

TX-DOB Money Transmission License Amendment Checklist (Company)

CHECKLIST SECTIONS

- General Information
- Amendments

GENERAL INFORMATION

Instructions

When making changes to your record in NMLS, Texas Department of Banking (TX-DOB) requires advance notification for some changes. See the checklist below for details.

Uploading Agency-Specific Documents

If you are required to upload documents to NMLS for an Advance Change Notice (ACN), select "Advance Change Notice" for the document type in the NMLS Document Uploads section. If you are required to upload documents for an amendment that doesn't require ACN, select the applicable document type in the NMLS Document Uploads section.

If you are required to provide documents outside of NMLS you must mail the document along with the checklist within 5 business days to the address below.

Note: Use the recommended filing naming convention found on the <u>Document Upload Descriptions and Examples</u>.

Helpful Resources

- Amendments & Advance Change Notice
- Document Uploads Quick Guide
- Document Upload Descriptions and Examples

Agency Contact Information

Contact Non Depository Supervision at the Department of Banking by phone at (512) 475-1291 or send your questions via email to mgonzales@dob.texas.gov for additional assistance.

For U.S. Postal Service & Overnight Delivery:

Texas Department of Banking Non-Depository Supervision 2601 North Lamar Blvd. Austin, TX 78705-4294

Updated: 01/31/2024 Page 1 of 14

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE 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.

AMENDMENTS

- Change of Legal Name
- Change of Main Address
- Change of Legal Status
- Addition or Modification of Directors or Executive Officers
- Addition or Modification of Direct Owners or Indirect Owners
 - Addition or Modification of Direct or Indirect Owner (generally, any person, legal or natural, or group acting in concert who owns or controls 25% of more of either the license holder or an entity that controls the license holder): \$1,000 filing fee
- Addition or Modification of Other Trade Name
- Deletion of Other Trade Name
- Addition or Modification of Affiliates/Subsidiaries
- Change of Disclosure Question(s)

Note: Information uploaded or filed in NMLS will not be viewable to the agency until the filing has been attested to and submitted through NMLS. Agency-specific requirements that should be emailed or mailed to the agency on the checklist below must be received with the appropriate checklist within five (5) business days of the electronic submission of your filing through NMLS.

Updated: 01/31/2024 Page 2 of 14

NMLS ID Number	
Licensee Legal Name	

Complete	TX-DOB Money Transmission License	Submitted via
	Change of Legal Name Amendment Items	
	Change of Legal Name: Submit an amendment for a change of Legal Name through the Company Form (MU1) in NMLS no later than the 15 th day after the date the license holder knows or has reason to know of a material change in the information reported in an application or annual report.	NMLS
Note	Change of Legal Name Fee: \$0 per license Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.	N/A
	Surety Bond Rider: Provide an electronic surety bond rider in NMLS (or new paper bond if applicable) that reflects the entity's new legal name. The name of the principal insured on the bond must match exactly the full legal name of applicant. Contact the surety bond producer to inform them of the legal name change and effective date, so the producer can initiate the Surety Bond Rider Process in NMLS. See the ESB Adoption Table and the ESB for NMLS Licensees page of the	Electronic Surety Bond in NMLS
	NMLS Recourse Center for more information.	
	Formation Documents: Formation Documents must be submitted related to this change type. Determine classification of applicant's legal status and submit a State certified copy of the requested applicable documentation detailed below. Provide original formation documents and all subsequent amendments, thereto including a list of any name changes. • A copy of the filed Applicant's Certificate of Formation or other	Upload in NMLS: under the Document Type Formation Document in the Document Uploads section of the Company Form (MU1).
	 organizing documents; Evidence of registration with the Texas Secretary of State, if the Applicant is not a Texas entity. 	
	Other Trade Name: File stamped copies of any assumed name filings with the Secretary of State and the county if any assumed names are to be used.	Upload in NMLS: under the Document Type Trade Name/Assumed Name Registration Certificates in the Document Uploads section of the Company Form (MU1).
	Financial Statement: Most recent financial statement that demonstrates the net worth requirement for the institution pursuant to Section 152.351 of the Code must be submitted related to this change type. Financial statements must	NMLS

Updated: 01/31/2024 Page 3 of 14

Complete	TX-DOB Money Transmission License Change of Legal Name Amendment Items	Submitted via
	be under the new name change.	
	Organizational Chart/Description: A list of shareholders of the new entity which includes the number of shares owned by each shareholder.	Upload in NMLS: under the Document Type Organizational Chart/Description in the Document Uploads section of the Company Form (MU1).
	Franchise Taxes: A franchise tax account status from the Texas Comptroller of Public Accounts which evidences that the license holder (must be under new name) is current for the payment of franchise taxes.	Upload in NMLS: under the Document Type Certificate of Authority/Good Standing Certificate in the Document Uploads section of the Company Form (MU1).

