



ND Debt Settlement Service Provider New Application Checklist (Company)

CHECKLIST SECTIONS

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GENERAL INFORMATION

Who Is Required to Have This License?

Any person engaging in, or holding itself out as engaging in, the business of providing debt settlement service in exchange for any fee or compensation, or any person who solicits for or acts on behalf of any person engaging in, or holding itself out as engaging in, the business of providing debt-settlement service in exchange for any fee or compensation. “Debt-settlement service” means:

- (1)** Offering to provide advice or service, or acting as an intermediary between or on behalf of a consumer and one or more of a consumer’s creditors, where the primary purpose of the advice, service, or action is to obtain a settlement, adjustment, or satisfaction of the consumer’s unsecured debt to a creditor in an amount less than the full amount of the principal amount of the debt or in an amount less than the current outstanding balance of the debt;
- (2)** Offering to provide services related to or providing services advising, encouraging, assisting, or counseling a consumer to accumulate funds for the primary purpose of proposing or obtaining or seeking to obtain a settlement, adjustment, or satisfaction of the consumer’s unsecured debt to a creditor in an amount less than the full amount of the principal amount of the debt or in an amount less than the current outstanding balance of the debt; or
- (3)** Offering to provide advice or service, or acting as an intermediary between or on behalf of a person and a state or federal government agency where the primary purpose of the advice, service, or action is to obtain a settlement, adjustment, or satisfaction of the person’s tax obligation to the government agency in an amount less than the current outstanding balance of the tax obligation.

North Dakota Century Code Chapter 13-11.

Activities Authorized Under This License

This license authorizes the following activities...

- Debt negotiation
- Debt settlement/debt adjuster
- Debt management/credit counseling
- Other- debt

Pre-Requisites for License Applications

- A surety bond must be maintained in the amount of \$50,000.
- The applicant, managers, partners, officers, and directors have not been convicted of a felony, have not been convicted of a misdemeanor involving dishonesty or untrustworthiness, or have not been the subject of an adverse finding or adjudication in a license disciplinary or other administrative proceeding concerning allegations involving dishonesty or untrustworthiness.
- The applicant, managers, partners, officers, and directors have not had a record of having defaulted in the payment of money collected for others, including the discharge of those debts through bankruptcy proceedings.

The ND Dept. of Financial Institutions does not issue 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 [Document Upload Descriptions and Examples](#).
- Only upload documents relevant to the company application.
- Only upload documents where there is a selectable document category. If inappropriate documents are uploaded that should not be, you will be contacted by your regulator and asked to remove them from NMLS.
- 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 document previously uploaded has been revised, delete the old document and replace it with the new document (history of the old document will remain in NMLS).
- For state-specific documents (e.g., Surety Bonds), be sure to 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

Contact ND Dept. of Financial Institutions licensing staff by phone at (701) 329-9933 or send your questions via email to dfi@nd.gov for additional assistance.

For U.S. Postal Service:
ND Dept. of Financial Institutions
Non-Depository Division
2000 Schafer Street, Suite G
Bismarck, ND 58501

For Overnight Delivery:
ND Dept. of Financial Institutions
Non-Depository Division
2000 Schafer Street, Suite G
Bismarck, ND 58501

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.

LICENSE FEES - Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.

| Complete | ND Debt Settlement Service Provider | Submitted via... |
|--------------------------|--|---------------------------------|
| <input type="checkbox"/> | ND License/Registration Fee: \$400 ND Application Fee: \$400 NMLS Initial Processing Fee: \$0 | NMLS (Filing submission) |
| <input type="checkbox"/> | Credit Report for Control Persons: \$15 per control person. | NMLS (Filing submission) |
| <input type="checkbox"/> | FBI Criminal Background Check for MU2 Individual: \$36.25 per person. | NMLS (Filing submission) |

