



State of New Hampshire

Banking Department

53 Regional Drive, Suite 200
Concord, NH 03301

Telephone: (603) 271-3561

Fax: (603) 271-0750

Licensing: (603) 271-8675

www.nh.gov/banking

Peter C. Hildreth
Bank Commissioner

Robert A. Fleury
Deputy Bank Commissioner

RETAIL SELLER LICENSE APPLICATION FORM

General Instructions

Use this form when newly applying for a license or when amending information on file with the department. When terminating or surrendering a NH retail seller license use the NH License Surrender/Expiration Form available on our website at www.nh.gov/banking/consumer.html.

- New Application:** Use this form when newly applying for a license. Answer all questions, complete all forms and pay appropriate fees. See detailed instructions below.
- Amendment Filing:** Use this form to amend information on file with the department. The required fields to complete are the "Date of Filing", the "Effective Date", check off "Amendment", and complete 1A and 1B; then you only need to enter and circle the information on the form that is being amended (information that has changed from what is on file with the department). To amend information on Schedules A & B (principals of the company), use Schedule C which you may obtain from our website at www.nh.gov/banking/consumer.html.
- Surrender or Expiration:** When a licensed company surrenders its license or allows it to expire without renewal at year end it must file a NH License Surrender/Expiration form. Go to our website at www.nh.gov/banking/consumer.html and download the NH License Surrender/Expiration form and follow its directions.

New Application Instructions

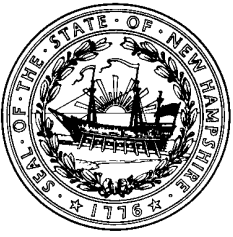
The principal office of the *applicant* must be licensed wherever it is located. The fee for a retail seller license is \$50 for the principal location. Only those business locations of the *applicant* that are located in New Hampshire must be licensed as branches (use the NH Branch Office Form included with this application and pay the \$30 fee for each NH branch).

Please make sure the following are included with the application:

- Foreign (not formed in New Hampshire) *applicants* must appoint a NH agent. The agent must have a NH business address open during normal business hours. If the *applicant* does not maintain a NH office, Banking Department examinations of the *licensee's* books and records may take place at the NH agent's location.
- Foreign (not formed under NH law) corporations, foreign limited liability companies and foreign partnerships must provide a copy of their home state registration and proof of registration as a foreign corporation, foreign limited liability company or foreign partnership issued by the NH Secretary of State. (Telephone Number: 603-271-3244; www.nh.gov/sos/corporate)
- Foreign and domestic *applicants* who propose to use a trade name in NH must provide proof of trade name registration issued by the NH Secretary of State. (Telephone Number: 603-271-3244) The "Owner" of the trade name listed on the registration must match the name of the *applicant*. If these are not the same, ownership must be changed through the Secretary of State's office.
- Applicants* must provide organizational documents as follows: corporations must submit a copy of their Articles of Incorporation and By-Laws, and any amendments thereto; Partnerships must submit a copy of the Partnership or Limited Partnership Agreement and any amendments thereto; and Limited Liability Companies must submit copies of their Articles of Organization, any Management Agreements that exist, and any amendments to either.
- Financial statements must be consistent with the legal status of the *applicant*. Corporations must provide the corporation's financial statements. If the financial statements are more than 6 months old, additionally provide interim balance sheet and income statement as of the *applicant's* last quarter end. Individuals, sole proprietors, partnerships, limited liability companies and closely held corporations must also submit a copy of the most recent federal business income tax returns (1120, 1120-S, and K-1s).
- A list of names and Tax ID numbers of applicable owners, officers, directors, members, partners, trustees, beneficiaries and NH branch managers must be provided on Schedules A & B on this form. The instructions to those schedules explain the reporting thresholds. File an Individual Disclosure Form, a Criminal History Record Information Authorization Form and fingerprint card for each individual on the lists.