NMLS ID Number	
Licensee Legal Name	

Complete	TX-DOB Money Transmission License Change of Main Address Amendment Items	Submitted via
	Change of Main Address: Submit an amendment for a change of Main (Corporate) Address through the Company Form (MU1) in NMLS no later than the 15 th day after the date the license holder knows or has reason to know of a material change in the information reported in an application or annual report.	NMLS
Note	Change of Main Address: \$0 per license Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.	N/A
	Surety Bond Rider: Provide an electronic surety bond rider in NMLS (or new paper bond if applicable) that reflects the entity's new main address. Contact the surety bond producer to inform them of the main address change and effective date, so the producer can initiate the Surety Bond Rider Process in NMLS. See the ESB Adoption Table and the ESB for NMLS Licensees page of the NMLS Recourse Center for more information.	Electronic Surety Bond in NMLS

Updated: 01/31/2024 Page 4 of 14

NMLS ID Number	
Licensee Legal Name	

Complete	TX-DOB Money Transmission License Change of Legal Status Amendment Items	Submitted via		
Note: In many cases, a change to the Fiscal Year End, Legal Status, and State or Date of Formation indicates a new entity has been formed and a new NMLS record is required. This includes the creation of a new NMLS account and submission or a new Company Form (MU1).				
	Change of Legal Status: Submit an amendment for a change in Legal Status within the Company Form (MU1) in NMLS no later than the 15 th day after the date the license holder knows or has reason to know of a material change in the information reported in an application or annual report.	NMLS		
	Financial Statement: Most recent financial statement that demonstrates the net worth requirement for the institution pursuant to Section 152.351 of the Code must be submitted related to this change type.	NMLS		
	Surety Bond Rider: Provide an electronic surety bond rider in NMLS (or new bond if applicable) that reflects the new legal status.	Electronic Surety Bond in NMLS		
	Contact the surety bond producer to inform them of the legal status change and effective date, so the producer can initiate the Surety Bond Rider Process in NMLS. See the ESB Adoption Table and the ESB for NMLS Licensees page of the NMLS Recourse Center for more information.			
	Formation Documents: Formation Documents must be submitted related to this change type. Determine classification of applicant's legal status and submit a State certified copy of the requested applicable documentation detailed below. Provide original formation documents and all subsequent amendments, thereto including a list of any name changes. • Upload a copy of the filed license holder's Certificate of Formation or other organizing documents; • Upload evidence of registration with the Texas Secretary of State, if the license holder is not a Texas entity.	Upload in NMLS: under the Document Type Formation Document in the Document Uploads section of the Company Form (MU1).		
	Other Trade Name Documentation: File stamped copies of any assumed name filings with the Secretary of State and the county if any assumed names are to be used.	Upload in NMLS: under the Document Type <u>Trade</u> Name/Assumed Name <u>Registration Certificates</u> in the <i>Document Uploads</i> section of the Company Form (MU1).		

Updated: 01/31/2024 Page 5 of 14

NMLS ID Number	
Licensee Legal Name	

Complete	TX-DOB Money Transmission License Addition or Modification of Directors/Executive Officers Amendment Items	Submitted via	
	Addition or Modification of Directors/Executive Officers: Submit an amendment for an addition or change in Directors/Executive Officers within the Direct Owners/Executive Officers section of the Company Form (MU1) in NMLS no later than the 15 th day after the date the license holder knows or has reason to know of a material change in the information reported in an application or annual report. Refer to Texas Finance Code Section 152.153 (Notice and Information requirements for Key Individuals).	NMLS	
	Self-Certification: If you have been licensed for over three years, refer to Supervisory Memorandum (SM 1036) and click Open then scroll down to Supervisory Memorandums. If applicable, submit any documentation required in SM 1036.	Upload in NMLS: under the Document Type State Background Check Authorization in the Document Uploads section of the Individual Form (MU2).	
If you do no	If you do not qualify for self-certification, complete the remainder of this section.		
	Credit Report: Key Individuals (defined in Section 152.003(17) of the Code) are required to authorize a credit report through NMLS.	NMLS Authorize a credit report in NMLS	
	MU2 Individual FBI Criminal Background Check Requirements: New Key Individuals must authorize an FBI criminal background check (CBC) through NMLS. Key Individuals who have resided outside the U.S. at any time in the preceding 10 years, must have an investigative background report prepared by an acceptable search firm. See Search Firm Report section below for additional requirements. After authorizing a FBI criminal background check through the submission of the Company Form (MU1) and Individual Form (MU2), you must schedule an appointment to be fingerprinted if new prints are required. See the Quick Guides - Company section of the NMLS Resource Center for more information. Note: If you are able to '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.	NMLS	

