



STATE OF NEW MEXICO
REGULATION AND LICENSING DEPARTMENT
FINANCIAL INSTITUTIONS DIVISION
P.O. Box 25101, 2550 Cerrillos Road, 3rd Floor, Santa Fe, NM 87504
Phone: (505) 476-4559 Fax: (505) 476-4570
www.rld.state.nm.us/financialinstitutions

APPLICATION FOR ORIGINAL SMALL LOAN LICENSE

GENERAL INSTRUCTIONS

1. Use this form if applying for a Small Loan license for the first time. **If a small loan license is currently maintained, do not use this form.** Instead, complete the Renewal Application for Small Loan License, available on the Financial Institutions Division website.
2. **THE ENCLOSED APPLICATION MUST BE COMPLETED IN ITS ENTIRETY.** Applications containing incomplete responses, or lacking fees or exhibits will be returned to the applicant. **Please complete the checklist on the last page of this packet to ensure that the application is complete.**
3. If the space provided for answers is inadequate, additional pages should be attached. **Attachments must identify the following information in the top right corner of every page: applicant name, and the specific item on the application to which the answer relates.**
4. **All exhibits must include in the top right corner of every page: applicant name, and exhibit letter.**
5. If the company maintains more than one location, each location must be licensed. The company must complete an application for each location and pay an application / investigation fee of One Thousand dollars (\$1,000.00), an original license fee of Five Hundred dollars (\$500.00), and a financial literacy fee of Two Hundred dollars (\$200.00) for each application. The only methods of payment accepted are checks or money orders made payable to the Financial Institutions Division.
6. All small loan licenses will expire at the close of business on June 30th of each year, unless renewed for the upcoming year. License renewal applications are due at the close of business on March 31st of each year.
7. Upon the department's receipt of a complete application, an investigation will be made into the financial responsibility, character, and general fitness of the applicant.
8. The application and all exhibits may either be send electronically or mailed. For electronic submissions, upload a scanned copy of the application through the Financial Institutions Division's email secure portal, Mail Express. Please use the subject line **"Original Small Loan Application"** and the sender email address FID.Renewals@state.nm.us. Further Instructions are available on the Financial Institutions Division website. For mailed submissions, forward the application and exhibits to the Financial Institutions Division, P.O. Box 25101, 2550 Cerrillos Road, 3rd Floor, Santa Fe, NM 87504.
9. All fees and a cover letter containing the applicant name and contact information must be mailed to: The Financial Institutions Division, P.O. Box 25101, Santa Fe, NM 87504.
Failure to submit a complete application applicable exhibits, and all fees may result in the denial of license.

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|----|---|---|
| 8 | Designated Contact Person to Respond to Licensing Questions: | <p><i>(Email)- This field must be completed to receive official correspondence</i></p> <p><i>(Name of Contact Person)</i></p> <p><i>(Physical Street Address)</i></p> <p><i>(City) (State) (Zip Code)</i></p> <p><i>(Phone Number) (Fax Number)</i></p> |
| 9 | Designated Contact Person to Respond to Examination Questions: | <p><i>(Email)- This field must be completed to receive official correspondence</i></p> <p><i>(Name of Contact Person)</i></p> <p><i>(Physical Street Address)</i></p> <p><i>(City) (State) (Zip Code)</i></p> <p><i>(Phone Number) (Fax Number)</i></p> |
| 10 | Designated Contact Person to Respond to Consumer Complaints: | <p><i>(Email)- This field must be completed to receive official correspondence</i></p> <p><i>(Name of Contact Person)</i></p> <p><i>(Physical Street Address)</i></p> <p><i>(City) (State) (Zip Code)</i></p> <p><i>(Phone Number) (Fax Number)</i></p> |

Question 11: Provide the name and address of all partners, officers, directors, trustees, principal owners, members, and beneficiaries of the applicant in the table below. (§58-15-4 (A), NMSA 1978)

COMPANY INFORMATION FORM

| NAME | RESIDENTIAL ADDRESS | TITLE | OWNERSHIP PERCENTAGE | TYPE OF CHANGE |
|------|---------------------|-------|----------------------|----------------|
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Question 12: State Reference: Enter appropriate number in the box for each jurisdiction where the applicant is or has ever been licensed to engage in any consumer lending business.

