



STATE OF NEW MEXICO  
REGULATION AND LICENSING DEPARTMENT  
FINANCIAL INSTITUTIONS DIVISION  
2550 Cerrillos Road, 3<sup>rd</sup> Floor, Santa Fe, NM 87505  
P.O. Box 25101, Santa Fe, NM 87505-5101  
Phone: (505)476-4566 Fax: (505)476-4670  
[www.rld.state.nm.us/financialinstitutions](http://www.rld.state.nm.us/financialinstitutions)  
Industry Manager: David Mora -- [david.mora@state.nm.us](mailto:david.mora@state.nm.us)  
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## APPLICATION FOR ORIGINAL SMALL LOAN LICENSE

### GENERAL INSTRUCTIONS

1. Use this form if you are applying for a Small Loan license for the first time. **If you currently maintain a small loan license, 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 your application is complete.
3. If the space provided for answers is inadequate, additional pages should be attached; however, **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 the following information in the top corner of every page: applicant name, and exhibit letter.**
5. If your company maintains more than one location, each location must be licensed. Therefore, each location must complete an application and each location must pay an application fee of one thousand dollars (\$1,000.00) and an original license fee of five hundred dollars (\$500).
6. All small loan licenses will expire at the close of business on June 30<sup>th</sup> of each year, unless renewed for the upcoming year. License renewal applications are due at the close of business on March 31<sup>st</sup> 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, application fee, original license fee, examination fee, and all exhibits must be mailed to: The Financial Institutions Division, P.O. Box 25101, 2550 Cerrillos Road, 3<sup>rd</sup> Floor, Santa Fe, NM 87505. **Failure to submit a complete application and application fee may result in the denial of license.**



9	Designated Contact Person to Respond to <b>Consumer          Complaints:</b>	<i>(Email)</i>  <i>(Name of Contact Person)</i>  <i>(Mailing Street Address)</i>  <i>(City)</i> <span style="margin-left: 150px;"><i>(State)</i></span> <span style="float: right;"><i>(Zip Code)</i></span>  <i>(Phone Number)</i> <span style="float: right;"><i>(Fax Number)</i></span>
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**Question 10:** Provide the names and addresses of all partners, members and beneficiaries of the applicant, if the applicant is a partnership, association or trust: and of all the directors and officers, if the applicant is a corporation (§58-15-4 A, NMSA 1978).

**COMPANY INFORMATION FORM**

NAME	ADDRESS	TITLE	OWNERSHIP PERCENTAGE

**Question 11:** 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 activities.

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 12:** 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"/> The General laws governing Money, Interest, and Usury <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"/> Payday Lending <input type="checkbox"/> Pawn Business <input type="checkbox"/> Pre-Paid Debit Cards <input type="checkbox"/> Pre-Paid Phone Cards <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"/> Title Lending <input type="checkbox"/> Vehicles Sales <input type="checkbox"/> Other (Provide a description of all other business below :)

## II. MANDATORY APPLICATION EXHIBITS

### EXHIBIT A: FINANCIAL 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, you must submit either a financial statement or a letter from a depository institution that satisfies the criteria below:

#### FINANCIAL STATEMENT (BALANCE SHEET AND INCOME STATEMENT)

- Demonstrates 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;
- Signed and dated within the last 6 months by a certified public accountant or signed and dated by an officer of the company.
- 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;
- 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, or 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: APPLICANT 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.

*(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 you plan on marketing your services and products to the community. This plan should clearly define the marketing area or community to be served and should demonstrate how this market is not presently being served or is being underserved by existing licensees. A summary demographic analysis of existing and potential customers for your products and services should be provided. The marketing plan must include a market survey describing the general customer base to be served and describing what you perceive to be your competition in the area you propose to serve. (Note: for information regarding active small loan licensees in a particular city see <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 you perceive to be your competitive strengths or advantages and how the addition of your products and services will benefit the community. The business plan should also address why you believe the community you are proposing to serve would benefit by the addition of your company's products and services. The plan should specifically address and define the existing community need and/or potential market for your products, services and/or delivery system.

### III. CIVIL DISCLOSURE

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

13. Been the subject of a proceeding in bankruptcy, foreclosure, receivership, assignment for the benefit of creditors, or for debt and money due? Yes  No
14. Been the subject of **consumer initiated litigation** or arbitration filed in connection with a financial services-related business? Yes  No
15. 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 you 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

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

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

#### REGULATORY DISCLOSURE EXHIBITS

**EXHIBIT F:** BUSINESS LICENSING INFORMATION

- If you answered YES to question 16, 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 you answered YES to question 17 or 18, please attach complete details of all events or proceedings, including the following information:
  - The name of the regulating agency that executed the enforcement action;
  - The contact information for the regulating agency that executed the enforcement action;
  - A copy of the enforcement action filed by the regulating agency;
  - Any other relevant information.

## V. CRIMINAL DISCLOSURE

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

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

## CRIMINAL DISCLOSURE EXHIBITS

### EXHIBIT **H**: CRIMINAL HISTORY

- If you answered YES to question 19, please attach complete details of all events or proceedings, including the following information:
  - A copy of the Court document evidencing final disposition of the case (e.g. Plea and Disposition Agreement)
  - 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.)

**VI. APPLICANT'S 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 original application for license, or to initiate later proceedings against this license. I understand that 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 your application to the Financial Institutions Division, please ensure that the following items are included in your submission packet:

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

### **MANDATORY APPLICATION ITEMS:**

- FINANCIAL STATEMENT AND LETTER FROM DEPOSITORY INSTITUTION
- CONVENIENCE AND ADVANTAGE STATEMENT
  - Marketing Plan
  - Business Plan
- ENCLOSED CHECK OR MONEY ORDER PAYABLE TO FINANCIAL INSTITUTIONS DIVISION FOR **APPLICATION AND ORIGINAL LICENSE FEES**
- APPLICANT ORGANIZATION DOCUMENTS
- 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