



# State of New Hampshire

## Banking Department

53 Regional Drive, Suite 200  
Concord, NH 03301

Telephone: (603) 271-3561

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Licensing: (603) 271-8675

[www.nh.gov/banking](http://www.nh.gov/banking)

Peter C. Hildreth  
Bank Commissioner

Robert A. Fleury  
Deputy Bank Commissioner

## SALES FINANCE COMPANY 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 sales finance company license use the NH License Surrender/Expiration Form available on our website at

[www.nh.gov/banking/consumer.html](http://www.nh.gov/banking/consumer.html).

1. **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.
2. **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](http://www.nh.gov/banking/consumer.html).
3. **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](http://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 sales finance license is \$350 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 \$100 fee for each NH branch).

Please make sure the following are included with the application:

1. Sales finance companies must submit an original \$25,000 continuous surety bond on the form included with this application. We cannot accept copies of the bond; we must have the originally executed bond. The bond must be signed by three people: 1) an authorized officer of the company that is the *applicant* or *licensee*, 2) an individual with a power of attorney who may sign on behalf of the surety company, and 3) [the countersignature] an insurance agent of the surety company who is duly licensed by the New Hampshire Insurance Department (does not have to be a resident agent; any NH licensed agent of the company may sign). All three signature lines must be signed.
2. Foreign (not formed in New Hampshire) entities 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.
3. 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](http://www.nh.gov/sos/corporate))
4. 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.
5. *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.
6. 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

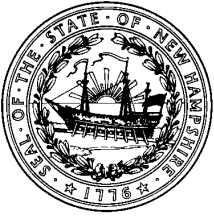
of the *applicant's* last quarter end. Individuals, sole proprietors, partnerships, limited liability companies and closely held corporations must also submit a copy of the most recent federal business income tax returns (1120, 1120-S, and K-1s).

7. 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.
8. 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](http://www.nh.gov/banking/consumer.html), call (603) 271-8675 or e-mail [licensing@banking.state.nh.us](mailto: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 registrant is responsible for distribution to applicable persons within their organization) and we will send fingerprint cards out to you right away.

9. 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.
10. Applicable definitions:
  - A. "Applicant" – The sales finance company 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 sales finance company 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 and certain Contact Persons listed on this application.. 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.



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<b>FOR OFFICE USE ONLY</b> Ck. # _____ Amt.\$ _____ Rec'd by _____ Date _____ ***** Entered By _____ Date _____ App. Complete Date _____ Approved By _____ Date _____	<b>NEW HAMPSHIRE SALES FINANCE COMPANY APPLICATION FORM</b>  Date of Filing: _____ Effective Date: _____	SALES FINANCE COMPANY <input type="checkbox"/> \$350 NH BRANCH OFFICES, ENTER TOTAL @ \$100 EACH \$ _____ FEES APPLY FOR NEW LICENSE ONLY, NOT FOR AMENDMENTS Make Check Payable To: "STATE OF NEW HAMPSHIRE"
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**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> (if sole proprietor, provide last, first and middle name)	B. IRS Employer Identification Number (Social Security No is allowed for sole proprietorship)
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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
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F. Mailing address, if different:

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

I. Contact Employee (President, Chief Executive Officer or Senior Partner of *Applicant*): **(This is an individual who directs the management and sets policies of the company.) A NH Individual Disclosure Form and background check authorization are required.**

Name and Title	Area Code	Telephone Number
Number and Street	City	State/Country
E-mail Address	Zip+4/Postal Code	
		Fax Number

J. Principal Licensing Contact Person (This is the individual who may sign this application form and to whom all licensing questions and issues will be addressed. The named individual must be authorized by the company to make sworn statements and attestations on behalf of the company where required as part of the application and/or renewal process. **(If this individual has decision-making authority and can speak on behalf of the company, a NH Individual Disclosure Form and background check authorization are required; if the duties of this position are clerical or administrative, it is not required.)** The Principal Contact Licensing Person may be the same as the person named in 1I above):

Name and Title	Area Code	Telephone Number
Number and Street	City	State/Country
E-mail Address	Zip+4/Postal Code	
		Fax Number

K. Employee authorized to respond to consumer complaints: **(This is the individual who has the authority to represent the company in dealing with consumer complaints, and not merely a clerical or administrative contact person. A NH Individual Disclosure Form and a background check authorization are required.**

Name and Title	Area Code	Telephone Number
Number and Street	City	State/Country
E-mail Address	Zip+4/Postal Code	
		Fax Number

L. Employee to contact regarding legal/litigation matters: **(This is the individual who has the authority to represent the company in dealing with legal and litigation matters, and not merely a clerical or administrative contact person.) A NH Individual Disclosure Form and a background check authorization are required.**

Name and Title	Area Code	Telephone Number
Number and Street	City	State/Country
E-mail Address	Zip+4/Postal Code	
		Fax Number

M. Employee to contact regarding examination matters: **(This is the individual who has the authority to represent the company in dealing with examination matters, and not merely a clerical or administrative contact person.) A NH Individual Disclosure Form and a background check authorization are required.**

