



VIA SECURE ELECTRONIC MAIL

October 31, 2018

Mr. Brian Kibble-Smith
VP and General Counsel
Government Payment Service, Inc.
7102 Lakeview Parkway, West Drive
Indianapolis, IN 46268
bkibblesmith@govpaynet.com

Re: Nebraska Money Transmitter License, NMLS No. 1434636

Dear Mr. Kibble-Smith:

The Nebraska Department of Banking and Finance ("Department") has approved the above referenced entity's Nebraska Money Transmitter License on the Nationwide Multistate Licensing System ("NMLS").

Please be aware that this license renews on a calendar year basis and therefore it must be renewed prior to December 31, 2018, or it will expire. The Department does not issue paper licenses. Therefore, to view your status, you will need to log into the NMLS. Consumers and lenders can also confirm your license status through the NMLS' consumer access website: <http://www.nmlsconsumeraccess.org>.

It is your responsibility to keep your NMLS filing updated throughout the license period. Keeping your NMLS filing up to date will make the renewal process much smoother.

While the following list is not all-inclusive, you should ensure that the following items in your NMLS filing are kept up-to-date:

- As the majority of communication that you will receive from the Department and from the NMLS regarding your license status and renewal will be via e-mail, you should verify that the e-mail information for all contact persons associated with your filing is kept current.
- You should ensure that any material developments relating to your company are timely reported to the Department through the NMLS.

As a new licensee, I also wanted to provide you with some information regarding the Nebraska Public Records Act, Neb. Rev. Stat. § 84-712, *et. seq.* ("the Act"). The Act requires that the Department allow the public to examine and to copy the records of the Department. The Act provides that a citizen may file a lawsuit against the Department to enforce the Act and if the plaintiff is successful, the Department is liable for the attorney fees and litigation costs. Moreover, the Act provides for potential criminal penalties for any official who violates the Act. Therefore, the Act creates a strong presumption that documents in the Department's possession are available to the public.

The Act does recognize that there are certain records for which public disclosure may not be appropriate. Neb. Rev. Stat. § 84.712.05 describes documents which may be withheld from the public. Importantly, this section does not require that the Department not release these documents, but gives the Department the discretion to keep such records confidential. Op. Ag. Gen. No. 94080 (October 14, 1994).

Since the Act clearly establishes a public policy favoring disclosure of public documents, the Department is reluctant to exercise its discretion to withhold documents from public disclosure, with the exception of certain information deemed confidential. Please note that the Department does not take the position that an applicant's entire record or licensing file is confidential.

Records that are deemed confidential include:

- bank account information
- employer IRS identification numbers
- individual confidential information including social security numbers, date of birth, state of birth, residential addresses, state of government issued identification and the corresponding identification number and information regarding individual passports
- Individual Financial Statements unless the applicant is a sole proprietor, in which case only personal account identifiers are deemed confidential
- AML/BSA Policies
- Internal work papers, memoranda, notes, or similar materials of the Department staff relating to a licensee or applicant

Due to the timeframe required for providing a response to public records requests, the Department is unable to comply with requests that advance notice be provided prior to releasing any documents. Marking a document as confidential or placing any verbiage requesting confidentiality on a document does not exempt the document from a public records request. A request for confidential treatment is not binding upon the Department and does not relieve the Department from compliance with the Act. The Department has a statutory obligation to comply with the Act and will do so.

If you have questions about the procedure to amend your forms in the system, please call the NMLS Call Center at (855) 665-7123, for other questions please contact me at (402) 471-2171 or via email, at John.E.Jensen@Nebraska.gov.

Sincerely,



John (Jack) E. Jensen
Senior Staff Attorney