



Dipáttamenton Kontribusion yan Adu'ána

DEPARTMENT OF

# REVENUE AND TAXATION

GOVERNMENT OF GUAM

Gubetnamenton Guåhan

FELIX P. CAMACHO, Governor Maga'låhi  
MICHAEL W. CRUZ, MD, Lt. Governor Tlåtente Gubetnadot

ARTEMIO B. ILAGAN, Director  
Direktor  
PAUL J. PABLO, Deputy Director  
Segundo Direktor

## SECURITIES BROKER-DEALER REGISTRATION CHECKLIST

1. REGISTRATION APPLICATION FORM (FCN 2-2-154) (must be typewritten)
2. CONSENT TO SERVICE OF PROCESS
3. FOCUS REPORT OR AUDITED FINANCIAL STATEMENT
4. FORM BD AND ALL SCHEDULES OF FORM BD
5. TAX CLEARANCE
6. APPLICATION FEE OF \$200.00 PAYABLE TO TREASURER OF GUAM
7. COPY OF CERTIFICATE OF AUTHORITY (registration of the company as a foreign entity in Guam is required for new applicant)

**NOTE:** Department of Revenue and Taxation forms are available at website:

[www.guamtax.com](http://www.guamtax.com) with link

[http://www.govguamdocs.com/revtax/index\\_revtax.htm](http://www.govguamdocs.com/revtax/index_revtax.htm)

**ISBRE use only:**

Receipt # \_\_\_\_\_ Amount \$ \_\_\_\_\_ Receipt Date \_\_\_\_\_

REGISTRATION NO: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_

- FX-1 Application for Foreign Exchange License
- FX-2 Application for Foreign Exchange Agent
- FX-3 License and Agent Financial Statement
- FX-4 Receipt forms for the Sale of Foreign Currency Notes
- FX-5 Receipt forms for the Transmittal of Money
- FX-6 Deposit Agreement in Lieu of Bond
- FX-7 Security Bond
- FX-8 Appointment of Agent of Foreign Exchange
- FX-9 Renewal Application for Foreign Exchange License

**Please submit the following documents:**

If applicant is a corporation-Articles of incorporation.

If applicant is a partnership, association or corporation –  
police clearance for all the incorporators, partners,  
registered agents and authorized individuals to act on behalf  
of the license. (Note: Police Clearance from the State of Domicile)

Sole Proprietor-Police clearance for the owner of the business,  
registered agents and individuals authorized to act on behalf of  
the business.

# "OUTLINE FOR FOREIGN EXCHANGE"

## I DEFINITION OF TERMS

When the terms listed below are used, the following meanings shall apply to the terms listed below relative to the rules, forms, instructions and orders of the Banking Commissioner.

- A. **ACT**  
This outline applies to Article IV which is a new article under the Banking Law of Guam enacted to regulate activities in foreign exchange.
- B. **DIVISION**  
The regulatory agency responsible for the implementation of this outline herein set forth shall be the Division of Insurance, Securities, Banking & Real Estate, Department of Revenue and Taxation, Government of Guam.
- C. **APPLICATION**  
An application for a foreign exchange license or registration of an agent shall be submitted on forms prescribed by the Commissioner and contain such other information as the Commissioner may require.
- D. **APPLICANT**  
A person executing an application for foreign exchange license, or registration as an agent.

## II FILING, FEES AND FORMS

- A. **FILING**  
An application is filed when it is received in the office of the Commissioner.
  - 1. Address or deliver all communications and inquiries to:
    - Banking Commissioner
    - Government of Guam
    - P.O. Box 23607
    - G.M.F., Guam 96921
  - 2. All receipt forms used shall be printed and pre-numbered and consist of at least two (2) copies.

3. All documents filed shall become a part of the records of the Commissioner.

**B. FEES**

All fees must accompany the application and are payable by check or money order to the Treasurer of Guam.

