State of New Hampshire

Banking Department

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NH INDIVIDUAL DISCLOSURE INFORMATION INSTRUCTIONS

A. GENERAL INSTRUCTIONS

1. **INITIAL FILING** – An Individual Disclosure Form for each of the *applicant's/licensee's principals and direct & indirect owners* and certain Contact Persons must accompany the *applicant's* initial Company License Application Form. Attach an Individual Disclosure Form, a Criminal History Record Information Authorization Form, fingerprint card and fee for each individual listed as a *principal* or *direct* or *indirect owner* in the Company Application.
2. **AMENDMENTS** – The *applicant/licensee* must promptly update information on both the Company License Application form and each *principal's* or *direct* or *indirect owner's* or Contact Person's Individual Disclosure Form if it becomes materially inaccurate and when a *principal* leaves the licensee's employ. An amendment shall be considered to be filed promptly if the amendment is filed within 30 days of the event that requires the filing of the amendment. On each form, circle the item being amended. Complete only the information that is being amended as well as the name of *applicant* and the name of the *principal* or *direct* or *indirect owner.*
3. **EMPLOYMENT REPRESENTATION** – The employment representation section must be completed by an authorized representative of the *applicant* (corporate officer, partner, member, sole proprietor, etc).
4. **TERMS USED** – See the following Explanation of Terms section regarding italicized words/phrases.
5. **DATES** – The filing date is the date *applicant* submits this form to the *jurisdiction(s)*. The effective date is the date *applicant/licensee* would like this license/registration or amendment to become effective if an amendment is being filed prior to the happening of an event.

B. FILING INSTRUCTIONS

1. **FORMAT**

   A. Employment history, item 5: provide the full legal name of the company, beginning with your current employer.
   B. The Acknowledgment & Consent section must have an original manual signature and must be signed pursuant to NH RSA 641:3, Unsworn Falsification.
   D. The Company Employment Representation section must include original manual signature.
   E. Type all information.
   F. Use only the current version of the Individual Disclosure Form or a reproduction of it.

2. **ATTACHMENT**

   Enclose a Criminal History Record Information Authorization Form and fingerprint card for each individual listed as a *principal* or *direct* or *indirect owner or certain Contact Persons listed* in the Company Application together with a check for $51.50 made payable to "State of NH – Criminal Records

C. EXPLANATION OF TERMS – The following terms are italicized throughout the Individual Disclosure Form.

1. **GENERAL**

APPLICANT or LICENSEE– The company that is newly applying on or the NH licensed company amending information on this form. The only instance in which the *applicant* or *licensee* is an individual is in the case of a sole proprietorship.

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.

DIRECT OWNER – 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.

INDIRECT OWNER – With respect to direct owners 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.

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.

PERSON – 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.

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 or certain control persons listed in this application..

2. **FOR THE PURPOSE OF ITEM 6**

CHARGED – Being accused of a crime in a formal complaint, information, or indictment (or equivalent formal charge).

ENJOINED – Includes being subject to a mandatory injunction, prohibitory injunction, preliminary injunction, or a temporary restraining order.

FELONY – For *jurisdictions* that do not differentiate between a *felony* and a *misdemeanor*, a *felony* is an offense punishable by a sentence of at least one year imprisonment and/or a fine of at least $1,000. The term also includes a general court martial.

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).

FOREIGN FINANCIAL REGULATORY AUTHORITY – Includes (1) a *financial services* authority of a foreign country; (2) other governmental body empowered by a foreign government to administer or enforce its laws relating to the regulation of *financial services* or *financial services-related* activities*;* and (3) a foreign membership organization, a function of which is to regulate the participation of its members in *financial services* activities listed above.

FOUND – Includes adverse final actions, including consent decrees in which the respondent has neither admitted nor denied the findings, but does not include agreements, deficiency letters, examination reports, memoranda of understanding, letters of caution, admonishments, and similar informal resolutions of matters.

INVOLVED – Doing an act or omission or aiding, abetting, counseling, commanding, inducing, conspiring with or failing reasonably to supervise another in doing an act or omission.

MISDEMEANOR – For *jurisdictions* that do not differentiate between a *felony* and a *misdemeanor*, a *misdemeanor* is an offense punishable by a sentence of less than one year imprisonment and/or a fine of less than $1,000. The term also includes a special court martial.

ORDER – A written directive issued pursuant to statutory authority and procedures, including orders of denial, suspension, or revocation; does not include special stipulations, undertakings or agreements relating to payments, limitations on activity or other restrictions unless they are included in an *order*.

PROCEEDING – Includes a formal administrative or civil action initiated by a governmental agency, self-regulatory organization or a *foreign financial regulatory authority*; a *felony* criminal indictment or information (or equivalent formal charge); or a *misdemeanor* criminal information (or equivalent formal charge). The term does not include other civil litigation, investigations, or arrests or similar charges affected in the absence of a formal criminal indictment or information (or equivalent formal charge).

