

NEBRASKA ADMINISTRATIVE CODE

TITLE 433

TRUTH AND DECEPTION EXAMINER'S ACT  
SECRETARY OF STATE-LICENSING REGULATIONS

<u>Chapter #</u>	<u>Chapter Title</u>	<u>Statutory Authority</u>	<u>Code Section(s)</u>
<u>1</u>	<u>Truth and Deception Examiners</u>	<u>§§81-1901 through 81-1936</u>	<u>001-020</u>
<u>2</u>	<u>Collection Agency Licensing</u>	<u>§§45-601 through 45-623</u>	<u>001-013</u>
<u>3</u>	<u>Private Detectives</u>	<u>§§71-3201 through 71-3213</u>	<u>001-008</u>
<u>4</u>	<u>Athlete Agents</u>	<u>§48-2609</u>	<u>001</u>
<u>5</u>	<u>Non-Recourse Civil Litigation Funding Companies</u>	<u>§25-2609</u>	<u>001</u>
<u>6</u>	<u>Notaries Public</u>	<u>§§64-101 through 64-118</u>	<u>001-008</u>

CHAPTER 1. Define Terms as used in these rules: TRUTH AND DECEPTION EXAMINERS

001 DEFINITIONS

~~001.~~ 001.01. "Act" means Neb. Rev. Stat. §§81-1901 through 81-1936 (R.R.S. 2008, R.S. Supp., 2012)R.S., Supp. 1980

~~002.~~ 001.02 "Secretary" shall mean the Secretary of State for the State of Nebraska or his or her designee.

001.03 "Examiner" shall mean a polygraph examiner or a voice stress examiner.

~~003.~~ 001.04 "Polygraph Examiner" shall mean any person, other than an intern who uses an approved polygraph to test or question an examinee for the purpose of attempting to determine truth or deception.

~~004.~~ 001.05 "Voice Stress Examiner" shall mean any person, other than an intern, who uses an instrument capable of permanently recording on a graph one or more psychophysiological reactions present in the voice of an examinee for the purposes of attempting to determine truth or deception.

~~005.~~ 001.06 "Examinee" shall mean the individual who is being tested, examined, or questioned by an examiner or intern for the purpose of verifying truthfulness or detecting deception.

~~006.~~ 001.07 "Examination" shall mean a procedure by which a person licensed under this act, using instrumentation prescribed by the act, administers voluntarily to a person tests using instrumentation to verify truth or detect deception, and provides an opinion as to a person's truthfulness or deceptiveness, based upon the tests administered during the examination.

~~007.~~ 001.08 "Test" shall mean that part of a truth or deception examination during which a person licensed under this act, solicits from a person, responses which will be recorded by instrumentation to measure psychophysiological responses for the purpose of attempting to determine truth or deception.

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Annotation: Neb. Rev. Stat. §§81-1901 through 81-1936

Chapter 2. 002. PROVIDE HEARING PROCEDURE

001.002.01 To provide rules of procedure for appeals from determinations by the Secretary, his/her appointee or designee in any case in which the legal rights, duties or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing, and where an appeal process has not otherwise been established by state law or agency administrative rule.

002.002.02 Request for Hearing Before the Secretary.

Any affected party desiring to appeal a determination of the Secretary, his/her appointee or designee may file a typewritten request for hearing with the Secretary of State. The request shall be on 8 1/2 x 11 inch paper.

002.01002.02A Content.

A request for hearing shall contain the following:

002.01a002.02A1 The full name, address and telephone number of the person requesting the hearing;

002.01b002.02A2 The full name, address and telephone number, if known, of any person whose interests could be affected by the hearing officer's decision, hereafter referred to as an "interested party";

002.01c002.02A3 A plain and concise statement of the reasons why the determination of the Secretary, his/her appointee or designee is erroneous;

002.01d002.02A4 A certificate showing that a copy of the request for hearing has been mailed, ordinary certified or registered mail, or has been personally delivered to each person listed in ~~subpart A.1.b.~~ section 002.02A2.

002.02002.02B Place and Manner of Filing.

A request for hearing may be filed by personal delivery, ordinary mail, or registered or certified mail, addressed to:

Secretary of State  
Suite 2300  
State Capitol  
Lincoln, Nebraska 68509

002.03002.02C Time.

The request for hearing must be postmarked or personally delivered to the Secretary within 15 calendar days from the date of the determination which is the subject of the request for hearing. The Secretary may waive the time requirement for good cause shown. A written request for the waiver setting forth the reasons for the delinquency must accompany the request for hearing in order to be considered.

| 002.04002.02D Service.

A copy of the request for hearing must be provided to each person whose interests could be affected by the hearing officer's decision. Service shall be accomplished at any time prior to the filing of the request for hearing in any manner permitted in Subpart A.1.d. section 002.02A4.

| 003002.03 Advancement of the Case.

| 003.01002.03A Setting of Hearing.

| 003.01a002.03A1 Time and Place.

Except as otherwise provided for by statute, the time and place of hearing will be set by the Secretary at his or her discretion.

| 003.01b002.03A2 Notice

The Secretary shall cause written notice to be sent to all interested parties by certified mail to their last known address at least 15 calendar days prior to the hearing. The notice shall include the time and place of the hearing and set forth the issue or issues involved.

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| 003.01c002.03A3 Continuances.

An interested party who desires a continuance shall, immediately upon receipt of the notice of hearing, or as soon thereafter as facts requiring additional time are known, make a request for continuance of the Secretary, stating in detail the reasons why an extension of time is necessary. For good cause shown the Secretary may grant such a continuance and may at any time order a continuance on his or her own motion. Only under exceptional circumstances will requests for continuance of a hearing be considered unless submitted on or before the seventh calendar day prior to the hearing date.

| 004002.04 Conduct of Hearings.

| 004.01002.04A Hearing Officer.

Hearings will be conducted by the Secretary or such hearing officer as the Secretary may designate. The Secretary or hearing officer will open the proceedings, administer oaths or affirmations, act on pleadings not previously filed, receive evidence, rule on motions and objections relating to testimony and evidence, interrogate any witnesses to ascertain additional facts, and close the proceedings.

| 004.02002.04B Counsel.

Any party to the proceeding may be represented by an attorney at law.

004.03002.04C Proceedings.

A party to the hearing will be allowed to:

- 004.03a002.04C1 Make an opening statement;
- 004.03b002.04C2 Present evidence;
- 004.03c002.04C3 Cross-examine witnesses;
- 004.03d002.04C4 Present rebuttal evidence; and
- 004.03e002.04C5 Make a closing statement.

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004.04002.04D Testimony and Exhibits.

The Secretary or hearing officer shall receive all evidence in accordance with the criteria set forth in S84-914 R.R.S. 1943, as amended.

004.05002.04E Findings and Orders.

Upon completion of any hearing, the Secretary or hearing officer may take the matter under advisement and the Secretary ~~or hearing officer~~ shall make his or her decision and enter a written Order containing findings of fact and conclusions of law. The hearing officer may assist the Secretary in drafting suggested findings of fact and conclusions of law. The Order and accompanying findings and conclusions shall be served upon each interested party by mailing a copy, certified mail, or by personal delivery.

Disposition of the case may also be made, subject to the approval of the Secretary ~~or hearing officer~~, by summary judgement, stipulation, agreed settlement, consent order or default.

005002.05 Appeals.

Except as otherwise provided by law, any party may appeal a final order of the Secretary ~~or hearing officer~~ to the district court in accordance with the provisions of S84-917 R.R.S. 1943, as amended.

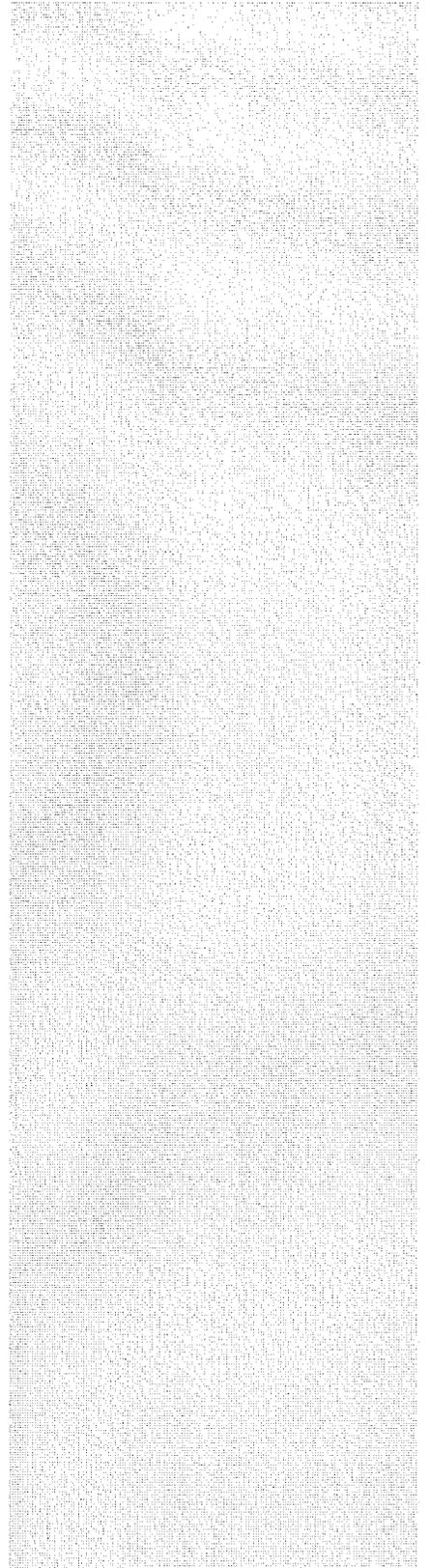
006002.06 Stay Pending Hearing.

The filing of a request for hearing shall not automatically stay enforcement of an order issued by the Secretary, ~~his appointee or designee~~. The Secretary ~~or hearing officer~~ may order a stay upon motion thereof upon such terms as are deemed appropriate. Motions for stays will generally not be granted in cases where the order being appealed from relates to the enforcement of a statute or regulation pertaining to the health or safety of employees, or the general public.

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Annotation: Neb. Rev. Stat. §81-1928 and §81-1931



Chapter 3. 003. DIVULGING INFORMATION

001.003.01 An examiner may authorize the monitoring of an examination by, and the divulging of information concerning the examination to, a person engaged in research or education related to conducting truth and deception examinations and may also authorize the monitoring of an examination by, and the divulging of information to a person who has a substantial interest in the examination or the examinee, or both, if the examiner first obtains from such person his or her agreement to abide by the provisions of the act and these rules and regulations promulgated pursuant thereto, except that no license requirements shall apply to the monitor.

002.003.02 A person who monitors an examination shall not disclose to any person, except the person requesting the examination, any information divulged by the examinee during a truth and deception examination without first obtaining specific written consent from the examinee, unless otherwise required to do so by law.

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Annotation: Neb. Rev. Stat. §81-1902

Chapter 4. 004 WRITTEN CONSENT FOR DISCLOSURE

004.004.01 An examiner, his or her agents, or other person shall not divulge any information revealed by an examinee during an examination in explaining or responding to ~~control~~ comparison questions introduced for diagnostic ~~comparison~~ purposes without first obtaining the written consent of the examinee, except where such information specifically concerns the objectives of the examination stated and agreed to in advance by the examinee and subject to the provisions of the act and these rules and regulations ~~promulgated rules issued pursuant thereto~~. However, this shall not be construed as prohibiting lawful disclosure or use of any information concerning additional admissions or explanations volunteered by the examinee during the examination where such admissions or explanations are not responsive to ~~control~~ comparison questions.

