

# ShawPittman LLP

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April 1, 2002

Via Courier

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

RECEIVED

APR - 1 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: In the Matter of Nevadacom, Inc.  
Petition for Expedited Declaratory Ruling  
Application for Review  
CC Docket No. 00-21**

Dear Mr. Caton:

On behalf of Nevadacom, Inc. ("Nevadacom") and in response to staff request, enclosed for filing in the above-referenced proceeding are an original and four copies of various documents previously submitted to staff on an informal basis:

(1) Attachment 1: A chart describing state statutory exemptions applicable to money transfer services provided by incorporated telegraph companies, referenced in Nevadacom's September 1999 Petition for Expedited Declaratory Ruling ("Petition") as Appendix A;

(2) Attachment 2: Letters from state agencies in various jurisdictions interpreting the statutory exemption, referenced in Nevadacom's Petition as Appendix B;

(3) Attachment 3: A hand-out provided to FCC staff during a May, 2001 meeting to discuss the Petition and Application for Review, both of which are unopposed; and

(4) Attachment 4: A chart highlighting key financial criteria that must be satisfied in various states to obtain a state license to engage in money transfer service. This chart, which addresses only those states that lack a statutory exemption applicable to telegraph companies, was prepared in response to the request of FCC staff. It was forwarded electronically on August 14, 2001 and again on September 6, 2001.

Forms and questionnaires that the State of Nevada requires as part of the licensing process are included as Attachments 5A - 5C. These forms were not previously provided

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Mr. William F. Caton

April 1, 2002

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to staff. They are included for the purposes of demonstrating the onerous burden associated with state licensing requirements, which encompass more than satisfaction of the financial criteria set forth in Attachment 4.

In addition to supplementing the record with documentation, Nevadacom hereby withdraws its request for expedited relief. This request was predicated on the imminent action of the National Conference of Commissioners on Uniform State Laws ("NCCUSL") in approving a model state law that would establish significant and potentially insurmountable entry barriers to the provision of money transfer service by record carriers such as Nevadacom. See Petition at 9-11. Because the NCCUSL approved its Uniform Money Services Act (the "Uniform Act") in August 2000 Nevadacom's request for expedited relief is moot.<sup>1</sup>

The NCCUSL's approval of the Uniform Act has no substantive effect on the merits of Nevadacom's Application for Review and underlying Petition. NCCUSL approval does not affect the interpretation and application of current state statutory exemptions regarding telegraphic providers of money transfer service. As a result, the uncertainty that Nevadacom described in its September 1999 Petition has not been resolved. This uncertainty can be resolved only by a Commission ruling that confirms that telegraphic money order service is an information service.<sup>2</sup> Commission action,

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<sup>1</sup> The NCCUSL acknowledged in its August 3, 2000 press release announcing the adoption of this Act, that "the uniform law's most stringent requirements are reserved for money transmitters, such as wire transfer services." See "New Uniform Act on Cyberpayments and Money Laundering" (Aug. 3, 2000) available on-line at <http://www.nccusl.org/nccusl/pressreleases/pr8-3-00-4.asp>.

<sup>2</sup> Traditionally, the FCC subjected telegraphic money transfer service to regulation under Title II of the Act. In 1979, however, the Bureau declined to continue such regulation and allowed Western Union to cancel its applicable tariffs. The Bureau affirmed this decision to detariff telegraphic money transfer service in a 1980 order that described money transfer service as a "competitive enhanced service" subject to the comprehensive framework adopted by the FCC in its *Second Computer Inquiry*. See *Western Union Telegraph Company, Transmittal No. 7485*, Memorandum Opinion and Order (rel. Aug. 6, 1980). A copy of the Common Carrier Bureau's decision was attached to the Petition.

# ShawPittman LLP

Mr. William F. Caton

April 1, 2002

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then, remains as important today as it was when Nevadacom filed its Petition on September 17, 1999 and on April 26, 2000, when the Commission erroneously dismissed the unopposed Petition as “premature.”

Nevadacom sought relief to alleviate the onerous burdens associated with an apparent need to comply, on a state-by-state basis, with state licensing requirements applicable to providers of money transfer service. In addition to facing a patchwork of state requirements, Nevadacom faces inconsistent state interpretations of statutory exemptions applicable to telegraph companies. The cumulative impact of these requirements has hobbled Nevadacom’s ability to enter business and is discouraging its efforts to expand. Further, such requirements are at odds with the Commission’s long-standing policy, articulated in its *Computer II Inquiry*, to promote the full and efficient use of the interstate telecommunications network. The declaratory relief that Nevadacom seeks will remove the uncertainty and allow it to move ahead.

Nevadacom’s concerns and objectives are remarkably similar to those that served as the basis for a recent Commission declaratory ruling classifying cable modem service as an “interstate information service.”<sup>3</sup> As the Commission explained, it acted with respect to cable modem service

. . . to remove regulatory uncertainty that may discourage investment and innovation in broadband services and facilities. . . . We would be concerned if a patchwork of State and local regulations beyond matters of purely local concern resulted in inconsistent requirements affecting cable modem service . . . or business arrangements that discouraged cable modem service

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<sup>3</sup> See *Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Internet Over Cable Declaratory Ruling; Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities*, GN Docket No. 00-185, CS Docket No. 02-52, FCC 02-77 (rel. March 15, 2002). In addition, in February 2002 the Commission tentatively concluded that wireline broadband Internet access service is an interstate information service. See *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Universal Service Obligations of Broadband Providers*, CC Docket No. 02-33, FCC 02-42 (rel. Feb. 15, 2002).

# ShawPittman LLP

Mr. William F. Caton

April 1, 2002

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deployment across political boundaries. We also would be concerned if State and local regulations limited the Commission's ability to achieve its national broadband policy goals . . .

*Cable Modem Declaratory Ruling* at ¶ 97. While the services differ, the Commission's explanation is equally applicable to Nevadacom's circumstances. Thus, just as it was appropriate for the Commission to classify cable modem service as an interstate information service, it is also appropriate for the Commission to affirm that telegraphic money order service is an interstate information service.

The Telecommunications Act of 1996 directs the Commission to promote a competitive, deregulated communications environment. Commission action that grants Nevadacom's Application for Review and, ultimately, its Petition, is consistent with this congressional mandate. By minimizing regulatory barriers, such action ensures Nevadacom's ability to offer the telegraphic money transfer services that its customers have repeatedly requested. Responding to that customer demand allows Nevadacom's business to grow. That growth encourages investment and innovation, creates new jobs, and leads to additional competitive options for consumers. Nevadacom therefore urges the Commission to grant its Application for Review and underlying Petition for Declaratory Relief.

Please date-stamp the Receipt copy of the filing and return it in the enclosed self-addressed, stamped envelope. Please refer all questions and correspondence regarding this filing to the undersigned.

Very truly yours,



Glenn S. Richards  
Susan M. Hafeli  
Counsel for Nevadacom, Inc.

