



# BUSINESS ACTIVITY DEFINITIONS

Business Activities are generic, non-legal definitions of a financial services activity that reasonably describes the activity. No activity can be covered by more than one definition.

When applying for a license, applicants should review this document in its entirety and make sure to select all business activities that they intend to perform under their business model.

This document is broken into the following four sections:

**Mortgage**

**Consumer  
Finance**

**Debt**

**Money  
Services**

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Mortgage	Definition
<b>Appraisal management services</b>	Administering an appraiser panel, including recruitment, selection, and retention of appraisers; contracting with appraisers to perform appraisals; managing the appraisal process; and/or reviewing the work of appraisers.
<b>Commercial mortgage brokering or lending</b>	Acting as a broker or lender for mortgages secured by real property where the financing is for commercial purposes only.
<b>Credit insurance services</b>	Offering or selling an insurance policy to a borrower that pays off one or more existing debts secured by real property in the event of death, disability, or unemployment.
<b>First mortgage brokering</b>	Providing the service of bringing borrowers and lenders together and assisting in negotiating a mortgage loan that gives the mortgagee a security right over all other mortgages of the mortgaged property.
<b>First mortgage lending</b>	Acting as a lender or creditor by offering to provide funds to a borrower for a mortgage loan that gives the mortgagee a security right over all other mortgages of the mortgaged property.
<b>First mortgage servicing</b>	Providing services which include the receipt of payments, customer service, escrow administration, investor accounting, collections, or foreclosures for first mortgages the company holds/owns.
<b>Foreclosure consulting/foreclosure rescue</b>	<p>Directly or indirectly making a solicitation, representation or offer to a homeowner to perform, for or with the intent to receive compensation from or on behalf of the homeowner, a service that the solicitation, representation or offer indicates will accomplish one or more of the following:</p> <ul style="list-style-type: none"> <li>a) Prevent, postpone or stop a foreclosure sale.</li> <li>b) Obtain forbearance from a beneficiary or mortgagee.</li> <li>c) Assist the homeowner in exercising a right of redemption.</li> <li>d) Obtain an extension of the period within which the homeowner may reinstate the homeowner's obligation.</li> <li>e) Obtain the waiver of an acceleration clause that is: <ul style="list-style-type: none"> <li>A. Contained in a promissory note or contract; and</li> <li>a. Secured by or contained in a deed of trust for, or mortgage on, a residence in foreclosure or in default.</li> </ul> </li> <li>f) Assist the homeowner in obtaining a loan or advance of funds.</li> </ul> <p>Avoid or ameliorate an impairment of the homeowner's credit resulting from a recorded notice of foreclosure or default.</p>

<b>High cost home loans – Broker</b>	Acting as a broker on a loan which meets the definition of a high cost home loan under state or federal law.
<b>High cost home loans – Lender</b>	Acting as a lender on a loan which meets the definition of a high cost home loan under state or federal law.
<b>Home equity lending/lines of credit - Broker</b>	Acting as a broker for an open-end loan, usually recorded as a second mortgage, that permits borrowers to obtain cash advances on an approved line of credit.
<b>Home equity lending/lines of credit - Lender</b>	Acting as a lender for an open-end loan, usually recorded as a second mortgage, that permits borrowers to obtain cash advances on an approved line of credit.
<b>Lead generation</b>	Loan solicitation without origination.
<b>Manufactured housing financing - Broker</b>	Acting as a broker in financing of a dwelling unit that is constructed off-site before moving to the set location where the property would reside.
<b>Manufactured housing financing – Lender</b>	Acting as a lender in financing of a dwelling unit that is constructed off-site before moving to the set location where the property would reside.
<b>Master servicing</b>	Directly or indirectly holding the rights to service mortgage loans, but not actually conducting the servicing activities associated with the loans.
<b>Mortgage loan modifications</b>	Negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform a mortgage loan modification which is defined as a change in one or more of a loan's terms or conditions.
<b>Mortgage loan purchasing</b>	Purchasing closed mortgages (that are not currently in default) with the intent to service or resell to others.
<b>Reverse mortgage brokering</b>	Acting as a broker for a loan secured by a lien on residential real estate in which the homeowner is not required to make payments on the loan until a specific event occurs (e.g., homeowner ceases to reside in the property).
<b>Reverse mortgage lending</b>	Acting as a lender for a loan secured by a lien on residential real estate in which the homeowner is not required to make payments on the loan until a specific event occurs (e.g., homeowner ceases to reside in the property).
<b>Reverse mortgage servicing</b>	Acting as a servicer for a loan secured by a lien on residential real estate in which the homeowner is not required to make payments on the loan until a specific event occurs (e.g., homeowner ceases to reside in the property).