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Annotation: Neb. Rev. Stat. §81-1928

| Chapter 5-005 EXCHANGE OF INFORMATION

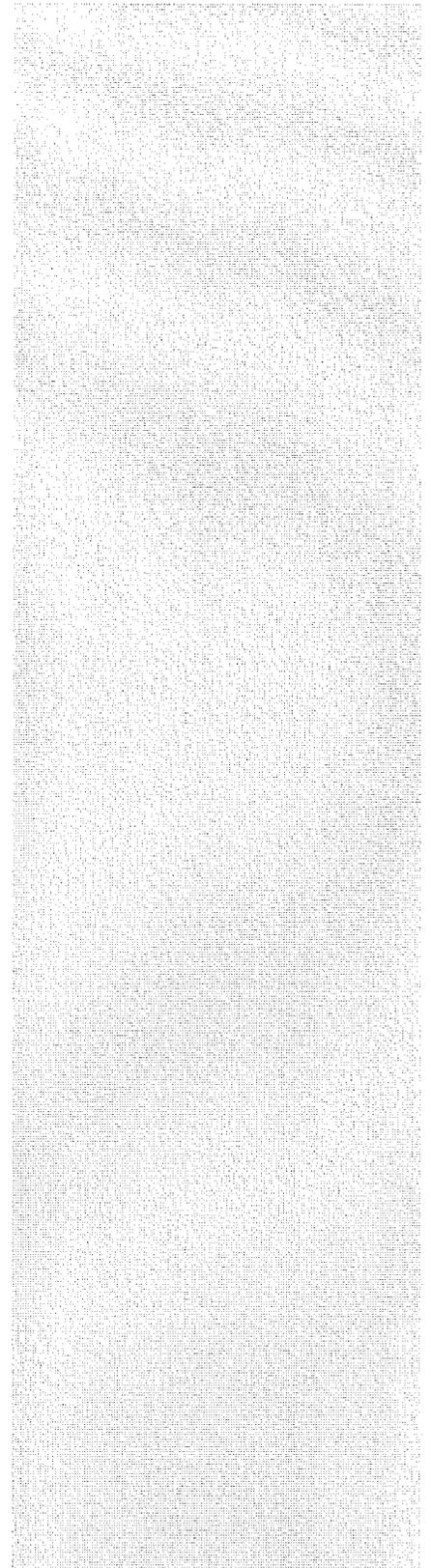
| 004-005.01 The exchange of information relative to truth and deception examinations between public law enforcement agencies is permitted.

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| Annotation: Neb. Rev. Stat. §81-1901 et. al.



| Chapter 6. 006 ADDITIONAL EXCHANGE OF INFORMATION

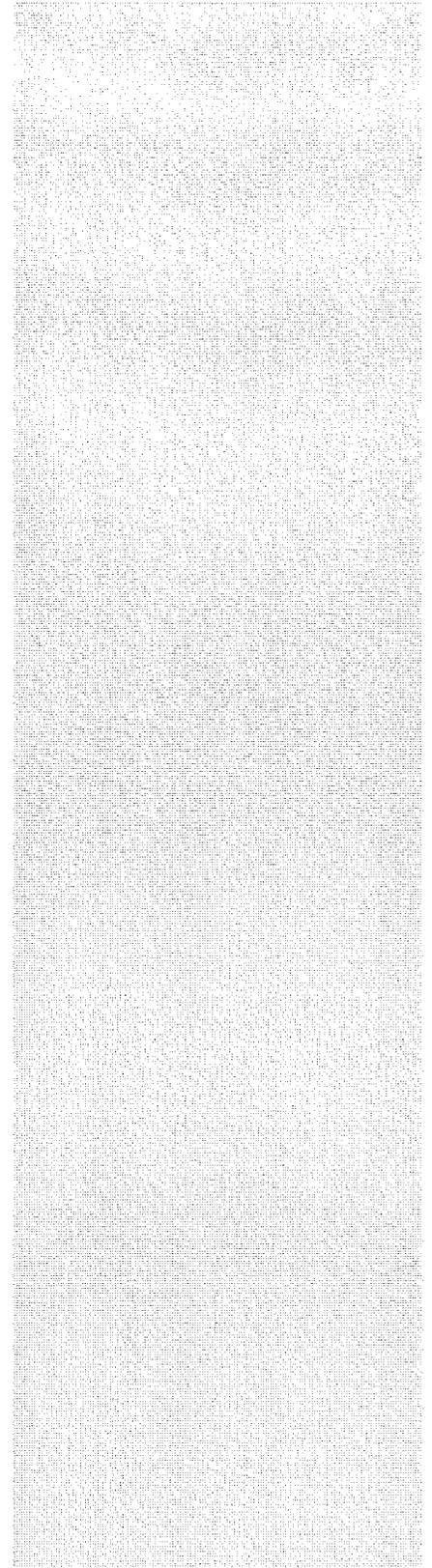
| 001.006.01 The exchange of information relative to truth and deception examinations between examiners licensed under this act is permitted.

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| Annotation: Neb. Rev. Stat. §81-1901 et. al.



| Chapter ~~7.~~007 PREPARATION OF WRITTEN REPORTS

| ~~001.~~007.01 An examiner shall, upon the written request of the examinee or the person requesting the examination, prepare a written report of the examination, which shall contain the following:

| ~~001.01~~007.01A A statement of arrangements for the examination including the name of the person requesting the examination, date, time, and location of the examination, type of instrumentation used to administer the examination, and a statement of purpose for the examination.

| ~~001.02~~007.01B The number and type of tests used during the examination.

| ~~001.03~~007.01C The examiner's opinion as to the truthfulness ~~of~~ or deception of the examinee, or the examiner's statement that he or she was not able to reach a conclusion about the examinee's truthfulness or deception.

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| Annotation: Neb. Rev. Stat. §81-1901 et. al.

Chapter 8-008 MAINTENANCE OF RECORDS

001-008.01 An examiner shall, in the case of every truth and deception examination administered by him or her, create and maintain a record for not less than 1 year. Such record shall contain, at a minimum, all of the following:

001-01008.01A Information pertaining to the name of the Person (company, or corporation, firm or agency) requesting the examination, date, time, and location of the examination, type of instrumentation used to administer the examination, and a statement of purpose for the examination.

001-02008.01B All written consents and acknowledgements of the examinee as required elsewhere in these rules.

001-03008.01C Information volunteered by the examinee during the pretest or post-test interview that is pertinent to the objectives of the examination.

001-04008.01D The exact wording of the questions asked during the administration of the test series and the examinee's exact answers to those test questions.

001-05008.01E All polygraph and voice stress recordings, including charts, made during the truth and deception examination test. Such recordings and charts shall adequately identify all of the following.

005-01008.01E1 The name of the examinee

005-02008.01E2 The name of the examiner

005-03008.01E3 The date, time and location of the test.

005-04008.01E4 The order in which the tests were administered.

005-05008.01E5 The identification of each test question.

005-06008.01E6 The examinee's answer to each test question.

001-06008.01F All pretest interview information volunteered by the examinee relating to the examinee's background, education, health, medical history, and his or her general suitability for the examination.

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Annotation: Neb. Rev. Stat. §81-1902

| Chapter 9-009 RULES OF CONDUCT

| 001.009.01 A person conducting a truth and deception examination as prescribed by this act shall, in case of every truth and deception examination, do the following:

| 001.01-009.01A Conduct all examinations in the physical presence of the examinee.

| 001.02009.01B Personally obtain a written consent from the examinee prior to administering an examination, unless such examination is a requirement of law or judicial ruling. Then obtaining such a release is not required. The consent shall contain as a minimum, all of the following:

| 001.02a009.01B1 The name of the examinee

| 001.02b009.01B2 The name of the examiner, and license description.

| 001.02c009.01B3 The date, time and location of the examination.

| 001.02d009.01B4 An explanation of the nature and purpose of the examination which has been made by the examiner.

| 001.02e009.01B5 An explanation that the examination is voluntary and that the examinee may discontinue the examination at any time.

| 001.02f009.01B6 The type of instrumentation used to conduct the examinations.

| 001.02g009.01B7 The name of the person, company, corporation, firm or agency requesting the examination.

| 001.02h009.01B8 The name of the person, company, corporation, firm or agency to whom the written results of the examination are will be provided.

| 001.02i009.07B9 The signature of the examinee or witnessed mark of the examinee.

| 001.02j009.07B10 The signatures of witnesses, monitors, and interns participating in the examination.

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| 001.03-009.01C Develop an opinion concerning an examinee's truthfulness or deception based upon the examination conducted, or an opinion that the examiner could not reach a conclusion from the testing conducted.

| 001.04009.01D The examiner shall insure the equipment used to conduct a truth and deception examination is maintained in working order, and prior to testing insure that it is in working order.

| ~~001-05009.01E~~ An examiner shall, prior to examination, insure the purpose of the examination is not to circumvent or defy the law.

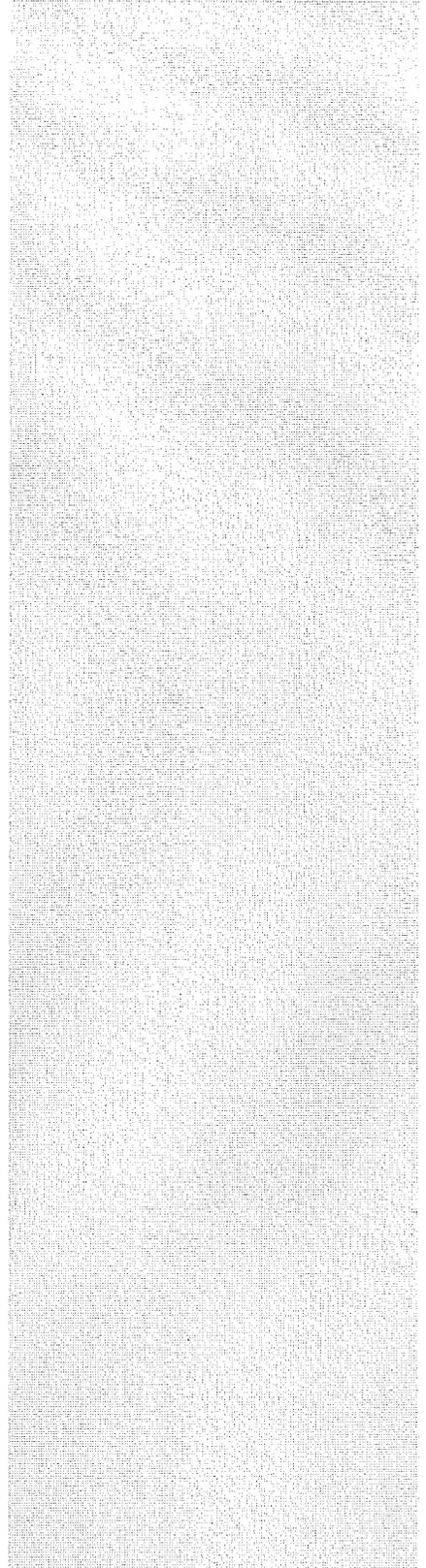
| ~~001-06009.01F~~ No examiner shall conduct an examination of any examinee he or she believes, through observation, interview or other credible evidence, to be physically or psychologically unfit for such an examination at the time.

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| Annotation: Neb. Rev. Stat. §81-1901 et. al.



Chapter 10-010 APPLICATION FOR LICENSE

001-010.01 A person applying for a truth and deception examiner's license under this act shall complete the application for licensing supplied by the Secretary and take a written examination provided by the Secretary.

001-010.01A The Secretary will provide a time and place for an applicant to take the written examination. All examinations will be given by appointment with the Secretary.

001-020.01B ~~The licensing~~ A fee of \$50.00 shall be paid on behalf of the applicant on the date of the examination prior to taking the licensing examination, ~~or re-examination.~~

001-030.01C The written examination may consist of multiple choice, ~~truth and true or~~ false, other objective question types, and essay questions. A time limit of two (2) hours shall be observed during the administration of the examination.

001-040.01D All applicants shall attain not less than 70 percent correct answers on the written examination.

001-050.01E All applicants shall be notified of the results of the examination by mail not later than 15 days after the examination. The scores of the written examination shall not be released, unless otherwise required to do so by law.

001-060.01F The \$50 fee is not refundable if an applicant fails the written examination, unless otherwise provided by law.

001-070.01G An applicant may re-take the written examination after a period of 30 days, but not more than 90 days, from the date of the first examination. ~~The applicant shall pay a \$50 fee prior to the second written examination. If the applicant fails the second examination, the applicant must wait six (6) months from the date of the second examination before re-applying, and must re-file a second application form up-dating previous information supplied on the first application. A \$50 fee will be required prior to the written examination.~~

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001-080.01H The written examination shall cover the following topics:

001-08a010.01H1 History

001-08b010.01H2 Physiology

001-08c010.01H3 Psychology

001-08d010.01H4 Instrumentation

001-08e010.01H5 Testing Procedures

001-08f010.01H6 State Law

001-08g010.01H7 Federal Law

001-09010.01I Separate written examinations shall be given for the polygraph and voice stress applicants, with at least half of the questions on each examination worded identically.

001-10010.01J The questions and answers for the written polygraph and voice stress examinations shall not be released, unless otherwise required to do so by law.