1. Foreign Exchange License fee payable annually on or before July 1<sup>st</sup>. Initial and renewal \$250.00.
2. Registration of Agent.  
Initial and Renewal \$25.00.
3. All original license fees are prorated and one-fourth (1/4) of the annual fee charged for each quarter or portion of a quarter remaining in the fiscal year from date of issuance.

**C. FORMS**

The requirements and instructions contained in the forms adopted under the provisions of the Act shall have the same force and effect as rules designated as such.

The following forms are adopted and approved for filing with the Commissioner.

- FX-1 Application for Foreign Exchange License
- FX-2 Application for Foreign Exchange Agent
- FX-3 License and Agent Financial Statement
- FX-4 Receipt forms for the Sale of Foreign Currency Notes
- FX-5 Receipt forms for the Transmittal of Money
- FX-6 Deposit Agreement in Lieu of Bond
- FX-7 Security Bond
- FX-8 Appointment of Agent of Foreign Exchange
- FX-9 Renewal Application for Foreign Exchange License

**III**

**REQUISITES AND PROCEDURES FOR THE REGISTRATION  
AND OPERATION OF LICENSE AND AGENT**

Any person may be registered as licensee and agent under the Act, if the Commissioner finds that the applicant is qualified, has sufficient

training, knowledge and experience in the foreign exchange business. is of good repute and has otherwise fully satisfied the requirements of the Act and the rules thereunder.

A. GENERAL PROVISIONS

1. Applicant must have attained the age of 18 years.
2. A partner, officer or director of a licensee, or any person occupying a similar status, or performing similar functions who represents a licensee in effecting or attempting to effect sales of foreign currency notes or the transmittal of money in Guam must be registered as an Agent.
3. No person shall engage in the business of selling foreign currency notes or engage in the business of receiving money for the purpose of transmitting the same or its equivalent to foreign countries, or the United States without first obtaining a license from the Commissioner.
4. Every licensee shall file with the Commissioner, a Certified Copy of every receipt form to be used for selling foreign currency notes or for money received for transmission.
5. Every licensee shall pay initial and renewal fee annually on or before July 1<sup>st</sup>, a license fee of \$250.00.
6. Every agent shall pay initial and renewal fee annually on or before July 1<sup>st</sup>, a registration fee of \$25.00.
7. Every licensee before engaging in the business of transmitting money shall deposit fifty thousand dollars (\$50,000.00) in lawful money with the Treasurer of Guam, or securities having a market value of at least \$50,000.00 or post surety bond on the form prescribed by the Commissioner in the sum of \$50,000.00. All bonds shall be executed by a corporate surety approved and authorized to do business in Guam satisfactory to the Commissioner.
8. No licensee shall charge a fee for selling or cashing checks, including travelers' checks, drafts, or money orders within the United States by an instrument or order drawn upon and directed to the person receiving the money for transmission, except travelers' checks, in excess of one-half of one percent

(1/2 of 1%) of the face amount thereof or fifty cent (\$0.50), whichever is greater.

**B. APPLICATION**

An application for original or renewal registration shall be filed on the appropriate form prescribed by the Commissioner.

1. Application shall be accompanied by the license fee, a certified copy of a receipt from to be used, security bond or security deposit, and financial statement.
2. Application for registration as an agent shall be accompanied by the registration fee, appointment of Agent by the licensee executed by the licensee.

**C. RECORDS REQUIRED OF LICENSEE AND AGENTS.**

Every Licensee or Agent shall make and keep current the following books and records.

1. Journal (or other records of original entry) containing an itemized daily record of all sale of foreign currency notes, and the transmittal of money, all receipts and purchases, and all other debits and credits. Such record shall show the account for which each such transaction was effected, the name and amount of transaction, the date of sale price, and the name of other designation of the person from whom purchased or received or to whom sold or delivered.
2. Ledgers (or other records) reflecting all assets and liabilities, income, fees and expense and capital accounts.
3. All receipt forms executed shall be kept for three (3) years.