REQUIREMENTS COMPLETED IN NMLS

| Complete | ND Debt Settlement Service Provider | Submitted via... |
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| <input type="checkbox"/> | 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 |
| <input type="checkbox"/> | <p>Financial Statements: If audited financials are unavailable, upload a company financial statement prepared in accordance with Generally Accepted Accounting Principles as of the most recent fiscal year end. Financial statements should include a balance sheet, income statement, and statement of cash flows and all relevant notes thereto. If fiscal year ended 120 or more days prior to date of application, upload an unaudited financial statement as of most recent quarter end.</p> <p>If applicant is a start-up company, only an initial statement of condition (balance sheet) is required. <i>*Note: If providing consolidated financials of a parent company, the financials must include a separate breakdown of the applicant.</i></p> <p>Note: Financial statements are uploaded separately under the Filing tab and <i>Financial Statement</i> submenu link. See the Financial Statements Quick Guide for instructions.</p> | NMLS |
| <input type="checkbox"/> | <p>Other Trade Name: If operating under a name that is different from the applicant’s legal name, that name (“Trade Name”, “Assumed Name” or “DBA”) must be listed under the <i>Other Trade Names</i> section of the Company Form (MU1). North Dakota does not limit the number of other trade names.</p> <p>If operating under an “Other Trade Name”, upload the North Dakota Trade Name Registration Certificate issued by the North Dakota Secretary of State’s Office.</p> | <p>Upload in NMLS: under the Document Type <u>Trade Name/Assumed Name Registration Certificates</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>Titled: <i>ND-Debt</i></p> |

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| | | <i>Settlement Service Provider Trade Name – Assumed Name.</i> |
| <input type="checkbox"/> | Resident/Registered Agent: The Resident/Registered Agent must be listed under the <i>Resident/Registered Agent</i> section of the Company Form (MU1) and must match the information currently on record with ND Secretary of State’s Office. | NMLS |
| <input type="checkbox"/> | Primary Contact Employees: The following individuals must be entered into the <i>Contact Employees</i> section of the Company Form (MU1). <ol style="list-style-type: none"> 1. Primary Company Contact. 2. Primary Consumer Complaint Contact. | NMLS |
| <input type="checkbox"/> | Non-Primary Contact Employees: North Dakota requires that an individual(s) be identified as a Non-Primary Contact for the following areas. These contacts must be listed in the <i>Contact Employees</i> section of the Company Form (MU1). <ol style="list-style-type: none"> 1. Legal 2. Pre-Exam Contact 3. Exam Delivery/Billing Contact 4. Licensing | NMLS |
| <input type="checkbox"/> | Bank Account: Identify all bank accounts used for your debt settlement service provider activities, including operating, trust, and line or letter of credit accounts in the <i>Bank Account</i> section of the Company Form (MU1). The account(s) must be business accounts in the name of the applicant. | NMLS |
| <input type="checkbox"/> | 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 in NMLS in the <i>Disclosure Explanations</i> section of the Company Form (MU1) or Individual Form (MU2). |
| <input type="checkbox"/> | Qualifying Individual: A Qualifying Individual must be designated for North Dakota jurisdiction. This individual must be listed in the <i>Qualifying Individual</i> section of Company Form (MU1). It is recommended the Qualifying Individual be in a managerial role with three years or more industry or supervisory experience. A credit report and background check <u>will be</u> required. | NMLS |
| <input type="checkbox"/> | Individual (MU2) Attestation: Complete the Individual Form (MU2) in NMLS. This form must be attested to by the applicable individual before it is able to be submitted along with the Company Form (MU1). The following individuals, as specified below, are required to complete an MU2: <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Direct Owners: Any individual that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10% or more of stock or a class of voting security of the applicant.</p> <p>Executive Officers/Control Persons: Individuals, regardless of title, who</p> </div> | NMLS |