7. Criminal Records checks are conducted by the State of New Hampshire Department of Safety, State Police Division. The Department of Safety charges a \$55.25 fee to cover costs for each record check. A copy of the *Department of Safety Division of State Police Criminal History Record Information Authorization Form* follows these instructions. You may make copies of this form, and then complete a form for each individual listed on Schedule A & B of this form as well as certain Contact Persons listed on this application. Complete all items in Section I, and make sure to sign the release information in Section II of the form and have the form notarized. **All checks and money orders for the record checks must be made payable to “State of NH – Criminal Records.”**
- Fingerprints must be submitted in order to complete the criminal background checks.** To request fingerprint card(s), which must be on a New Hampshire State Police fingerprint form, you may submit a form from our website www.nh.gov/banking/consumer.html, call (603) 271-8675 or e-mail licensing@banking.state.nh.us the licensing section at the Banking Department, indicate the number of cards needed and the address where they should be sent (only one address; the *applicant* or *licensee* is responsible for distribution to applicable persons within their organization) and we will send fingerprint cards out to you right away.
8. Submit a *Criminal History Record Information Authorization Form*, fingerprint card and a fee in the amount of \$55.25 payable to “State of NH – Criminal Records”, **for each individual listed on Schedules A & B of this form** as well as certain Contact Persons listed on this application. to the Banking Department. We will forward the document(s) and check(s) to the Department of Safety. Fees covering multiple individuals may be combined into one check.
9. Applicable definitions:
- A. “Applicant” – The retail seller applying or amending information on this form. The only instance in which the *applicant* is an individual is in the case of a sole proprietorship.
- B. “Control” – The power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any *person* that (i) is a director, general partner or officer exercising executive responsibility (or having similar status or functions); (ii) directly or indirectly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities; or (iii) in the case of a partnership, has the right to receive upon dissolution, or has contributed, 10% or more of the capital, is presumed to control that company.
- C. “Direct Owner” means any person, including individuals, that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10% or more the *applicant* or *licensee*.
- D. “Financial Services” or “Financial Services-Related” – Pertaining to securities, commodities, banking, insurance, consumer lending, debt adjustment, money transmission or real estate (including, but not limited to, acting as or being associated with a bank or savings association, credit union, mortgage lender, mortgage broker, mortgage servicer, closing agent, title company, or escrow agent).
- E. “Indirect Owner” means, with respect to direct owner and other indirect owners in a multilayered organization:
- (a) in the case of an owner that is a corporation, each of its shareholders that beneficially owns, has the right to vote, or has the power to sell or direct the sale of, 25% or more of that corporation;
 - (b) in the case of an owner that is a partnership, all general partners and those limited and special partners that have the right to receive upon dissolution, or have contributed, 25% or more of the partnership’s capital;
 - (c) in the case of an owner that is a trust, the trust, each trustee and each beneficiary of 25% or more of the trust;
 - (d) in the case of an owner that is a Limited Liability Company (“LLC”), (i) those members that have the right to receive upon dissolution, or have contributed, 25% or more of the LLC’s capital, and (ii) if managed by elected managers, all elected managers; and
 - (e) in the case of an indirect owner, the parent owners of 25% or more of their subsidiary.
- F. “Jurisdiction” - The federal government, a foreign government, a state, the District of Columbia, the Commonwealth of Puerto Rico, or any subdivision or regulatory body thereof.
- G. “Licensee” – The retail seller that holds a New Hampshire license and is amending information on this form.
- H. “Person” means an individual, corporation, business trust, estate, trust, partnership, association, 2 or more persons having a joint or common interest, or any other legal or commercial entity however organized.
- I. “Principal” of the *applicant* or *licensee* means an owner with 10 percent or more ownership interest, corporate officer, director, member, general or limited liability partner, limited partner with 10 percent or more ownership interest, trustee, beneficiary of 10 percent or more of the trust that owns the *applicant* or *licensee*, executive officer, senior manager, New Hampshire branch manager, and any person occupying similar status or performing similar functions. New Hampshire branch managers are *principals* of the company, but are reported on the NH Branch Office Form rather than on Schedule A of this License Application/Amendment Form.