001-11010.01K Information contained on a person's application for truth and deception examiner's license shall ~~not only~~ be released in accordance with the public records statutes 84-712 to 84-712.09 (R.R.S. 2008, R.S.Supp., 2012), unless otherwise required to do so by law.

001-12010.01L A licensed examiner, under this act, whose license has expired, or whose license has been revoked under provisions of this act, ~~and under the~~ or these rules and regulations promulgated from this act, shall be required to complete an application for a license, ~~retaking~~ the written examination for a license, and ~~paying~~ all fees required for re-licensing, ~~unless otherwise required to do so by law.~~

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Annotation: Neb. Rev. Stat. §81-1915 through 81-1926

| ~~Chapter 11-011~~ LISTING OF LICENSES

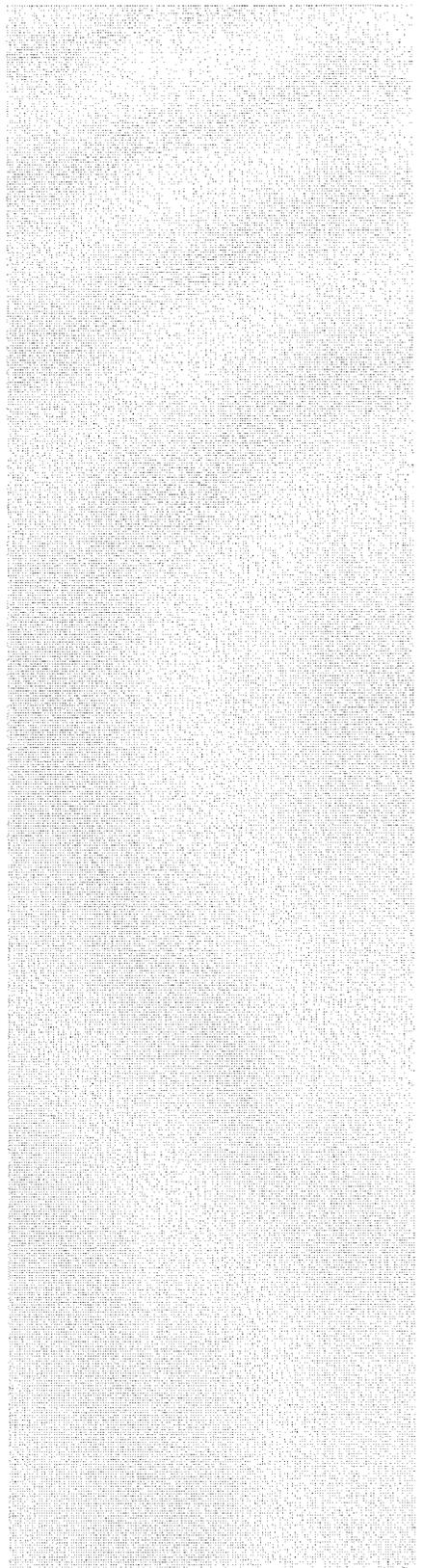
| ~~001-011.01~~ The Secretary shall prepare and publish a list of all persons holding valid licenses issued by the Secretary. This list shall include the name and address of the licensee, license number, expiration date, and the type of license issued. Such list shall be available at no charge upon request, and shall be published on the Secretary of State's ~~internet homepage~~ website and updated on a regular basis.

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| Annotation: Neb. Rev. Stat. §81-1901 et. al.



Chapter 12 012. SCHOOLS OR TRAINING PROGRAMS

~~004~~012.01. Any school or training program accredited or certified by the American Polygraph Association, the National Institute for Truth Verification, or the National Association of Computer Voice Stress Analysts shall be accepted for approval of their graduates for licensing under this act.

012.02 Any school or training program requesting said school or program be accepted for approval of their graduates for licensing under this act which is not accredited or certified by the American Polygraph Association, the National Institute for Truth Verification, or the National Association of Computer Voice Stress Analysts, shall provide the Secretary with a formal request together with a course outline, the number of hours taught for each subject, the names and professional history of its owners, staff, and instructors, proof the school has met all requirements of the Department of Education for the State of Nebraska, and submit any additional information the Secretary may desire and request, so he or she may determine that the applicant is actually an acceptable training institution. The failure of any such school or training facility to provide the requested information shall result in non-approval of the applicant and no graduate of such school or training facility may be licensed by the Secretary.

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Annotation: Neb. Rev. Stat. §81-1918

Chapter 13. 013 QUALIFICATION OF INTERNS

013.01 A person is qualified to receive a license as an intern if he or she meets the requirements of the act. Before being issued an intern's license, an applicant shall submit a completed license application, provided by the Secretary which shall include the name, address, qualifications, and ~~letter of agreement~~ internship proposal identifying the intern's training supervisor.

~~001~~013.02 An approved internship or internship training program shall consist of an academic training component and a practical training component, all of the following provisions apply:

~~(a)~~013.02A An applicant shall submit to the Secretary satisfactory evidence of enrollment or completion in a course of instruction in the theory and practice of polygraph or voice stress technique.

~~(b)~~013.02B The course of instruction referred to in ~~subdivision (a) of this sub-rule~~ section 13.02A shall be conducted at a polygraph or voice stress school approved by the Secretary.

~~(c)~~013.02C The successful completion of the in-house phase of the school's training by an applicant shall be verified by a letter from the training facility.

~~(d)~~013.02D To qualify for an examination for a full license, a school shall issue a certificate that an applicant has met all requirements of the school.

~~002~~013.03 During the course of his or her internship, and subsequent to his or her completion of academic training, an intern shall do all of the following:

~~(a)~~013.03A Personally administer not less than ~~50~~ 40 polygraph or voice stress examinations, of which not less than ~~25~~ 15 shall be specific issue examinations. The first 25 examinations conducted by the intern shall include not less than 5 specific issue examinations, and all 25 examinations shall be supervised on-site by a polygraph or voice stress examiner who holds a current and valid license issued under this act, to act as trainee supervisor. On-site

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supervision means that a trainee supervisor is personally and immediately available for consultations with the intern and directly observes, either by audio or visual means, or both, the actual conduct of the intern in administering the examination.

~~(b)~~013.03B Following the completion of the administration of the first 25 examinations set forth in sub-division (a) of this sub-rule, the intern shall personally administer not less than 25 additional examinations under the supervision of an approved trainee supervisor. The supervision of these additional examinations may, at the discretion of the trainee supervisor, be either direct, on-site supervision or remote supervision.

~~(c)~~013.03C The trainee supervisor need not be personally present at the time of the examination, but after the examination the trainee shall provide the trainee supervisor

with all relevant data in order that the supervisor may evaluate and critique the intern's performance.

003-013.04 All interns shall maintain a chronological record of all examinations conducted. Such record shall contain as minimum, all of the following information.

- (a)013.04A The name of the examinee.
- (b)013.04B The name of the trainee supervisor.
- (c)013.04C The date, time and location of the examinations.
- (d)013.04D The nature of the examination and whether on-site or remote supervision.
- (e)013.04E The number of tests administered during the examination and the intern's opinion on each test.

004-013.05 From the chronological record, the Secretary may randomly select not less than 10 separate examinations, all records, and supportive data which the intern shall make available to the Secretary for inspection ~~during the intern's licensing examination~~. The intern shall verify that the records called for by the Secretary are complete and are the records pertaining to examinations which the Secretary has requested.

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Annotation: Neb. Rev. Stat. §81-1919

Chapter 14.014 INTERNSHIP TRAINEE SUPERVISORS

001.014.01 Internship trainee supervisor status shall be granted for a 24-calendar-month term to an applicant who meets the following minimal requirements and who has applied for this status with the Secretary:

001.01014.01A Holds or, in the case of a non-resident, is qualified to hold a current public or private polygraph or voice stress examiner's license in the State of Nebraska.

001.02014.01B Has satisfactorily completed a formal course of instruction in polygraph or voice stress technique approved by the Secretary.

001.03014.01C Has had not less than four (4) two (2) continuous years of experience in administering polygraph or voice stress examinations before application for intern trainee supervisor status, during which period he or she personally conducted a minimum of 200 75 such examinations, not less than 100 of which were specific issue examinations.

001.04 Has an academic degree at the baccalaureate level from an accredited college or university, or has at least four (4) years of investigative experience at the federal, state, political subdivision, or private licensed investigator level immediately prior to application, or has had at least four (4) years of experience administering polygraph or voice stress examinations.

001.05014.01E Provides satisfactory evidence that he or she has done one or more of the following in a 24-calendar-month period immediately before his or her application.

001.05a014.01E1 Attended one or more seminars or workshops relating directly with the polygraph or voice stress technique where such workshops or seminars total not less than 24 16 hours of attendance. Such workshops or seminars shall involve topics related to polygraph or voice stress testing. Satisfactory evidence of attendance and substantive areas covered in such workshops shall be submitted to the Secretary.

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001.05b014.01E2 Completed not less than 15 semester hours of academic course work at an accredited college or university.

001.05e014.01E3 Completed not less than 10 semester hours of academic course work at an accredited college or university, and attended one or more seminars or workshops approved by the Secretary relating directly with the polygraph or voice stress technique, where such workshops or seminars total not less than 16 6 hours of attendance.

Annotation: Neb. Rev. Stat. §81-1901 et. al.

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~~Chapter 15.015~~ REPORTS TO SECRETARY OF STATE BY SUPERVISOR

~~001.015.01~~ An intern supervisor shall immediately submit written notice to the Secretary, if any of the following occur: a written statement (immediate notice) of information during the intern supervisor's term of supervision of an intern of the following:

~~001.01015.01A~~ Any action or inaction by the intern in violation of the act or these rules and regulations, promulgated pursuant thereto.

~~001.02015.01B~~ Any judgement of the intern supervisor that the internship should be terminated and the reasons therefore.

~~002.015.02~~ An intern supervisor shall submit a report of Internship to the Secretary of State's Office upon completion of the first 25 and 50 examinations by the intern being supervised. Such report shall include, but not be limited to:

~~002.01015.02A~~ The name of the intern and name of the supervisor.

~~002.02015.02B~~ The time period covered by the report.

~~002.03015.02C~~ Subject matter of the examinations, i.e. pre-employment, sexual assault, etc.

~~002.04015.02D~~ An evaluation and rating of the intern's performance on examinations given during the report period.

~~003.015.03~~ An intern supervisor shall appear before the Secretary of State, provide a verbal report of the interns progress and answer questions pertaining to the internship for the Secretary of State and the Truth and Deception Examiner's Advisory Board prior to the licensing of the intern as an examiner.

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Annotation: Neb. Rev. Stat. §81-1902

~~Chapter 16.016~~ RENEWAL OF LICENSES

~~001.016.01~~ Prior to December 31 of each year, the Secretary shall notify each public and private licensed examiner that they must renew their license. The Secretary shall provide each licensed examiner with a short form renewal application, which ~~the licensee will~~ shall complete and return to the Secretary with a \$25 renewal fee prior to December 31<sup>st</sup> of each year if they wish to remain licensed. The renewal application form will be an affidavit and will contain the necessary information required by the Secretary for license renewal.

~~016.02~~ Public and private licenses shall expire on December 31<sup>st</sup> of each year. ~~be considered expired and the licensee's file closed 90 days from the date of required renewal.~~ A person whose license has been ~~designated expired~~ shall reapply for licensing and meet all requirements of the act and these rules and regulations promulgated from this act.

NEBRASKA ADMINISTRATIVE CODE

TITLE 433

TRUTH AND DECEPTION EXAMINER'S ACT

Annotation: Neb. Rev. Stat. §81-1921 and §81-1926

~~Chapter 17.017~~ ADVISORY BOARD

~~001.017.01~~ The Secretary may at his/her discretion seek the advice and counsel of persons holding valid public and private truth and deception licenses on such matters as the Secretary deems necessary. Further, the Secretary may at his or her discretion create an advisory board of persons holding valid truth and deception licenses of which this board will be made up. The board will be made up of four persons holding polygraph examiner's licenses and four persons holding voice stress examiner's licenses. This board shall serve in a non-paid capacity and at the pleasure of the Secretary of State. Notice of a Board meeting shall be given and meetings shall be held as required by the Nebraska Open Meetings Act. The purpose of the board is to advise the Secretary on points concerning the licensing act. This may include but not be limited to:

~~001.01.017.01A~~ Internship requirements

~~001.02.017.01B~~ Development of the written examination.

~~001.03.017.01C~~ Development of rules and regulations

~~001.04.017.01D~~ Reviewing applications for intern licenses, examiner licenses, training facilities, and intern trainee supervisor applications.

