



MONEY LENDING LICENSE APPLICATION

Mail completed applications to: South Dakota Division of Banking
217 ½ W Missouri Avenue
Pierre, SD 57501

Date Received:

Approved

Denied

By: _____

Date: _____

All answers must be typewritten or printed legibly. All signatures must be in ink.

NEW APPLICATION AMEND EXISTING LICENSE SURRENDER/CANCEL LICENSE

License # (if applicable): _____

If filing an amendment, please circle the section of the application that is being amended.

Section 1

A) Exact name and business address of applicant:

Full name of applicant (if sole proprietor, state first middle and last name)		
Name under which lending business is primarily conducted, if different from above		
Physical address of location to be licensed:		
	(city)	(state) (zip)
Web Address		

B) Contact Person – The individual listed as the contact person must be authorized to receive all compliance information, communications, and mailing, and be responsible for disseminating it within the applicant's organization.

Name	Title
Mailing Address	
	(city) (state) (zip)
Phone Number () ext.	Email address

C) Employee authorized to respond to consumer complaints:

Name	Title
Mailing Address	
	(city) (state) (zip)
Phone Number () ext.	Email address

D) Physical address of location where the official books and records of the applicant will be kept.

Records Custodian Name	
Mailing Address	
	(city) (state) (zip)
Phone Number () ext.	Email address

Section 2b Criminal, Regulatory Action and Financial Disclosure

	Yes	No
1. In the past ten years has the applicant or a control person listed in Section 2a:		
a. Been convicted of or pled guilty or nolo contendere (“no contest”) in a domestic, foreign or military court to any felony?	<input type="checkbox"/>	<input type="checkbox"/>
b. Been charged with any felony?	<input type="checkbox"/>	<input type="checkbox"/>
2. In the past ten years has the applicant or a control person listed in Section 2a:		
a. Been convicted of or pled guilty or nolo contendere (“no contest”) in a domestic, foreign or military court to a misdemeanor involving dishonesty or moral turpitude?.....	<input type="checkbox"/>	<input type="checkbox"/>
b. Been charged with a misdemeanor involving dishonesty or moral turpitude?	<input type="checkbox"/>	<input type="checkbox"/>
3. Has any other state or federal regulatory agency ever:		
a. Found the applicant or a control person to have made a false statement or omission?	<input type="checkbox"/>	<input type="checkbox"/>
b. Found the applicant or a control person to have been involved in a violation of its regulations or statutes?	<input type="checkbox"/>	<input type="checkbox"/>
c. Found the applicant or a control person to have been a cause of a lending-related business having its authorization to do business denied, suspended, revoked, or restricted?.....	<input type="checkbox"/>	<input type="checkbox"/>
d. Entered an order against the applicant or a control person in connection with lending-related activity?	<input type="checkbox"/>	<input type="checkbox"/>
e. Imposed a civil money penalty on the applicant or a control person, or ordered the applicant or control person to cease and desist from any activity?	<input type="checkbox"/>	<input type="checkbox"/>
f. Ever denied, suspended, or revoked the applicant’s or a control person’s registration or license or otherwise, by order, prevented it from associating with a lending-related business or restricted its activities?.....	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the applicant or a control person now the subject of any regulatory proceeding that could result in a “yes” answer to any part of 3a through 3f?.....	<input type="checkbox"/>	<input type="checkbox"/>
5. Has any domestic or foreign court:		
a. In the past ten years, enjoined the applicant or a control person in connection with any lending-related activity?	<input type="checkbox"/>	<input type="checkbox"/>
b. Ever found that the applicant or a control person was involved in a violation of lending-related statutes or regulations?	<input type="checkbox"/>	<input type="checkbox"/>
c. Ever dismissed, pursuant to a settlement agreement, a lending-related civil action brought against the applicant or a control person by a state or foreign financial regulatory authority?	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the applicant or a control person now the subject of any civil proceeding that could result in a “yes” answer to any part of 5a through 5c?.....	<input type="checkbox"/>	<input type="checkbox"/>
7. In the past ten years has the applicant or a control person of the applicant ever been the subject of a bankruptcy petition?.....	<input type="checkbox"/>	<input type="checkbox"/>
8. Has a bonding company ever denied, paid out on, or revoked a bond for the applicant?.....	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the applicant have any unsatisfied judgments or liens against it?.....	<input type="checkbox"/>	<input type="checkbox"/>