Please make sure that all items on the application form are completed and all attachments, numbered to correspond to the question or item to which they respond, are enclosed with the application filing. Please include the *applicant*’s name on each attachment. Inclusion of a list/index of attachments is recommended. Care in providing all the required information will result in the filing of a complete application and will enable us expeditiously to review the application without the need to write for further information.



State of New Hampshire

Banking Department

53 Regional Drive, Suite 200
Concord, NH 03301

Peter C. Hildreth
Bank Commissioner

Robert A. Fleury
Deputy Bank Commissioner

Telephone: (603) 271-3561
Fax: (603) 271-0750
Licensing: (603) 271-8675
www.nh.gov/banking

FOR OFFICE USE ONLY	NEW HAMPSHIRE RETAIL SELLER APPLICATION FORM	RETAIL SELLER <input type="checkbox"/> \$50
Ck. # _____ Amt.\$ _____	Date of Filing: _____ Effective Date: _____	NH BRANCH OFFICES, ENTER TOTAL @ \$30 EACH \$ _____
Rec'd by _____ Date _____ *****		FEES APPLY FOR NEW LICENSE ONLY, NOT FOR AMENDMENTS
Entered By _____ Date _____		Make Check Payable To: "STATE OF NEW HAMPSHIRE"
App. Complete Date _____		
Approved By _____ Date _____		

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law pertaining to the conduct of business for which you are applying, may violate the laws of the State of New Hampshire and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

NEW APPLICATION AMENDMENT *To amend, circle item(s) being amended.*

1. Exact name, principal business address, mailing address, if different, and telephone numbers of *applicant*:

A. Full legal name of <i>applicant</i> <small>(if sole proprietor, provide last, first and middle name)</small>	B. IRS Employer Identification Number <small>(Social Security No is allowed for sole proprietorship)</small>
--	---

C. (1) Trade Name under which business primarily is or will be conducted in New Hampshire, if different from Item 1A (attach copy of NH Trade Name registration issued by the NH Secretary of State).

(2) List any other name(s) by which the *applicant* conducts or will conduct business and the *jurisdiction(s)* in which the name(s) are or will be used (Use additional sheets as necessary).

1. Name	Jurisdiction	2. Name	Jurisdiction
3. Name	Jurisdiction	4. Name	Jurisdiction

D. If this filing makes a name change on behalf of the *applicant*, enter the new name and specify whether the name change is of the
 applicant name (1A) or business trade name (1C): _____

E. Main address: (Do not use a P.O. Box)

Number and Street	City	State/Country	Zip+4/Postal Code
-------------------	------	---------------	-------------------

F. Mailing address, if different:

PO Box or Number and Street	City	State/Country	Zip+4/Postal Code
-----------------------------	------	---------------	-------------------

G. Telephone Numbers and Website address:

Business phone	Fax line
Area Code _____ Telephone Number _____	Area Code _____ Telephone Number _____
website address #1 _____	website address #2 _____

H. Other than the office in 1E, does the *applicant* conduct business with consumers through branch offices located in New Hampshire?
 YES NO (Branch office located In New Hampshire must be approved and licensed prior to conducting business. Use the NH Branch Office Form included with this application.)