~~001.05.017.01E~~ To review procedures under which examinations are administered.

~~001.06.017.01F~~ To assist during the investigation of complaints against examiners.

~~001.07.017.01G~~ To conduct on-site inspections of intern examiner's facilities, examiner's facilities for license renewal, and to inspect equipment used for testing to verify the equipment's condition.

~~001.08.017.01H~~ To assist during the administration of the written examinations for licensing.

~~001.09.017.01I~~ To provide technical advice to the Secretary in areas of interest to the administration of the licensing act.

NEBRASKA ADMINISTRATIVE CODE

TITLE 433

TRUTH AND DECEPTION EXAMINER'S ACT

Annotation: Neb. Rev. Stat. §81-1902 and §81-1928

Chapter 18.018 MISREPRESENTATION.

001.018.01 A person holding a valid license issued under this act shall not make any willful misrepresentation or false promises or cause to be printed any false or promises or cause to be printed any false or misleading advertisements for the purpose of directly or indirectly obtaining business or interns.

NEBRASKA ADMINISTRATIVE CODE

TITLE 433

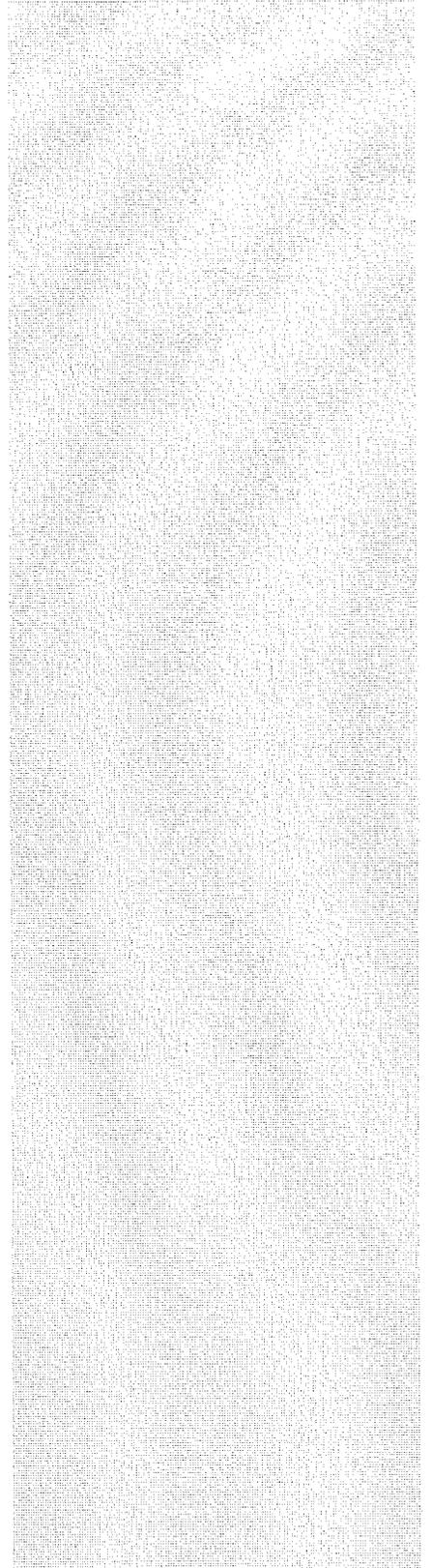
TRUTH AND DECEPTION EXAMINER'S ACT

Annotation: Neb. Rev. Stat. §81-1935

| ~~Chapter 19-~~ 019 PROFESSIONAL CONDUCT AND STANDARDS

| 001-019.01 All persons who are licensed will conduct themselves at all times as professionals, placed in a unique position of private and public trust, respecting and protecting both the dignity and civil rights of those with whom they have professional dealings; maintaining the highest standards of qualification, taking on no task for which they are not thoroughly prepared; devoting themselves to truth.

| Annotation: Neb. Rev. Stat. §81-1901 et. al.



020 APPLICATIONS AND OTHER FORMS

020.01 The following forms shall be available to applications for licensing under the Act:

020.01A Application for Polygraph or Voice Stress Examiner's License

020.01B Affidavit as to Truthfulness and Completeness

020.01C Internship Proposal

020.01D Truth and Deception Examiner's Internship Trainee Supervisor Application

020.01E Sponsor's Report of Internship

020.01F Renewal/Extension Application

020.01G Nonresident Consent for Service of Process

020.02 The forms listed in this section and attached hereto shall be made available to all applicant for license under the Act and shall be incorporated by reference into these rules and regulations.

JOHN A. GALE  
Secretary of State  
402-471-8606 (Phone)



State Capitol, Suite 1305  
Lincoln, NE 68509  
402-471-2530 (Fax)

**APPLICATION FOR POLYGRAPH OR VOICE STRESS EXAMINER'S LICENSE**

**INSTRUCTIONS:** Please answer all questions where applicable. Use extra sheets, if necessary. Any false or misleading statements in this application shall be cause for denial, suspension or revocation under Sections 81.1901-81.1936.

**TYPE OF LICENSE APPLIED FOR:** (Check appropriate box (es):)

( ) Intern's License ( ) Non-resident ( ) Public Examiner's License ( ) Private Examiner's License

1. Full Name: \_\_\_\_\_

All Previous Names: \_\_\_\_\_

2. Age: \_\_\_\_\_ 3. Date of Birth \_\_\_\_\_ 4. Place of Birth \_\_\_\_\_

5. Residence Address: \_\_\_\_\_ Zip: \_\_\_\_\_

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

6. Business Address: \_\_\_\_\_ Zip: \_\_\_\_\_

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

7. List All Previous Residential Addresses: (Last 7 years)

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

8. Citizen of U.S.? ( ) Yes ( ) No 9. Social Security \_\_\_\_\_

10. Have you ever served in any branch of the armed forces? ( ) Yes ( ) No If "yes", please furnish date(s)

of service and type of discharge(s) received \_\_\_\_\_

\_\_\_\_\_

11. Employment History: List all previous employment beginning with present or last position. (7 years)

<u>Job Description or Title</u>	<u>Employer</u>	<u>Dates Employed</u>

12. Education History: List high school, college, university or any other (include G.E.D. results). Verified by Registrar.

<u>Name of School</u>	<u>City and State</u>	<u>Graduated</u>	<u>Date</u>

List all polygraph/voice stress seminars and workshops you have attended, if any

<u>Date</u>	<u>Subject</u>

13. Polygraph/Voice Stress History. Name of any polygraph/voice stress facility you have attended.

\_\_\_\_\_

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

Dates of Attendance: \_\_\_\_\_

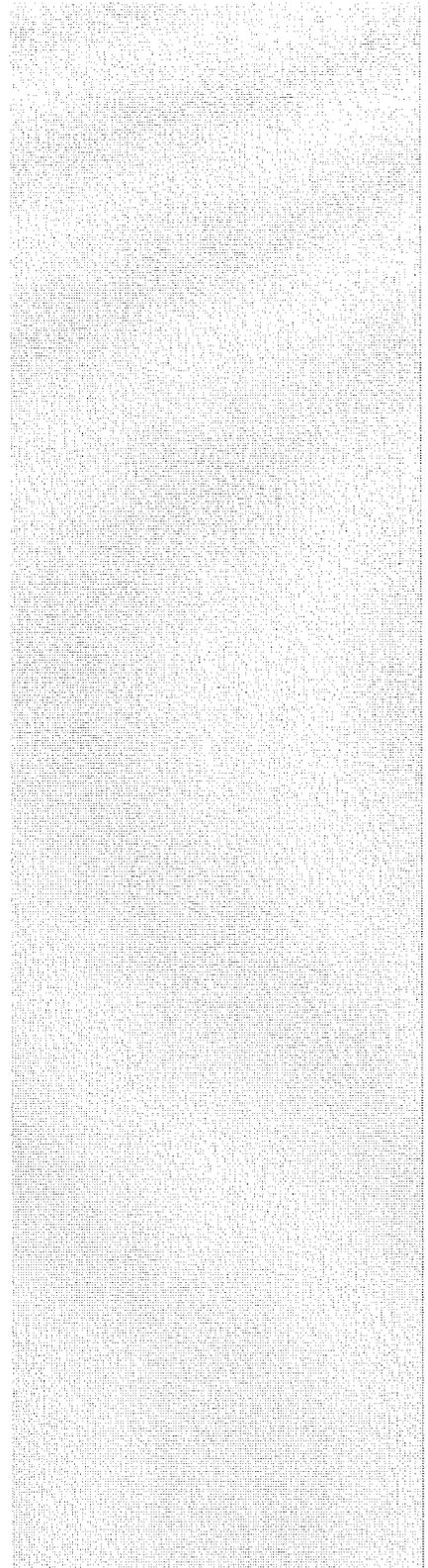
Names of Principal Instructors \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Successfully completed ( ) Yes ( ) No Certificate? ( ) Yes ( ) No How long administering examinations? \_\_\_\_\_

Dates: \_\_\_\_\_



For what governmental or commercial organizations? \_\_\_\_\_

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

14. List the governmental law enforcement or governmental investigative agencies you have worked for as an investigator.

Name of Agency	City and State	Inclusive Dates
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15. Do you now hold or have you ever held a polygraph/voice stress examiner's license in any other state?

Yes  No If "yes", list the states and type of license held. \_\_\_\_\_

\_\_\_\_\_

16. Have you ever applied for a license that was denied or held any license that was suspended or revoked? (Include private detective license, driver's license or any other)  yes  No If "yes", give details.

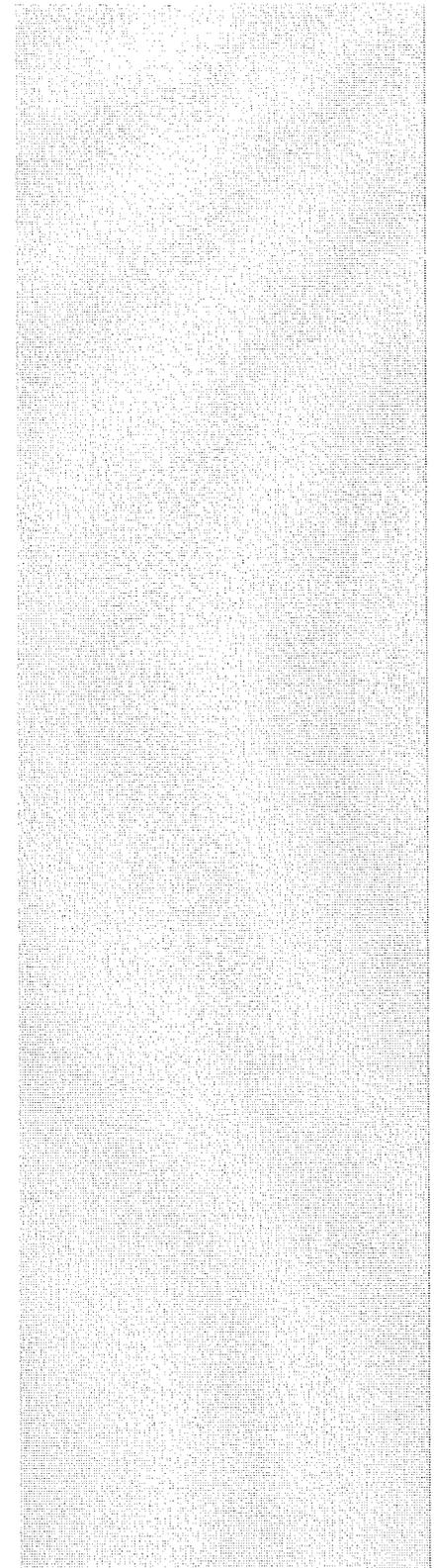
\_\_\_\_\_  
\_\_\_\_\_

17. List any criminal arrests (Felonies and Misdemeanors).

Charge	City and State	Date	Disposition
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18. Have you been refused admission or dismissed from training by any polygraph/voice stress training Facility?  Yes  No If answer is "yes", explain.

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



19. Has any governmental agency or person filed a criminal action or a civil action against you?

Yes  No If answer is "yes", explain each occasion, except minor traffic citations.

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20. Have you ever deliberately falsified, concealed, or otherwise illegally manipulated evidence?

Yes  No If "yes", explain.

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21. Have you within the last six months used any controlled substance without prescription?

Yes  No If "Yes", explain

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22. Have you ever deliberately falsified in any way polygraph/voice stress or investigative report?