Updated: 01/31/2024 Page 6 of 14

Complete	TX-DOB Money Transmission License Addition or Modification of Directors/Executive Officers Amendment Items	Submitted via
	Supplemental Forms: A number of forms are considered supplemental forms and must also be uploaded in each Individual MU2. Refer to instructions in the Supplemental Form Requirements Section below to determine which of these supplemental forms must be completed. • Authority to Release Information—Form • Supplemental Page — Form	Upload in NMLS: under the <u>Individual Document</u> Upload Section of the Individual Form (MU2).
	Search Firm Reports: Key Individuals who have resided outside the U.S. at any time in the preceding 10 years must provide a search firm report prepared by an independent search firm that both meet the requirements of Section 152.105(c) of the Code. The report must be submitted directly to the Department by the search firm.	Mail to TX-DOB

Updated: 01/31/2024 Page 7 of 14

NMLS ID Number	
Licensee Legal Name	

Complete	TX-DOB Money Transmission License	Submitted via
	Addition or Modification of Direct or Indirect Owners Amendment Items	
	Addition or Modification of Direct or Indirect Owners: Submit an ACN for an addition or change in Direct Owners or Indirect Owners within the <i>Direct Owners/Executive Officers</i> or <i>Indirect Owners</i> sections of the Company Form (MU1) in NMLS respectively. A change in the control of the licensee is considered an application.	NMLS
	Section 152.151(a) and (b) of the Texas Finance Code (the Code) states that a person or group of persons acting in concert must obtain the prior written approval of the Commissioner before acquiring direct or indirect acquire control of a license holder. The same standards and qualifications for a new license apply.	
	See Section 152.151(I) for details as to when an application under Section 152.151 (a) and (b) is not required. In such circumstances, a notice is required no later than the 15 th day after the change of control becomes effective detailing the person's grounds for not complying with 152.151 (a) and (b).	
	To whom does this Section apply?	
	Generally, any person, legal or natural, or group acting in concert who owns or controls 25% or more of either the license holder or an entity that controls the license holder (10% for presumptive control). See Section 152.003(8) of the Code for definitions of control and Section 152.061 of the Code for definition of presumption of control.	
	Addition or Modification of Direct or Indirect Owner: \$1,000 filing fee pursuant to 7 TAC § 33.27(g). Fees are NOT REFUNDABLE.	TX DOB will issue an invoice via NMLS after the ACN is submitted
	Credit Report: Authorize a credit report in NMLS	Authorize a credit report in NMLS
	Business Plan: Upload an updated business plan containing any changes.	Upload in NMLS: under the Document Type Business Plan in the Document Uploads section of the Company Form (MU1).
	Organizational Chart: Upload an updated organizational chart showing the percentage ownership of: • Direct Owners (total direct ownership percentage must equate to	Upload in NMLS: under Organizational Chart/Description in the
	100%) • Indirect Owners	Document Uploads section of the Company

Updated: 01/31/2024 Page 8 of 14

Complete	TX-DOB Money Transmission License Addition or Modification of Direct or Indirect Owners Amendment Items	Submitted via
	• Subsidiaries and Affiliates of the applicant/licensee This document should be named [Company Legal Name] Organizational Chart/Description. Please include the tax identification numbers, addresses, as well as the state/country of formation and date of formation of all entities listed above either (1) on the organizational document or (2) uploaded under separate cover.	Form (MU1).
	MU2 Individual FBI Criminal Background Check Requirements: Extensive background checks are conducted on each proposed new control shareholders or Key Individuals of the Applicant. See §152.003 for definitions and Supplemental Form Requirements Section below for additional requirements. These checks include law enforcement agencies, credit reports, and other regulators. The following Individuals, as specified below, on the Company Form (MU1) are required to authorize a FBI criminal background check (CBC) through NMLS. \$36.25 per person fee.	NMLS
	Control Persons and Key Individuals who have resided outside the U.S. at any time in the preceding 10 years, must have an investigative background report prepared by an acceptable search firm. See Documents Required section below for additional requirements.	
	 Proposed Direct Owners Individuals with the power to directly vote 25% or more of the outstanding voting interest of the applicant. See Section 152.003(8) of the Code for definitions of control and Section 152.061 of the Code for definition of presumption of control by shareholders controlling or voting 10% or more of outstanding shares. Proposed Indirect Owners 	
	 Individuals with the power to indirectly vote 25% or more (10% for presumptive control) of the outstanding voting interest of the applicant. Includes an individual whose ownership is through one or more legal entities Key Individuals 	
	Includes any "key individual" as defined in §152.003 (17) which includes executive officers, managers, directors, or trustees.	
	After authorizing a FBI criminal background check through the submission of the Company Form (MU1) and Individual Form (MU2), you must schedule an appointment to be fingerprinted if new prints are required.	
	See the <u>Quick Guides - Company section</u> of the NMLS Resource Center for more information.	
	Note: If you are able to '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.	

