

OH Money Transmitter License New Application Checklist (Company)

CHECKLIST SECTIONS

- General Information
- License Fees
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GENERAL INFORMATION

The Ohio Division of Financial Institutions (Division) participates in the Multistate Money Services Businesses Licensing Agreement Program (MMLA), which creates a more efficient money service business licensing process among state regulators. If your company is seeking money transmitter licensure in more than five (5) states, participation in the MMLA may be right for you. See the MSB Licensing Agreement Program page of the NMLS Resource Center for more information.

For applicants requesting confidential treatment to information in or related to their application, a request <u>must be provided when</u> the application is submitted. If the Division does not receive the request for confidentiality of specific items within twenty (20) calendar days from the license request date, the applicant will forfeit that privilege. Refer to the request for the *Confidential Treatment Request below for specific instructions*.

Who Is Required to Have This License?

Any person, regardless of the location of that person, its facilities, or its agents, who receives directly or indirectly and by any means, money, or its equivalent for transmission from a person located in this state must obtain an Ohio money transmission license before engaging in the business of money transmission, unless that person is exempt from licensure. Ohio Revised Code Section 1315.02.

For purposes of Chapter 1315 of the Revised Code, the Division considers virtual currencies, like bitcoin, to be money or its equivalent. Therefore, if a person is holding or controlling virtual currency on behalf of another person, is acting as a third-party intermediary or exchange, or is otherwise engaging in activity that would fall within the above definition, then the Division considers the activity to be money transmission.

* Effective August 31, 2022, the Division issued updated interpretative guidance regarding the Licensing of Cryptocurrency Businesses pursuant to the Ohio Money Transmitters Act. Companies that operate BTMs or Cryptocurrency ATMs in Ohio must be able to verify, conclusively and in all instances, the ownership of any wallet to which they send funds, ensuring the sender and recipient of the funds are the same. Otherwise, such companies must obtain an Ohio money transmitter license.

Activities Authorized Under This License

This license authorizes the following activities

- Non-contracted bill pay
- Issuing and selling drafts

- Selling prepaid access/stored value
- Electronic Money Transmitting

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- Foreign currency dealing or exchanging
- Issuing money orders
- o Issuing prepaid access/stored value
- o Issuing traveler's checks

- Other-Money Services
- Selling money orders
- o Selling traveler's checks
- Virtual/Crypto-currency
- BTMs/Cryptocurrency ATMs*

Pre-Requisites for License Applications

- Net Worth of at least \$500,000
- Electronic Surety Bond of at least \$300,000
- Ohio Secretary of State Registration/Filing

The Ohio Division of Financial Institutions (OH) issues paper licenses for this license type.

Document Uploads Guidance

Documents that must be uploaded to the *Document Uploads* section of the Company Form (MU1) in NMLS are indicated in the checklist below. When uploading documents:

- Follow the guidance in <u>Document Upload Descriptions and Examples</u>.
- Only upload documents relevant to the company application.
- Only upload documents where there is a selectable document category. If inappropriate
 documents are uploaded, your regulator will contact you and ask to remove them from
 NMI S
- Do not upload the same company documents multiple times. Generally, unless the document is state-specific, if the document has already been uploaded for another state, a new upload is not required unless changes have been made.
- If a previously uploaded document has been revised, delete the old document and replace it with the new one (the history of the old document will remain in NMLS).
- For state-specific documents (e.g., Surety Bonds), indicate the applicable state.

Helpful Resources

- Company Form (MU1) Filing Instructions
- Document Upload Descriptions and Examples
- Individual Form (MU2) Filing Quick Guide
- Financial Statements Quick Guide
- Payment Options Quick Guide
- License Status Definitions Quick Guide

Agency Contact Information

For additional assistance, contact the <u>Ohio Division of Financial Institutions</u> licensing staff by phone at <u>(614) 728-2636</u> or send your questions via email to <u>Michael Sabula@com.state.oh.us</u>.

For U.S. Postal Service & Overnight Delivery:

Ohio Division of Financial Institutions
Money Transmitters
77 South High Street
21st Floor
Columbus, OH 43215

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE LICENSE REQUIREMENTS FOR WHICH THEY ARE APPLYING. THE AGENCY-SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.