## Attachments

cc: Roger J. Meyers, Nevadacom, Inc.  
Jodie Donovan, Federal Communications Commission

Mr. William F. Caton  
April 1, 2002  
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Document #: 1228563 v.1



**TELEGRAPH COMPANY EXEMPTIONS  
FROM STATE MONEY TRANSFER LAWS**

<b>STATE</b>	<b>STATUTORY CITATION AND TYPE OF EXEMPTION</b>	<b>STATE STATUTORY INTERPRETATION</b>	<b>LICENSE REQ'T</b>
Alabama	Ala. Code § 8-7-4(b) Exempts an incorporated telegraph company receiving money for immediate transmission ("ITC-RMIT exemption")	Letter attached. State appears to construe exemption narrowly.	Presumably yes for services other than "RMIT"
Arkansas	A.C.A. § 23-41-103(a) ITC-RMIT exemption	Response depends upon whether Nevadacom issues money orders.	More information required
Colorado	C.R.S. § 12-52-105 ITC-RMIT exemption	Letter attached. State construes exemption narrowly, limiting it to "receipt of money for immediate transmission"; other activity requires license.	Yes, for services other than "RMIT"
Connecticut	Conn. Gen. Stat. Ann. § 36(a)-609(3) ITC-RMIT exemption	State construes exemption narrowly, limiting it to receipt of money for immediate transmission by telegraph/cable.	Yes, for services other than "RMIT"
D.C.	D.C. Code Ann. § 47-3103(2) ITC-RMIT exemption	Telephonic response. Inquiry routed to Dep't of Consumer and Regulatory Affairs; no further response.	
Guam	Guam Civ.Code § 109102(b) Exempts telegraph companies from foreign exchange licensing requirements	Letter attached. Response reiterates statutory language. Exemption from foreign exchange licensing requirements if Nevadacom is an ITC-RMIT.	Presumably yes, for services other than "RMIT"

<b>STATE</b>	<b>STATUTORY CITATION AND TYPE OF EXEMPTION</b>	<b>STATE STATUTORY INTERPRETATION</b>	<b>LICENSE REQ'T</b>
Iowa	Iowa Code Ann. § 533B.3 ITC-RMIT exemption	No response.	
Kentucky	Sale of Checks Law § 366.030 ITC-RMIT exemption	State appears to construe exemption very narrowly. Response posits that Nevadacom would seem to require license. Requests explanation re transmission "by telegraph" and notes lack of documentation.	Yes, for services other than "RMIT" (e.g., fax transmission)
Minnesota	Minn. Stat. § 48.151 ITC-RMIT exemption	Letter attached. No licensing requirements "at this time" for any entity.	No
Mississippi	Miss. Code Ann. § 75-15-17 ITC-RMIT exemption	Telephonic response. Exemption applies only if Nevadacom is issuing cash.	Yes, if funds disbursed in a form other than cash.
Missouri	Mo. Ann. Stat. § 361.705 ITC-RMIT exemption	Written response affirms broad exemption.	No
Nebraska	Neb. Rev. Stat. § 8-1003(2) ITC-RMIT exemption	Letter attached. Exemption requires documentation; further, it is applicable to company only, not agents.	Apparently not
Nevada	Nev. Rev. Admin. Code § 671.020.1(c) Exempts telegraph companies providing a public message service	Letter attached. Exemption inapplicable; applies only to transmissions on behalf of third parties.	Yes
New Mexico	N.M. Stat. Ann. § 58-20-1A Exempts telegraph companies engaged in interstate commerce	Interpretation deemed correct. No requirement to obtain a license to sell negotiable instruments in New Mexico.	No

<b>STATE</b>	<b>STATUTORY CITATION AND TYPE OF EXEMPTION</b>	<b>STATE STATUTORY INTERPRETATION</b>	<b>LICENSE REQ'T</b>
North Dakota	N.D.C.C. § 51-17-03 ITC-RMIT exemption	Telephonic response. State interprets exemption narrowly. Exemption applies only if issuance is incidental to transmission activities.	Depends on the scope of NevadaCom's activities
Oklahoma	O.S. § 2104(a) ITC-RMIT exemption	No response.	
Oregon	O.R.S. § 717.040(2) ITC-RMIT exemption	Letter attached. Response affirms the applicability of the exemption, but notes the prospect of a new law modeled after NJ's law. (Legislative session begins 1/99.)	Apparently not as of response date.
Wisconsin	Wis. Stat. Ann. § 217.02(9) ITC-RMIT exemption	Letter attached. State interprets very narrowly. Exemption pertains only to that portion of NevadaCom's business that involves "RMIT by telegraph." Licensing requirements apply to sale and issuance of instruments (money orders).	Yes, for services other than RMIT "by telegraph" and cash disbursements





JOSEPH P. BORG  
Director  
SUSAN B. ANDERSON  
General Counsel

## ALABAMA SECURITIES COMMISSION

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Commissioner of Insurance

July 14, 1998

Glenn S. Richards, Esquire  
Fisher, Wayland, Cooper, Leader & Zaragoza  
2001 Pennsylvania Avenue, N.W., Suite 400  
Washington, D.C. 20006-1851

**RE: NEVADACOM, INC.**

Dear Mr. Richards:

The Alabama Securities Commission staff is in receipt of your letter of June 10, 1998, concerning certain exemptions from registration available pursuant to the Alabama Sale of Checks Act, §8-7-1, *et al.*, Code of Alabama 1975. In your letter, you state that Nevadacom is an incorporated telegraph company that provides domestic and international public message services pursuant to licenses issued by and tariffs filed with the Federal Communications Commission. You also stated that Nevadacom, as an incorporated telegraph company, would receive money for immediate transmission as well as disbursements that have been sent to it.

Section 8-7-4 expressly provides that it does not apply to "the receipt of money by an incorporated telegraph company or any agent thereof for immediate transmission by telegraph." If, in fact, Nevadacom is an incorporated telegraph company and intends to receive money for immediate transmission by telegraph, it appears the exemption would apply.

The Alabama Securities Commission staff's opinion is based solely upon the facts and representations set forth in your letter. If any of those facts or representations change, the Commission staff's position may correspondingly differ. This opinion expresses the Commission staff's position on enforcement matters only, and does not express a legal conclusion on the questions presented nor any opinion or conclusion concerning any aspect of the contemplated transactions. Furthermore, this opinion is limited strictly to this particular transaction, and is not to be relied upon for an opinion concerning any other similar transaction.

Glenn S. Richards, Esquire  
July 14, 1998  
Page Two

If you have any questions, please feel free to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan B. Anderson", with a long horizontal line extending to the right.

Susan B. Anderson  
Deputy Attorney General/General Counsel

SBA:kjb  
cc: Joseph P. Borg, Director

# STATE OF COLORADO

Department of Regulatory Agencies  
Joseph A. Garcia  
Executive Director

DIVISION OF BANKING  
Richard Fulkerson  
State Bank Commissioner



Roy Romer  
Governor

May 26, 1998

Glenn S. Richards  
Fisher Wayland Cooper Leader & Zaragoza L.L.P.  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006-1851

**RE: Your letter of May 8, 1998 regarding Nevadacom**

Dear Mr. Richards:

Your letter of May 8, 1998, states that you wish to confirm the applicability of a statutory exemption from Colorado's Money Order Act, Title 12, Article 52, C.R.S., as it may apply to the activities of Nevacom, an incorporated telegraph company. You further state that Nevacom's money transfer services are expected to include cash receipt and disbursement, telephonic credit card transactions, and the issuance of money orders, drafts, or other instruments.

The Money Order Act prohibits any person from engaging "in the business of selling or issuing exchange or in the business of money transmission" in Colorado without first obtaining a money order license from the Colorado State Banking Board. 12-52-104, C.R.S. The term exchange is broadly defined to include "any check, draft, money order, or other instrument for the transmission or payment of money or credit." 12-52-103(2), C.R.S. (1997). Similarly the term "money transmission" includes "the sale or issue of exchange or engaging in the business of receiving money for transmission or transmitting money" defined in very broad terms. 12-52-103(4.3), C.R.S.

In contrast the legislature has provided for a narrow class of exemptions from the licensing requirement which states that the Money Order Act does not apply to the following:

Departments or agencies of the United States of America, or to .....the receipt of money by an incorporated telegraph or cable company at any office or agency thereof for immediate transmission by telegraph or cable.

12-52-105, C.R.S. (1997). Emphasis added. The express language exempts only certain activities of telegraph companies, namely the receipt of money for immediate transmission.

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It is the opinion of the Division of Banking (Division) that if a telegraph company engages in any other activities that constitute the issuance or exchange other than the receipt of money for immediate transmission by telegraph or cable, then the company is subject to the licensing requirements like any other type of company.