Yes  No If "yes", explain.

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23. Have you ever given perjured testimony?  yes  No If "yes", explain.

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24. Have you resided in Nebraska for at least 6 consecutive months prior to the date of this application?

Yes  No

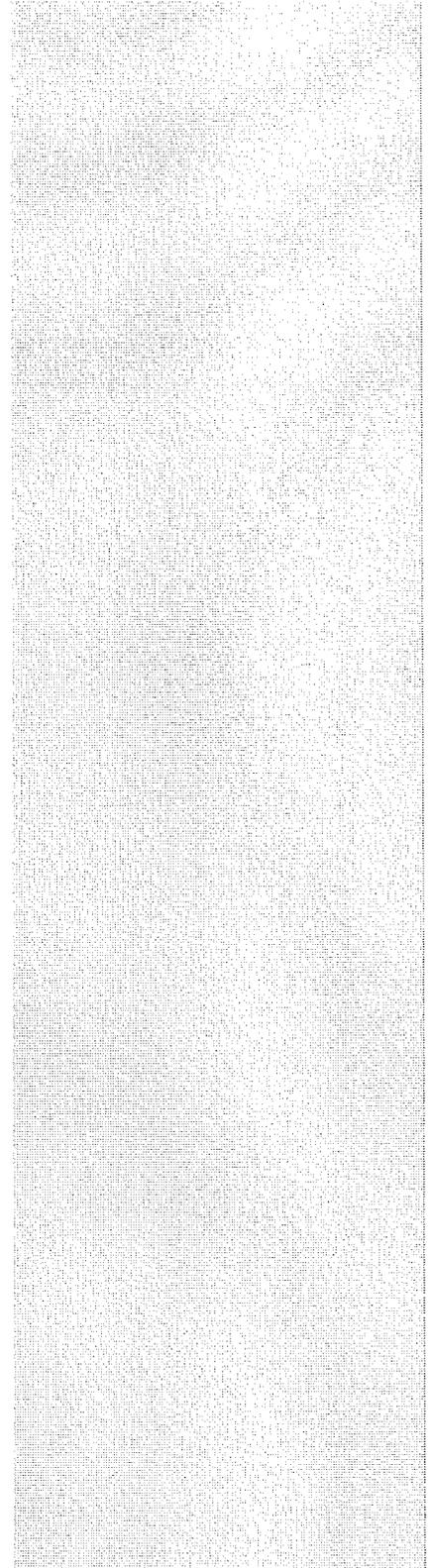
NOTE: If any figures listed in items 27 through 29 below are estimates, you shall so indicate and identify for each of the appropriate figures. Also indicate an absolute minimum and maximum range figure for each estimate (Example: Item 27 At least 150 hours, but not more than 180 hours.)

25. Specifically list the number of hours of formal (school) polygraph/voice stress classroom hours you have completed, if any.

Explain

26. Specifically list the number of polygraph/voice stress examinations conducted during your internship, if any.

---



Explain \_\_\_\_\_

27. Specifically list the total number of polygraph/voice stress examinations you have personally conducted in each of the following categories:

Specific issue \_\_\_\_\_

Pre-Employment \_\_\_\_\_

Explain \_\_\_\_\_

Routine Periodics \_\_\_\_\_

Research \_\_\_\_\_

Explain \_\_\_\_\_

28. Do you hold a baccalaureate degree from an accredited college or university? ( ) Yes ( ) No  
If "no", do you have at least 60 semester hours of college credits or equivalent? ( ) Yes ( ) No

29. Do you have at least four years of continuous investigative experience with a government agency?  
( ) Yes ( ) No

30. Did you receive your polygraph/voice stress training by some means other than an accredited polygraph/voice stress training school? ( ) Yes ( ) No (If answer is "yes", complete and forward attached "Affidavit or Equivalency".)

**THE FOLLOWING QUESTIONS ARE TO BE ANSWERED ONLY IF YOU ARE SELF-EMPLOYED**

31. Company Name: \_\_\_\_\_

32. Business Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

33. With whom are you associated in this venture? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

34. Indicate licensing status of each member of the corporation, partnership, or firm.  
Name \_\_\_\_\_ Status \_\_\_\_\_

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

35. How long have you been in this business? \_\_\_\_\_

36. Does your business employ polygraph/voice stress examiner interns? \_\_\_\_\_

37. How many? \_\_\_\_\_ List names and license numbers:

Name	License Number

38. Business (Company or Agency): \_\_\_\_\_

39. Name of officers and owners:

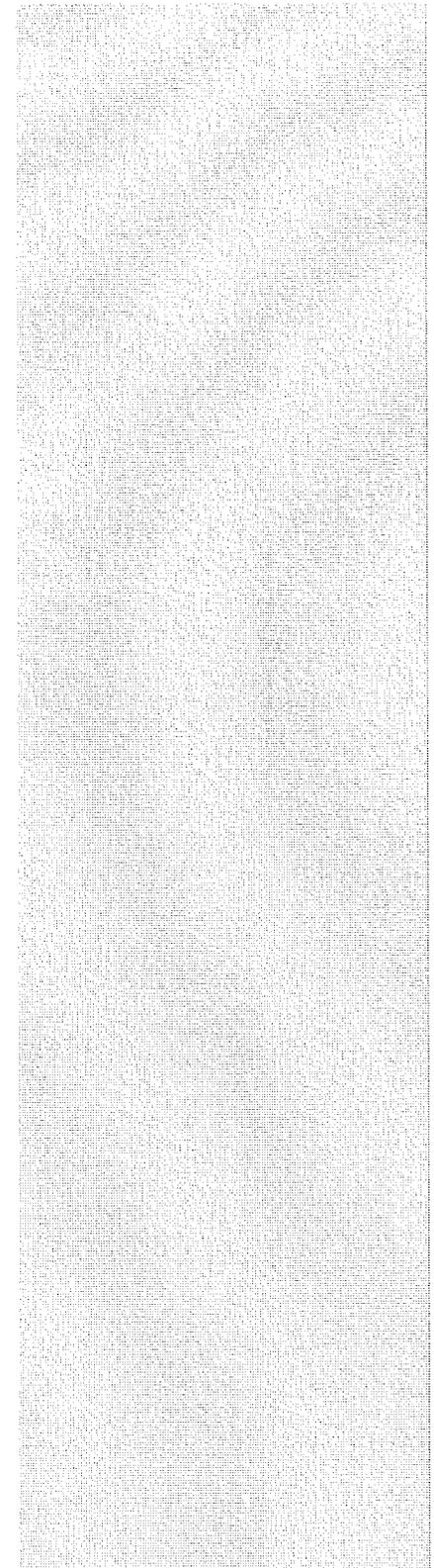
Name	Address

40. Business Address: \_\_\_\_\_

\_\_\_\_\_ Zip: \_\_\_\_\_

41. What is the title of your position: \_\_\_\_\_

42. How long have you held this position: \_\_\_\_\_





**INTERNSHIP PROPOSAL**

\_\_\_\_\_ Date \_\_\_\_\_

Applicant's Name \_\_\_\_\_ Zip \_\_\_\_\_

Applicant's Address \_\_\_\_\_

Name of Proposed Internship Supervisor \_\_\_\_\_

All internship supervisors must meet the requirements of, and be formally approved by the Secretary of State's Office as a licensed Truth and Deception examiner. Please check the appropriate box and provide the license number for the internship supervisor.

Polygraph License Number \_\_\_\_\_

Voice Stress License Examiner's Number \_\_\_\_\_

Principal Location Where Internship Training Will Be Conducted:

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

Description of Facilities to Be Used: (include physical layout, monitoring arrangement, type and model of instruments(s) utilized.)

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

I hereby agree to abide by the provisions of 81-1901-81-1936, and all promulgated rules, regulations and policies issued pursuant thereto.

\_\_\_\_\_  
\_\_\_\_\_ (Applicant Signature)

I hereby assert that I have been formally licensed by the Secretary of State of Nebraska. I hereby agree to undertake all responsibilities required by the Secretary of State to act as an Internship Training Supervisor for:

\_\_\_\_\_  
\_\_\_\_\_ (Applicant's Name)

\_\_\_\_\_  
\_\_\_\_\_ Internship Signature of Supervisor

\_\_\_\_\_  
\_\_\_\_\_ Printed Name

JOHN A. GALE  
Secretary of State  
402-471-8606 (Phone)



State Capitol, Suite 1305  
Lincoln, NE 68509  
402-471-2530 (Fax)

**TRUTH AND DECEPTION EXAMINER'S INTERNSHIP TRAINEE SUPERVISOR APPLICATION**

Date of Application \_\_\_\_\_ Applicant is a: Resident\* Non-Resident\*\* \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Current Employer \_\_\_\_\_ Business Phone \_\_\_\_\_

Home Phone \_\_\_\_\_ \*License Number \_\_\_\_\_

1. Number of continuous years of experience in administering polygraph or voice stress examinations \_\_\_\_\_

- Have you personally conducted at least 200 polygraph or voice stress examinations? \_\_\_\_\_
- Were at least 100 of those examinations specific issue examinations? \_\_\_\_\_

2. Do you:  
• Hold a bachelor's degree from an accredited college or university? \_\_\_\_\_

- Have at least four years of investigative experience at the federal, state, political sub-division or private licensed investigator level immediately prior to your submission of this application? \_\_\_\_\_
- Have at least four years experience administering polygraph or voice stress examinations? \_\_\_\_\_

3. In the 24 month period immediately prior to your submission of this application, have you:  
• Attended one or more seminars or workshops relating directly with the polygraph or voice stress technique? \_\_\_\_\_

If so, do these seminars and workshops total not less than 24 hours of attendance? \_\_\_\_\_

- Completed not less than 15 semester hours of academic course work at an accredited college or university? \_\_\_\_\_
- Completed a combination of at least 10 semester hours of academic course work and attended a total of at least 16 hours at workshops or seminars relating directly with polygraph or voice stress technique? \_\_\_\_\_

**You will need to provide satisfactory evidence of seminar/workshop attendance and academic coursework. The evidence of seminar/workshop attendance shall include detail of areas covered in such seminar/workshop.**

**\*\*If you are a non-resident applying for license, you must submit evidence that you have completed a formal course of instruction in polygraph or voice stress technique.**

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

**Please return application to the Licensing Division, PO Box 94608, Lincoln, NE 68509.**  
**If you have any questions, please call (402) 471-8606.**

**JOHN A. GALE**

Secretary of State

402-471-8606 (Phone)



State Capitol, Suite 1305

Lincoln, NE 68509

402-471-2530 (Fax)

**SPONSOR'S REPORT OF INTERNSHIP FOR POLYGRAPH OR VOICE STRESS  
EXAMINER'S LICENSE**

\_\_\_\_\_  
Intern Polygraph Examiner

\_\_\_\_\_  
Sponsor Examiner

\_\_\_\_\_  
Date of this Report

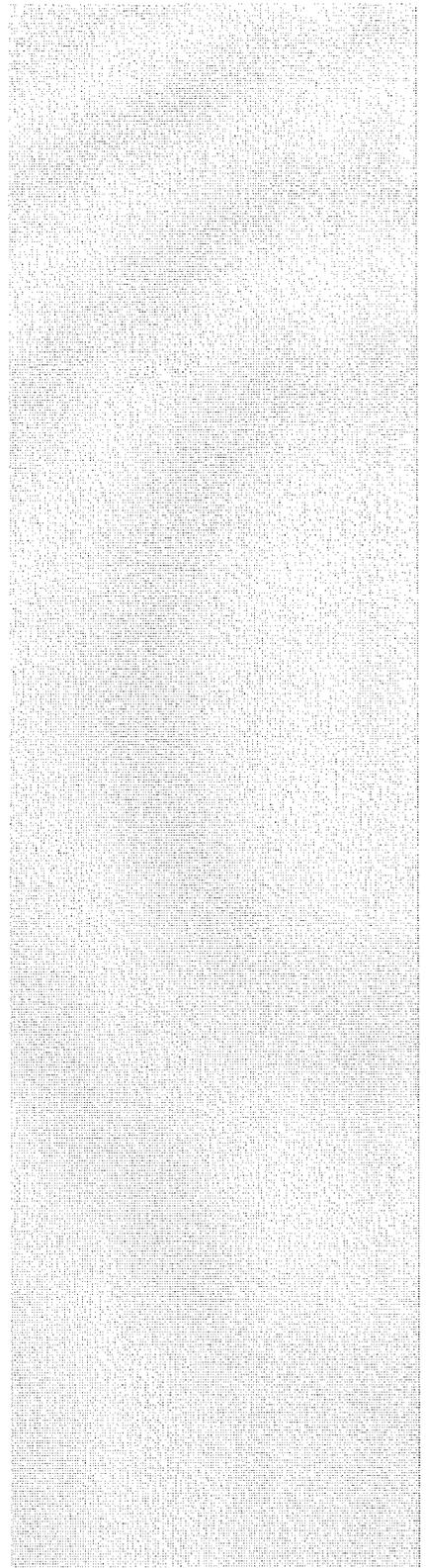
Period covered by this Report: \_\_\_\_\_ through \_\_\_\_\_.