**D. EFFECTIVENESS AND POST-EFFECTIVE REQUIREMENTS**

1. Filing will be considered complete when the application with all attachments have been satisfactorily completed and filed with the Division, and has been approved by the Commissioner.
2. Every foreign exchange license expires on the 1<sup>st</sup> day of July following the date of issuance, without notification by the Commissioner. Renewal application by the licensee must be filed with the Division on or before the 15<sup>th</sup> day of June prior to the expiration date.

- 3. Every agent of a licensee shall file application for renewal annually on or before July 1<sup>st</sup>.

E. DENIAL, SUSPENSION AND REVOCATION.

Grounds for denial, suspension or revocation of foreign exchange license shall be in the public interest, but not be limited to, the following, in addition to such other dishonest and unethical practices.

- 1. Unreasonable delay or failure to execute orders, or in making delivery of money purchased or remittance.
- 2. Using a receipt form a certified copy, of which has not first been filed and approved by the Commissioner.
- 3. Operating a foreign exchange business while being unable to meet current liabilities, using customers funds for other purposes, or violating any rule or order relating to bond, and record-keeping.
- 4. Operating a foreign exchange business without a license.

F. EXEMPTED

The provisions of this rule shall not apply to a bank or trust company or a foreign banking corporation licensed to do business in this Territory under the provisions of Title XXXI of the Government Code of Guam or the receipt of money by an agent of an incorporated telegraph company at any regular office by such company for immediate transmission by telegraph.

**IV  
HEARINGS**

All hearings arising under the provisions of Section 109101 through 109123, both inclusive, of the Act shall be in accordance with the procedural provisions respecting Administrative hearings as provided under the provisions Title 11, Guam Code Annotated, or as otherwise provided by law.

**DIVISION OF INSURANCE, SECURITIES, BANKING  
& REAL ESTATE**

**DEPARTMENT OF REVENUE AND TAXATION  
GOVERNMENT OF GUAM**

**P.O. BOX 23607  
G.M.F., Guam 96921**

(License Fee \$<sup>500.00</sup>~~250.00~~)

**APPLICATION FOR FOREIGN EXCHANGE LICENSE**

The understand, an applicant for license for a Foreign Exchange Business, submits the following information to the Commissioner of Banking as required by Section 109102, Foreign Exchange Act of Guam. *(Must be type written).*

- For the Sale of Foreign Exchange Notes only
- For the Transmittal of Money only
- Both (Listed Above)

1. Full name of Applicant: \_\_\_\_\_ Age: \_\_\_\_\_

2. Resident and Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

3. Business Address: \_\_\_\_\_

4. If applicant is a partnership or association, give the name of all members thereof; if a corporation, the names and address of all offices of the Corporation:

NAME	TITLE	ADDRESS
------	-------	---------

NAME	TITLE	ADDRESS
------	-------	---------

NAME	TITLE	ADDRESS
------	-------	---------

NAME	TITLE	ADDRESS
------	-------	---------

5. List the names of all agents who are to be authorized to act under this license:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Have you or any person listed under Item No. 4 or 5 ever been convicted of a felony? \_\_\_\_\_ Yes \_\_\_\_\_ No. If answer is yes, a letter of explanation, in detail, must accompany application.

7. Are you, and each person under Item No. 4 or 5, familiar with the Foreign Exchange Laws of Guam, and do you agree to conduct your business in accordance therewith? \_\_\_\_\_ Yes \_\_\_\_\_ No.

8. Have you or any person listed under Item No. 4 or 5, ever been denied or had a license suspended or revoked prior to this application by any State or Territorial Government? \_\_\_ Yes \_\_\_ No. If Yes, attach a complete statement of facts in respect thereto.

9. Is applicant, or any person listed under Item No. 4 or 5, engaged in any other business, either full-time or part-time? \_\_\_ Yes \_\_\_ No. If yes, what is the nature of the other business? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

10. Have you sufficient funds for security deposit with the Treasurer of Guam of \$50,000.00 as required under Section 109114 of the Foreign Exchange Act? Or Security bond as required under Section 10113 of the Foreign Exchange Act? \_\_\_ Yes \_\_\_ No.