If you have any questions or require additional information, please contact me at 303/894-7575.

Sincerely,

A handwritten signature in black ink, appearing to read "John H. Wood", with a long horizontal flourish extending to the right.

JOHN H. WOOD  
Supervising Examiner

JHW/ban\wood\nevadcom



Dipattamenton Konta... ion yan Adu'ana

DEPARTMENT OF

# REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guahan

MADELEINE

CARL T.C. GUTIERREZ, Governor Maga'lahi  
M.LLO, Lt. Governor / Tiñente Gubetnaoora

JOSEPH T. DUENAS, Director / Direktor  
CARL E. TORRES, Deputy Director  
Sigundo Direktor

**JUL 24 1998**

Mr. Glenn S. Richards  
Fisher Wayland Cooper Leader & Zaragoza L.L.P.  
2001 Pennsylvania Avenue, N.W.  
Suite 400, Washington, D.C. 20006-1851

Re: **Nevadacom**

Dear Mr. Richards:

This is in response to your letter of June 05, 1998 on the above captioned subject.

Your company has requested a letter confirming exemption from the provisions of 11 GCA § 109102. Our office does not issue foreign exchange license exemptions. The statute is self-explanatory. It is up to Nevadacom to determine whether their business falls within the exemption. If you have a specific question about a specific transaction, we might be able to assist you. However, we cannot state that Nevadacom is exempted from the statute based on a general statement of what the company does. If Nevadacom is incorporated telegraph company receiving money for immediate transmission, they are exempt from the foreign exchange license requirements.

Thank you for considering Guam a place for your business.

Sincerely,

**JOSEPH T. DUENAS**  
Banking Commissioner

By:   
**ROSITA R. OWEN**  
Regulatory Examiner Supervisor

/tcs.



## MINNESOTA DEPARTMENT OF COMMERCE

June 25, 1998

Glenn S. Richards  
Fisher Wayland Cooper Leader  
& Zaragoza L.L.P.  
2001 Pennsylvania Ave. N.W.  
Suite 400  
Washington, D.C. 20006-1851

Dear Mr. Richards:

At present, wire transfer services are not licensed in the state of Minnesota. Minnesota Statutes, Section 48.151 permits telegraph companies to advertise for sale and sell for a fee money orders, travelers checks, cashier's checks, drafts, registered checks, and certified checks. Please review our web site at [www.commerce.state.mn.us](http://www.commerce.state.mn.us) for public information updates.

Sincerely,

A handwritten signature in black ink that reads "Allyn R. Long".

Allyn R. Long  
Assistant Commissioner

ARL:rg\al-long\richards

133 East Seventh Street, St. Paul, MN 55101  
Tel. (612) 296-4026 • Toll Free (800) 657-3602 • Fax (612) 296-4328 • TTY/TDD (612) 296-2860  
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# STATE OF NEBRASKA

8230000



E. Benjamin Nelson  
Governor

## DEPARTMENT OF BANKING AND FINANCE

James A. Hansen

Director

Suite 311, The Atrium

1200 N Street

P.O. Box 95006

Lincoln, Nebraska 68509-5006

May 19, 1998

Glenn S. Richards  
Fisher Wayland Cooper  
Leader & Zaragoza L.L.P.  
2001 Pennsylvania Avenue N.W. #400  
Washington, D.C. 20006-1851

Dear Mr. Richards:

This is in reply to your letter of May 8, 1998, regarding the applicability of an exclusion from the licensing requirements of the Nebraska Sale of Checks Act ("the Act") for your client, Nevadacom.

Nevadacom represents that it is an incorporated telegraph company intending to add money transfer services to its current public message services. Nevadacom indicates that it is therefore excluded from the Act's licensing requirements pursuant to Neb. Rev. Stat. § 8-1003(2) (Reissue 1997).

It is the position of the Department that Nevadacom will be eligible for the exclusion from licensing if it provides documentation to the Department to sustain its claim of incorporation as a telegraph company, and to show that it has filed the necessary documents with the Nebraska Secretary of State pursuant to Neb. Rev. Stat. §§ 86-101 to 86-113 (Reissue 1994).

Please be advised that the exclusion from licensing applies only to the company itself, and not to agents of the company. Any agents must, therefore, obtain licenses under the Sale of Checks Act. In the alternative, the company could establish its own offices in Nebraska, or it could obtain a Sale of Checks license to cover the agency locations.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Humlicek Herstein".

Patricia A. Humlicek Herstein  
General Counsel

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Bureau of Securities  
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FRANKIE SUE DEL PAPA  
*Attorney General*

BROOKE A. NIELSEN  
*Assistant Attorney General*

August 18, 1998

Mr. Glenn S. Richards, Esq.  
Fisher Wayland Cooper Leader & Zaragoza L.L.P.  
2001 Pennsylvania Avenue N.W.  
Suite 400  
Washington, D.C. 20006-1851

Re: Telegraph Company Exemption From NRS Chapter 671

Dear Mr. Richards:

I am in receipt of your letter addressed to the Nevada Attorney General requesting confirmation of your conclusion that NRS Chapter 671 does not apply to your client, Nevadacom, an incorporated telegraph company that provides domestic and international public message services. I represent the Financial Institutions Division which enforces and administers the provisions of NRS Chapter 671. This office is not authorized to provide you with a legal opinion on this subject; however, I have discussed the issue with L. Scott Walshaw, and on his behalf, can provide you with the following advisory opinion.

The Division believes that the exemption from regulation for a "[t]elegraph company providing a public message service" was intended to exempt a company that handles the actual wire transmission of a money transaction. Similar provisions exist in other licensing laws to exempt, for example, a newspaper from a licensing requirement resulting from running an ad on behalf of a third party for an activity subject to licensing. In this case, however, Nevadacom is not providing public messaging services to transmit a money wire transaction on behalf of a third party but is instead providing those services itself. We do not believe the exemption was intended to apply under such circumstances and, accordingly, must respectfully disagree with your conclusion on that issue.

Mr. Glenn S. Richards, Esq.  
August 18, 1998 -  
Page 2

If you have any questions or comments regarding this matter, please feel free to contact me directly.

Sincerely,

Frankie Sue Del Papa  
Attorney General

By:   
DOUGLAS E. WALTHER  
Senior Deputy Attorney General  
Commerce Section  
(702) 687-6421

cc: L. Scott Walshaw

MT\_LIC.DOC



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Consumer and Business Services

Division of Finance and Corporate Securities

350 Winter Street NE, Room 410

Salem, OR 97310

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June 16, 1998

Glenn S Richards  
Fisher Wayland et al  
2001 Pennsylvania Ave NW Ste 400  
Washington DC 2006-1851

Re: Sale of Checks Act

Dear Mr. Richards:

You have requested confirmation that Nevadacom, an incorporated telegraph company is exempt from Oregon's Sale of Checks Act pursuant to the provisions of ORS 717.040(2). I am sorry for the delay in responding to your request. Based upon the representations contained in your letter of May 8, 1998, we concur that the exemption applies.

You have requested that Nevadacom be placed on any mailing list we maintain for purpose of providing periodic informational updates concerning money transfer services. We have added Nevadacom to our mailing list. Oregon may adopt a new money transfer act modeled after the New Jersey act. This would be legislation introduced at the industry's request. We will provide notice and copies of any proposed legislation if and when it is introduced. Our legislative session convenes in January of 1999.

If you have any questions, please call me.

Sincerely,

  
H James Krueger  
Program Manager,  
503.947.7362  
503.947.7862



**State of Wisconsin**  
*Department of Financial Institutions*

Tommy G. Thompson, **Governor**

Richard L. Dean, **Secretary**

July 13, 1998

Mr. Glenn S. Richards  
Fisher Wayland Cooper Leader & Zarzgoza L.L.P.  
Suite 400  
2001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20006-1851

Re: Seller of Checks License  
Chapter 217, Wisconsin Statutes

Dear Mr. Richards:

This is in reply to your May 8, 1998 letter.