<b>Second mortgage brokering</b>	Providing the service of bringing borrowers and lenders together and assisting in negotiating a mortgage loan that has subordinate rights to a first mortgage.
<b>Second mortgage lending</b>	Acting as a lender or creditor by offering to provide funds to a borrower for a mortgage loan that has subordinate rights to a first mortgage.
<b>Short sale</b>	Making or facilitating a sale of residential property for an amount that is less than the remaining amount due on the loan that the residential property secures.
<b>Subordinate lien mortgage servicing</b>	Providing services which include the receipt of payments, customer service, escrow administration, investor accounting, collections or foreclosures for subordinate lien mortgages the company holds/owns.
<b>Third party first mortgage servicing</b>	Providing services which include the receipt of payments, customer service, escrow administration, investor accounting, collections, or foreclosures for first mortgages the company does not hold/own.
<b>Third party mortgage loan processing</b>	Completing the mortgage loan application and supporting documentation for underwriting for an application your company did not take from the borrower.
<b>Third party mortgage loan underwriting</b>	Underwriting a mortgage loan application and supporting documentation for an application your company did not take from the borrower nor are funding.
<b>Third party subordinate lien mortgage servicing</b>	Providing services which include the receipt of payments, customer service, escrow administration, investor accounting, collections, or foreclosures for subordinate lien mortgage the company does not hold/own.

<b>Consumer Finance</b>	<b>Definition</b>
<b>Accounting/Billing servicing</b>	Providing a billing and/or accounting service to a company.
<b>Commercial financing (Lending/Brokering)</b>	<p>(1) Acting as a lender or creditor by providing or offering to provide open-end, closed-end, sales-based, factoring, or other form of financing transaction, and where the financing is for commercial purposes only and not secured by real property; or</p> <p>(2) Acting as a broker by providing or offering to provide the service of bringing borrowers and lenders or creditors together to assist in negotiating financing for commercial purposes only that is not secured by real property.</p>
<b>Commercial mortgage servicing</b>	Providing services which include the receipt of payments, customer services, escrow administration, investor accounting, and collections or foreclosures for mortgages secured by real property where the financing is for commercial purposes only.
<b>Consumer loan brokering</b>	Providing the service of bringing borrowers and lenders together to assist a borrower obtain funds for personal, family or household purposes not including loans secured by real property.
<b>Consumer loan lending</b>	Acting as a lender or creditor by offering to provide or providing funds to a borrower primarily for personal, family or household purposes not including loans secured by real property.
<b>Consumer loan servicing</b>	Providing services which include the receipt of payments, customer service, escrow administration, investor accounting, and collections for consumer loans (not including loans secured by real property).
<b>Consumer reporting agency</b>	Any person who, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which may use any means or facility of commerce for the purpose of preparing or furnishing consumer reports.

<b>Escrowing agents</b>	Any transaction for the purpose of effecting and closing the sale, purchase, exchange, transfer, encumbrance, or lease of real or personal property to another person or persons, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person to be held by such third person until the happening of a specified event or the performance of a prescribed condition or conditions, when it is then to be delivered by such third person, in compliance with instructions under which he or she is to act, to a grantee, grantor, promisee, promisor, obligee, obligor, lessee, lessor, bailee, bailor, or any agent or employee thereof.
<b>Non-Depository ATM operation</b>	Providing a non-depository automated teller machine (ATM) for which the person or entity imposes a fee on, or receives a fee from, a customer using the ATM.
<b>Non-private student loan lending</b>	Acting as a lender by providing funds for a loan guaranteed by the federal government to an individual for higher education purposes.
<b>Non-private student loan servicing</b>	Providing services which include the receipt and application of borrower payments and other administrative services with respect to a loan to an individual to finance education or other school related expenses which is guaranteed by the federal government.
<b>Pawn brokering</b>	Acting as a lender by providing money on a deposit or pledge or taking other personal property items into possession as security for money advanced or publicly exhibiting signs that money is to be loaned on things on deposit.
<b>Payday lending – online</b>	Over the internet, providing a smaller-dollar unsecured consumer loan, which typically is for a consumer's liquidity and due in a short period of time (i.e., generally less than 120 days) or payable in a single installment, and includes engaging in a deferred presentment transaction.
<b>Payday lending – storefront</b>	Providing, at any physical location, a smaller-dollar unsecured consumer loan, which typically is for a consumer's liquidity and due in a short period of time (i.e., generally less than 120 days) or payable in a single installment and includes engaging in a deferred presentment transaction.
<b>Precious metals dealing</b>	Engaging in the business of purchasing, selling, or trading articles made of or containing gold, silver, platinum, or other precious metals or jewels.