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| | <p>have the power, directly or indirectly, to direct the management or policies of a company by contract or otherwise. Includes: Board of Directors; President, Executive Vice President, Senior Vice President, Treasurer, Secretary, or similarly elected or appointed senior corporate officers; Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, and Chief Compliance Officer/BSA Officer.</p> <p>Indirect Owners: Any individual that directly or indirectly, has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of stock or a class of voting security of the applicant.</p> | |
| <input type="checkbox"/> | <p>Credit Report: Individuals that submitted a MU2 are required to authorize a credit report through NMLS. In addition, individuals will be required to complete an Identity Verification Process (IDV) along with an individual attestation before a license request for your company can be filed through NMLS. This authorization is made when the Individual Form (MU2) is submitted as part of the Company Form (MU1).</p> | <p>NMLS</p> |
| <input type="checkbox"/> | <p>Criminal Background Check (Fingerprints): Individuals that submitted a MU2 are required to authorize a FBI criminal background check (CBC) through NMLS. After authorizing a CBC, you must schedule an appointment to be fingerprinted if new prints are required. 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.</p> <p>See the Criminal Background Check section of the NMLS Resource Center for more information.</p> <p>Note: Please authorize access for North Dakota to view the background check prior to submitting the request.</p> | <p>NMLS</p> |
| <input type="checkbox"/> | <p>Direct Owner/Executive Officers: The following must be listed in the <i>Direct Owner/Executive Officers</i> section of the Company Form (MU1).</p> <p>Direct Owners: Any individual or entity that owns, beneficially owns, has the right to vote, or has the power to sell or direct the sale of 10% or more of stock or a class of voting security of the applicant.</p> <p>Executive Officers/Control Persons: Individuals, regardless of title, who have the power, directly or indirectly, to direct the management or policies of a company by contract or otherwise. Includes: Board of Directors; President, Executive Vice President, Senior Vice President, Treasurer, Secretary, or similarly elected or appointed senior corporate officers; Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, and Chief Compliance Officer/BSA Officer.</p> <p>Note: The applicant’s name as it appears on the Company Form (MU1) must be entered in either the Employment History section or Other Business section of each individual’s MU2 to reflect the individual’s role with the applicant.</p> | <p>NMLS</p> |
| <input type="checkbox"/> | <p>Indirect Owners: The following must be listed in the <i>Indirect Owners</i> section of the Company Form (MU1).</p> <p>Indirect Owners: Any individual or entity that indirectly owns or has the right to vote 10% or more of a class of a voting security or has the power</p> | <p>NMLS</p> |

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| | <p>to sell or direct the sale of 10% or more of stock or a class of voting security of the applicant.</p> <p>Even if indirect ownership is less than 10% of the applicant, continue up the chain of ownership listing all 25% or more owners at each level of ownership. Only once a public reporting company, a credit union, a bank or a bank holding company regulated by a Federal Banking or Credit Union Regulator, or a natural person is reached, no ownership information further up the chain of ownership need be given.</p> <p>Note: If listing a trust, identify the trustees.</p> | |
| <input type="checkbox"/> | <p>Electronic Surety Bond: Electronic Surety Bond via NMLS in the amount of \$50,000 furnished and submitted by a surety company authorized to conduct business in North Dakota.</p> <p>See the ESB Adoption Table and the ESB for NMLS Licensees page of the NMLS Recourse Center for more information.</p> <p>Note: Surety bonds submitted via the <i>Document Uploads</i> section will not satisfy this requirement.</p> | <p>Electronic Surety Bond in NMLS</p> |

| REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS | | |
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| Complete | ND Debt Settlement Service Provider | Submitted via... |
| <input type="checkbox"/> | <p>AML/BSA Policy: Upload the most recent version of Anti-Money Laundering (AML) / Bank Secrecy Act (BSA) Policy and the most recent Independent Review of the AML/BSA Program, if available.</p> | <p>Upload in NMLS: under the Document Type <u>AML/BSA Policy</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>Titled: <i>AML/BSA Policy [approval date mm-dd-yyyy] AND AML/BSA Policy Independent Review [review date mm-dd-yyyy].</i></p> |
| | <p>IT/Cybersecurity Policy: Upload the most recent version of IT/Cybersecurity Policy. The Policy should include at a minimum:</p> <ul style="list-style-type: none"> • Designated Information Security Officer • Internal policies, procedures, and controls covering information security, physical security, fraud prevention/investigation • Business continuity • Risk assessment/managing identified risks • Procedures or plan of action in the event of a security breach | <p>Upload in NMLS: under the Document Type <u>Company Staffing/Internal Policies</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>Titled: <i>IT/Cybersecurity Policy [revision date mm-dd-yyyy].</i></p> |