3. A. Indicate legal status of <i>applicant</i> .		
<input type="checkbox"/> Corporation <input type="checkbox"/> Partnership	<input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Other (specify) _____
B. <i>Applicant's</i> fiscal year end (MM/DD): _____		
C. (i) If other than a sole proprietorship, indicate date and place <i>applicant</i> obtained its legal status (i.e., state or country where incorporated, where partnership agreement was filed, or where <i>applicant</i> entity was formed) and attach copy of Certificate of Incorporation or Certificate of Formation issued by the appropriate agency of the state of incorporation/formation :		
State & Country of formation: _____ Date of formation (MM/DD/YYYY): _____		
D. If <i>applicant</i> is a publicly traded corporation, please insert stock symbol and the name of at least one exchange upon which the <i>applicant's</i> securities are traded: _____		
E. Foreign (not formed in New Hampshire) entities must appoint and maintain at all times a registered agent in New Hampshire. If the <i>applicant</i> has a NH branch office, an individual in that office may be appointed as the NH registered agent. If the <i>applicant does not have</i> a NH branch office or does not wish to appoint someone in a branch office, the <i>applicant</i> must appoint another person located in NH to be the NH registered agent. The agent's office must be open during regular business hours. Banking Department examinations of the <i>licensee's</i> books and records may take place at the registered agent's office. Name of Agent: _____ Telephone: _____ Complete address of NH Agent: _____ (Provide a NH business address to include the actual physical location, street, town or city and zip): Mailing Address of Agent (if different): _____		
4. A. Directly or indirectly, does <i>applicant control</i> , is <i>applicant controlled</i> by, or is <i>applicant</i> under common control with, any person that is engaged in the business of a retail seller or sale finance company? <i>If no, go to 4B.</i> The Partnership, Corporation, or Organization _____ (check only one for each relationship, attach additional copies as needed) Partnership, Corporation, or Organization Name <input type="checkbox"/> controls <i>applicant</i> <input type="checkbox"/> is controlled by <i>applicant</i> <input type="checkbox"/> is under common control with <i>applicant</i> Number and Street City State/Country Zip+4/Postal Code Briefly describe the <i>control</i> relationship, including an organizational chart which shows the relationship. Use additional sheets for comments if necessary. _____	YES <input type="checkbox"/>	NO <input type="checkbox"/>
B. Directly or indirectly, is <i>applicant controlled</i> by any of the following? <i>If no, go to 5.</i> <input type="checkbox"/> Bank Holding Company <input type="checkbox"/> National Bank <input type="checkbox"/> State Member Bank of the Federal Reserve System <input type="checkbox"/> State Non-Member Bank <input type="checkbox"/> Savings Association/Savings Bank <input type="checkbox"/> Credit Union <input type="checkbox"/> Foreign Bank <input type="checkbox"/> Thrift Holding Company Financial Institution Name _____ Number and Street City State/Country Zip+4/Postal Code Briefly describe the <i>control</i> relationship, including an organizational chart which shows the relationship. Use additional sheets for comments if necessary. _____	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C. Schedule A and, if applicable, Schedule B must be completed as part of all initial applications to identify principals of the <i>applicant</i>. Amendments to Schedules A and B must be provided on Schedule C as changes occur.		
5. Bonded Dealer License		
A. Has the <i>applicant</i> been issued a Bonded Dealer License by the New Hampshire Department of Safety?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
B. If "Yes", please enter the license number of the Bonded Dealer License: _____		
C. The name that appears on the Bonded Dealer License is _____		
6. Will <i>applicant</i> engage in any non-retail seller-related business? If "yes" briefly describe. _____	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7. Will <i>applicant</i> occupy or share space with any <i>person(s)</i> engaged in <i>financial services-related</i> activity? If "yes," provide the name(s) of the other <i>person(s)</i> . _____	YES <input type="checkbox"/>	NO <input type="checkbox"/>
8. If the answer to any of the following is "YES", provide complete details of all events or <i>proceedings</i> in an attachment. Refer to the explanation of terms section of the instructions for explanations of italicized terms. Remember to file updates to these disclosures as needed.		
Criminal Disclosure		
A. Has the <i>applicant</i> or a <i>control affiliate</i> ever: (1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any <i>felony</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
(2) been charged with any <i>felony</i> ?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
B. In the past ten years has the <i>applicant</i> or a <i>control affiliate</i> : (1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to a <i>misdemeanor involving: financial services</i> or a <i>financial services-related</i> business or any fraud, false statements or omissions, theft or any wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or a conspiracy to commit any of these offenses?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