<b>Premium finance company activities</b>	Entering into agreements by which an insured or prospective insured promises to pay to an insurance premium finance company the amount advanced or to be advanced under the agreement to an insurer or to an insurance agent or broker in payment of premiums on an insurance contract together with a service charge.
<b>Prepaid Funeral Plan Providers</b>	Offering prepaid funeral plans that provide funeral or cemetery merchandise or services.
<b>Private student loan lending</b>	Acting as a lender by providing funds for a loan not guaranteed by the federal government to an individual for higher education purposes.
<b>Private student loan servicing</b>	Providing services which include the receipt and application of borrower payments and other administrative services with respect to a loan to an individual to finance education or other school related expenses which is not guaranteed by the federal government.
<b>Property Assessed Clean Energy (PACE) Program Administrator</b>	Administer financing for energy efficient property improvements on behalf of a local government entity.
<b>Property tax lending</b>	Offering, negotiating, transacting, making, or servicing an advance of money on behalf of property owners for the purpose of paying property tax payments for which the lender receives a lien on the property allowing the lender to foreclose on the property if the owner defaults on the loan.
<b>Refund anticipation lending</b>	Offering a loan to a taxpayer based on the taxpayer's anticipated federal income tax refund.
<b>Rent-to-own</b>	Providing a rental purchase in which property is leased for a payment (weekly/monthly) with the ability to purchase at some point in time.
<b>Retail installment selling</b>	Selling or assigning retail installment contracts.
<b>Sales finance company activities – general</b>	Providing financing to one or more retail buyers or purchasing retail installment contracts from one or more retail sellers in connection with products other than motor vehicles.
<b>Sales finance company activities – motor vehicles</b>	Providing financing to one or more retail buyers or purchasing retail installment contracts from one or more retail sellers in connection with motor vehicles.
<b>Title lending</b>	Providing a loan to a borrower that is secured by a nonpurchase money security interest in titled personal property.

Debt	Definition
<b>Active debt buying (undertakes direct collections on accounts)</b>	Purchasing debt from another which is in default at the time of purchase or acquisition and undertaking activity to directly collect on the debt.
<b>Bi-weekly payment processing services</b>	Offering or selling a service which allows a borrower to enter into a repayment plan that requires payments every two weeks to help repay the loan over a shorter amount of time.
<b>Credit repair</b>	Selling, providing or performing services to improve any consumer's credit record, credit history or credit rating, or providing advice or assistance to any consumer with regard to his credit record, credit history or credit rating.
<b>Debt management/credit counseling</b>	Receiving money, or offering to receive money, from debtors for application or payment to or prorating of a debt owed to, any creditor or creditors of such debtor; or providing, or offering to provide, counseling or other services to debtors in the management of their debts, or contracting with the debtor to affect the adjustment, compromise, or discharge of any account, note or other indebtedness of the debtor.
<b>Debt negotiation</b>	Acting on behalf of consumer debtors for or with the expectation of a fee, commission, or other valuable consideration to help clear debts by entering into direct negotiations with creditors in order to facilitate the repayment of debts.
<b>Debt settlement/debt adjuster</b>	For or with the expectation of a fee, commission or other valuable consideration, entering into an agreement with a debtor agreeing to distribute, supervise, coordinate, negotiate, or control the distribution of money or evidences thereof among one or more of the debtor's creditors in full or partial payment of the obligations of the debtor and including services as an intermediary between a debtor and one or more of the debtor's creditors for the purpose of obtaining concessions.
<b>First party debt collection</b>	Directly or indirectly collecting or receiving payment for your own delinquent accounts, bills, claims, or other indebtedness (not including mortgage indebtedness).
<b>Judgment recovery</b>	Collecting monies owed by delinquents or defaulting parties under judgments.
<b>Non-mortgage loan modifications</b>	Negotiating, attempting to negotiate, arranging, attempting to arrange, or otherwise offering to perform a non-mortgage loan modification which is defined as a change in one or more of a loan's terms or conditions.
<b>Passive debt buying (does not undertake direct collections on accounts)</b>	Purchasing debt from another which is in default at the time of purchase or acquisition and engaging only in the practice of purchasing delinquent consumer debts for investment purposes without undertaking any activities to directly collect on the debt.