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| | <ul style="list-style-type: none"> • Relevant and ongoing training of employees • Program review/maintenance | |
| <input type="checkbox"/> | <p>Business Plan: Upload a business plan outlining the following information:</p> <ul style="list-style-type: none"> • Executive Summary (Overview) • Marketing strategies/Target markets • Products • Target markets • Fee schedule • Operating plan • Management/Organization structure and corporate history <p>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. If state-specific material is required, this information should be added to the existing uploaded business plan.</p> | <p>Upload in NMLS: under the Document Type <u>Business Plan</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>Titled: <i>[Company Legal Name] Business Plan.</i></p> |
| <input type="checkbox"/> | <p>Certificate of Authority/Good Standing Certificate: Upload a State-issued and approved document (typically by the Secretary of State’s office) that demonstrates authorization to do business in North Dakota.</p> | <p>Upload in NMLS: under the Document Type <u>Certificate of Authority/Good Standing Certificate</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>Titled: <i>ND Certificate of Authority OR ND Certificate of Good Standing.</i></p> |
| <input type="checkbox"/> | <p>Debt Settlement Service Provider Agreement: Upload a ND specific written contract, plan or agreement between the debt settlement service provider and a consumer for performance of debt settlement services.</p> | <p>Upload in NMLS: under the Document Type <u>Debt Management Agreement</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>Titled: <i>ND Debt Management Agreement.</i></p> |
| <input type="checkbox"/> | <p>Formation Documents: Determine classification of applicant’s legal status and submit a State certified copy of the requested applicable documentation detailed below. Original formation documents and all subsequent amendments, thereto including a list of any name changes.</p> <p>Unincorporated Association:</p> <ul style="list-style-type: none"> • By-Laws or constitution (including all amendments). | <p>Upload in NMLS: under the Document Type <u>Formation Document</u> in the <i>Document Uploads</i> section of the Company</p> |

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| | <p>General Partnership:</p> <ul style="list-style-type: none"> Partnership Agreement (including all amendments). <p>Limited Liability Partnership:</p> <ul style="list-style-type: none"> Certificate of Limited Liability Partnership; and Partnership Agreement (including all amendments). <p>Limited Partnership:</p> <ul style="list-style-type: none"> Certificate of Limited Partnership; and Partnership Agreement (including all amendments). <p>Limited Liability Limited Partnership:</p> <ul style="list-style-type: none"> Certificate of Limited Liability Limited Partnership; and Partnership Agreement (including all amendments). <p>Limited Liability Company (“LLC”):</p> <ul style="list-style-type: none"> Articles of Organization (including all amendments); Operating Agreement (including all amendments); IRS Form 2553 or IRS Form 8832 if S-corp treatment elected; and LLC resolution if authority not in operating agreement. <p>Corporation:</p> <ul style="list-style-type: none"> Articles of Incorporation (including all amendments); By-laws (including all amendments), if applicable; Shareholder Agreement (including all amendments), if applicable; IRS Form 2553 if S-corp treatment elected; and Corporate resolution if authority to complete application not in By-Laws or Shareholder Agreement, as amended, as applicable. <p>Not for Profit Corporation</p> <ul style="list-style-type: none"> Documents requested of a Corporation; and Proof of nonprofit status <ul style="list-style-type: none"> Internal Revenue Service (“IRS”) 501(c)(3) designation letter; or statement from a State taxing body or the State attorney general certifying that: (i) the entity is a nonprofit organization operating within the State; and (ii) no part of the entity’s net earnings may lawfully benefit any private shareholder or individual; or entity's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or Any of the three preceding items described, if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate. <p>Trust (Statutory)</p> <ul style="list-style-type: none"> Certificate of Trust; and Governing instrument (all amendments). | <p>Form (MU1).</p> <p>Titled: <i>Formation Documentation [Date of Creation (MM-DD-YYYY)]</i>.</p> |
| <input type="checkbox"/> | <p>Management Chart: Submit a Management chart displaying the applicant’s directors, officers, and managers (individual name and title). Must also identify compliance reporting and internal audit structure.</p> <p>Note: If the existing uploaded management chart already includes the above information, an additional document does not need to be uploaded. A company should only upload a single management chart.</p> | <p>Upload in NMLS: under the Document Type <u>Management Chart</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>Titled: <i>[Company Legal Name] Management Chart</i>.</p> |