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.

NH INDIVIDUAL DISCLOSURE FORM

INDIVIDUAL'S INFORMATION

Applicant (Licensee's) full legal name: _____

Date of filing: _____ Effective Date: _____

WARNING: Failure to keep this 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.

APPLICATION ☐ AMENDMENT ☐ ***(To amend, circle items being amended.)*** TERMINATION ☐ ***(Individual's employment)***

1. Individual's identifying information:

A. Full last, first and middle names:

Last name _____ First name _____ Full middle name _____ Suffix _____

B. (1) Social Security Number: _____

(2) Gender: ☐ Male ☐ Female

C. (1) Date of Birth (MM/DD/YYYY) _____

(2) State/Province of Birth: _____ (3) Country of Birth: _____

D. List all other name(s) you have used or are using, or by which you are known or have been known, other than your legal name, since the age of 18. This field should include for example, nicknames, aliases, and names used before/after marriage. (Use additional sheets as necessary).

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

E. (For amendments only) If this filing reports that an individual's name has changed, enter the new name and attach supporting legal documentation

Last name _____ First name _____ Full middle name _____ Suffix _____

F. Office of Employment address: (Do not use a P.O. Box) ☐ If this address is your private residence, check this box.

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

G. Current Residence address, if different:

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

H. Telephone Numbers and e-mail address:

Business phone: Area Code _____ Telephone Number _____

Fax line: Area Code _____ Telephone Number _____

Cell phone: Area Code _____ Telephone Number _____

e-mail address _____

INDIVIDUAL'S ACKNOWLEDGMENT & CONSENT:

I swear or affirm that I have read and understand the items and instructions on this form and that my answers (including attachments) are true and complete to the best of my knowledge. I understand that I am subject to administrative, civil or criminal penalties if I give false or misleading answers. I authorize all my current and former employers, law enforcement agencies, and any other *person* to furnish to the New Hampshire Banking Department, or any agent acting on its behalf, any information they have, including without limitation my creditworthiness, character, ability, business activities, educational background, general reputation, history of my employment and, in the case of former employers, complete reasons for my termination. I further authorize the department to request and receive credit reports, tax records, local, state, federal or international governmental records, police and criminal records from any and all law enforcement officials, personal background reports and reports from national and/or regional databases, employment information, current and past record of conduct with any regulatory entity or agency, and further authorize that such information may be released to the State of New Hampshire Banking Department by such entities and/or officials upon presentation of this authorization, or a photostatic copy hereof. I understand that the State of New Hampshire Banking Department will utilize any information it receives as a result of this authorization for purposes of determining compliance with licensing or registration standards set forth in RSA 397-A, 397-B, 399-A, 399-D, 399-G and/or 361-A, as applicable. I understand that this authorization does not expire. I am signing this document under penalty of Unsworn Falsification pursuant to NH RSA 641:3.

Date (MM/DD/YYYY) _____ Signature of Individual _____

COMPANY EMPLOYMENT REPRESENTATION:

To the best of my knowledge and belief, the individual, at the time of approval, will be familiar with the statutes, regulations, and rules of the State of New Hampshire where this application is being filed, and will be fully qualified for the position for which application is being made herein. I have taken appropriate steps to verify the accuracy and completeness of the information contained in and with this application. I have provided the individual an opportunity to review the information contained herein and the individual has approved this information and signed the form. I am signing this document under penalty of Unsworn Falsification pursuant to NH RSA 641:3.

Date (MM/DD/YYYY) _____ (Name of Licensed Company) _____

By: _____ Signature of authorized party _____ Print Name _____ Title

Acknowledgment & Consent & Employment Representation sections must always be completed in full with original, manual signatures.

Applicant (Licensee's) full legal name:_____ Individual's full legal name: _____

2. Fingerprint Information filing representation:
☐ I represent that I am submitting, have submitted, or promptly will submit a Criminal History Record Information Authorization Form and a fingerprint card to the New Hampshire Banking Department.

3. Residential History: Starting with current address (item 1G), give all addresses for the past 10 years. (Attach additional sheets as necessary.)

From (MM/YYYY)	To (MM/YYYY)	Street Address	City	State or Province	Zip or Postal Code	Country

4. Employment History: Provide complete employment history for the past 10 years. Account for all time including full & part-time employments, self-employment, military service, and homemaking. Also, include periods such as unemployed, full-time student, extended travel, etc. Indicate by "YES" or "NO" whether this employment was *financial service-related* business. (Attach additional sheets as needed.)

From (MM/YYYY)	To (MM/YYYY)	Employer (company name)	Position Held	City	State or Province	Country	YES or NO?