****If you checked “yes” to any of the above questions in Section 2b, please provide details on a separate page.****

Section 3

1. Indicate legal status of applicant:
 Corporation Sole Proprietorship Partnership
 Limited Liability Company Other (*specify*) _____

2. If other than a sole proprietor, indicate date and place applicant obtained its legal status (*i.e., state or country where incorporated, where partnership agreement was filed, or where applicant entity was formed*):
State/Country of formation _____ Date ____/____/____

3. Federal Empl. ID Number (FEIN), or if sole proprietor, Social Security Number: _____

4. Applicant's fiscal year end: _____

5. Number of employees located in South Dakota: _____

6. Number of employees located outside of South Dakota: _____

7. Do you currently have other licenses with the SD Division of Banking (*i.e., money lending, mortgage broker and/or mortgage lender*)? If so, please provide the license number(s): _____

8. Do you qualify for the exemption of nonprofit corporations/governmental subdivision in SDCL 54-4-40?
 YES* NO

*If yes, please provide proof that you qualify for this exemption. **Do not** include a check for the application fee or a bond as you are exempt from these requirements.

Section 4 Attachments

The following is a list of attachments which **MUST** accompany this application for license:

1. A list of all states in which applicant is licensed or otherwise authorized to conduct lending business.
2. Verification of licensure and a certificate of good standing from the state where headquartered.
3. Resume for the person(s) responsible for conduct of business under this license.
4. Include signed or audited financial statements of Applicant for the current and past four years. **(If a start-up company, provide financial information for any entity or individual listed in Section 2a as having at least 10% ownership.)**
5. A description of the business history and current operations of the Applicant.
6. Provide a copy of the strategic plan/ business plan.
- 7U" Provide a copy of the loan policy (including underwriting criteria, collection policies, and dispute resolutions).
- +V" Provide a copy of OFAC and BSA compliance policies.
8. Provide a blank copy of loan contracts and disclosures for each loan product offered.
9. If you do not have a business location in South Dakota you must appoint a registered agent with a South Dakota address to accept service of process for you. If you do not have a South Dakota business address, please attach a written statement of acceptance as agent which must include the signature and address of your registered agent in South Dakota.
10. Proof of Surety Bond (\$10,000 for the first license and \$2,500 for each additional license).
11. Check for the application fee of \$1000.00

Section 5

1. Does the applicant provide "short term consumer loans" as defined in SDCL 54-4-36? Yes No
2. Does the applicant engage in "payday lending" as defined in SDCL 54-4-36? Yes No
3. Does the applicant provide "title loans" as defined in SDCL 54-4-36? Yes No

4. Do you understand that:

- a. This license is not transferable or assignable? Yes No
- b. Any change of control requires written notification to the Division of Banking? Yes No
- c. A change of name or address requires an amendment to your license? Failure to notify the Division of Banking and amend your license may result in disciplinary action? Yes No
- d. Each location engaged in lending activity must have a separate license? Yes No
- e. Your license must be conspicuously posted at the address listed on the license? Yes No
- f. This license is renewable on June 15th of each year? Yes No
- g. By holding this license you are required to file a Bank Franchise Tax Return with the Special Taxes Division of the South Dakota Department of Revenue and Regulation (www.state.sd.us/drr)? Yes No
- h. Any false statement in your application for a license is cause for suspension or revocation of your license? Yes No
- i. A violation of any of the provisions of SDCL 54-4 or Administrative Rules of the Division of Banking is cause for disciplinary action? Yes No
- j. Incomplete applications will be returned? Yes No

.....
 Applicant consents to the investigation and verification by the Division of any information provided in this or any other application.