Updated: 01/31/2024 Page 9 of 14

Complete	TX-DOB Money Transmission License	Submitted via
	Addition or Modification of Direct or Indirect Owners Amendment Items	
	 Transaction Summary: upload a transaction summary which must also include the following information: A general summary including background and experience in the money services business and detail on shareholder(s) to be effected. Information on how the applicant intends to pay for the acquisition. Explanation of changes to the business plan or corporate structure A listing of any individuals with the power to directly or indirectly vote 25% of the outstanding voting interest of the acquirer and the license holder. Outline proposed changes to Key Individuals of the licensee as applicable. 	Upload in NMLS: under the Document Type ACN Related Documents in the Document Uploads section of the Company Form (MU1).
	Formation Documents: If a legal entity is the proposed controlling shareholder, the entity must upload a copy of the entity's organizing documents.	Upload in NMLS: under Formation Document" in the Document Uploads section of the Company Form (MU1). This document should be named Formation Documentation [Date of Creation (MM-DD-YYYY)].
	Controlling Entities Financial Statements: Legal Entities directly or indirectly controlling 50% or more of the license holder must submit a current certified financial statement. Note: The financial statement must be prepared by an auditor or other qualified party. The required financial statements must be in English and denominated in U.S. Dollars.	Upload in NMLS: under the Document Type ACN Related Documents in the Document Uploads section of the Company Form (MU1).
	Supplemental Form Requirements: Natural persons that will have the power to directly or indirectly vote 25% or more (10% for presumptive control) of the outstanding voting interest of the license holder ("Control Persons") or new Key Individuals must provide the following: Complete an Individual Form (MU2); and Upload the following: Authority to Release Information – Form Supplemental Page – Form Personal Financial Statement – Form Note: Personal Financial Statements, whether required only	Upload in NMLS: under the Individual Document Upload Section Individual Form (MU2). *The search firm report must be submitted directly to the Department.

Updated: 01/31/2024 Page 10 of 14

Complete	TX-DOB Money Transmission License	Submitted via
	Addition or Modification of Direct or Indirect Owners Amendment Items	
	for an individual or for an individual and spouse, may include joint financial information for both spouses. Joint financial statements must be signed by both spouses.	
	Refer to the definitions contained in §152.003 for control and Key Individuals.	
	For addition information regarding change of control filings refer to Section 152.151 of the Code.	
	Supplemental form requirements for complex organizational structures will be evaluated on a case-by-case basis. Pre-submission of the organizational chart and proposed structure may be necessary to determine the applicability of various forms.	
	Search Firm Reports: Control Persons and new Key Individuals who have resided outside the U.S. at any time in the preceding 10 years must provide a search firm report prepared by an independent search firm that both meet the requirements of Section 152.105(c) of the Code. The report must be submitted directly to the Department by the search firm.	Mail to TX-DOB
	Agreement: Stock Purchase Agreement or other binding agreement to effect the sale contemplated by the application, including the purchase price.	Upload in NMLS: under the Document Type ACN Related Documents in the Document Uploads section of the Company Form (MU1).
	Pro Forma Financial Statements: Pro forma financial statements, including assumptions that show the effect on the licensee immediately on consummation and projections for the first full year of operations.	Upload in NMLS: under the Document Type ACN Related Documents in the Document Uploads section of the Company Form (MU1).
	Management Chart: Upload an updated management chart displaying the applicant's Board of Directors, Board of Managers, or any individuals that otherwise will control or direct the activities of the licensee (provide individual name and title).	Upload in NMLS: under the Document Type ACN Related Documents in the Document Uploads section of the Company Form (MU1).