We note your comment that Nevadacom is an incorporated telegraph company that provides domestic and international public message services pursuant to licenses issued by and tariffs filed with the Federal Communications Commission. You indicated Nevadacom intends to add money transfer services which are expected to include cash receipt and disbursement, telephonic credit card transactions, and the issuance of money orders, drafts, or other instruments.

Section 217.02(9) of the Wisconsin Statutes defines a "seller of checks" as "a person who, as a service or for a fee or other consideration, engages in the business of selling and issuing checks or the receiving of money for transmission or the transmitting of money, or the transmitting of money to foreign countries, but does not include the business of a telegraph company receiving money for immediate transmission by telegraph." (Emphasis added).

The above section does not exempt telegraph companies selling and issuing checks, such as money orders or travelers checks, from the licensing requirements of Section 217. It only exempts from licensing the portion of a telegraph company's business that involves receiving money for the immediate transmission by telegraph.



**STATE OF WISCONSIN**  
**Department of Financial Institutions**

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Mr. Glenn S. Richards  
July 13, 1998  
Page 2

If you still want this Department to advise you whether we believe the portion of Nevadacom's business relating to the transmission of money is exempt from the licensing requirements of Section 217, we ask that you submit the following information to us.

- A copy of the tariff(s) that Nevadacom has filed with the Federal Communications Commission.
- Whether a customer of Nevadacom can send telegrams to any location. If not, please explain where they can send telegrams.

A copy of the application packet for a Seller of Checks license is enclosed for your information.

You requested Nevadacom be added to any mailing list the Department of Financial Institutions (DFI) maintains for the purpose of providing the public with periodic informational updates concerning money transfer services. You may obtain information about DFI through our web site. The address for our web site is either <http://badger.state.wi.us/agencies/dfi> or [www.wdfi.org](http://www.wdfi.org).

I am faxing this letter to you without any enclosures and will mail the original letter to you.

If you want to discuss this matter further by telephone, please call me at (608) 267-3776.

Sincerely,

  
Ray Hellmer  
Advanced Examiner

Enclosure

Attachment 3

**NEVADACOM**  
**Petition for Declaratory Ruling and Application for Review**  
**CC Docket No. 00-21**

- *Telegraphic money transfer service a communications offering*
  
- *Nevadacom is a telegraph, or record, carrier.*
  
- *Multiple factors support a grant of Nevadacom's Application and Petition*
  - 1) The FCC continues to assert its jurisdiction over telegraph carriers and services.
  - 2) FCC action will offer guidance and clarity in an ambiguous area.
  - 3) The absence of any opposition to either the Petition or Application for Review indicates that no harm is likely to result from the grant.
  - 4) Affirming that this record carriage service is "enhanced" or an information service is consistent with the deregulatory philosophy of the 1996 Act.
  
- *Nevadacom objects to the approach taken in the Bureau's April 2000 Order*
  - 1) The Order construes the Petition too narrowly. The drafting of the model state law was offered to explain Nevadacom's request for *expedited* action. Guidance is required not only with respect to the model law, but current state law as well.
  - 2) Preemption is a costly remedy that is administratively inefficient and implicates federal-state relations.
  - 3) Unlike the requested Declaratory Ruling, the preemption approach has the potential to place Nevadacom in the "paradigmatic" hardship situation.



**NEVADACOM, INC.**  
**State Licensing Requirements<sup>1</sup>**

<b>State</b>	<b>Statutory Provisions<sup>2</sup></b>	<b>Minimum Net Worth Requirement</b>	<b>State Bond Requirement<sup>3</sup></b>	<b>Bond to Remain in Place –</b>	<b>Permissible Investment Provisions<sup>4</sup></b>	<b>Other</b>
Arizona	Az. Code § 6-1201 et seq.	\$100K + \$50K per additional location/agent, up to \$500K maximum	Varies depending on number of locations, to maximum \$500K: \$25K ( $\leq 5$ locations) \$100K (5-20 locations)	Up to 5 years after operations cease (license expiration, surrender or revocation.)	Yes	
California	Cal. Fin Code § 33000 et seq.	N/A	Requirement and amount discretionary	N/A	Yes	Only corporations may be licensed
Delaware	5 Del. C. § 2301 et seq.	\$100K	\$25K + \$5K per additional location, to \$250K maximum	Up to 2 years post-cessation	No	
Florida	Fla. Stat. Ch. 560	\$100K + \$50K per additional location, up to \$500K maximum	\$250K, but bond may be increased to \$500K in event of “extraordinary circumstances” (e.g., financial condition)	Up to 5 years post-cessation	Yes	

<sup>1</sup> Other than Virginia, this chart does not include those states with statutory exemptions applicable to telegraph companies.

<sup>2</sup> Statutory citations are unofficial and based on statutes as posted on state or other websites. A list of URLs is attached hereto.

<sup>3</sup> States typically allow alternatives to bonds, such as securities or cash deposits, or irrevocable letters of credit.

<sup>4</sup> “Permissible investment” provisions typically require that the provider “at all times possess permissible investments having an aggregate market value, calculated in accordance with generally accepted accounting principles, of not less than the aggregate face amount of all outstanding payment instruments issued or sold by the licensee” either in the United States or in a particular state. *See Idaho Code 26-2906.*

State	Statutory Provisions <sup>2</sup>	Minimum Net Worth Requirement	State Bond Requirement <sup>3</sup>	Bond to Remain in Place –	Permissible Investment Provisions <sup>4</sup>	Other
Idaho	IC § 26-2901 et seq.	\$50K + \$25K per additional location, up to \$250K maximum	\$10K + \$5K per additional location, to \$500K maximum	Up to 2 years post-cessation	Yes	
Illinois	205 ILCS 657	Ranges from \$35K to \$500K, depending on number of locations.	Greater of \$100K or daily average of outstanding payment instruments, up to \$2M maximum	Up to 5 years post-cessation	Yes	
Indiana	Ind. Code § 28-8-4	\$100K + \$50K per additional location or delegate or \$500K	\$100K – \$200K, depending on number of locations	Up to 5 years post-cessation	Yes	
Kansas	Kansas Statutes § 9-508 et seq.	\$100K	\$50K + \$5K per additional location, to \$200K maximum	N/A	No	
Louisiana	LA. Rev. Stat. § 1031 et seq.	\$100K	<i>Year 1:</i> Minimum \$25K <i>Renewal:</i> Either \$25K or ½ checks outstanding, up to \$500K. Bond of up to \$1M may be required after hearing.	N/A	Yes	
Maine	32 M.R.S. § 6102 et seq.	\$100K + \$50K per location or agent, up to \$500K maximum	\$100K	Up to 5 years post-cessation	No	
Michigan	M.C.L. § 487.901 et seq.	> \$100K	\$100K + \$3K per location or agent, to \$250K maximum	N/A	Yes	