(2) been charged with a <i>misdemeanor</i> specified in 8B(1)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Regulatory Action Disclosure		YES	NO
C. Has any State or federal regulatory agency or foreign financial regulatory authority ever: (1) found the applicant or a control affiliate to have made a false statement or omission or been dishonest, unfair or unethical?		<input type="checkbox"/>	<input type="checkbox"/>
(2) found the applicant or a control affiliate to have been involved in a violation of a financial services-related regulation(s) or statute(s)?		<input type="checkbox"/>	<input type="checkbox"/>
(3) found the applicant or a control affiliate to have been a cause of a financial services-related business having its authorization to do business denied, suspended, revoked or restricted?		<input type="checkbox"/>	<input type="checkbox"/>
(4) entered an order against the applicant or a control affiliate in connection with a financial services-related activity?		<input type="checkbox"/>	<input type="checkbox"/>
(5) denied, suspended, or revoked the applicant's or a control affiliate's registration or license or otherwise, by order, prevented it from associating with a financial services-related business or restricted its activities?		<input type="checkbox"/>	<input type="checkbox"/>
D. Has the applicant's or a control affiliate's authorization to act as an attorney, accountant, or State or federal contractor ever been revoked or suspended?		<input type="checkbox"/>	<input type="checkbox"/>
E. Is the applicant or a control affiliate now the subject of any regulatory proceeding that could result in a "yes" answer to any part of 8C?		<input type="checkbox"/>	<input type="checkbox"/>
Civil Judicial Disclosure			
F. (1) Has any domestic or foreign court: (a) in the past ten years enjoined the applicant or a control affiliate in connection with any financial services-related activity?		<input type="checkbox"/>	<input type="checkbox"/>
(b) ever found the applicant or a control affiliate was involved in a violation of any financial services-related statute(s) or regulation(s)?		<input type="checkbox"/>	<input type="checkbox"/>
(c) ever dismissed, pursuant to a settlement agreement, a financial services-related civil action brought against the applicant or control affiliate by a State or foreign financial regulatory authority?		<input type="checkbox"/>	<input type="checkbox"/>
(2) Is the applicant or a control affiliate named in any pending financial services-related civil action that could result in a "yes" answer to any part of 8F(1)?		<input type="checkbox"/>	<input type="checkbox"/>
Financial Disclosure			
G. In the past ten years has the applicant or a control affiliate been a retail seller or a control affiliate of a retail seller that has been the subject of a bankruptcy petition?		<input type="checkbox"/>	<input type="checkbox"/>
H. Has a bonding company ever denied, paid out on, or revoked a bond for the applicant?		<input type="checkbox"/>	<input type="checkbox"/>
I. Does the applicant have any unsatisfied judgments or liens against it?		<input type="checkbox"/>	<input type="checkbox"/>
9. Operations			
A. Will the applicant charge an administration fee in excess of the actual cost of the documentary fees in connection with arranging financing for motor vehicle purchasers? If "yes", what is the amount of fees that will be charged? \$_____.		<input type="checkbox"/>	<input type="checkbox"/>
B. How soon are loans assigned to third party correspondent lenders after the contract's execution by the consumer and the retail seller? _____. Please note that unless the company is licensed as a sales finance company, loans must be assigned to a bank or NH licensed lender within 5 business days if the contract requires monthly payments, and within 2 business days if the contract requires payments more frequently than monthly.			
C. Will the applicant charge any fees in connection with arranging financing for the borrower? If "yes" please describe: _____		<input type="checkbox"/>	<input type="checkbox"/>
D. Will the applicant both sell and finance motor vehicles ("Buy here, Pay here")? Please note that if the company provides financing or funds to consumers rather than obtaining such funding from third party lenders, the company is required to obtain a NH sales finance company license.		<input type="checkbox"/>	<input type="checkbox"/>
E. Will the applicant do "Spot Delivery"? (Deliver the vehicle before financing is approved). Under NH law, a retail installment contract must be complete as to all its terms before it is signed by a borrower. If the applicant will spot deliver vehicles, will the borrower's downpayment be refunded and the borrower's trade-in be returned if a change in terms requires the execution of a new contract?		<input type="checkbox"/>	<input type="checkbox"/>
F. Will the applicant sell and/or finance any type of in-house warranty or extended service contract? If "yes", attach copies of the approval(s) of such contracts issued by the NH Insurance Department.		<input type="checkbox"/>	<input type="checkbox"/>
G. Will the applicant sell and/or finance third party product warranties, vehicle warranties or extended service contracts? If "yes", provide a list of all such products sold or funded. Attach a separate sheet if necessary.		<input type="checkbox"/>	<input type="checkbox"/>
Name/Title of Product	Name of Issuing Company	Company's Address	Zip