Enter 1 if applicant has a pending application in that jurisdiction

Enter 2 if applicant is already licensed in that jurisdiction

Enter 3 if applicant was formerly licensed in that jurisdiction

| | | | | | | | | | | | |
|----|--|----|--|----|--|----|--|----|--|----|--|
| AL | | FL | | LA | | NE | | OK | | VT | |
| AK | | GA | | ME | | NV | | OR | | VA | |
| AZ | | HI | | MD | | NH | | PA | | WA | |
| AR | | ID | | MA | | NJ | | RI | | WV | |
| CA | | IL | | MI | | NM | | SC | | WI | |
| CO | | IN | | MN | | NY | | SD | | WY | |
| CT | | IA | | MS | | NC | | TN | | | |
| DE | | KS | | MO | | ND | | TX | | | |
| DC | | KY | | MT | | OH | | UT | | | |

Question 13: Request for Authority to Conduct Other Business:

If permission is desired for authority to conduct the business of making loans pursuant to the New Mexico Small Loan Act of 1955, as amended, within the same building, office, suite, room or place of business in which other business is solicited or engaged in by the Licensee or any employee, agent or associate or in association or conjunction with any other business, then the following portion of the application must be completed: this applies to any and all businesses other than the making of small loans pursuant to the New Mexico Small Loan Act of 1955.

REQUEST FOR AUTHORITY TO CONDUCT OTHER BUSINESS FORM:

| | |
|--|---|
| Insurance Products: | |
| Loans Made & Contracts Purchased Under Other Statutes: | <input type="checkbox"/> New Mexico Bank Installment Loan Act of 1959 <input type="checkbox"/> New Mexico Motor Vehicle Sales Finance Act <input type="checkbox"/> Retail Installment Sales Finance Act |
| Other Business Products: | <input type="checkbox"/> Auto Club <input type="checkbox"/> Check Cashing <input type="checkbox"/> Debit Card <input type="checkbox"/> Gift Cards <input type="checkbox"/> Money Orders <input type="checkbox"/> Money Transmitter Services <input type="checkbox"/> Mortgage Lending <input type="checkbox"/> Pawn Business <input type="checkbox"/> Pre-Paid Debit Cards <input type="checkbox"/> Pre-Paid Phone Cards <input type="checkbox"/> Precious Metal Dealing <input type="checkbox"/> Retail Sales (i.e. Appliances, Electronics, Equipment, Furniture, etc.) <input type="checkbox"/> Rent-to-Own Business <input type="checkbox"/> Tax Services <input type="checkbox"/> Vehicles Sales <input type="checkbox"/> Other (Provide a description of all other business below) |

Question 14: Types of Loan Products Offered:

Select all loan products offered by the applicant.

- Installment Loans:** *Defined as “a loan that is to be repaid in a minimum of four successive substantially equal payment amounts to pay off a loan in its entirety with a period of no less than one hundred twenty days to maturity.”*

 - Refund Anticipation Loans:** *Defined as “a loan that is secured by, the creditor arranges, or expects to be repaid, directly, or indirectly, from the proceeds of the consumer’s income tax refunds or tax credits, including any sale, assignment or purchase of a tax refund at a discount or a fee”.*

 - Other:** *(Provide a description of all other loan products offered) (i.e. Commercial (Business) loans, Live check loans, etc.)*
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II. MANDATORY APPLICATION EXHIBITS

EXHIBIT A: FINANCIAL STATEMENT

(BALANCE SHEET AND INCOME STATEMENT)

Pursuant to §58-15-5(F) (3) NMSA 1978, each licensee must demonstrate that there is \$30,000 cash or the equivalent available for the operation of the business. If the applicant holds more than one Small Loan License, the \$30,000.00 requirement is for each location. *For example, an applicant that has two Small Loan Licenses must have \$30,000.00 per location totaling \$60,000.00.* In order to fulfill this requirement, the applicant must submit either a financial statement and a letter from a depository institution that satisfies the criteria below:

FINANCIAL STATEMENT REQUIREMENTS

- The financial statement must demonstrate that licensee has \$30,000 cash or its equivalent, convertible securities or receivables of thirty thousand dollars (\$30,000) or any combination thereof; available for operation of the business at the specified licensed location, as required by §58-15-5(F) (3) NMSA 1978;
- The financial statements must be **signed and dated** within the last 6 months by a certified public accountant or signed and dated by an officer of the company.
- The financial statements must be prepared in accordance with generally accepted accounting practices;

AND

LETTER FROM DEPOSITORY INSTITUTION

- The letter must be written on the depository institution's letterhead and signed by a representative of the depository institution within the past six months;
- The letter must state that the **average ledger balance for the past six months** has been \$30,000 or more **for each license**;
- The letter must state that the monies on deposit are unencumbered and are held in the name of the applicant;

EXHIBIT B: AFFILIATION WITH OTHER BUSINESS ENTITIES

If the applicant is a member of, or interested financially in, connected or affiliated with, controls or is controlled by, owns or is owned by other corporations, partnerships, trust, associations or other legal entities engaged in the lending of money, attach a statement or organizational chart disclosing those interests, relationships, and affiliations.