<b>State</b>	<b>Statutory Provisions<sup>2</sup></b>	<b>Minimum Net Worth Requirement</b>	<b>State Bond Requirement<sup>3</sup></b>	<b>Bond to Remain in Place –</b>	<b>Permissible Investment Provisions<sup>4</sup></b>	<b>Other</b>
New Jersey	N.J. Laws 17:15C-2 et seq.	\$100K + \$25K per location or agent, up to \$1M maximum	Ranges from \$100K to \$1M	No longer than 5 years post-cessation	Yes	
New York	N.Y. Banking Law § 640 et seq.	N/A	\$500K, although security requirement may be eliminated after 5 years' operation.	N/A	Yes	
North Carolina	N.C. Gen. Stat. § 53-192 et seq.	\$100K	\$150K + \$5K per location, to \$250K maximum	N/A	Yes	
Ohio	Ohio Rev. Code § 1315.01 et seq.	\$100K	\$100K + \$5K per location, to \$300K maximum	N/A	Yes	
Oregon	ORS § 717.200 et seq.	\$100K + \$25K per location, up to \$500K maximum	\$25K + \$5K per location, to \$150K maximum	Up to 5 years post-cessation	Yes	
Pennsylvania	PA. Code § 19.1 et seq.	\$500K	\$1M	Until expiration of applicable statute of limitations	No	
Rhode Island	R.I. Gen. Laws § 19-14-1 et seq.	\$50K	\$50K, subject to \$150K maximum when aggregated with agent locations	N/A	No	Must maintain \$10K liquid assets for each licensed premises
Tennessee	Tenn. Code Ann. § 45-7-201 et seq.	\$100K + \$25K per location or agent, up to \$500K maximum	\$50K	Up to 3 years post-cessation	Yes	

<b>State</b>	<b>Statutory Provisions<sup>2</sup></b>	<b>Minimum Net Worth Requirement</b>	<b>State Bond Requirement<sup>3</sup></b>	<b>Bond to Remain in Place –</b>	<b>Permissible Investment Provisions<sup>4</sup></b>	<b>Other</b>
Texas	Tex. Fin. Code § 153.001 et seq.	\$25K x number of locations, up to \$1M maximum	\$300K	N/A	No	Each location to be separately licensed
Virginia	Va. Code § 6.1-370 et seq.	N/A	Minimum \$25K or an amount equal to the average VA monthly money order sales during preceding two reporting periods, rounded to the next highest multiple of \$10K, up to a \$500K maximum. Bond may be increased to \$1M upon showing of impaired financial condition.	Up to 5 years post-cessation	No	Statute exempts telegraph companies with a net worth $\geq$ \$1M
Washington	Wash. Rev. Code § 31.45.010 et seq.	N/A	Varies – ranges from 75% of highest monthly liability (when liability $\leq$ \$50K) to \$75K+, with maximum fidelity coverage of \$3M	N/A	No	
West Virginia	W.Va. Code § 32A-2-1 et seq.	\$50K + \$25K per location, up to \$1M maximum	\$300K + \$25K per location, up to \$1M maximum	Up to 5 years post-cessation	No	

URLs or state web sites:

Arizona: [www.azleg.state.az.us/ars](http://www.azleg.state.az.us/ars)  
California: [www.caselaw.lp.findlaw.com/cacodes/fin](http://www.caselaw.lp.findlaw.com/cacodes/fin)  
Delaware: <http://198.187.128.12/delaware>  
Florida: [www.leg.state.fl.us/statutes](http://www.leg.state.fl.us/statutes)  
Idaho: <http://www3.state.id.us/idstat/TOC/26029KTOC.html>  
Illinois: [www.legis.state.il.us/ilcs/ch205/ch205act657.htm](http://www.legis.state.il.us/ilcs/ch205/ch205act657.htm)  
Indiana: [www.in.gov/legislative/ic/code/title28/ar8/ch4.html](http://www.in.gov/legislative/ic/code/title28/ar8/ch4.html)  
Kansas: [www.accesskansas.org/legislative/statutes](http://www.accesskansas.org/legislative/statutes)  
Louisiana: [www.legisl.state.la.us/tsrs/RS/6](http://www.legisl.state.la.us/tsrs/RS/6)  
Maine: <http://janus.state.me.us/legis/statutes/32/title32ch800sec0.html>  
Michigan: <http://michiganlegislature.org/law>  
New Jersey: (partial address only)  
New York: <http://caselaw.lp.findlaw.com/nycodes/law9/art39.html>  
N.Carolina: [www.ncga.state.nc.us/statutes/](http://www.ncga.state.nc.us/statutes/)  
Ohio: (partial address only)  
Oregon: [www.leg.state.or.us/ors/717.html](http://www.leg.state.or.us/ors/717.html)  
Pennsylvania: [www.pacode.com/secure/data/010/chapter19/chp19toc.html](http://www.pacode.com/secure/data/010/chapter19/chp19toc.html) (and application materials posted on the website of the Pennsylvania Department of Banking)  
Rhode Island: [www.rilin.state.ri.us/Statutes/TITLE19/19-14/INDEX.HTM](http://www.rilin.state.ri.us/Statutes/TITLE19/19-14/INDEX.HTM)  
Tennessee: <http://198.187.128.12/tennessee>  
Texas: [www.capitol.state.tx.us/statutes/fi/fi015300toc.html](http://www.capitol.state.tx.us/statutes/fi/fi015300toc.html)  
Virginia: <http://leg1.state.va.us>  
Washington: <http://search.leg.wa.gov>  
W. Virginia: [www.legis.state.wv.us](http://www.legis.state.wv.us)



# (NON-PERSONAL) HISTORY RECORD

(Corporation, Partnership, LLC, etc.)

Date: \_\_\_\_\_

## GENERAL INSTRUCTIONS

Print or type an answer to every question. If a question does not apply, state with N/A. If space available is insufficient, continue on page 4 or use a separate sheet and precede each answer with the appropriate title. Do not misstate or omit any material fact(s) as each statement made herein is subject to verification. Applicant must initial each page, as provided in lower right hand corner. By placing his/her initials on each page, the authorized principal of the applicant is attesting to the assurance and completeness of the information contained on that page.

All applicants are advised that this history record is an official document and misrepresentation or failure to reveal information requested may be deemed to be sufficient cause for the refusal or revocation of a license.

All applicants are further advised that an application for a license, finding of suitability or for other action may not be withdrawn without permission of the licensing agency.

Application

for: \_\_\_\_\_  
\_\_\_\_\_

(Nature of License or Finding of Suitability Desired)

Name

\_\_\_\_\_  
\_\_\_\_\_

(Entity for which license or suitability is requested)

Address: \_\_\_\_\_  
\_\_\_\_\_

City/State/Zip: \_\_\_\_\_  
\_\_\_\_\_

Fictitious Name or  
"DBA"

\_\_\_\_\_  
\_\_\_\_\_

(If applicable, provide a recorded copy of Fictitious Name or "DBA")

Name under which it is now operated:

\_\_\_\_\_

Phone Number: \_\_\_\_\_ Tax Payer Identification  
Number: \_\_\_\_\_

1. If Corporation, provide a copy of By Laws, and a current "certificate of good standing" from the state of incorporation.

If Partnership, provide a copy of Partnership Agreement. If LLC, provide copy of Articles of Organization.

(If applicant is newly being formed, the Nevada Secretary of State or the local Municipality will generally not accept a filing until tentative approval has been granted by the Financial Institutions Division; at which time written authorization will be provided to allow for filing by the newly formed applicant.)



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4. Litigations , Injunctions and Criminal Complaints:

A. Has the applicant ever been charged, indicted or summoned to answer for any criminal offense or violation , or had litigation or lawsuit filed against it for any reason whatsoever, regardless of disposition of the event? Yes \_\_\_ No \_\_\_

If yes, give details in space provided below. List all cases without exception.

<u>Date</u>	<u>Charge or Plaintiff/Defendant and case no.</u>	<u>Location - City &amp; State</u>	<u>Disposition</u>

B. Has a criminal indictment, information , or complaint ever been returned against applicant, but for which applicant was not charged or named as an unindicted co-party? Yes \_\_\_ No \_\_\_ If yes, furnish details on page 4.

C. Has applicant ever been questioned by a city, state federal or law enforcement agency, commission or committee?

Yes \_\_\_ No \_\_\_

D. Has applicant ever be subpoenaed to appear or testify before a federal, state or county grand jury, board or commission?

