



STATE OF NEW MEXICO
 REGULATION AND LICENSING DEPARTMENT
 FINANCIAL INSTITUTIONS DIVISION
 2550 Cerrillos Road, 3rd 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
 Industry Manager: Christopher.Moya@state.nm.us

APPLICATION FOR ORIGINAL COLLECTION AGENCY LICENSE

GENERAL INSTRUCTIONS

1. Use this form if you are applying for a collection agency license for the first time. **If you currently maintain a collection agency license, do not use this form.** Instead, complete the Renewal Application for Collection Agency 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 five hundred dollars (\$500.00).
6. All collection agency licenses will expire at the close of business on June 30th of each year, unless renewed for the upcoming 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, examination fee, and all exhibits must be mailed to: The Financial Institutions Division, 2550 Cerrillos Road, 3rd Floor, Santa Fe, NM 87505, no later than May 31, 2013. **Failure to submit a complete application and application fee by May 31, 2013 will result in the Division imposing a mandatory delinquency fee of ten dollars (\$10.00) per day for each day the licensee is delinquent in completing the renewal application pursuant to §61-18A-30 NMSA 1978.**

I. GENERAL APPLICANT INFORMATION

1	Principal Name of Applicant:	<i>(The person or legal entity applying for this license)</i>
2	D/B/A if Applicable:	<i>("Doing Business As")(Fictitious Name)</i>
3	Type of Business Organization:	<input type="checkbox"/> New Mexico Corporation <input type="checkbox"/> Foreign Corporation <input type="checkbox"/> Limited Liability Company (LLC) <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Limited Liability Partnership (LLP)
4	Applicant Website:	
5	Designated Contact Person to Respond to Licensing Questions :	<i>(Email)- This field must be completed to receive official correspondence</i> <i>(Name of Contact Person)</i> <i>(Physical Street Address)</i> <i>(City)</i> <i>(State)</i> <i>(Zip Code)</i> <i>(Phone Number)</i> <i>(Fax Number)</i>
6	Physical Address for the License Location : <i>*All foreign corporations must maintain a full time bona fide collection agency in the State of New Mexico</i>	<i>(Physical Street Address)</i> <i>(City)</i> <i>(State)</i> <i>(Zip Code)</i>
7	Designated contact person for the Corporate Office :	<i>(Email)- If available</i> <i>(Name of Registered Agent)</i> <i>(Mailing Street Address)</i> <i>(City)</i> <i>(State)</i> <i>(Zip Code)</i> <i>(Phone Number)</i> <i>(Fax Number)</i>

8	Designated Contact Person to Respond to Consumer Complaints:	<i>(Email)- If available</i> <i>(Name of Contact Person)</i> <i>(Mailing Street Address)</i> <i>(City)</i> <i>(State)</i> <i>(Zip Code)</i> <i>(Phone Number)</i> <i>(Fax Number)</i>
9	Name of Licensed Manager (Must be a resident of New Mexico):	<i>(Email)- If available</i> <i>(Name of Contact Person)</i> <i>(Mailing Street Address)</i> <i>(City)</i> <i>(State)</i> <i>(Zip Code)</i> <i>(Phone Number)</i> <i>(Fax Number)</i>
10	Manager's License Number:	
11	Does company engage in repossessions?	<input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, repossession license number: _____

Question 14: State Reference: Enter appropriate number in the box for each jurisdiction where the applicant is or has ever been licensed to engage in any collection 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			

II. MANDATORY APPLICATION EXHIBITS

EXHIBIT A: FINANCIAL STATEMENT

Pursuant to §61-18A-9 NMSA 1978, the applicant must provide a financial statement prepared within 60 days of the date the renewal application is submitted, showing that the assets and liabilities of the applicant truly reflect that the applicant's net worth is not less than the sum of ten thousand dollars (\$10,000.00), and that its liquid assets are not less than a thousand dollars (\$1,000.00) available for use in the licensee's business.

FINANCIAL STATEMENT REQUIREMENTS

- Demonstrates that licensee has at least one thousand dollars (\$1,000.00) cash available for use at the licensed location;
- Demonstrates that licensee has a net worth of at least ten thousand dollars (\$10,000.00);
- Demonstrates **both** a balance sheet and income statement;
- Signed and dated** within the last 60 days by the preparer and signed by an officer of the company;
- Prepared in accordance with generally accepted accounting practices;
- Sworn to by the applicant if the applicant is an individual or by a partner, director, manager or trustee in its behalf if the applicant is a partnership, corporation or unincorporated association.

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 passive debt buying, active debt buying or collection activities, attach a statement or organizational chart disclosing those interests, relationships, and affiliations.