<b>Repossession agency activities</b>	Any person who through a designated repossession agent engages in business or accepting employment to locate or recover collateral that has been sold under a security agreement or used as security in a loan transaction including any secured party that utilizes its employees to repossess collateral.
<b>Repossession agent activities</b>	An individual who physically obtains possession of collateral for a secured party and engages in the above noted activity.
<b>Third party debt collection</b>	Directly or indirectly collecting or receiving payment for others of any delinquent account, bill, claim or other indebtedness (not including mortgage indebtedness).

<b>Money Services</b>	<b>Definition</b>
<b>Bill paying</b>	Transferring funds from one location to another, by electronic devices or otherwise, for the acceptance of funds for bill payment when the bill payee does not have a contractual agreement with the service provider.
<b>Check cashing</b>	Accepting checks or monetary instruments in return for currency or a combination of currency and other monetary instruments or other instruments.
<b>Electronic money transmitting</b>	Accepting or instructing to be delivered currency, funds, or other value, such as stored value, that substitutes for currency to another location or person by electronic means, such as mobile-to-mobile payments.
<b>Foreign currency dealing or exchanging</b>	Accepting the currency, or other monetary instruments, funds or other instruments denominated in the currency, of one or more countries in exchange for the currency, or other monetary instruments, funds, or other instruments denominated in the currency of one or more countries.
<b>Issuing and/or selling drafts</b>	Issuing and/or selling either a negotiable instrument or non-negotiable instrument denominated in United States or foreign currency.
<b>Issuing money orders</b>	Being ultimately responsible for payment of money orders as the drawer of such instruments or a money transmitter that has the obligation to guarantee payment of a money transfer.
<b>Issuing prepaid access/stored value</b>	Prepaid access/stored value is defined as accepting currency, funds or other value that substitutes for currency that has been paid in advance and can be retrieved or transferred at some point in the future through an electronic device or vehicle such as a card, code, electronic serial number, mobile identification number or personal identification number. This may include both "open loop" prepaid access (a type of prepaid access that can be used in transactions at any accepting retail location) and "closed loop" prepaid access (a type of prepaid access that can only be used in transactions involving a defined merchant or location or set of locations).
<b>Issuing traveler's checks</b>	Being ultimately responsible for payment of traveler's checks as the drawer of such instruments or a money transmitter that has the obligation to guarantee payment of a money transfer.
<b>Payroll processing services</b>	Receiving money for transmission pursuant to a contract with a person to deliver wages or salaries, make payment or payroll taxes to state and federal agencies, make payments relating to employee benefits plans, or make distributions of other authorized deductions from wages or salaries. The definition does not include an employer performing payroll processing services on its own behalf or on behalf of its affiliate, or a professional employment organization subject to regulation under other applicable state law.

<b>Selling money orders</b>	Operating a business that money order issuers authorize, through written agreement or otherwise, to sell the issuer's money orders or send and receive the issuers transfer services.
<b>Selling prepaid access/stored value</b>	Prepaid access/stored value is defined as accepting currency, funds or other value that substitutes for currency that has been paid in advance and can be retrieved or transferred at some point in the future through an electronic device or vehicle such as a card, code, electronic serial number, mobile identification number or personal identification number. This may include both "open loop" prepaid access (a type of prepaid access that can be used in transactions at any accepting retail location) and "closed loop" prepaid access (a type of prepaid access that can only be used in transactions involving a defined merchant or location or set of locations).
<b>Selling traveler's checks</b>	Operating a business that traveler's check issuers authorize, through written agreement or otherwise, to sell the issuer's traveler's checks or send and receive the issuer's transfer services.
<b>Transporting currency</b>	Engaging in the physically transportation of currency.
<b>Virtual currency exchanging and trading services</b>	Buying and selling virtual currency as a customer business on the company's own account; providing services allowing for the conversion or exchange of (1) fiat currency or other value into virtual currency, or (2) virtual currency into fiat currency or other value, or (3) one form of virtual currency into another form of virtual currency; including offering an online digital currency exchange and/or trading platform.

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