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LICENSE FEES - Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.		
Complete	OH Money Transmitter License	Submitted via
	OH Application Fee: \$5,000 NMLS Initial Processing Fee: \$0	NMLS (Filing submission)
	FBI Criminal Background Check for MU2 Individual: \$36.25 per person.	NMLS (Filing submission)
	Uniform Authorized Agent Reporting Annual Processing Fee: An annual fee of twenty-five cents (\$0.25) for each active authorized agent/delegate location reported through NMLS is invoiced on November 1st.	NMLS (Agency Fee Invoice)
	There is no fee for the first 100 active agents reported (Companies with 100 agents or less are not subject to the Processing Fee).	
	The fee is capped at \$25,000 per licensee in any one year.	
	The invoiced amount is based on the number of active agents in the system as of August 16th, (day after third quarter reporting deadline).	
	See the <u>Uniform Authorized Agent Reporting Processing Fee Fact Sheet</u> for more information.	

OHIO SPECIFIC REQUIREMENTS		
Complete	OH Money Transmitter License	Submitted via
	Statement Regarding Ohio Activity: Submit a completed form executed by an executive officer, director, or majority owner regarding the applicant's prior money transmission activities, if any, in Ohio. Click here to access the form.	Email to OH or upload to NMLS
	Confidential Treatment Request: If the applicant requests confidential treatment to be granted to information related to their application, provide such request in writing when the application is submitted.	Email to OH or upload to NMLS
	The request must list each item of the application checklist for which confidential treatment is requested, explaining the applicability of the asserted justification for confidential treatment and either specifically demonstrating the harm that would result from public disclosure of the item of information or setting forth the reason that the applicant cannot authorize public disclosure of the item of information.	
	Failure to provide a list of items within twenty (20) calendar days from the date of the application will result in the Division not granting confidential treatment.	
	Note: Please refer to Ohio Revised Code Section 1315.03(C) for reference and for assistance in forming this request.	

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Complete	OH Money Transmitter License	Submitted via
	Ohio Background Checks: In addition to the FBI background checks completed through NMLS, the following individuals, as specified below, are required to obtain Ohio background checks from the Ohio Attorney General's Bureau of Criminal Investigation (BCI).	Fingerprints must be submitted to Ohio Bureau of Criminal Investigation (BCI).
	 Direct Owners 25% or more of the applicant / licensee. Executive Officers President, Treasurer, Secretary, and each senior officer responsible for the licensee's business, as well as any other person who performs similar functions. It includes organizer, incorporator, director (board), or controlling person. Indirect Owners 25% or more of the applicant / licensee. 	Ohio BCI will send the results to the Division.
	The BCI civilian fingerprint card and submission instructions can be found at the following link: https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Chec/Background-Check-Forms/BCI-fingerprint-card . The following information should be used in the corresponding fields of the fingerprint card:	
	ORI: OHBCI0000 State Bureau London, OH	
	Send Background Check Results To: Ohio Department of Commerce Division of Financial Institutions – MT 77 South High Street, 21st Floor Columbus, OH 43215-6120	
	Reason Fingerprinted: 121.08 Dept of Commerce	
	If you have additional questions about completing an Ohio background check, please contact BCI at (877) 224-0043 or visit their website at https://www.ohioattorneygeneral.gov/backgroundcheck .	
	Capital Plan: For startup applicants (less than 3 years in business) and applicants reporting a net loss, upload a statement/capital plan demonstrating how the applicant will maintain the \$500,000 minimum net worth requirement for the next two years of operations. This should include either a schedule to raise additional capital or an affirmative statement from an owner/parent company that it will ensure the applicant meets regulatory net worth requirement.	Upload to NMLS under Additional Requirements in the Document Uploads section of the Company Form (MU1).