Yes \_\_\_ No \_\_\_

E. Has applicant ever had a civil or criminal record expunged or sealed by a court order? Yes \_\_\_ No \_\_\_

If yes, when? \_\_\_\_\_ City, County & State?

F. Has applicant ever received a pardon for any criminal offense? Yes \_\_\_ No \_\_\_

If yes, when? \_\_\_\_\_ City, County & State?

(If your answer to any of the above questions, A through F, is yes, furnish details on page 4)

Initials of Authorized Principal of Applicant: \_\_\_\_\_

5. Has applicant ever held a privileged or professional license in any state, including but not limited to the following:

Liquor Securities Dealer

Real Estate Broker Contractor

Accounting Insurance Agency or Broker Doctor Lawyer

Mortgage Company Installment Loan Company

Yes \_\_\_ No \_\_\_

If yes, state type of license, where, years held and the nature of any disciplinary actions taken against applicant:

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6. Financial Questionnaire:

A. Amount to be invested in business? \$ \_\_\_\_\_

Percentage of ownership this will represent? \_\_\_\_\_

B. Investment will be financed in the following manner:

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C. Has applicant ever filed bankruptcy? Yes \_\_\_ No \_\_\_ If yes, furnish particulars on separate sheet.

Has applicant been associated with any business entity that has ever filed for protection under the federal bankruptcy law? Yes \_\_\_ No \_\_\_

D. Last Federal Income Tax Return was filed \_\_\_\_\_, for year

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(date)

at \_\_\_\_\_

(City) (State)

Applicants are advised that Federal Income Tax Returns may be required during the licensing investigation.

E. Does applicant own or control any assets or liabilities located outside the United State? Yes \_\_\_ No \_\_\_.

F. Does applicant control, manage or hold in trust any assets or liabilities for another person or entity? Yes \_\_\_ No \_\_\_.

G. Provide copy of most recent financial statement (balance sheet and profit and loss statement). Must be less than a year old.

(If applicant is a newly formed entity, a start up balance sheet is required.)

H. Did applicant list all of it's assets and liabilities within the preceding schedules? Yes \_\_\_ No \_\_\_.

Initials of Authorized Principal of Applicant: \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

I \_\_\_\_\_ (personal name)  
\_\_\_\_\_ (Title)

of \_\_\_\_\_ (name of applicant), being duly sworn, depose and say that the above statements are true and correct to the best of my knowledge and belief and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a license by the Financial Institutions Division. Further, that I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for the revocation of a license.

\_\_\_\_\_  
(Signature)

Subscribed and sworn to before me this \_\_\_\_\_ day of

Notary Seal:

\_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
(Notary Public)



From:

s Name)

(Applicant'

1. I hereby authorize and request all persons to whom this request is presented having information relating to or concerning applicant to furnish such information to a duly appointed agent of the Financial Institutions Division of the State of Nevada, whether or not such information would otherwise be protected from disclosure by any constitutional, statutory or common law privilege.

2. I hereby authorize and request all persons or entities to whom this request is presented having documents relating to or concerning applicant to permit a duly appointed agent to the Financial Institutions Division of the State of Nevada to review and copy any such documents, whether or not such documents would otherwise be protected from disclosure by any constitutional, statutory, or common law privilege.

3. If the person to whom this request is presented is a brokerage firm, bank, savings and loan, or other financial institution or an officer of same, applicant hereby authorizes and requests that a duly appointed agent of the Financial Institutions Division of the State of Nevada be permitted to review and obtain copies of any and all documents, records or correspondence pertaining to applicant, including but not limited to past loan information, notes co-signed by applicant, check account records, savings deposit records, safe deposit box records, passbook records, and general ledger folio sheets.

4. Applicant does hereby make, constitute and appoint any duly appointed agent of the Financial Institutions Division of the State of Nevada it's true and lawful attorney in fact for it in it's name, place and stead and on it's behalf and for it's use and benefit:

(a) To request, review, copy, sign for, or otherwise act for investigative purposes with respect to documents and information in the possession of the person or entity to whom this request is presented as applicant might;

(b) To name the person or entity to whom this request is presented and insert that person's name in the appropriate location on this request;

(c) To place the name of the Financial Institutions Division agent presenting this request in the appropriate location on this request.

5. Applicant grants to said attorney in fact full power and authority to do, take and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as applicant might or could do if it were present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney in fact, or his substitute or substitutes, shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.

6. This power of attorney ends eighteen (18) months from the date of execution.

7. Applicant has filed with the Financial Institutions Division an "application" to be licensed or request for approval of key officer/director/majority owner. Applicant understands that it is seeking the granting of a privilege and acknowledges that the burden of providing it's qualifications for a favorable determination is at all times on it. Applicant accepts any risk or adverse public notice, embarrassment, criticism or other action of financial loss which may result from action with respect to this application.

8. Applicant does, for itself, it's heirs, executors, administrators, successors and assigns, hereby release, remise, and forever discharge the person or entity to whom this request is presented, and his/it's agents and employees from all and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and demands whatsoever, known or unknown, in law or equity, which applicant ever had, now have, may have, or claim to have against the person or entity to whom this request is presented or his/it's agents or employees arising out of or by reason of complying with this request.

9. Applicant agrees to indemnify and hold harmless the person or entity to whom this request is presented and his/it's agents and employees from and against all claims, damages, losses, and expenses, including reasonable attorney's fees arising out of or by reason of complying with this request.

10. A reproduction of this request by the Xerox or similar process shall be for all intents and purposes as valid as the original.

In witness whereof, I, an authorized principal of the applicant, executed this request at \_\_\_\_\_,

(City) (State)

on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Applicant's Name: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_

(Signature of authorized principal of applicant)

Subscribed and sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Notary public in and for the county of \_\_\_\_\_, State of \_\_\_\_\_.

Notary Signature: \_\_\_\_\_ Notary Seal:

Signature of State Agent presenting this request:

\_\_\_\_\_ Date: \_\_\_\_\_



# PERSONAL FINANCIAL QUESTIONNAIRE

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City\State\Zip: \_\_\_\_\_

Submitted in connection with application for:

\_\_\_\_\_

Trade name

1. Amount to be invested in business \$ \_\_\_\_\_ Percentage of ownership this will represent:

\_\_\_\_\_

2. Investment will be financed in the following manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Have you ever filed bankruptcy? Yes: \_\_\_\_ No: \_\_\_\_ If yes, furnish particulars on page 4 or on a separate sheet.

Have you been associated as an officer, director, stockholder, partner or sole proprietor with any business entity that has filed for protection under the federal

bankruptcy law? Yes: \_\_\_\_ No: \_\_\_\_ If yes, furnish particulars on page 4 or on a separate sheet.

4. Last Federal Income Tax Return was filed \_\_\_\_\_ for year \_\_\_\_\_

Date

at: \_\_\_\_\_

City State

Applicants are advised that Federal Income Tax Returns will be required during the licensing investigation.

5. Do you own or control any assets or liabilities located outside the United States? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, furnish particulars on page 4 or on a separate sheet.

6. Do you control, manage, or hold in trust any assets or liabilities for another person or entity? Yes: \_\_\_\_\_ No: \_\_\_\_\_

If yes, furnish particulars on page 4 or on a separate sheet.

7. Annual Salary \$ \_\_\_\_\_ Describe other income and annual amount:

Source: \_\_\_\_\_ \$ \_\_\_\_\_

Applicant's Initials: \_\_\_\_\_

As of: \_\_\_\_\_

Date

## STATEMENT OF ASSETS

### Current Assets Cost Market

Cash on Hand \$ \_\_\_\_\_ \$ \_\_\_\_\_

Cash in Safe Deposit Box \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Location of Box

Cash in \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Name, Bank and Branch

Cash in \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Name, Bank and Branch

Accounts and Notes Receivable:

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Other Current Assets:

_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

**Investments:**

Stocks, Bonds, Partnerships, Business Investments, etc.