10. Provide a list of correspondent banks, credit unions and/or other correspondent lenders the company will use to fund loans. Attach a separate sheet if necessary.

Company Name	Address/Zip	Telephone No.	Contact Person

ATTACHMENTS REQUIRED TO BE FILED AS PART OF THE APPLICATION

FORM U-2, UNIFORM CONSENT TO SERVICE OF PROCESS

11. Attach Form U-2 (see form and instructions that are attached to this application form).

ORGANIZATION AND QUALIFICATION PAPERS

12. A. *Applicants* must provide organizational documents as follows: corporations must submit a copy of their Articles of Incorporation and By-Laws and any amendments thereto; Partnerships must submit a copy of the Partnership or Limited Partnership Agreement and any amendments thereto; and Limited Liability Companies must submit copies of their Articles of Organization, any Management Agreements that exist, and any amendments to either.

B. If *applicant* is not organized under the laws of the State of NH, attach a copy of a currently valid certificate of authority that authorizes the *applicant* to conduct business in NH and is issued by the NH Secretary of State (NH Secretary of State, Corporate Division – Phone 603-271-3244 or 603-271-3246).

C. If a trade name is to be used in NH, submit a copy of the NH Secretary of State’s trade name registration (NH Secretary of State, Corporate Division – Phone 603-271-3244 or 603-271-3246).

WARNING: Failure to keep this entire application/amendment licensing form current and to file accurate supplementary information on a timely basis, or otherwise to comply with the provisions of law pertaining to the conduct of business in New Hampshire violates the laws of New Hampshire and may result in disciplinary, administrative, injunctive or criminal action.

INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

THE PERSON NAMED AS THE CONTACT EMPLOYEE IN ITEM NO. 1,I OR AS THE PRINCIPAL LICENSING CONTACT NAMED IN ITEM NO. 1,J OF THIS APPLICATION FORM, MUST MAKE THE AFFIRMATION BELOW AND SIGN THE APPLICATION UNDER PENALTY OF UNSWORN FALSIFICATION, RSA 641:3.

I subscribe and affirm, under penalty of perjury, that the statements made in this application, including statements made in any accompanying papers, schedules and attachments, have been examined by me and to the best of my knowledge and belief are true, correct and complete, and that I am duly authorized to execute this affirmation. I understand that any misrepresentation made to the banking department may result in denial or revocation of the retail seller license to which this form relates.

I agree, on behalf of the *applicant*, that pursuant to NH RSA 361-A:2,XII, the *applicant* will promptly report and amend documents and records on file with the New Hampshire Banking Department for any material changes (including but not limited to change in owners, officers, directors, managers including NH branch managers, address, form of organization, contact information, FYE, etc.). The report of an amendment must be filed within 30 days of the event that requires the filing of an amendment.

I acknowledge on behalf of the *applicant* that the *applicant's* business, if licensed, will be operated in accordance with the New Hampshire Revised Statutes Annotated and rules of the New Hampshire Banking Department, and further acknowledge that the New Hampshire Banking Department is authorized to conduct examinations of the business affairs and records of the *applicant's* licensed business at any time with or without notice, and that all books, papers, files, related material, and records of assets, whether electronically stored or otherwise, shall be subject to the Department's examination. I am signing this document under penalty of Unsworn Falsification pursuant to NH RSA 641:3.

Date: _____

For _____
(Print or type *Applicant* or *Licensee's* name)

By _____
(Print or type name of the authorized signatory)

Signature _____
(Signed under penalty of Unsworn Falsification pursuant to NH RSA 641:3)

Title _____