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Complete	OH Money Transmitter License	Submitted via
	Parent Financial Statements: If the applicant is a subsidiary, provide the parent entity's audited financial statements for the current and prior fiscal year. Note: If the parent has an NMLS record, its financial statements may be uploaded to that record.	Upload to NMLS: under Document Samples in the Document Uploads section of the Company Form (MU1).
	Virtual Currency: If the applicant will engage in virtual currency activities, provide a current third-party security audit of all relevant computer and information systems.	Upload to NMLS under Additional Requirements in the Document Uploads section of the Company Form (MU1).
	Virtual Currency: Upload copies of the following if the applicant is holding or exchanging virtual currency on behalf of customers: Customer/user agreements; Terms and conditions; Customer disclosures and/or Brochures. This document should be named [Name of Document Sample].	Upload to NMLS: under Document Samples in the Document Uploads section of the Company Form (MU1).
	Physical Location – Examination Policy Requirement: Describe the business location where day-to-day operations will be performed. OH accepts non-traditional business locations for licensing purposes; however, OH cannot conduct examinations at such locations. Note: For most money transmitters, OH specifies the corporate office where examinations will be conducted. However, for those domestic money transmitters operating out of a location other than a corporate office - such as a private residence - or that operate entirely on a virtual or remote basis, another mutually acceptable location must be specified for examinations. Provide acknowledgment that the money transmitter understands that OH conducts examinations in person and onsite at the corporate office or another mutually acceptable location.	Upload to NMLS under Additional Requirements in the Document Uploads section of the Company Form (MU1).
	Registered Agent: The Resident/Registered Agent must be listed under the Company's Resident/Registered Agent section Form (MU1) and match the information currently on record with the Ohio Secretary of State. The Ohio Registered Agent must also be available during normal business hours (9 am – 5 pm) to receive delivery of legal documents such as complaints, summons, and subpoenas. The registered needs to be an independent third person. For OH, the Registered Agent cannot be the licensee's executive officer or personnel.	Upload to NMLS under Additional Requirements in the Document Uploads section of the Company Form (MU1).

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REQUIREMENTS COMPLETED IN NMLS		
Complete	OH Money Transmitter License	Submitted via
	Submission of Company Form (MU1): Complete and submit the Company Form (MU1) in NMLS. This form serves as the application for the license/registration through NMLS.	NMLS
	 Business Plan: Upload the most recently Board approved business plan. The business plan must include: Money transmission products; Description of the settlement process, reconciliation process, and reimbursement process; Types of payment that will be accepted; Include a list of countries the applicant will be transmitting money to and transmitting money from. If the applicant's business activities involve issuing prepaid access cards or similar products, explain the program, including details of the issuing bank, program manager, loading, reloading, and activation of cards. Include a description of the applicant's corporate history and any parent, affiliate, or subsidiary entities. This document should be named [Company Legal Name] Business Plan. Note: If the existing uploaded business plan already includes the above information, an additional document does not need to be uploaded. A company should only upload a single business plan. This information should be added to the existing uploaded business plan if state-specific material is required. 	Upload to NMLS: under Business Plan in the Document Uploads section of the Company Form (MU1).
	Flow of Funds Structure: Submit a description of each type of transaction or service to be conducted. For each type, describe each step, starting with the first encounter with the consumer and ending after the transaction when the beneficiary receives money. This document should be named Flow of Funds Structure. Note: If you are submitting multiple types of transactions or services to be conducted, combine them in a single document for upload.	Upload to NMLS: under Flow of Funds Structure in the Document Uploads section of the Company Form (MU1).
	Disclosure Questions: Provide a complete and detailed explanation and document upload for each "Yes" response to Disclosure Questions made by the company or related control persons (MU2). See the Company Disclosure Explanations Quick Guide for instructions.	Upload to NMLS: under the <i>Disclosure</i> <i>Explanations</i> section of the Company Form (MU1) or Individual Form (MU2).