EXHIBIT C: COMPANY MANAGEMENT INFORMATION

Use the following table to determine the information you must attach as Exhibit C:

Applicant is a:	Information Applicant must submit:
Individual	Full residence address of applicant
Partnership	True names and residence addresses of all partners
Corporation	<ul style="list-style-type: none"> • True names and residence addresses of all Directors & Officers • True names and residence addresses of all holders of 10% or more of corporation's outstanding stock and other securities • Number of shares or units of each and all classes

	<ul style="list-style-type: none"> • Total number of shares or units of each class issued • Total number of shares or units of each class outstanding
--	---

III. SURETY BOND

Attach a corporate surety bond rider or a new corporate surety bond reflecting the bond amount as calculated below. Please note that all bonds must remain in effect with the renewal cycle.

Step 1: State the total amount of proceeds paid to and/or due clients collected from New Mexico residents (less collection agency’s fees and charges) within the past year immediately preceding the submission of the application \$_____.

Step 2: According to the balance sheet submitted as part of Exhibit A, do the company’s assets exceed the company’s current liabilities? Yes No

If **yes**, proceed under column **A** below.

If **no**, proceed under column **B**

COLUMN “A”	COLUMN “B”
<p>Step 3: Divide the amount listed in Step 1 by 6: \$</p>	<p>Step 3: Divide the amount listed in Step 1 by 2: \$</p>
<p>Is the amount listed above less than \$5,000? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, you must maintain a bond of at least \$5,000. If no, you must maintain a bond amount equal to the amount stated in Step 3, but less than \$25,000.</p>	<p>You must maintain a bond amount equal to the amount stated in Step 3, even if this amount exceeds \$25,000. Pursuant to 12.24.2.8 NMAC, the Director may deny application for license until the applicant’s financial condition improves.</p>

IV. CIVIL DISCLOSURE

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

1. Been the subject of proceedings in bankruptcy, foreclosure, receivership, assignment for the benefit of creditors, or for debt and money due? Yes No
2. Been the subject of **consumer initiated litigation** or arbitration filed in New Mexico or in a 10th Circuit federal court in connection with a financial services-related business, **collection agency regulatory act violation, unfair trade practices violation or a fair debt collection practices act violation**? Yes No
3. Been the subject of any **class action 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 C: CIVIL LITIGATION

- If you answered **YES** to any of the above, please attach the following information:
 - A copy of the original filed complaint;
 - If the case is pending, a brief statement regarding the current status;
 - A copy of any publicly available court paperwork evidencing a final disposition of the case;

V. REGULATORY DISCLOSURE

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

4. Applied for any other type of business license with this Division? Yes No
5. Been refused any type of business license by a state or federal financial institutions regulating agency? Yes No
6. 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 D: BUSINESS LICENSING INFORMATION

- If you answered YES to question 4, 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 E: REGULATORY ENFORCEMENT ACTION HISTORY

- If you answered YES to question 5 or 6, 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.

VI. CRIMINAL DISCLOSURE

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

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

CRIMINAL DISCLOSURE EXHIBITS

EXHIBIT F: CRIMINAL HISTORY

- If you answered YES to question 7, 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 (Ex: 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 (ex: 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 collection agency license as provided for in Chapter 61-18A-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 renewal 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 61-18A-1 NMSA 1978 *et. seq.* and the accompanying lawful regulations promulgated by the Director.

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

MANDATORY APPLICATION ITEMS:

- ATTACHED **EXHIBIT A:** FINANCIAL STATEMENT
FINANCIAL STATEMENT REQUIREMENTS
 - Demonstrates that licensee has at least one thousand dollars (\$1,000.00) cash available for use at the licensed location;
 - Demonstrates that licensee has a net worth of at least ten thousand dollars (\$10,000.00);
 - Demonstrates **both** a balance sheet and income statement;
 - Signed and dated within the last 60 days by the preparer and signed by an officer the company;
 - Prepared in accordance with generally accepted accounting practices;
 - Sworn to by the applicant if the applicant is an individual, or by a partner director, manager or trustee in its behalf if the applicant is a partnership, corporation or unincorporated association.
- ATTACHED **EXHIBIT B:** DISCLOSURE OF AFFILIATED BUSINESS ENTITIES
- ATTACHED **EXHIBIT C:** COMPANY MANAGEMENT INFORMATION
- COMPLETED SURETY BOND CALCULATION
- ENCLOSED CHECK OR MONEY ORDER PAYABLE TO FINANCIAL INSTITUTIONS DIVISION FOR **APPLICATION FEE OF \$500.00**
- ENCLOSED APPLICANT'S NOTARIZED OATH AND STATEMENT

MANDATORY EXHIBITS IF APPLICABLE:

- EXHIBIT **D:** CIVIL LITIGATION
- EXHIBIT **E:** BUSINESS LICENSING INFORMATION
- EXHIBIT **F:** REGULATORY ENFORCEMENT ACTION HISTORY
- EXHIBIT **G:** CRIMINAL HISTORY