



IDAHO
DEPARTMENT OF FINANCE

C. L. "BUTCH" OTTER
Governor

GAVIN M. GEE
Director

April 7, 2008

Re: Money Transmission Licensing Inquiry

Dear :

Your undated letter was received by the Department of Finance on March 31, 2008. The letter seeks guidance regarding the applicability of the Idaho Money Transmitters Act to the activities described in the letter.

The brief narrative provided in your letter does not appear to provide sufficient information for us to provide an informed opinion at this time. For example, will your firm locations act as a loading point for reloadable stored value cards? Are these one-time only face-value cards?

Generally speaking, the Department has been of the historical view that stored value instruments represent a form of "payment instrument" as defined at Idaho Code §26-2902(13). Additionally, Idaho Code §26-2902(11) defines money transmission to include "the sale or issuance of payment instruments...by any or all means." Finally, the exemption for banks under the Idaho Money Transmitters Act only applies to the bank, "provided that they do not issue or sell payment instruments through authorized delegates who are not banks..."

We invite you to provide additional details, analysis or legal reasoning regarding your Idaho activities relative to the offer and sale of these payment instruments so that we might provide you with appropriate guidance.

We will continue to process your inquiry upon receipt of the information requested above. Should you have any questions or need additional information, please feel free to contact the undersigned at (208) 332-8080.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Burns", followed by a horizontal line.

James A. Burns
Investigations Chief

SECURITIES BUREAU
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>

PROTECTING THE INTEGRITY OF IDAHO FINANCIAL MARKETS

RECEIVED

2009 MAR 31 AM 11:45

STATE OF IDAHO
DEPT OF FINANCE

State of Idaho
Consumer Finance
800 Park Blvd., Suite 200
Boise, ID 83712

RE: Question Regarding Licensing
Money Transmitter

To Whom It May Concern:

(the "Company") is a licensed deferred presentment lender. The Company is contemplating marketing and distributing stored value cards (the "Cards") issued by a federally chartered savings institution and administered by a program processor.

The Company's limited role is the marketing of the Cards. The Company may receive certain fees generated from the customers' ongoing usage of the cards. The Company will not hold or control the funds loaded on the Cards by its customers.

In the role described above, the Company seeks affirmation it does not need to be licensed as a Money Transmitter or Money Services Business.

Please contact _____, Licensing Manager at _____ or _____ if there are any further questions.

Sincerely,