EXHIBIT C: COMPANY ORGANIZATION DOCUMENTS

Provide the following applicable documentation for the applicant:

- For a *New Mexico Corporation* provide the following:
 - Articles of Incorporation
 - Certification of Incorporation
 - Certificate of Good Standing with the New Mexico Secretary of State

- For a *Foreign Corporation* provide the following:
 - Articles of Incorporation
 - Certification of Incorporation
 - Certificate of Registration with the New Mexico Secretary of State
 - Certificate of Good Standing with the New Mexico Secretary of State

- For a *Limited Liability Company* provide the following:
 - Articles of Organization
 - Certification of Organization
 - Certificate of Good Standing with the New Mexico Secretary of State

- For a *Partnership* provide the following:
 - Statement of Partnership / Partnership Agreement
 - Social Security Number for each partner

- For a *Registered Limited Liability Partnership* provide the following:
 - Statement of Partnership / Partnership Agreement
 - Registration of the Partnership
 - Social Security Number for each partner

- For a *Sole Proprietor* provide the following:
 - Social Security Number for the Sole Proprietor

EXHIBIT D: CONVENIENCE AND ADVANTAGE STATEMENT

A Convenience and Advantage Statement demonstrating a clear and compelling reason why the granting of a license would promote the convenience and advantage of the community in which the applicant proposes to operate. (§58-15-5 (F), (2) NMSA 1978)

(Note: for general and statistical information on communities in New Mexico, see <http://www.census.gov>; <http://www.state.nm.us/dol>; the Census Bureau and/or local Chamber of Commerce).

Provide the following documentation as part of Exhibit E:

Marketing Plan

The marketing plan should address how the company plans to market their products and services to the community. This plan should clearly define the intended marketing area or community to be served and demonstrate how this market is not presently being served or underserved by existing licensees. A summary demographic analysis of existing and potential customers for the company's products and services should be provided. The marketing plan must include a market survey describing the general customer base to be served and describe what is perceived to be the company's competition in the intended market area or community proposed to be served. (Note: for information regarding active small loan licenses in a particular city visit the Division's website: <http://www.rld.state.nm.us/financialinstitutions> then go to licensee search. The market survey may include identification of all existing market competitors, their rates, if known, and their menu of products and services.

Business Plan

The business plan should describe what is perceived to be the company's competitive strengths or advantages and how the addition of their products and services will benefit the community. The business plan should also address why the company believes the community, to which they are proposing to serve, would benefit by the addition of these products and services. The plan should specifically address and define the existing community need and/or potential market for the company's products, services and/or delivery system.

III. CIVIL DISCLOSURE

Within the past ten years, has the applicant, or any parent company, partner, officer, director, trustee, stockholder or senior employee ever:

15. Been the subject of a proceeding in bankruptcy, foreclosure, receivership, assignment for the benefit of creditors, or for debt and money due? Yes No
16. Been the subject of **consumer initiated litigation** or arbitration filed in connection with a financial services-related business? Yes No
17. Been the subject of any **litigation**, filed in any jurisdiction that, according to generally accepted accounting principles is deemed significant to financial health and would be required to be referenced in an annual audited financial statement, report to shareholders, or similar documents? Yes No

CIVIL DISCLOSURE EXHIBITS

EXHIBIT **E**: CIVIL LITIGATION

- If answered **YES** to any of the above, please attach complete details of all events or proceedings, including the following information:
 - A copy of the original filed complaint;
 - A description of the action, including a statement indicating whether the action is still pending;
 - A copy of any publicly available court paperwork evidencing a final disposition of the case;
 - If the action has been resolved, provide a copy of the document evidencing final disposition of the case. (e.g. Settlement Agreement)
 - Any other relevant information.