11. Current financial Statement must be attached to this application.

12. If applicant has never been licensed for a foreign exchange, state extend of knowledge of the business of selling foreign exchange monies, or transmittal of money.

13. Have you filed a certified copy of a receipt form to be used as required under Section 109110 of the Foreign Exchange Act?

14. Educational history, showing name of school with date of attendance, and major subject.

Territory of Guam )  
 )  
City of Barrigada )

\_\_\_\_\_, being first duly sworn on oath, deposes and says that he is the \_\_\_\_\_ of \_\_\_\_\_

The applicant named in the foregoing application; that he is authorized to make this verification for and on behalf of said \_\_\_\_\_; that he has read the application and all the exhibits, statements, and documents attached thereto; that the information contained in the application exhibits, statements and document is true to the best of his information, knowledge and belief.

\_\_\_\_\_  
**APPLICANT**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**  
In and for the Territory of Guam

\_\_\_\_\_  
**BANKING COMMISSIONER OF GUAM**

\_\_\_\_\_ *Approved*      \_\_\_\_\_ *Disapproved*

\_\_\_\_\_  
Date

**& REAL ESTATE  
DEPARTMENT OF REVENUE AND TAXATION  
P.O. Box 23607  
G.M.F, Guam 96921**

(Registration Fee \$50 .00)

**APPLICATION FOR REGISTRATION AS AGENT OF FOREIGN EXCHANGE**

The undersigned, an applicant for registration as an Agent of Foreign Exchange submits the following information to the Commissioner of Banking as required by Section 109108 of the Foreign Exchange Act of Guam.

1. Full name of Applicant: \_\_\_\_\_
  
2. Place and Date of Birth; Length of residence in the Territory of Guam:  
\_\_\_\_\_
  
3. Type of Firm: *(Check one only)*  
 Corporation     Partnership     Sole Proprietorship     Other
  
4. If the applicant during the ten years prior to this application has misappropriated or converted monies of others for his own use, or has been accused of so doing, attach a complete statement of facts in respect thereto.
  
5. Name and business address of license appointing applicant: \_\_\_\_\_  
\_\_\_\_\_
  
6. If applicant has been convicted of a violation of a criminal statute, attach a complete statement of facts in respect thereto.
  
7. If applicant has been denied registration as an agent for foreign exchange, or has had registration as such suspended or revoked prior to this application by any state or territorial government, attach a complete statement of facts in respect thereto.
  
8. Name and address of three references as to the character and reputation of the applicant, excluding relatives:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

City of Barrigada )

\_\_\_\_\_, being first duly sworn on oath deposes and says that he is the applicant named in the foregoing information statement, that he has read the statement and all documents attached thereto, that the information contained in the statement and the documents is true to the best of his knowledge and belief.

\_\_\_\_\_  
**APPLICANT**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**  
In and for the Territory of Guam

\_\_\_\_\_  
My Commission Expires

**& REAL ESTATE  
DEPARTMENT OF REVENUE AND TAXATION  
P.O. Box 23607  
G.M.F, Guam 96921**

**APPOINTMENT OF AGENT OF FOREIGN EXCHANGE**

I have read the information statement and believe the information contained therein to be true and complete and have no knowledge to the contrary. I hereby appoint \_\_\_\_\_ of \_\_\_\_\_, as agent of Foreign Exchange and agree to notify the Banking Commissioner, Division of Insurance, Securities, Banking & Real Estate, Department of Revenue and Taxation, immediately upon the termination of his employment.