Name and Title	Area Code	Telephone Number
Number and Street	City	State/Country
E-mail Address	Zip+4/Postal Code	
		Fax Number

N. Physical address of location where the official books and records of the *applicant* will be kept.

Organization Name (if different from <i>applicant</i> ) or Records Custodian Name	Area Code	Telephone Number
Number and Street	City	State/Country
		Zip+4/Postal Code

2. Enter appropriate number in the box(es) for each *jurisdiction*:  
 Enter "1" if *applicant* is newly applying in that *jurisdiction* as a sales finance company (SF).  
 Enter "2" if *applicant* has a pending application in that *jurisdiction* as a sales finance company (SF).  
 Enter "3" if *applicant* is already licensed/registered in that *jurisdiction* as a sales finance company (SF).

	SF		SF		SF		SF
Alabama		Idaho		Montana		Rhode Island	
Alaska		Illinois		Nebraska		South Carolina	
Arizona		Indiana		Nevada		South Dakota	
Arkansas		Iowa		New Hampshire		Tennessee	
California – DOC		Kansas		New Jersey		Texas – OCCC	
California – DRE		Kentucky		New Mexico		Texas – SML	
Colorado		Louisiana		New York		Utah	
Connecticut		Maine		North Carolina		Vermont	
Delaware		Maryland		North Dakota		Virginia	
District of Columbia		Massachusetts		Ohio		Washington	
Florida		Michigan		Oklahoma		West Virginia	
Georgia		Minnesota		Oregon		Wisconsin	
Guam		Mississippi		Pennsylvania		Wyoming	
Hawaii		Missouri		Puerto Rico			





10. Provide a list of companies in whose names loans or leases are or will be closed. Attach a separate sheet if necessary.

Company Name	Address/Zip	Telephone No.	Contact Person

11. If loans and leases are or will be serviced by 3<sup>rd</sup> parties, provide a list of such servicers. Attach a separate sheet if necessary.

Company Name	Address/Zip	Telephone No.	Contact Person

12. Provide a list of all NH motor vehicle dealers who 1) will forward loan and lease credit applications to the *applicant* for underwriting and/or approval, and/or 2) from whom the *applicant* will purchase closed motor vehicle loans, and/or 3) from whom the *applicant* will accept assignments. Attach a separate sheet if necessary.

Company Name	Address/Zip	Telephone No.	Contact Person

**ATTACHMENTS REQUIRED TO BE FILED AS PART OF THE APPLICATION**

**BONDING**

13. Sales finance companies must submit a \$25,000 surety bond. We cannot accept copies of the bond; we must have the originally executed bond. The bond must be signed by three people: 1) an authorized officer of the company that is the *applicant* or *licensee*, 2) an individual with a power of attorney (attach a copy of the POA) who may sign on behalf of the surety company, and 3) [the counter-signature] an insurance agent of the surety company who is duly licensed by the New Hampshire Insurance Department (does not have to be a resident agent; any NH licensed agent of the company may sign). All three signature lines must be originally signed.

Copies of the bond form are attached to this application form and are found on our website at [www.nh.gov/banking/consumer.html](http://www.nh.gov/banking/consumer.html)

Provide name and telephone number of insurance agent to contact regarding the bond:

\_\_\_\_\_

(Name) (Telephone)

**FORM U-2, UNIFORM CONSENT TO SERVICE OF PROCESS**

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

**ORGANIZATION AND QUALIFICATION PAPERS**

15. 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).

**FINANCIAL CONDITION**

16. All *applicants* must submit financial statements; sales finance companies must maintain a positive net worth at all times. Submit:
- A. Copies of the following that are prepared in accordance with generally accepted accounting principles by a public accountant, certified public accountant (audited statements are required if an audit was performed), or the *applicant's* financial officer who must include an attestation, signed under penalty of Unsworn Falsification pursuant to NH RSA 641:3, that the financial statements are true and accurate to the best of his or her belief and knowledge:
    - 1. Balance sheet as of the last fiscal year end and as of the most recent quarter end.
    - 2. Cash flow statement as of the last fiscal year end and as of the most recent quarter end.
    - 3. Income statement as of the last fiscal year end and as of the most recent quarter end.
    - 4. Note disclosures for the above.
  - B. Individuals, sole proprietors, partnerships, limited liability companies and corporations with 20 or fewer shareholders must also attach the *applicant's* most recent federal tax return.
  - C. Publicly traded corporations, and wholly owned subsidiaries of publicly traded corporations, may submit copies of their most recent SEC 10K and 10Q forms in lieu of financial statements required by 16A if the financial statements reflect the operations and financial position of the *applicant* itself.
  - D. If the financial statement is more than 6 months old, additionally provide an interim balance sheet and income statement as of the *applicant's* last quarter end.

**RETAIL INSTALLMENT CONTRACTS**

17. Attach specimen copies of all retail installment contract forms and leases that the *applicant* will use.

**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 sales finance 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 \_\_\_\_\_