which debits are authorized. I understand that written notice of a termination or modification must be provided to the DOB at least 30 days in advance of a scheduled debit.

Name of License Holder _____

License Number _____ Date _____

Signature _____ Title _____

Printed Name _____

THE FOLLOWING ACCOUNT INFORMATION MUST BE COMPLETED BY YOUR FINANCIAL INSTITUTION:

Bank Name _____

Branch _____

City _____ State _____ Zip _____

Name of Bank Contact(Print) _____

Signature of Bank Contact _____

Bank Contact Phone Number _____

ACH/Routing Number (9 digit number) _____

Account Number _____

Type of Account Checking Savings