\_\_\_\_\_  
**LICENSEE**

By:

\_\_\_\_\_  
**AUTHORIZED SIGNATURE**

\_\_\_\_\_  
**BANKING COMMISSIONER OF GUAM**

\_\_\_\_\_ *Approved*      \_\_\_\_\_ *Disapproved*

\_\_\_\_\_  
Date

DEPARTMENT OF REVENUE AND TAXATION  
GOVERNMENT OF GUAM  
STATEMENT OF ASSETS AND LIABILITIES OF:

Applicant: \_\_\_\_\_

AS OF: \_\_\_\_\_

<u>ASSETS</u>		<u>LIABILITIES &amp; NET WORTH</u>	
<b>CURRENT ASSETS:</b>		<b>CURRENT LIABILITIES:</b>	
Cash In Bank			
Checking:	\$	Accounts Payable	\$
Savings:	\$	Accrued Taxes Payable	\$
Cash on Hand	\$	<b>TOTAL CURRENT LIABILITIES:</b>	
Accounts Receivable	\$	Notes Payable	\$
<b>TOTAL CURRENT ASSETS</b>	\$	Mortgage Payable	\$
Notes Receivable	\$	Other Liabilities:	
Prepaid Expenses	\$	(description and amount)	\$
Other Assets:			
(description and value)		<b>Total Liabilities</b>	\$
	\$	<b>NET WORTH</b>	\$
	\$	<b>TOTAL LIABILITIES and</b>	
<b>TOTAL ASSETS</b>	\$	<b>NET WORTH</b>	\$

assets/liabilities

apsc/062205

I CERTIFY THAT THE ABOVE STATED FIGURES ARE TRUE AND CORRECT.

\_\_\_\_\_  
Signature and Date

**& REAL ESTATE  
DEPARTMENT OF REVENUE AND TAXATION  
P.O. Box 23607  
G.M.F, Guam 96921**

**Receipt Form  
(Selling of Foreign Currency Notes)**

No: \_\_\_\_\_  
Pre-Numbered

Name of Company: \_\_\_\_\_

Foreign Currency-Foreign Exchange: \_\_\_\_\_

Address of Company: \_\_\_\_\_

Affiliated Office (if any): \_\_\_\_\_

Date: \_\_\_\_\_

Sold To: \_\_\_\_\_

Address: \_\_\_\_\_

(Comments if any): \_\_\_\_\_

QUANTITY	MONETARY UNITS	RATE	EXTENSION
	Japan - Yen		
	Philippine - Pesos		
	Hong Kong - Dollars		
	Australian - Dollars		
	Fiji - Dollars		
	English - Pounds		
	Forwarding Charges		
	Exchange Commission		

- Payment Received
- We await Payment
- We debit your account

Total U.S. \$ \_\_\_\_\_  
Verified: \_\_\_\_\_

Sale No: \_\_\_\_\_

**& REAL ESTATE  
DEPARTMENT OF REVENUE AND TAXATION  
P.O. Box 23607  
G.M.F, Guam 96921**

**Receipt Form  
(Transmittal of Money)**

No: \_\_\_\_\_

Pre-Numbered

Name of Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Foreign Money Transfer Receipt:

NON NEGOTIABLE

Date: \_\_\_\_\_

Received From: \_\_\_\_\_

The Sum of: \_\_\_\_\_ U.S. \$ \_\_\_\_\_

For the Transfer of: \_\_\_\_\_

To: \_\_\_\_\_

By: \_\_\_\_\_ Air Mail \_\_\_\_\_ Cable Rate \_\_\_\_\_ Per Dollar

Amount of Transfer U.S. \$ \_\_\_\_\_

Commission and Air Mail Charge \$ \_\_\_\_\_

Special Handling \$ \_\_\_\_\_

TOTAL RECEIVED: \$ \_\_\_\_\_

Name of Company

AGENT: \_\_\_\_\_

Authorized Signature

(Comments if any: \_\_\_\_\_)

**& REAL ESTATE  
DEPARTMENT OF REVENUE AND TAXATION  
P.O. Box 23607  
G.M.F, Guam 96921**

**Deposit Agreement in Lieu of Bond**

Pursuant to the provisions of Section 109113, the \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

desires to qualify itself to transact the business of \_\_\_\_\_

\_\_\_\_\_ in Guam and enters into this agreement with the  
Banking Commissioner of Guam and deposits with him the following described  
securities to-wit:

It is agreed between the parties hereto that this \$50,000.00 deposit of securities is made in lieu of a \$50,000.00 bond and that securities of the Value of at least \$50,000.00 shall remain on deposit (though securities may be substituted with the approval of the Commissioner) for the benefit and protection of the customer and creditors of the company so long as the company has any liability outstanding in Guam.

