

**286.11-009 Contents of application -- Additional information to be provided by corporate applicants -- Power of commissioner to waive requirements.**

- (1) Each application for a license under this subtitle shall be made in writing and in a form and medium prescribed by regulation by the commissioner. The application shall state or contain the following:
  - (a) The legal name of the applicant, business addresses, and residential addresses, if applicable, of the applicant, and any fictitious or trade name used by the applicant in conducting its business;
  - (b) The legal name, residential and business addresses, date of birth, Social Security number, and employment history for the five (5) year period preceding the filing of the application, of the applicant's proposed responsible individual;
  - (c) A list and description of any criminal conviction, other than a traffic violation, of the applicant and proposed responsible individual, for the ten (10) year period preceding the filing of the application. The commissioner may request a copy of any criminal conviction from the applicant, which shall be promptly provided by the applicant to the commissioner within ten (10) working days of the request;
  - (d) A list and description of any material litigation of the applicant and proposed responsible individual, for the ten (10) year period preceding the filing of the application. The commissioner may request a copy of any material litigation from the applicant, which shall be promptly provided by the applicant to the commissioner within ten (10) working days of the request;
  - (e) A description of the activities conducted by the applicant and a history of operations, including, if applicable, a description of any money transmission that has been previously provided by the applicant in this state;
  - (f) A list of other states or countries in which the applicant is licensed to engage in money transmission or other similar money services, and any license revocations, suspensions, restrictions, or other disciplinary action taken against the applicant in another state or country;
  - (g) A list of any license revocations, suspensions, restrictions, or other disciplinary action taken against any money transmission business involving the proposed responsible individual;
  - (h) A description of the source of money and credit to be used by the applicant to provide money transmissions;
  - (i) A sample form of contract for an agent;
  - (j) A sample form of payment instrument;
  - (k) Information concerning any bankruptcy, reorganization, or receivership proceedings involving or affecting the applicant or the proposed responsible individual;
  - (l) A list identifying the name, physical location or locations, and telephone number at which the applicant and its proposed agents intend to conduct

money transmission business in the state at the time of the filing of the license application;

- (m) The name, address, and telephone number of the clearing bank or banks on which the applicant's payment instruments will be drawn or through which such payment instruments will be payable;
  - (n) A copy of the written procedures that will be provided by the applicant or licensee to its agent or agents;
  - (o) That neither the applicant, nor any executive officer, nor person who exercises control over the applicant, nor key shareholder, nor any proposed agent, nor the proposed responsible individual, is listed on the specially designated nationals and blocked persons list prepared by the United States Department of the Treasury or the United States Department of State under Presidential Executive Order No. 13224 as a potential threat to commit terrorist acts and to finance terrorist acts; and
  - (p) Any other information regarding the background, experience, character, financial responsibility, or general fitness of the applicant, the applicant's responsible individual, or agent that the commissioner may require by rule or order.
- (2) If the applicant is a corporation, limited liability company, partnership, or other entity, then the applicant shall also provide:
- (a) A copy of the applicant's filed articles of incorporation;
  - (b) The name, address, and telephone number of the registered process agent of the applicant in this state;
  - (c) If applicable, then a certificate of good standing from the state or country in which the applicant was incorporated or formed;
  - (d) A description of the corporate structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded on any stock exchange;
  - (e) The legal name, any fictitious or trade name, all business and residence addresses, date of birth, Social Security number, and employment history for the ten (10) year period preceding the filing of the application for each executive officer, board director, key shareholder, or person that has control of the applicant;
  - (f) Copies and description of material litigation for the ten (10) year period prior to the filing date of the application of every executive officer or key shareholder of the applicant;
  - (g) Copies and descriptions of criminal convictions, other than traffic violations, for the ten (10) year period prior to the filing date of the application of every executive officer or key shareholder of the applicant;
  - (h) A copy of the applicant's audited financial statements for the most recent fiscal year or, if the applicant is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation or the applicant's most recent audited consolidated

annual financial statements and, in each case, if available, for the two (2) year period preceding the filing of the application;

- (i) A copy of the applicant's unconsolidated financial statements for the current fiscal year, whether audited or not, and, if available, for the two (2) year period preceding the filing of the application;
  - (j) If the applicant is publicly traded, then a copy of the most recent report filed with the United States Securities and Exchange Commission pursuant to 15 U.S.C. sec. 78m;
  - (k) If the applicant is a wholly owned subsidiary of:
    - 1. A corporation publicly traded in the United States, then a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed with the United States Securities and Exchange Commission pursuant to 15 U.S.C. sec. 78m; or
    - 2. A corporation publicly traded outside of the United States, a copy of similar documentation for the most recent fiscal year filed with the regulator of the parent corporation's domicile outside the United States.
- (3) Every corporate applicant, at the time of filing of an application for a license under this subtitle and at all times after a license is issued, shall be in good standing in the state of its incorporation.
- (4) Every applicant shall, at the time of the filing of an application for a license under this subtitle and at all times after a license is issued, be registered or qualified to do business in this state.
- (5) The commissioner is authorized, for good cause, to waive any requirement of this section with respect to any license application or to permit a license applicant to submit substituted information in its license application in lieu of the information required by this section.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 835, effective July 15, 2010. -- Created 2006 Ky. Acts ch. 247, sec. 5, effective April 24, 2006.

**Legislative Research Commission Note (7/12/2006).** This section was created in 2006 Ky. Acts ch. 247 as a new section of KRS Chapter 366A. Sec. 38 of that same bill also required that all sections of KRS Chapters 287, 288, 290, 291, 294, 366, 366A, and 368 be renumbered as sections of a single KRS chapter entitled the "Kentucky Financial Services Code." Therefore, the Statute Reviser, acting under KRS 7.136(1), has codified this section as a new section of KRS Chapter 286.