	YES	NO
5. Other Business: Are you currently engaged in any other business either as a proprietor, partner, officer, director, employee, trustee, agent or otherwise? (Please exclude non-*financial services-related* activity that is exclusively charitable, civic, religious, or fraternal and is recognized as tax exempt.) If YES, provide the following details: the name of the other business; whether the business is *financial services-related;* the address of the other business; the nature of the other business; your position, title, or relationship with the other business; the start date of your relationship; the approximate number of hours/month you devote to the other business; and briefly describe your duties relating to the other business. (Attach additional sheets as needed.) **Details:** _____	☐	☐

6. Disclosures: If the answer to any of the following is "YES", provide complete details of all events or proceedings in an attachment. Refer to the explanation of terms section of the instructions for explanations of italicized terms.

Financial Disclosure	**YES**	**NO**
A. Within the past ten years: (1) have you filed a personal bankruptcy petition or been the subject of an involuntary bankruptcy petition?	☐	☐
(2) based upon events that occurred while you exercised *control* over any organization, have any filed a bankruptcy petition or been the subject of an involuntary bankruptcy petition?	☐	☐
B. Has a bonding company ever denied, paid out on, or revoked a bond for you?	☐	☐
C. Do you have any unsatisfied judgments or liens against you?	☐	☐

Applicant (Licensee's) full legal name: _____ Individual's full legal name: _____

Criminal Disclosure	YES	NO
D. Have you ever:		
(1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any *felony*?	☐	☐
(2) been *charged* with any *felony*?	☐	☐
E. Based upon activities that occurred while you exercised *control* over it, has an organization ever:		
(1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to any *felony*?	☐	☐
(2) been *charged* with any *felony*?	☐	☐
F. Have you ever:		
(1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to a *misdemeanor involving*: *financial services* or a *financial services-related* 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?	☐	☐
(2) been *charged* with a *misdemeanor* specified in 6F(1)?	☐	☐
G. Based upon activities that occurred while you exercised *control* over it, has an organization ever:		
(1) been convicted of or pled guilty or nolo contendere ("no contest") in a domestic, foreign, or military court to a *misdemeanor* specified in 6F(1)?	☐	☐
(2) been *charged* with a *misdemeanor* specified in 6F(1)?	☐	☐
Regulatory Action Disclosure		
H. Has any State or federal regulatory agency or *foreign financial regulatory authority* ever:		
(1) *found* you to have made a false statement or omission or been dishonest, unfair or unethical?	☐	☐
(2) *found* you to have been *involved* in a violation of a *financial services-related* regulation(s) or statute(s)?	☐	☐
(3) *found* you to have been a cause of a *financial services-related* business having its authorization to do business denied, suspended, revoked or restricted?	☐	☐
(4) entered an *order* against you in connection with a *financial services-related* activity?	☐	☐
(5) denied, suspended, or revoked your registration or license, disciplined you, or otherwise by *order*, prevented you from associating with a *financial services-related* business or restricted your activities?	☐	☐
(6) denied, suspended, or revoked your registration or license, disciplined you, or otherwise by *order*, prevented you from associating with a *financial services-related* business or restricted your activities?	☐	☐
(7) barred you from association with an entity regulated by such commission, authority, agency, or officer, or from engaging in a *financial services-related* business?	☐	☐
(8) issued a final *order* based on violations of any law or regulations that prohibit fraudulent, manipulative, or deceptive conduct?	☐	☐
I. Have you ever had an authorization to act as an attorney, accountant, or State or federal contractor that was revoked or suspended?	☐	☐
J. Are you now the subject of any regulatory *proceeding* that could result in a "yes" answer to any part of 6H or 6I?	☐	☐
Civil Judicial Disclosure		
K. (1) Has any domestic or foreign court ever:		
(a) *enjoined* you in connection with any *financial services-related* activity?	☐	☐
(b) *found* that you were *involved* in a violation of any *financial services-related* statute(s) or regulation(s)?	☐	☐
(c) dismissed, pursuant to a settlement agreement, a *financial services-related* civil action brought against you by a State, federal, or *foreign financial regulatory authority*?	☐	☐
(2) Are you named in any pending *financial services-related* civil action that could result in a "yes" answer to any part of 6K(1)?	☐	☐
Customer Arbitration/Civil Litigation Disclosure		
L. Have you ever been named as a respondent/defendant in a *financial services-related* consumer-initiated arbitration or civil litigation which:		
(1) is still pending; or	☐	☐
(2) resulted in an arbitration award or civil judgment against you, regardless of amount, or that required corrective action; or	☐	☐
(3) was settled for any amount?	☐	☐
Termination Disclosure		
M. Have you ever voluntarily resigned, been discharged, or permitted to resign after allegations were made that accused you of:		
(1) violating statute(s), regulation(s), rule(s), or industry standards of conduct?	☐	☐
(2) fraud, dishonesty, theft, or the wrongful taking of property?	☐	☐