This report should be filed by each Sponsor at six month intervals during the internship of any Intern Polygraph Examiner.

\_\_\_\_\_  
Signature of Sponsor Date

\_\_\_\_\_  
Signature of Intern Date

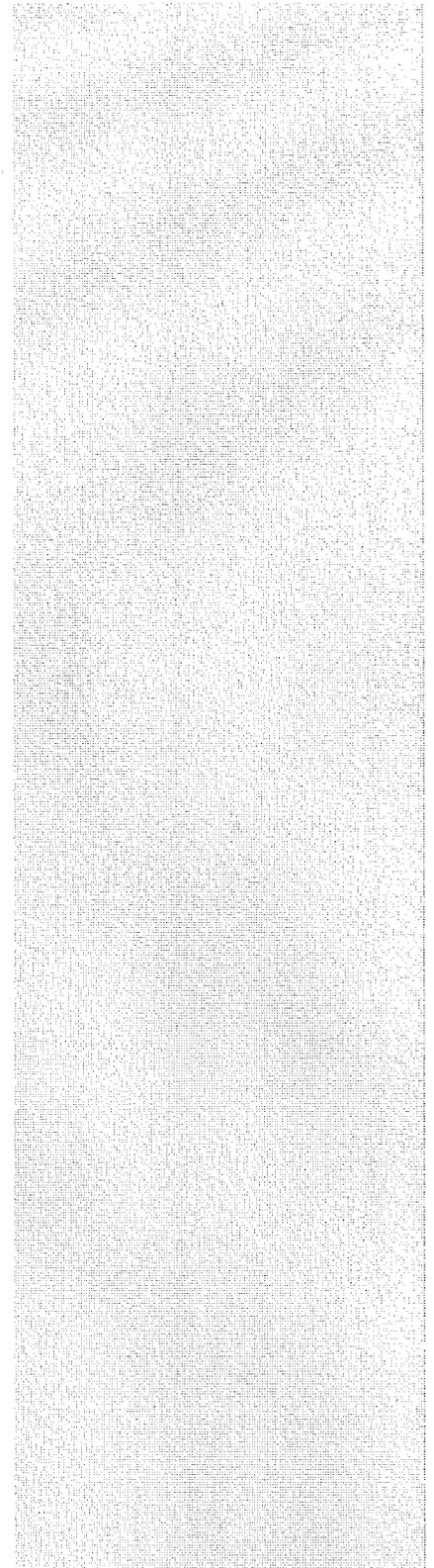
**Please objectively grade the intern (on a Zero though Ten scale), in each of the following areas as each would relate in his or her ability to conduct competent Polygraph Examinations (turn to page 2).**



## SPONSOR'S CHECKSHEET

- Knowledge of the Polygraph Examiner's Act
- History and development of Polygraph
- Legal Aspects of Polygraph
- Civil Rights
- Examiner and Professional Ethics
- Physiology, Nervous System
- Physiology, Circulatory System
- Physiology, Respiratory System
- Effects of Drugs, Alcohol, and Illness
- Instrumentation, General Knowledge
- Instrumentation, Operation
- Instrumentation, Trouble Shooting
- Case Briefing
- Psychology, General
- Psychology, Abnormal
- Pre-Examination Interview
- Subject-Examiner Rapport
- Question Formulation, Wording
- Question Formulation, Sequence
- Question Formulation, Thoroughness
- Post-Examination Interview
- Confidence
- Decision Logic
- Chart Analysis
- Improvement
- Over-all, as an Examiner

How many Polygraph Examinations has the intern conducted during the period of this report?



### SPONSOR'S ANALYSIS

Please break down the above examinations numerically into categories: i.e., number of Pre-Employment; Specific Issue; theft, burglary, arson, sex offense, murder, robbery, etc.

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- How many examinations were conducted in your presence?
- In how many examinations did you assist in the Pre-Examination Interview?
- How many examinations have been reviewed by you as Sponsor?
- In how many examinations did you assist in formulation of the examination questions?
- Do you critique with the Intern each of his examinations?
- In how many examinations did you assist in the Post-Examination Interview?
- In how many examinations have you disagreed with the Intern's analysis?
- Concur with the analysis?

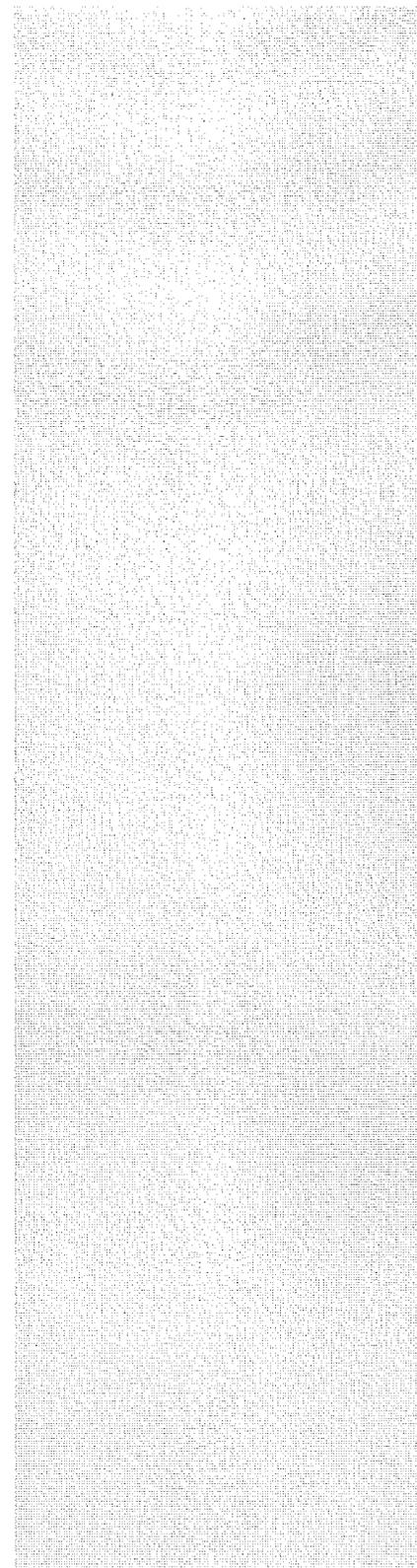
What action was taken by you on those analysis in which you did not concur with the Intern?

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On a separate sheet, give your narrative evaluation of the Intern's progress during this report period. Please outline his/her general ability to grasp the Polygraph technique and what steps you as his/her sponsor have taken to assure his/her receiving complete assistance in any weak areas.

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**\*Intern Extension Request**

**If this is an Intern Extension Request, please give reasons for this Intern Extension which is for six (6) months.**

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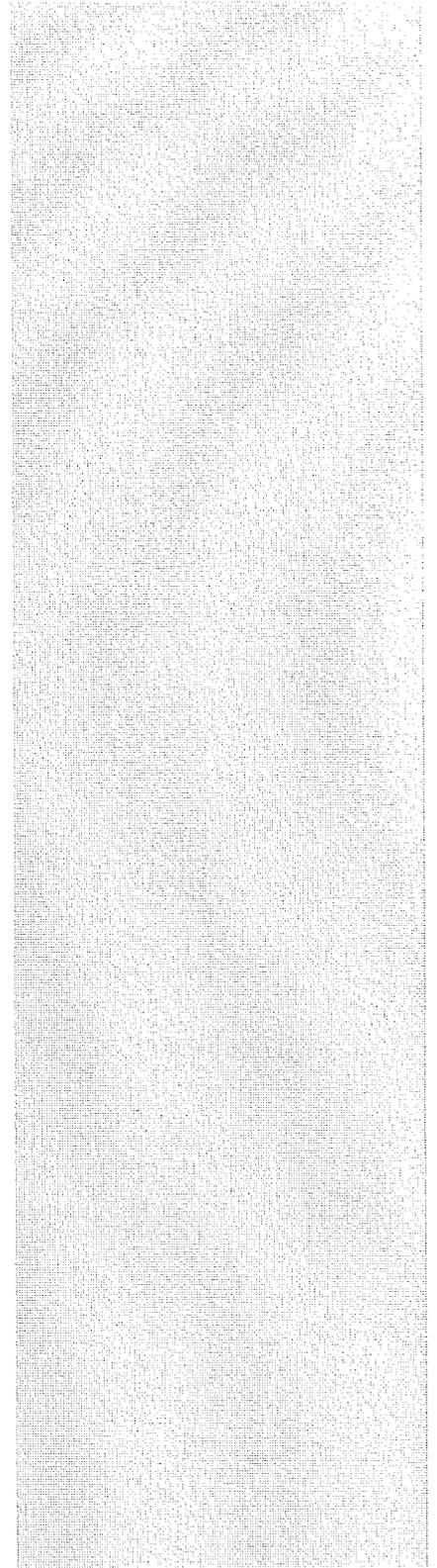
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## CHAPTER 2. COLLECTION AGENCY LICENSING

### 001. DEFINITIONS

001.01. Solicitor shall mean anyone actively engaged in contacting creditors or prospective clients for the purpose of selling the collection agency's services and/or anyone collecting on accounts once referred or assigned to a licensed collection agency, solicitor shall not mean anyone actively engaged solely in office clerical work for an agency.

001.02. Soliciting shall mean acquiring, or attempting to acquire through advertising or other means, accounts for collection from clients located or doing business in Nebraska.

001.03. Sworn complaint shall mean a written complaint which is notarized or otherwise legally authenticated by oath or affirmation

001.04. Board or NCALB shall mean the Nebraska Collection Agency Licensing Board.

001.05. Act shall mean the Nebraska Collection Agency Licensing Act.

001.06. Manager shall mean any employee or owner of a collection agency with comprehensive supervisory authority and responsibilities with the agency; manager shall not mean or include those with only limited supervisory authority or responsibilities.

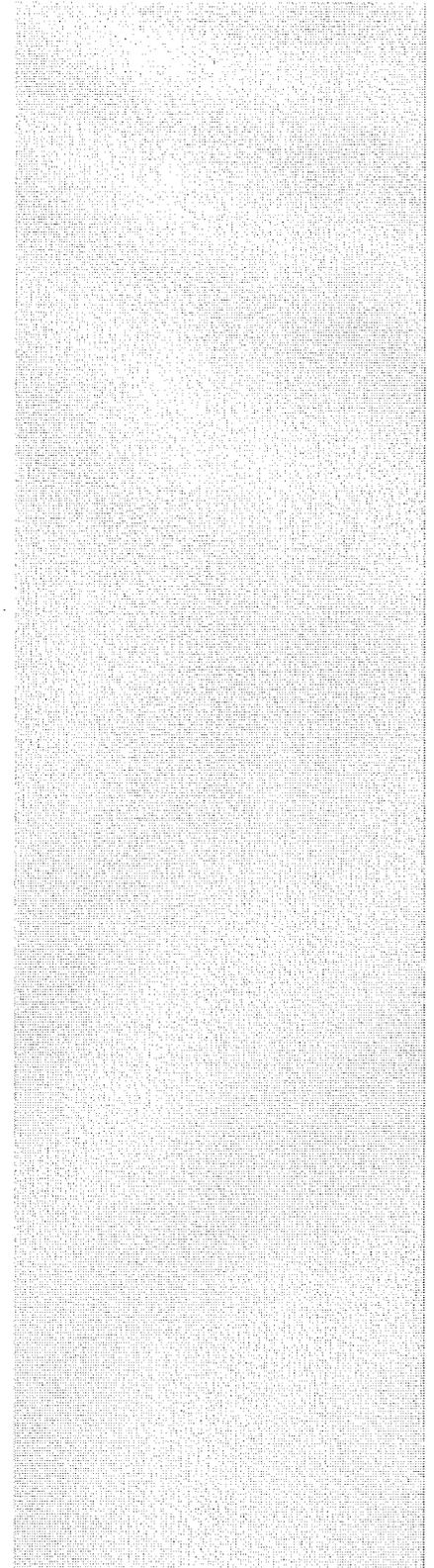
001.07. Written application shall mean and include an application submitted on paper or an application submitted electronically in a digital format approved by the Collection Agency Licensing Board.