Applicant agrees to abide by all lawful rules promulgated. Applicant also agrees to authorize the person named in Section 1 above to accept and carry out directives of the Division.

This is a continuing application and applicant must without inquiry from the Division, supplement and update the information herein provided as may from time to time be necessary.

SIGNATURE MUST BE NOTARIZED OR CERTIFIED IN ONE OF THE FOLLOWING SECTIONS

STATE OF _____ **SS**

COUNTY OF _____, being duly sworn, deposes and says that he signed the foregoing application as _____
 (Official Title)

of the above named applicant, having full authority to sign such application in said capacity; that he has read said application and that the information contained therein is true as he verily believes.

 (Signature)

Subscribed and sworn to before me this _____ day of _____, 20____

(NOTORIAL SEAL) _____
 (Notary Public)

My commission expires _____

Pursuant to SDCL 23A-16 as amended, person(s) signing may sign the following statement in lieu of the above oath. "I declare and affirm under the penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct." Any person who signs this statement, knowing the same to be false or untrue, in whole or in part, shall be guilty of perjury.

 Signature

 Name and title (printed)

 Date

SOUTH DAKOTA DEPARTMENT OF LABOR AND REGULATION
DIVISION OF BANKING

UNIFORM CONSENT TO BE SUED

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, _____,
(a corporation organized under the laws of the State of _____)
or a (partnership) (an individual) (other _____)
_____) for the purpose of complying with the laws of the
State of South Dakota relating to the licensure as a Money Lender (SDCL ch. 54-4), does hereby
consent that any action or proceeding against it arising from enforcement of the provisions of SDCL ch.
54-4 and any rules promulgated pursuant to SDCL ch. 54-4 may be commenced in any court of
competent jurisdiction and proper venue within South Dakota.

It is requested that a copy of any notice, process or pleading served hereunder be mailed to:

(Name and Address)

Dated _____, 20____

By _____

Title _____

(Seal)

By _____

Title _____

MONEY LENDER BOND (SOUTH DAKOTA)

_____ Company Name (Licensee)	_____ Surety
_____ Licensee Address	_____ Surety Address
_____ City	_____ City
_____ State	_____ State
_____ Zip	_____ Zip

**ADMINISTRATOR: Division of Banking, State of South Dakota
217 ½ W Missouri Avenue, Pierre, SD 57501**

BOND NUMBER: _____

THE ABOVE NAMED LENDER AND SURETY (WHO IS DULY QUALIFIED TO DO BUSINESS IN THE STATE OF SOUTH DAKOTA) ARE HEREBY BOUND IN THE PENAL SUM OF \$ _____ FOR PAYMENT UNDER THE FOLLOWING TERMS AND CONDITIONS:

1. The above-named lender (the Principal) is licensed or has applied to the South Dakota Division of Banking (the Division) for a license to conduct business as a money lender pursuant to SDCL 54-4 et. seq.
2. The State of South Dakota or any person(s) suffering loss or damages shall have the right to bring an action on this bond against the Principal or the Surety.
3. This bond is one continuing obligation and in no event shall the liability of the Surety exceed the penal sum of \$ _____ for the aggregate of all claims occurring while this bond is in force.
4. This bond is conditioned on the Principal's compliance with all provisions of SDCL Chapter 54-4 and any rules adopted pursuant to that chapter and the payment of any amounts owed by the Principal to the State of South Dakota or another person.
5. The Surety shall have the right to terminate its obligation under this bond by filing written notice with the Division at least 30 days prior to the effective date of such termination. Obligations of the Surety arising prior to the effective date shall not be affected by the termination.
6. In the event the Surety makes full or partial payment on this bond, said Surety shall immediately give written notice of such payment to the Division.

This bond shall take effect on _____ and shall continue in force until it is terminated or cancelled.

EXECUTED ON this _____ day of _____, 20_____.

Principal
BY _____

NOTE: Persons executing for Surety other than corporate officers must attach Power of Attorney

SURETY _____

BY _____

ADDRESS _____

PHONE # _____