_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

**Fixed Assets:**

Real Estate (Give location or address of each parcel)

_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

**Other Assets:**

Automobiles, personal property, etc.

_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

**Total Assets** \$ \_\_\_\_\_ \$ \_\_\_\_\_

Applicant's Initials \_\_\_\_\_

**STATEMENT OF LIABILITIES**

**Current Liabilities Original Amount Present Balance**

Accounts Payable (Credit Cards, etc.) \$ \_\_\_\_\_ \$ \_\_\_\_\_

Taxes Payable \$ \_\_\_\_\_ \$ \_\_\_\_\_

**Notes Payable** (List each lender separately, how secured, and monthly payments due thereon)

\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

**Mortgages Payable** (List each mortgage or note secured by deed of trust separately, how secured and monthly payments due thereon)

\_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

**Other Liabilities** (Describe)

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

**Total Liabilities** \$ \_\_\_\_\_ \$ \_\_\_\_\_

**Contingent Liabilities** (Describe)

\_\_\_\_\_ \$ \_\_\_\_\_ \$  
\_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$

\_\_\_\_\_ \$ \_\_\_\_\_ \$

\_\_\_\_\_ \$ \_\_\_\_\_ \$

Applicant's Initials: \_\_\_\_\_

8. Did you list all of your assets and liabilities on the preceding schedules? Yes: \_\_\_\_\_ No: \_\_\_\_\_.

If no, explain in Remarks section below.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being duly sworn, depose and say that the above statements are true and correct to the best of my knowledge and belief and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for the refusal to issue a license by the Financial Institutions Division. Further, that I am aware that later discovery of an omission or misrepresentation made in the above statements may be grounds for the revocation of a license.

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of

\_\_\_\_\_, 19 \_\_\_\_\_.

\_\_\_\_\_

Notary Public

REMARKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





# PERSONAL HISTORY RECORD

Date: \_\_\_\_\_

## General Instructions

Print or type an answer to every question. If a question does not apply to you, so state with N/A. If space available is insufficient, continue on page 7 or use a separate sheet and precede each answer with the appropriate title. Do not misstate or omit any material fact(s) as such statement made herein is subject to verification. Applicant must initial each page, as provided in lower right hand corner. By placing his/her initial on each page, the applicant is attesting to the accuracy and completeness of the information contained on that page.

All applicants are advised that this personal history record is an official document and misrepresentation or failure to reveal information requested may be deemed to be sufficient cause for the refusal or revocation of a license.

All applicants are further advised that an application for a license, finding of suitability or for other action may not be withdrawn without the permission of the licensing agency.

Application  
for: \_\_\_\_\_

Nature of License or finding of Suitability Desired  
\_\_\_\_\_  
\_\_\_\_\_

Name and Address of Establishment for Which License or Suitability is Requested  
\_\_\_\_\_  
\_\_\_\_\_

Name Under Which it is Now Operated

### **1. PERSONAL INFORMATION:**

\_\_\_\_\_  
\_\_\_\_\_

Last Name First Name Middle Name  
\_\_\_\_\_  
\_\_\_\_\_

Alias(es, Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise)  
\_\_\_\_\_  
\_\_\_\_\_

Present Residence Address - Street or RFD City State/Zip Since (date)  
\_\_\_\_\_  
\_\_\_\_\_

Present Business Address - Street or RFD City State/Zip Since (date)  
\_\_\_\_\_  
\_\_\_\_\_

Occupation Residence Phone Business Phone  
\_\_\_\_\_  
\_\_\_\_\_

Date of Birth Place of Birth (City, County, State)  
\_\_\_\_\_  
\_\_\_\_\_

Age Social Security Number Sex

\_\_\_\_\_

Color of Eyes Color of Hair Complexion Weight Build Height

Are you a citizen of the United States: Yes \_\_\_ No \_\_\_ If Alien, registration No. \_\_\_\_\_

If naturalized, certificate No. \_\_\_\_\_ Date \_\_\_\_\_ Place \_\_\_\_\_

## **2. MARITAL INFORMATION**

Single \_\_\_ Married \_\_\_ Separated \_\_\_ Widowed \_\_\_ Engaged \_\_\_

### **A. Current Marriage**

\_\_\_\_\_

Date City, County, State

Spouse's Full Name (Maiden) \_\_\_\_\_ S.S. No. \_\_\_\_\_

\_\_\_\_\_

Date of birth: \_\_\_\_\_ Place of birth: \_\_\_\_\_

\_\_\_\_\_

Residence address

\_\_\_\_\_

\_\_\_\_\_

Street City State Zip

Telephone: Residence (\_\_\_\_\_) \_\_\_\_\_ Business  
(\_\_\_\_\_) \_\_\_\_\_

Spouse's Employer \_\_\_\_\_ Occupation \_\_\_\_\_

\_\_\_\_\_

Address of Employer

\_\_\_\_\_

Street City State Zip

Applicant's Initial: \_\_\_\_\_

### **B. Previous Marriages:** (If ever legally separated, divorced, or annulled, indicate below):

\_\_\_\_\_

\_\_\_\_\_

Name of Previous Spouse Date of order or Decree Nature of Action City, County and State

\_\_\_\_\_ (

) \_\_\_\_\_

Current Address: Street City State Zip Telephone

\_\_\_\_\_

Name of Previous Spouse Date of order or Decree Nature of Action City, County and State

\_\_\_\_\_ (

) \_\_\_\_\_

Current Address: Street City State Zip Telephone

\_\_\_\_\_

\_\_\_\_\_

Name of Previous Spouse Date of order or Decree Nature of Action City, County and State

\_\_\_\_\_ )  
\_\_\_\_\_

Current Address: Street City State Zip Telephone

**3. FAMILY INFORMATION:**

**A. Children and Dependents** (List all children, including step-children and adopted children and give the following information)

\_\_\_\_\_

Name Date of Birth Place of Birth

\_\_\_\_\_

Current Residence Address City State Zip

\_\_\_\_\_

Name Date of Birth Place of Birth

\_\_\_\_\_

Current Residence Address City State Zip

\_\_\_\_\_

Name Date of Birth Place of Birth

\_\_\_\_\_

Current Residence Address City State Zip

\_\_\_\_\_

Name Date of Birth Place of Birth

\_\_\_\_\_

Current Residence Address City State Zip

**B. Parents:** (List below information for parents, parents-in-law, or legal guardian. If retired or deceased, list last address and occupation.)

\_\_\_\_\_

Father's Name Date of Birth Current Occupation

\_\_\_\_\_

Current Residence Address City State Zip

\_\_\_\_\_

Mother's Maiden Name Date of Birth Current Occupation

\_\_\_\_\_

Current Residence Address City State Zip

---

Father-in Law's Name Date of Birth Current Occupation

---

Current Residence Address City State Zip

---

Mother-in-Law's Maiden Name Date of Birth Current Occupation

---

Current Residence Address City State Zip

Applicant's Initial: \_\_\_\_\_

**C. Brothers and Sisters** (List below information for brothers and sisters, and their respective spouses.)

---

Brother/Sister's Name Date of Birth Current Occupation

---

Current Residence Address City State Zip

---

Spouse's (Maiden ) Name Date of Birth Current Occupation

---

Current Residence Address City State Zip

---

Brother/Sister's Name Date of Birth Current Occupation

---

Current Residence Address City State Zip

---

Spouse's (Maiden) Name Date of Birth Current Occupation

---

Current Residence Address City State Zip

---

Brother/Sister's Name Date of Birth Current Occupation

\_\_\_\_\_

Current Residence Address City State Zip

\_\_\_\_\_

Spouse's (Maiden ) Name Date of Birth Current Occupation

\_\_\_\_\_

Current Residence Address City State Zip

\_\_\_\_\_

Brother/Sister's Name Date of Birth Current Occupation

\_\_\_\_\_

Current Residence Address City State Zip

\_\_\_\_\_

Spouse's (Maiden) Name Date of Birth Current Occupation

\_\_\_\_\_

Current Residence Address City State Zip

#### **4. EDUCATION:**

Grammar School: \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

Name of School Location Dates Attended Graduate?