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| <input type="checkbox"/> | <p>Organizational Chart/Description: Submit a chart showing (or a description which includes) the percentage of ownership of:</p> <ul style="list-style-type: none"> • Direct Owners (total direct ownership percentage must equate to 100%) • Indirect Owners • Subsidiaries and Affiliates of the applicant/licensee <p>Note: If the existing uploaded Organizational Chart/Description already includes the above information, an additional document does not need to be uploaded. A company should only upload a single management chart.</p> | <p>Upload in NMLS: under the Document Type <u>Organizational Chart/Description</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>Titled: <i>[Company Legal Name] Organizational Chart – Description.</i></p> |
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INDIVIDUAL (MU2) DOCUMENTS UPLOADED IN NMLS

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| <input type="checkbox"/> | <p>Credit Report Explanations: Submit a line by line, detailed letter of explanation of all derogatory credit accounts along with proof of payoffs, payment arrangements and evidence of payments made, or evidence of any formal dispute filed (documents must be dated). Accounts to address include, but are not limited to, collections items, charge offs, accounts currently past due, accounts with serious delinquencies in the last 3 years, repossessions, loan modifications, etc.</p> <p>Note: Items regarding bankruptcy, foreclosure actions, outstanding judgments or liens, or delinquent child support payments should be addressed in the <i>Disclosure Explanations</i> section of your Individual Form (MU2).</p> | <p>Upload in NMLS: under the Document Type <u>Credit Report Explanations</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p> <p>Titled: <i>Credit Report Explanations – [Individual Name – Document Creation Date].</i></p> |
| <input type="checkbox"/> | <p>Legal Name/Status Documentation: Upload legal documentation of legal name or legal status. This may be certified copies of divorce decree, marriage certificate, copy of driver’s license, passports, etc.</p> | <p>Upload in NMLS: under the Document Type <u>Legal Name/Status Documentation</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p> <p>Titled: <i>[Document Name] (Ex. Driver’s License, Marriage Certificate, etc.).</i></p> |

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| <input type="checkbox"/> | <p>Personal Financial Statement: The following individuals, as specified below, on the Company Form (MU1) are required to upload a personal financial statement.</p> <p>North Dakota does not require a specific form. Please identify Assets, Liabilities, and Net Worth.</p> <p><i>Direct Owners</i></p> <ul style="list-style-type: none"> • Provide a personal financial statement, dated no older than 30 days prior to the application date, for any individual directly owning 25% or more of the company stock. <p><i>Indirect Owners</i></p> <ul style="list-style-type: none"> • Provide a personal financial statement, dated no older than 30 days prior to the application date, for any individual indirectly owning 25% or more of the company stock. <p>Note: The Department does not require a specific form be completed. The personal financial statement should be a balance sheet identifying Assets, Liabilities, and Net Worth.</p> | <p>Upload in NMLS: under the Document Type <u>Personal Financial Statement</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p> <p>Titled: <i>ND – Personal Financial Statement.</i></p> |
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| REQUIREMENTS SUBMITTED OUTSIDE OF NMLS | | |
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| Complete | ND Debt Settlement Service Provider | Submitted via... |
| No items are required to be submitted outside of NMLS for this license/registration at this time. | | |