Annotation: Neb. Rev. Stat. §§45-602; 45-607; 45-610 & 45-613

002. MEETINGS

002.01. Meetings of the Board shall be called by the Secretary of State. Notice for meetings shall be given and meeting shall be held as required by the Nebraska Open Meetings Act.

Annotation: Neb. Rev. Stat. §45-603 and §§84-1407 through 84-1414



003. APPLICATIONS AND OTHER FORMS

003.01. The following forms shall be available to applicants for licensing under the Act:

- 003.01A. Application for collection agency license
- 003.01B. Officer's Interrogatory
- 003.01C. Financial Statement
- 003.01D. Oath of Applicant
- 003.01E. Collection agency license bond
- 003.01F. Application for Renewal of Collection Agency License

The forms listed in this section and attached hereto shall be made available to all applicants for license under the Act and shall be incorporated by reference into these rules and regulations.

003.02. The following applications shall contain the information provided below and may be submitted electronically or in written form except as specifically provided in 003.02A13 of this chapter.

003.02A. Application for renewal of collection agency license which shall include:

- 003.02A1. The date of the application
- 003.02A2. The type of business organization
- 003.02A3. The name of the agency \_\_\_\_\_
- 003.02A4. The agency owner(s)
- 003.02A5. The agency's business street address \_\_\_\_\_
- 003.02A6. The agency's telephone and fax numbers \_\_\_\_\_
- 003.02A7. The name and street address of the agency's Nebraska office \_\_\_\_\_
- 003.02A8. The name and street address of the agency's contact person for correspondence
- 003.02A9. The name and street address of the agency's contact person for complaints
- 003.02A10. The name(s) and street address(es) of the agency's general manager(s) \_\_\_\_\_
- 003.02A11. The agency's trade names and "doing business as" names
- 003.02A12. The name and title of the person completing the application
- 003.02A13. An original agency bond or continuation certificate in the amount required by the act must be submitted on paper with original signatures and seal of insurance agency.
- 003.02A14. A statement that the licensee is maintaining records of all consumer payments as required by section 008.04
- 003.02A15. A statement regarding any disciplinary actions taken against the licensee since the date of last renewal.

003.02B. Application for and renewal of solicitor's certificate, which shall include:

- 003.02B1. The name of the solicitor
- 003.02B2. The date of the solicitor's employment with the agency
- 003.02B3. Any aliases used by the solicitor

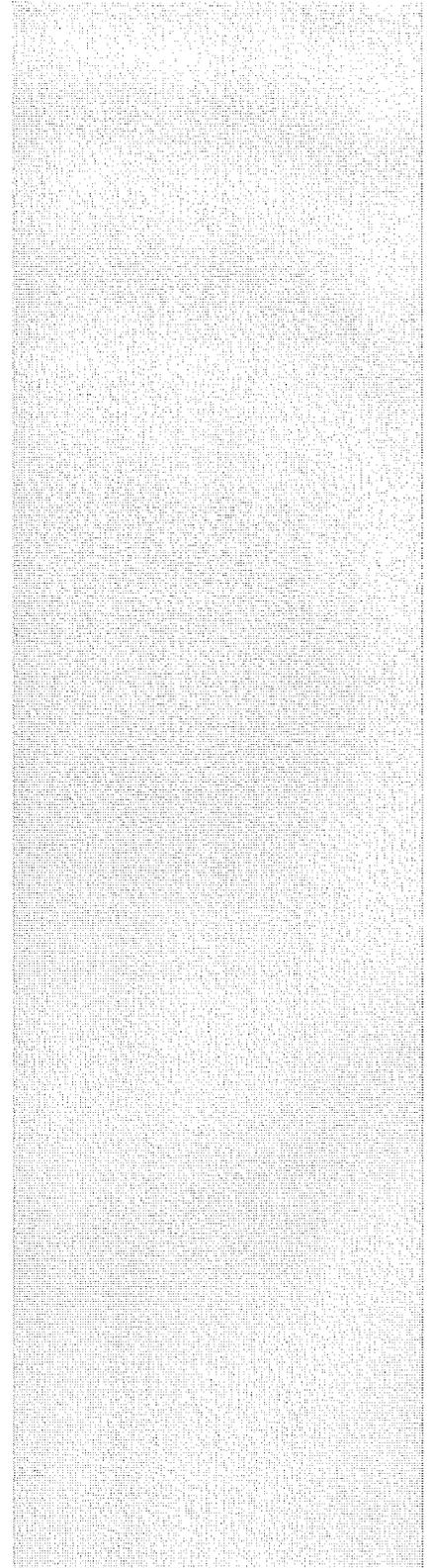
003.02C. Application for and renewal of branch office certificate, which shall include:

003.02C1. The date of application

003.02C2. The name of the branch office

003.02C3. The street address and telephone number of the branch office

Annotation: Neb. Rev. Stat. §§45-606 through 45-608; 45-611



#### 004. LICENSE APPLICATION REQUIREMENTS

004.01. Before being considered by the Board, every application for a collection agency license shall include the following information and meet the following requirements:

004.01A. All questions on the application form(s) must be answered, unless otherwise noted on the form.

004.01B. All licensing and investigation fees must be paid in advance.

004.01C. All instruments used for payments of licensing and investigation fees other than cash shall have been paid by the institution they were drawn upon.

004.01D. Out of state applicants already doing business outside Nebraska shall provide a list of ten customers for reference purposes. If the applicant does not have ten customers, the applicant shall provide as many as it currently services.

004.01E. Personal references for individual and partnership applicants.

004.01F. If the applicant is a corporation, limited liability company, or other business entity, a copy of their articles of incorporation, certificate of organization, or other formation document and the name and address of their resident agent.

004.01G. If the applicant is a corporation, limited liability company, or other business entity, the Board shall verify that the entity is in good standing to conduct business in the state of Nebraska

004.01H. Financial statement of the corporation or business.

004.01I. A bond in the amount required by the Act.

004.01J. The names and aliases of all solicitors to be initially employed by the agency.

004.02. Within ninety (90) days after notice that the application is incomplete, the applicant must complete the application for licensure by providing all necessary documents, information, and fees specified. If the licensure application is not completed within that time, the application shall be null and void and the applicant must then reapply for licensure, including payment of all fees.

004.03. The board may request any additional information it deems necessary and relevant to the consideration of the applicant's qualifications to conduct collection agency business in this state.

004.04. The board may investigate and verify any information contained in an application.

Annotation: Neb. Rev. Stat. §§45-605 through 45-608; 45-610

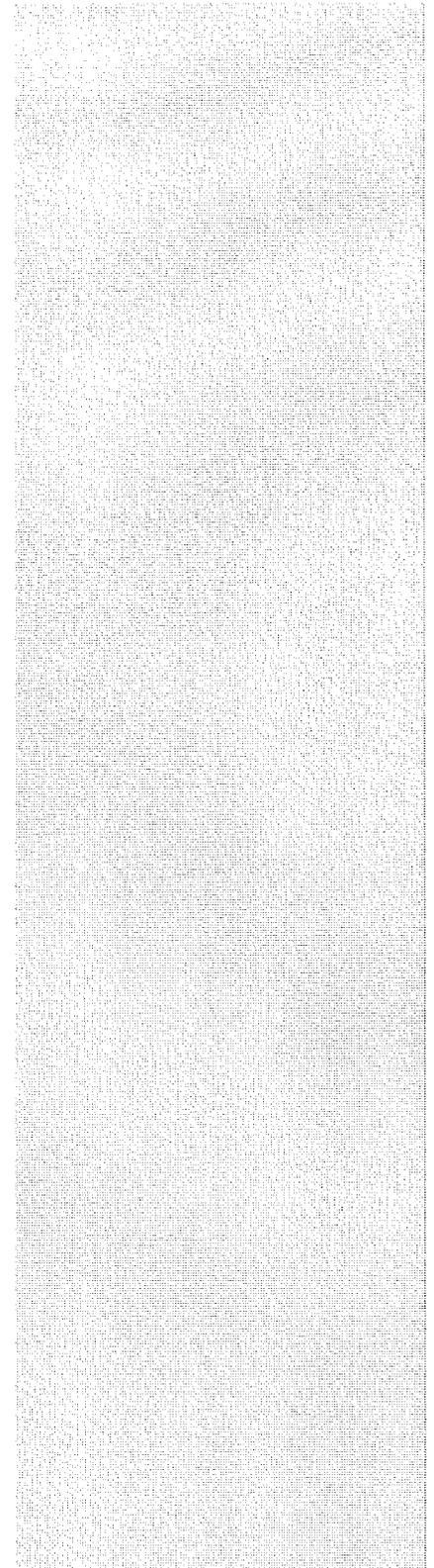
005. SOLICITORS' CERTIFICATE FORMS

005.01. Solicitors' certificates shall become null and void upon the lapse, non-renewal, or revocation of the license of the agency using the solicitor as its employee or agent, or upon the termination of the solicitor's employment with the agency they work for.

005.02. The licensee shall notify the Board in writing within 90 days upon the termination of employment of an employee holding a solicitor's certificate.

005.03. The licensee shall provide an alphabetical list of new employee(s) which are soliciting or collecting on accounts in Nebraska within 90 days from the date of hire. The list shall contain the name(s) of the employee(s) and any alias used along with the date of hire and the solicitor's fee.

Annotation: Neb. Rev. Stat. §45-610 and §45-611



006. LICENSES

006.01. Upon any of the following changes, the licensee shall notify the Board in writing of such change within thirty (30) days after its occurrence:

006.01A. Change of business name or address, including change of Nebraska office name or address

006.01B. Any changes in the managers or executive officers of a licensed collection agency shall be reported to the board in writing. Such report shall include:

006.01B1. The name and residential street address of each new manager or executive officer.

006.01B2. The work history and qualifications of each new manager or executive officer.

006.01C. Change in ownership of ten or more percent but less than fifty percent of the corporate stock or ownership interest if licensee is a corporation, limited liability company, or other business entity.

006.01C1. The notice required in section 006.01C shall include a list of all owners holding shares or ownership interests in the agency along with the percentage of interest held.

006.02. Licenses shall not be transferable. Before purchasing a currently licensed collection agency the prospective owner must be licensed. In addition, the following changes require a new license application:

006.02A. For a sole proprietorship or partnership, any change in the persons owning the collection agency.

006.02B. For a corporation, limited liability company, or other business entity any change of ownership of fifty percent or more of the stock or ownership interest in any one transaction or a cumulative change of ownership of fifty percent or more from the date of the issuance of the license or from the date of the latest renewal of the license.

006.02C. Any change of ownership structure, including but not limited to a change to or from a sole proprietorship, partnership, limited liability company, or corporation.

006.02C1. In the case of a change of ownership structure, the licensee shall not be required to submit the following:

- i. Investigation fee
- ii. If there has been no change in any of the documentation on file with the Board:
  1. Officer Interrogatories
  2. List of branch offices
  3. List of solicitors

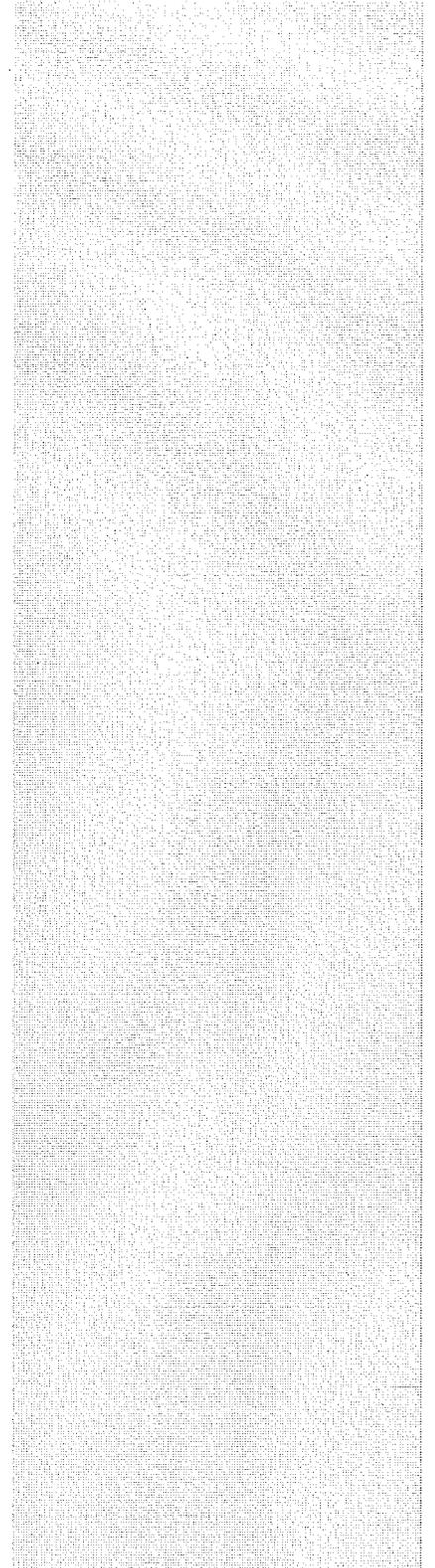
006.03 Upon the termination of a license by revocation, expiration, denial, or surrender, the licensee must immediately cease collection activities. All client accounts must be returned to the clients within forty-five (45) days unless the licensee has written authorization from the client to transfer or assign the account to another collection agency for collection. No later than the end of the forty-five day period, the licensee must file a notarized affidavit with the Board stating its

compliance with this rule and providing the names and addresses of all clients for whom it was attempting to collect debts.