High School: \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

Name of School Location Dates Attended Graduate?

College or University \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

Name of School Location Dates Attended Graduate?

Other: : \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

Name of School Location Dates Attended Graduate?

Type of Degree obtained, if any: \_\_\_\_\_

Applicant's Initials: \_\_\_\_\_

**5. MILITARY INFORMATION:**

Have you ever served in any armed forces? Yes: \_\_\_\_ No: \_\_\_\_.

\_\_\_\_\_

Branch Date of Entry - active service

\_\_\_\_\_

Date of Separation Type of Discharge

\_\_\_\_\_

Rating at Separation Serial Number

While in the military service were you ever arrested for an offense which resulted in summary action, a trial, or special or general court martial?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If yes, furnish details on page 7.

**6. ARREST, DETENTIONS, AND LITIGATIONS:** (Include those arrests in which you were not convicted.)

A. Have you ever been arrested, detained, charged, indicted, or summoned to answer for any criminal offense or violation for any reason whatsoever, regardless of the disposition of the event" (Except MINOR traffic citations.)

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If so, give details in space provided below. List all cases without exception.

\_\_\_\_\_

Date of Arrest Age Charge Location - City and State Disposition Arresting Agency

\_\_\_\_\_

Date of Arrest Age Charge Location - City and State Disposition Arresting Agency

\_\_\_\_\_

Date of Arrest Age Charge Location - City and State Disposition Arresting Agency

\_\_\_\_\_

Date of Arrest Age Charge Location - City and State Disposition Arresting Agency

\_\_\_\_\_

Date of Arrest Age Charge Location - City and State Disposition Arresting Agency

B. Has a criminal indictment, information, or complaint ever been returned against you, but for which you were not arrested or in which you were named as an unindicted co-party?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

C. Have you ever been questioned by a city, state, federal or law enforcement agency, commission or committee?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

D. Have you ever been subpoenaed to appear to testify before a federal, state or county grand jury, board or commission?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

E. Have you ever had a civil or criminal record expunged or sealed by a court order?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

F. Have you ever received a pardon for any criminal offense?

Yes: \_\_\_\_\_ No: \_\_\_\_\_

If Yes, When? \_\_\_\_\_ City, County, and State? \_\_\_\_\_

**If your answer to any of the above questions (A through F) is yes, furnish details on page 7.**

G. Has any member of your family or of your spouse's family ever been convicted of a felony?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If Yes, Complete the following:

\_\_\_\_\_

Name Relationship Charge Location Date

\_\_\_\_\_

Name Relationship Charge Location Date

Applicant's Initials: \_\_\_\_\_

H. Have you, as an individual, member of a partnership, or owner, director or officer of a corporation, ever been a party to a lawsuit as either a plaintiff or defendant (Other than Divorces)?

Yes: \_\_\_\_\_ No: \_\_\_\_\_ If Yes, give details below. List all cases without exception, including bankruptcies.

\_\_\_\_\_

Plaintiff/Defendant Court and Case Number City, County and State Disposition

\_\_\_\_\_

Plaintiff/Defendant Court and Case Number City, County and State Disposition

\_\_\_\_\_

Plaintiff/Defendant Court and Case Number City, County and State Disposition

**7. RESIDENCES:** List all residences you have had for the last 10 years.

\_\_\_\_\_

Month and Year (From-to) Street and Number City State or Country

\_\_\_\_\_

Month and Year (From-to) Street and Number City State or Country

\_\_\_\_\_

Month and Year (From-to) Street and Number City State or Country

---

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Month and Year (From-to) Street and Number City State or Country

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Month and Year (From-to) Street and Number City State or Country

---

---

Month and Year (From-to) Street and Number City State or Country

---

---

Month and Year (From-to) Street and Number City State or Country

---

---

Month and Year (From-to) Street and Number City State or Country

**8. EMPLOYMENT:** Beginning with your current employment, list your work history, all businesses with which you have been involved, and/or all periods of unemployment for the last 10 years. Also, list all corporations, partnerships or any other business ventures with which you have been associated as an officer, director, stockholder, or related capacity.

---

---

Month and Year (From-to) Employer/Business Name Mailing Address City/State/Zip

---

---

Your Title Description of Duties Name of Supervisor Reason for Leaving

---

---

Month and Year (From-to) Employer/Business Name Mailing Address City/State/Zip

---

---

Your Title Description of Duties Name of Supervisor Reason for Leaving

---

---

Month and Year (From-to) Employer/Business Name Mailing Address City/State/Zip

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Your Title Description of Duties Name of Supervisor Reason for Leaving

---

---

Month and Year (From-to) Employer/Business Name Mailing Address City/State/Zip

---

---

Your Title Description of Duties Name of Supervisor Reason for Leaving

Applicant's Initials: \_\_\_\_\_

-

Month and Year (From-to) Employer/Business Name Mailing Address City/State/Zip

-

Your Title Description of Duties Name of Supervisor Reason for Leaving

-

Month and Year (From-to) Employer/Business Name Mailing Address City/State/Zip

-

Your Title Description of Duties Name of Supervisor Reason for Leaving

-

Month and Year (From-to) Employer/Business Name Mailing Address City/State/Zip

-

Your Title Description of Duties Name of Supervisor Reason for Leaving

If additional space is needed, continue on page 8, or provide attachment.

-

-

**9. CHARACTER REFERENCES:**

List three character references who have known you for five years or more. Do not include relatives, present employer, or employees.

-

Name Home Address City/State/Zip Code Telephone Years Known

-

Employer Business Address City/State/Zip Code Telephone

-

Name Home Address City/State/Zip Code Telephone Years Known

\_\_\_\_\_  
( )

Employer Business Address City/State/Zip Code Telephone

\_\_\_\_\_  
( )

Name Home Address City/State/Zip Code Telephone Years Known

\_\_\_\_\_  
( )

Employer Business Address City/State/Zip Code Telephone

**10. SAFE DEPOSIT BOX:**

Do you have any safe deposit box or other such depository, access to any depository or do you use any other person's depository? Yes:  
\_\_\_\_\_ No: \_\_\_\_\_

If yes, complete the following:

\_\_\_\_\_

Type and Box Number r Name of Depository Address City and State

\_\_\_\_\_

Type and Box Number r Name of Depository Address City and State

\_\_\_\_\_

Type and Box Number r Name of Depository Address City and State

Applicant's Initials: \_\_\_\_\_

**11. OTHER LICENSES:** Have you ever held a privileged or professional license in any state, including but not limited to the following? (Circle applicable type)

Liquor Securities Dealer

Real Estate Broker or Salesperson Contractor

Accountant Insurance Broker or Salesperson





9. I agree to indemnify and hold harmless the person to whom this request is presented and his agents and employees from and against all claims, damages, losses and expenses, including reasonable attorney's fees arising out of or by reason of complying with this request.

10. A reproduction of this request by the Xerox or similar process shall be for all intents and purposes as valid as the original.

In witness whereof, I have executed this request at

\_\_\_\_\_

City State

on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

**Applicant's Signature:** \_\_\_\_\_

Subscribed and sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Notary public in and for the County of \_\_\_\_\_, State of

\_\_\_\_\_

Notary Signature: \_\_\_\_\_

Notary Seal:

Signature of State Agent presenting this request: \_\_\_\_\_

Date: \_\_\_\_\_