The company may collect and retain the interest when due on the securities deposited.

IN WITNESS WHEREOF, we have hereunto affixed our signatures and seals on the dates indicated below.

\_\_\_\_\_  
COMPANY

BY: \_\_\_\_\_  
NAME AND TITLE

ATTEST: \_\_\_\_\_  
SECRETARY

DATE: \_\_\_\_\_

\_\_\_\_\_  
Banking Commissioner of Guam Date: \_\_\_\_\_

**& REAL ESTATE  
DEPARTMENT OF REVENUE AND TAXATION  
P.O. Box 23607  
G.M.F, Guam 96921**

**Security Bond**

KNOW ALL MEN BY THESE PRESENTS: That we, \_\_\_\_\_  
\_\_\_\_\_ (Hereinafter called the "Principal") as principal  
and \_\_\_\_\_ hereinafter called the "Surety"  
as surety, are held and firmly bound unto the Banking Commissioner of the  
Territory of Guam, Barrigada, Guam (hereinafter called the "Obligee"), in the  
sum of FIFTY THOUSAND DOLLARS (\$50,000.00) lawful money of the United  
States, for the payment whereof, well and truly to be made, the principal and  
surety are bound and its successors and assigns.

The condition of this obligation is such that if the principal and agent  
shall not cause a loss to be suffered by any person as a result of a violation of  
or failure to perform the provisions of Public Law 11-166 (the Foreign Exchange  
Law of Guam) and shall fully and faithfully perform its duties and obligations  
thereunder then, this obligation to be void; otherwise to remain in full force  
and effect.

Provided, however, this bond is executed upon the following express  
conditions:

1. This bond shall remain in full force and effect continuously.
2. This bond may be terminated by the surety at any time by giving  
sixty (60) days written notice to the Obligee by certified mail, in  
which event the surety's liability shall at the expiration said sixty  
(60) days cease and terminate except as to such liability of the  
Principal as may have accrued prior to the expiration of said sixty  
(60) days.

Signed, sealed and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

NAME OF COMPANY

BY: \_\_\_\_\_

SURETY: \_\_\_\_\_

Banking Commissioner of Guam

Date: \_\_\_\_\_  
(FORM FX-7)

BY: \_\_\_\_\_

**& REAL ESTATE  
DEPARTMENT OF REVENUE AND TAXATION  
P.O. Box 23607**

<sup>500.00</sup>  
**(License Fee ~~\$250.00~~)**

**Renewal Application for Foreign Exchange License**

Pursuant to Section 109107 of the Foreign Exchange Act of Guam, I \_\_\_\_\_, the undersigned herewith submit application for the renewal of \_\_\_\_\_ Foreign exchange license originally issued by the Department on \_\_\_\_\_, and herewith declare under oath that the information set forth in the original application is in compliance with the Act remains unchanged except the following matters:

**"State present variances from original application"**

1. Has there been any changes made on management?
2. Has there been any changes in Agent, which were not registered with the Commissioner?
3. Where there any persons connected with the business convicted of a felony, within the past 12 months?
4. Current financial statement must be attached to this application at all times.
5. Where there any other changes not listed above?

Territory of Guam        )  
  )  
City of Barrigada        )

\_\_\_\_\_, being first duly sworn on oath deposes and says that he is the applicant named in the foregoing information statement, that he has read the statement and all documents attached thereto, that the information contained in the statement and the documents is true to the best of his knowledge and belief.

\_\_\_\_\_  
APPLICANT

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC In and for the  
Territory of Guam

\_\_\_\_\_  
My Commission Expires