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Complete	OH Money Transmitter License	Submitted via
Complete	Formation Documents: Determine the legal status classification and submit a State-certified copy of the requested applicable documentation, detailed below. The original formation documents and all subsequent amendments include a list of name changes. Sole Proprietor • Applicable formation documents. Unincorporated Association: • Bylaws or constitution (including all amendments). General Partnership: • Partnership Agreement (including all amendments). Limited Liability Partnership: • Certificate of Limited Liability Partnership; and • Partnership Agreement (including all amendments). Limited Partnership:	Submitted via Upload to NMLS: under Formation Document" in the Document Uploads section of the Company Form (MU1).
	 Certificate of Limited Partnership; and Partnership Agreement (including all amendments). Limited Liability Limited Partnership: Certificate of Limited Liability Limited Partnership; and Partnership Agreement (including all amendments). Limited Liability Company ("LLC"): Articles of Organization (including all amendments); Operating Agreement (including all amendments); IRS Form 2553 or IRS Form 8832 if S-Corp treatment is elected; and LLC resolution if authority is not in the operating agreement. Corporation: Articles of Incorporation (including all amendments); Bylaws (including all amendments), if applicable; Shareholder Agreement (including all amendments), if applicable; 	
	 IRS Form 2553 if S-Corp treatment is elected; and Corporate resolution if authority to complete application not in Bylaws or Shareholder Agreement, as amended, as applicable. Not for Profit Corporation Documents requested of a corporation; and Proof of nonprofit status Trust (Statutory) Certificate of Trust; and Governing instrument (all amendments). This document should be named Formation Documentation [Date of Creation (MM-DD-YYYY)]. 	

Complete	OH Money Transmitter License	Submitted via
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	Certificate of Authority/Good Standing Certificate: Upload a State-issued and approved document (typically by the Secretary of State's office), dated not more than 60 days before the filing of the application through NMLS, that demonstrates authorization to do business in the applicant's state of formation and OH.	Upload to NMLS: under Certificate of Authority/Good Standing Certificate in the Document Uploads section of the Company
	This document should be named [[State prefix] Certificate of Authority OR [State prefix] Certificate of Good Standing].	Form (MU1).
	Organizational Chart/Description: Submit a chart showing (or a description that includes) the percentage of ownership of:	Upload to NMLS: under <u>Organizational</u>
	 Direct Owners (total direct ownership percentage must equate to 100%) 	Chart/Description in the Document Uploads section of the
	Indirect Owners	Company Form (MU1).
	 If the indirect owner is an entity or entities or has any subsidiaries or affiliates, provide an organizational chart. 	
	This document should be named [Company Legal Name] Organizational Chart – Description.	
	Note: If an existing uploaded Organizational Chart/Description already includes the above information, an additional document does not need to be uploaded.	
	Executive Management Requirement: The Division does not issue a license to a shell company. Each applicant must have a Board-approved executive management team at the applicant level. For applicants who will not engage in virtual currency/crypto activities, there must be a designated:	N/A
	President/Chief Executive Officer,	
Note	Treasurer/Chief Financial Officer/Controller,	
Note	Chief Operating Officer/Operations Manager, and	
	Chief Compliance Officer/BSA Officer.	
	Any person cannot hold two designations.	
	Applicants engaging in virtual currency/crypto activities must also designate a Chief Information Security Officer (CISO), Chief Technology Officer (CTO), and Chief Information Officer (CIO).	
	Management Chart: Submit a management chart displaying the applicant's directors, officers, and managers (individual names and titles). The management chart must also identify the compliance reporting and internal audit structure.	Upload to NMLS: under Management Chart in the Document Uploads section of the
	This document should be named [Company Legal Name] Management Chart.	Company Form (MU1).
	Note: Additional documentation is not required if the existing uploaded management chart includes the above information.	

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MU2 Individual FBI Criminal Background Check Requirements: The following Individuals, as specified below on the Company Form (MU1), must authorize an FBI criminal background check (CBC) through NMLS.	NMLS
Direct Owners	
25% or more of the applicant/licensee	
Executive Officers	
 President/CEO, Treasurer/CFO/Controller, Secretary, COO, CCO/BSA Officer and each senior officer responsible for the licensee's business, and any other person who performs similar functions. This also includes the CISO, CTO, and CIO. 	
It includes the organizer, incorporator, director (board), or controlling person.	
Indirect Owners	
25% or more of the applicant/licensee	