Updated: 01/31/2024 Page 11 of 14

Complete	TX-DOB Money Transmission License Streamlined Acquisition of Control	Submitted via
	Streamlined Acquisition of Control processing only applies to certain acquisitions of control of a Texas licensed MSB pursuant to Section 152.152 of the Code. Such acquisitions of control do not require the prior approval of the Commissioner for a person who has complied with and received approval to engage in money services under Chapter 152 or was identified as a person in control in a previous application filed with and approved by the commissioner or by an MSB-accredited state under a multistate licensing process and meets the remaining requirements of subsection 152.152. Addition or Modification of Direct or Indirect Owners: Submit an ACN for an	NMLS
	addition or change in Direct Owners or Indirect Owners within the <i>Direct Owners/Executive Officers</i> or <i>Indirect Owners</i> sections of the Company Form (MU1) in NMLS respectively.	
	Organizational Chart: Upload an updated organizational chart showing the percentage ownership of: • Direct Owners (total direct ownership percentage must equate to 100%) • Indirect Owners • Subsidiaries and Affiliates of the applicant/licensee	Upload in NMLS: under Organizational Chart/Description in the Document Uploads section of the Company Form (MU1).
	This document should be named [Company Legal Name] Organizational Chart/Description. Please include the tax identification numbers, addresses, as well as the state/country of formation and date of formation of all entities listed above either (1) on the organizational document or (2) uploaded under separate cover.	
	Attestation: Provide a document signed by the individual or authorized representative of the company that is acquiring control of the licensee listing the subdivisions of Section 152.152(a)(1-5) as applicable and stating that the requirements thereof are met.	Upload in NMLS: under the Document Type ACN Related Documents in the Document Uploads
	This document should be named [Company Legal Name] Streamlined Acquisition of Control Attestation	section of the Company Form (MU1).

Updated: 01/31/2024 Page 12 of 14

Complete	TX-DOB Money Transmission License Addition or Modification of Other Trade Name Amendment Items	Submitted via
	Addition or Modification of Other Trade Name: Submit an amendment for an addition of or change to another Trade Name through the Company Form (MU1) in NMLS no later than the 15 th day after the date the license holder knows or has reason to know of a material change in the information reported in an application or annual report.	NMLS
Note	Addition of Other Trade Name \$0 per license. Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.	N/A
	Trade Name/Assumed Name Registration Certificates: File stamped copies of Trade Name/Assumed Name Registration Certificates must be submitted related to this change type.	Upload in NMLS: under the Document Type Trade Name/Assumed Name Registration Certificates in the Document Uploads section of the Company Form (MU1).

Complete	TX-DOB Money Transmission License Deletion of Other Trade Name Amendment Items	Submitted via
	Deletion of Other Trade Name: Submit an amendment for deletion of another Trade Name through the Company Form (MU1) in NMLS no later than the 15 th day after the date the license holder knows or has reason to know of a material change in the information reported in an application or annual report. If deleting another Trade Name, this name must be removed from the Other Trade Names section of the Company Form (MU1).	NMLS
	Trade Name/Assumed Name Registration Certificates: Remove the File stamped copies of Trade Name/Assumed Name Registration Certificates uploaded to NMLS related to this other trade name.	Remove from NMLS: Document Uploads section of the Company Form (MU1).

Updated: 01/31/2024 Page 13 of 14

Complete	TX-DOB Money Transmission License Addition or Modification of Affiliates/Subsidiaries Amendment Items	Submitted via
	Addition or Modification of Affiliates/Subsidiaries: Submit an amendment for an addition or change in Affiliates/Subsidiaries within the Company Form (MU1) in NMLS no later than the 15 th day after the date the license holder knows or has reason to know of a material change in the information reported in an application or annual report.	NMLS

Complete	TX-DOB Money Transmission License Change of Disclosure Question(s) Amendment Items	Submitted via
	Change of Disclosure Question(s): Submit an amendment for a change to Disclosure Question response(s) through the Company Form (MU1) in NMLS.	NMLS
	Changing a Response from No to Yes: Provide a complete and detailed explanation and document upload for each response that changes from "No" to "Yes" for company or each control person. See the Company Disclosure Explanations Quick Guide for instructions.	Upload in NMLS in the Disclosure Explanations section of the Company Form (MU1) or Individual Form (MU2).
	Changing a Response from Yes to No: When changing a Disclosure Question response from Yes to No, you will be required to remove the question from the associated Disclosure Explanation and provide an Amendment Reason. You must select "Add Explanation For "No" Responses" and provide an explanation for each response that changes from "Yes" to "No" for company or each control person. You must also upload a document (PDF) related to the explanation. See the Company Disclosure Explanations Quick Guide for instructions.	NMLS

Updated: 01/31/2024 Page 14 of 14