



**BRAD LITTLE**  
Governor

**PATRICIA R. PERKINS**  
Director

January 11, 2021

**Via Electronic Mail**

RE: Idaho Money Transmitter Act Request for No-Action Position

Dear \_\_\_\_\_ :

We are in receipt of your correspondence of October 26, 2020 wherein \_\_\_\_\_ requests determination regarding an “agent of the payee” exemption from the licensing requirements of the Idaho Money Transmitters Act (“IMTA”). Because there is no corresponding exemption for an “agent of the payee” in Idaho, we consider this a request for a no-action position in this matter.

Based on our review of the information provided in your correspondence including the Master Service Agreement, the \_\_\_\_\_ Services Agreement, and the IRS Contract with amendment, the Department has determined to take a no-action position pertaining to the licensing provisions of the IMTA. Our no-action position extends to those agreements in which \_\_\_\_\_ has an executed representative agreement containing the specific language cited under Section 4.5 of the \_\_\_\_\_ Master Service Agreement. This determination is based on our understanding that \_\_\_\_\_ will operate pursuant to formal agreements with institutions and consumers in which an agent relationship is created and provide that payments to \_\_\_\_\_ satisfy the obligation of the sender.

As a matter of clarification, this no-action position excludes the agreements in which \_\_\_\_\_ is appointed as an agent, but the obligation of the payee is not extinguished upon payment to \_\_\_\_\_. This arrangement is detailed in page four of your correspondence referring to the Service agreement, Section 14.6.

The Department’s no-action position is based solely your representations of \_\_\_\_\_ s activities. Different facts may result in a different conclusion. This letter should not be construed as a finding that licensure is not required in other jurisdictions.

**SECURITIES BUREAU**  
Bureau Chief – Patricia Highley  
800 Park Blvd, Suite 200, Boise, ID 83712  
Mail To: P.O. Box 83720, Boise ID 83720-0031  
Phone: (208) 332-8004 Fax: (208) 332-8099  
<http://finance.idaho.gov>

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If you require further assistance with respect to this matter, please contact the undersigned at [Jennifer.Biretz@finance.idaho.gov](mailto:Jennifer.Biretz@finance.idaho.gov) or at (208)332-8081.

Sincerely,

*Jennifer Biretz*

Jennifer Biretz, Supervisor  
Securities Bureau

RECEIVED

NOV 02 2020

DEPARTMENT OF FINANCE  
STATE OF IDAHO

October 26, 2020

*VIA CERTIFIED MAIL*

Idaho Department of Finance  
Attn: Patty Highley, Senior Security Analyst  
800 Park Boulevard, Suite 200  
Boise, ID 83712

**RE: Request for No Action Opinion:**

Dear Ms. Highley:

On June 10, 2019, we mailed you a letter seeking confirmation that our client \_\_\_\_\_ or \_\_\_\_\_ (formerly known as \_\_\_\_\_ or \_\_\_\_\_) may rely upon the Agent of Payee Exemption. We are following up to see if you or your office need any additional information from \_\_\_\_\_ to make a determination.

Since our June 2019 request, \_\_\_\_\_'s IRS Contract was amended to include "agent of the payee" language, which makes specific references to the "taxpayer" and the defined terms in the IRS contract. This has been labeled as Attachment D and amends Attachment C to our original letter, also attached for your quick reference. I am also attaching an example "Confirmation of IRS Payment" provided to the Customer following submission of payment to the IRS through \_\_\_\_\_'s system, which has been labeled as Attachment E.

Please do not hesitate to contact me or \_\_\_\_\_ if we can provide more information.

Best regards,

Enclosures

cc: