

Change in Control

If a change in control is contemplated by one of the following types of licensees, a change in control application must be submitted to the Department as specified in the cited statutes. Licenses are not transferable.

IC 24-4.4-2-406: First Lien Mortgage Lending

IC 24-4.5-3-515: Subordinate Lien Mortgage Lending, Non-Mortgage Lending, Small Loan

IC 28-1-29-3.1: Debt Management

IC 28-7-5-9.1: Pawnbrokers

IC 28-8-4-40.2: Money Transmitter

IC 28-8-5-13.1: Check Cashing

An organization or an individual acting directly, indirectly, or through or in concert with one (1) or more other organizations or individuals may not acquire control of any licensee unless the department has received and approved an application for change in control. The department has not more than one hundred twenty (120) days after receipt of an application to issue a notice approving the proposed change in control. The application must contain the name and address of the organization, individual, or individuals who propose to acquire control and any other information required by the director.

Control means possession of the power directly or indirectly to:

- (1) direct or cause the direction of the management or policies of a licensee, whether through the beneficial ownership of voting securities, by contract, or otherwise; or
- (2) vote at least twenty-five percent (25%) of the voting securities of a licensee, whether the voting rights are derived through the beneficial ownership of voting securities, by contract, or otherwise.

There is no specific change in control form provided for a licensee to make application for change in control. In the event an entity believes there is a change in their organization that rises to the level of a change in control, the entity needs to provide complete written details of the change to the department. These details should include a legal opinion on the applicability of change in control, what is staying the same, and what is changing in terms of officers and operations.

After the change in control information is reviewed by DFI staff any additional information as to resumes, criminal background checks, financials or other will be requested as needed.