IV. REGULATORY DISCLOSURE

Within the past ten years, has the Applicant, or any parent company, partner, officer, director, trustee, stockholder or senior employee ever:

18. Applied for any other type of business license with this Division? Yes No
19. Been refused any type of business license by a state or federal financial institutions regulatory agency? Yes No
20. Been the subject of enforcement actions such as cease and desist orders, consent orders, injunctions, license suspensions or revocations by any state or federal regulatory agency? Yes No

REGULATORY DISCLOSURE EXHIBITS

EXHIBIT **F**: BUSINESS LICENSING INFORMATION

- If answered **YES** to question 18, please attach complete details of all applications submitted to this Division, including the following information:
 - The name of the business listed on the application;
 - The type of business license applied for;
 - A statement indicating whether the license was granted or denied;
 - If the license was granted, the license number;

EXHIBIT **G**: REGULATORY ENFORCEMENT ACTION HISTORY

- If answered **YES** to question 19 or 20, please attach complete details of all events or proceedings, including the following information:
 - The name of the regulatory agency that executed the enforcement action;
 - The contact information for the regulatory agency that executed the enforcement action;
 - A copy of the enforcement action filed by the regulatory agency;
 - Any other relevant information.

V. CRIMINAL DISCLOSURE

Has the applicant, or any parent company, partner, officer, director, trustee, stockholder or senior employee ever:

21. Been convicted of a felony or any crime involving moral turpitude? Yes No

CRIMINAL DISCLOSURE EXHIBITS

EXHIBIT **H**: CRIMINAL HISTORY

- If answered **YES** to question 21, please attach complete details of all events or proceedings, including the following information:
 - The Defendant's name
 - The City, County and State in which the defendant was charged
 - Court case numbers
 - Defendant's employment title or positions within collection agency (e.g. Director, Manager, etc.)
 - A copy of the Court document evidencing final disposition of the case (e.g. Plea and Disposition Agreement)

VI. APPLICANT OATH AND STATEMENT

STATE OF _____)
)
COUNTY OF _____)

I, _____, the undersigned, being the _____
(*printed name of authorized representative*) (Officer [title], partner or owner)
of _____ understand that application is
(*name of applicant company*)

hereby made for a small loan license as provided for in Chapter 58-15-1 *et seq.*, New Mexico Statutes Annotated 1978, to engage in business at the location herein specified. I hereby certify and affirm that all information, statements, attachments, and exhibits submitted with this application are true and correct to the best of my knowledge and belief. I acknowledge that any misstatements contained herein may cause the Financial Institutions Division to deny the application for license, or to initiate later proceedings against this license. I understand a license, if granted, is a revocable privilege to be enjoyed and exercised only in accordance with all the terms and conditions of 58-15-1 NMSA 1978 *et. seq.* and the accompanying lawful regulations promulgated by the Director. I certify that the calculation tool and the procedures used to determine the Annual Percentage Rate for licensee’s loan documents meets the accuracy standard as defined by Federal Regulation Z Truth in Lending, to the best of my knowledge and belief.

Corporate Seal
if applicable)

(*Authorized Signature*)

EXECUTED THIS _____ day of _____, 20_____.

SUBSCRIBED AND SWORN TO before me on this _____ day of _____, _____ by

_____ in _____,
(*name of person making statement*) (City) (State)

(*Notary Public*)

My commission expires:

(*Notary seal*)

VII. APPLICATION CHECKLIST

Before submitting the application to the Financial Institutions Division, please ensure that the following items are included in the submission packet:

- All attachments and exhibits include applicant name, and question number in the top right corner of each page.

MANDATORY APPLICATION ITEMS:

- EXHIBIT A:** FINANCIAL STATEMENTS AND LETTER FROM DEPOSITORY INSTITUTION
- EXHIBIT C:** APPLICANT ORGANIZATION DOCUMENTS
- EXHIBIT D:** CONVENIENCE AND ADVANTAGE STATEMENT
 - MARKETING PLAN
 - BUSINESS PLAN
- ENCLOSED CHECK OR MONEY ORDER PAYABLE TO FINANCIAL INSTITUTIONS DIVISION FOR **APPLICATION, ORIGINAL LICENSE, AND FINANCIAL LITERACY FEES**
- ENCLOSED APPLICANT'S NOTARIZED OATH AND STATEMENT

MANDATORY EXHIBITS IF APPLICABLE:

- EXHIBIT B:** DISCLOSURE OF AFFILIATED BUSINESS ENTITIES
- EXHIBIT E:** CIVIL LITIGATION
- EXHIBIT F:** BUSINESS LICENSING INFORMATION
- EXHIBIT G:** REGULATORY ENFORCEMENT ACTION HISTORY
- EXHIBIT H:** CRIMINAL HISTORY