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	MU2 Individual FBI Criminal Background Check Requirements (cont.):	
	After authorizing an FBI criminal background check by submitting the Company Form (MU1) and Individual Form (MU2), you must schedule an appointment to be fingerprinted if new prints are required.	
	See the <u>Criminal Background Check section</u> of the NMLS Resource Center for more information.	
	Note: If you can 'Use Existing Prints' to process the FBI criminal background check, you DO NOT have to schedule an appointment. NMLS will automatically submit the fingerprints on file.	
	Control Person (MU2) Attestation: Complete the Individual Form (MU2) in NMLS. The applicable control person must attest to this form before it can be submitted along with the Company Form (MU1).	NMLS
	Verification of Experience: Provide the current resume of the applicant's compliance officer. The resume should not include the compliance officer's home address or telephone number(s). This document should be named CO Resume – License Name.	Upload to NMLS: under Verification of Experience in the Document Uploads section of the Individual Form (MU2).
	Company Staffing and Internal Policies: Upload document(s) information on staffing and internal organizational policies and procedures. If submitting multiple policies, upload and name each policy separately. This document should be named [Name of Policy].	Upload to NMLS: under Company Staffing and Internal Policies in the Document Uploads section of the Company Form (MU1).

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Audited Financial Statements: Provide copies of the applicant's most recent and prior fiscal year's audit reports. If the applicant is a newly formed entity, provide documentation supporting the method and source of capitalization (identify the source(s) of funding for the business) and estimated start-up costs. Interim Financial Statements: Provide financial statements for the applicant at the end of the most recent quarter. The financial statements must show a net worth of at least \$500,000.	NMLS Note: Financial statements are uploaded separately under the Filing tab and Financial Statement submenu link. See the Financial Statements Quick Guide for instructions.
Pro Forma Financial Statements: Upload projected financials (balance sheet and income statement totals) for the applicant's next two years of operations.	Upload to NMLS: under Additional Requirements in the Document Uploads section of the Company Form (MU1).

Complete	OH Money Transmitter License	Submitted via
	Bank Account: The following information must be completed in the Bank Account section of the Company Form (MU1). • Provide bank account information including the names and addresses of the clearing banks associated with the applicant's money transmitter business.	NMLS
Note	Credit Report: Individuals in a position of control are NOT required to authorize a credit report through NMLS.	N/A
	Surety Bond: Submit a bond in the amount of \$300,000 furnished by a surety company authorized to conduct business in Ohio. The name of the principal insured on the bond must match exactly the applicant's Full Legal Name and include any fictitious name(s)/Assumed Name it plans to use for Ohio Activity. The Surety Bond Requirement may be satisfied completing one of the following: 1. Electronic Surety Bond: Submit an Electronic Surety Bond (ESB) via NMLS in the above amount furnished and submitted by a surety company authorized to conduct business in Ohio. For more details, see the ESB Adoption Table and the ESB for NMLS Licensees page of the NMLS Resourse Center. 2. Surety Bond – Alternate Security Device: According to Ohio Revised Code Section 1315.07, this document should be uploaded in NMLS under the Document Type Surety Bond – Alternate Security Device in the Document Uploads section of the Company Form (MU1) and named [License Type] Security Device. An original copy of this document must also be mailed to the address listed above.	Electronic Surety Bond in NMLS Or Upload to NMLS: under Surety Bond – Alternate Security Device in the Document Uploads section of the Company Form (MU1).

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AML/BSA Policy: Upload the most recent version of the Anti-Money Laundering (AML) / Bank Secrecy Act (BSA) Policy. This document should be named AML/BSA Policy [approval date mm-dd-yyyy].	Upload to NMLS: under AML/BSA Policy in the Document Uploads section of the Company Form (MU1).
OFAC Screening: Describe the process of monitoring and screening individuals on OFAC's lists of SDNs, including the software the applicant will utilize and the software capabilities.	
Monitoring System : Provide a detailed description of the applicant's AML transaction monitoring system and its capabilities. State whether the monitoring system implements real-time or batch data processing.	
This document should be named [Name of Policy].	

Complete	OH Money Transmitter License	Submitted via
	Independent Review of AML/BSA Program: Upload the applicant's most recent independent review. If the applicant is a startup company and has not yet completed an independent review, provide when an independent review will be performed. This document should be named AML/BSA Program Independent Review [review date mm-dd-yyyy].	Upload to NMLS

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