All consumer payments received after the revocation, expiration, or surrender of a license shall be immediately forwarded in full to the applicable client without the licensee's retention of any fee or commission.

This rule does not apply to any license voluntarily surrendered in conjunction with the simultaneous issuance of a new license due to any of the changes listed in section 006.02

Annotation: Neb. Rev. Stat. §§45-606, 45-607, 45-618



007. RENEWAL OF AGENCY LICENSE

007.01. On or about November 1 of each year the Board shall send a collection agency license renewal form to each licensed collection agency in the state.

007.02. A license shall only be renewed if the license renewal form along with the appropriate fees and evidence of bond or continuance of current bond in the proper amount is submitted on or prior to December 1 of each year and if the agency is a corporation, limited liability company, limited partnership, or limited liability partnership it must be in good standing to do business in the State of Nebraska.

007.03. Every renewal application received by the Board after the December 1 deadline shall be considered by the board as an initial license application. Such application shall not be considered until the proper application and investigation fees have been paid. The board may also request any of the additional information required for an initial license application when considering late renewals.

Annotation: Neb. Rev. Stat. §45-611

008. INVESTIGATIONS AND FINANCIAL RECORDS

008.01. The Board may verify any and all information received by the Board pursuant to a license or certificate application, complaint, or renewal, by phone, correspondence, or personal interviews conducted by members of the Board or employees or agents of the Board at the direction of the Board. Board members and employees or agents of the Board may be reimbursed for actual and necessary expenses associated with such investigations.

008.02. The Board may request that anyone being investigated pursuant to a license application, complaint, or renewal personally appear before the board to answer questions and concerns related to the application, complaint, or renewal.

008.03. The Board may require a licensee to submit a verified financial statement for examination at any time. The Board may require the verified financial statement be prepared using Generally Accepted Accounting Principles (GAAP) and verified, reviewed, or audited by an independent accountant or Certified Public Accountant.

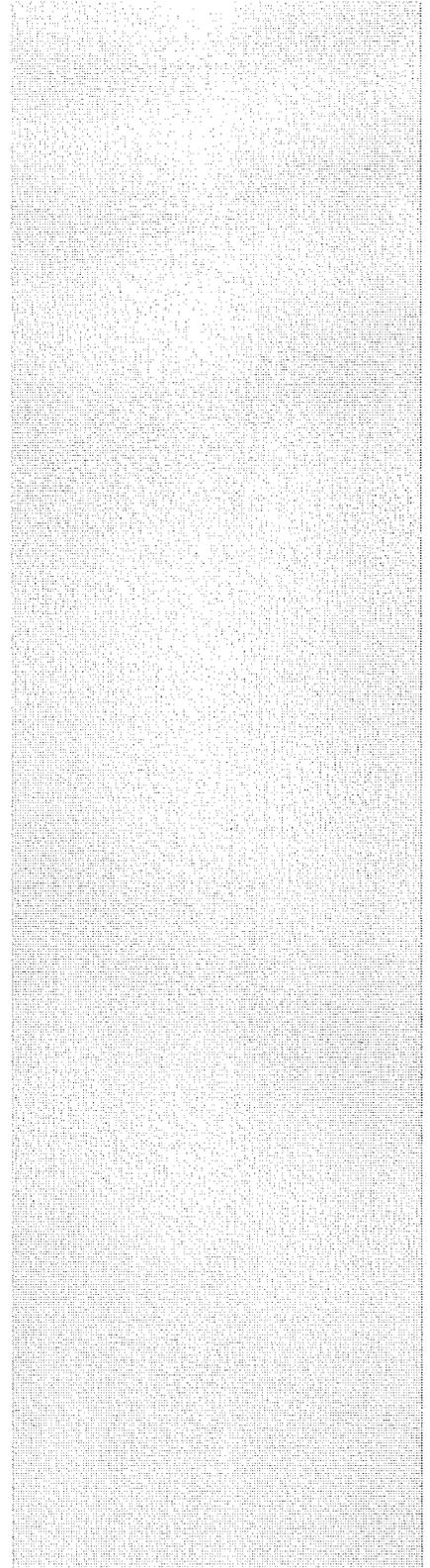
008.04. Licensees shall maintain a record of all collection payments for two (2) years following the date the payment was received. Records of collection payments shall include the consumer's or business's name, the client's name, the amounts paid, the dates on which payments were received, the allocation of each payment to, as applicable, principal interest, court costs, attorney fees, other costs, the interest rate, the current balance due, and the date of deposit of the collection payment to the applicable bank account.

Annotation: Neb. Rev. Stat. §§45-605, 45-619, 45-612

009. FAIR DEBT COLLECTION PRACTICES ACT

009.01. The Board shall inform each applicant for a collection agency license of the existence of Federal Fair Debt Collection Practices Act. (15 U.S.C. sec. 1692 et. seq.) and shall inform each applicant how they can acquire a copy of the Federal Act.

Annotation: Neb. Rev. Stat. §45-605; 15 U.S.C. sec. 1692 et. seq.



010. MAINTENANCE OF A REGULAR OFFICE IN NEBRASKA

010.01. Failure of a collection agency to maintain a regular office in the state shall be grounds for revocation of license pursuant to the procedures set forth in these rules and regulations and in the Act.

010.02. The minimum requirements for a regular office are a physical location where a manager, officer, employee or agent of the agency maintains regular business hours or other hours as posted in public view at the location. Such office shall have actual document records or access to electronically stored document records of all collections and claims involving clients or debtors in the state being handled by the licensee.

010.03. The Board may verify the existence of a regular office for a particular collection agency upon written or verbal notification by any party alleging that such an office does not meet the requirements of this section.

Annotation: Neb. Rev. Stat. §45-612

011. REVOCATION OR SUSPENSION OF AGENCY LICENSE OR SOLICITOR'S CERTIFICATE.

011.01. The Board may, upon an affirmative vote of the majority of the members of the Board and after its own investigation, and shall, upon sworn complaint of any person or client of a licensee, cite the licensee or solicitor to appear before it at a time and place as set forth in such citation, to show cause as to why such license should not be suspended or revoked. Such citation shall be in writing and shall set forth the exact charges against the licensee or solicitor. The citation shall be served upon the licensee or solicitor at least twenty days prior to the hearing in the same manner that summons of the district courts are served. If the citation is against a solicitor, a true copy of the citation shall also be served upon the licensee under whose license the solicitor's certificate was issued.

011.02. In preparation for and the conduct of such hearing the Board may issue subpoenas to require the attendance and testimony of witnesses, the production of any pertinent records, papers, books and documents, may administer oaths, examine witnesses, and take any evidence it deems pertinent to a proper determination of the charge. The party against whom the citation has been issued shall have the right to obtain from the Secretary of State subpoenas for such witnesses the party may desire to have at such hearing. Depositions may be taken and used at such hearings in the same manner as they are taken and used in the district courts of this state. Witnesses so subpoenaed shall receive the same fees as witnesses in the district courts of this state.

011.03. The Board shall record the testimony given at the hearing and maintain a file containing such testimony as well as a record of all witnesses who appeared and all documents or items offered as exhibits.

011.04. After such hearing the Board shall approve by a vote of a majority of its members a statement of its findings in writing and signed by the Secretary of State. If the Board finds that the cited licensee or solicitor has failed to comply with the specific requirements of the Act, or failed to comply with the general intent and purposes of the Act, the Board may revoke such license or certificate, or suspend such license or certificate for a specified time. A certified copy of the findings shall be served upon the cited licensee or solicitor by certified mail within five days of the issuance of such findings.

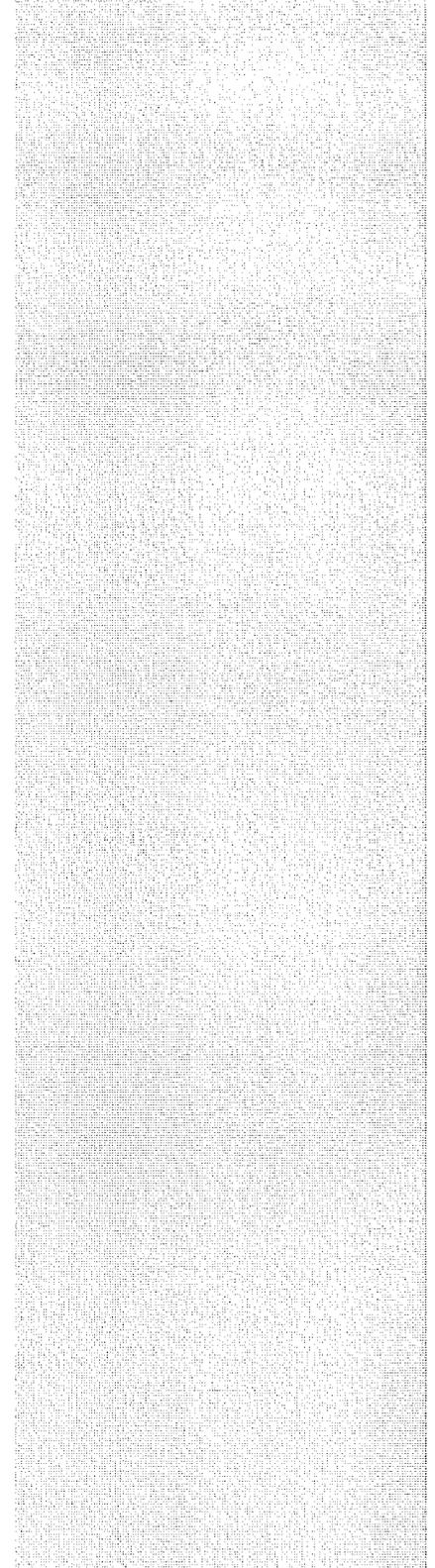
011.05. The Board may make the reinstatement of a suspended license contingent upon satisfactory evidence being produced that the suspended licensee or certificate holder has acted to remedy the situation or action which was cause for the suspension or has taken steps to ensure that the situation or action does not re- occur. Any such requirement shall be included in the findings of the Board in addition to such revocation or suspension.

Annotation: Neb. Rev. Stat. §§45-613 through 45-615

012. APPEALS

012.01. Appeal from a final decision of the Board on any application for a license or certificate that is denied, suspended, or revoked shall be taken in accordance with the Administrative Procedures Act (Neb. Rev. Stat. Sec. 84-901 et. seq.)

Annotation: Neb. Rev. Stat. §45-616



013. FEES AND BOND AMOUNT

013.01. Fees charged by the Board shall be as follows:

- 013.01A. Collection Agency License Fee--\$200.00
- 013.01B. Collection Agency License Investigation Fee--\$200.00
- 013.01C. Collection Agency Annual Renewal Fee--\$75.00
- 013.01D. Branch Office Certificate Initial--\$50.00
- 013.01E. Branch Office Certificate Renewal--\$35.00
- 013.01F. Solicitor's Certificate (new or renewal)--\$1.00

013.02. Fees are not refundable. However, an applicant that is denied a license may request the License Fee be waived upon re-application.

013.03. A corporate surety bond in at least the following amount is required:

- 013.03A. For those agencies having sixteen or more solicitors --\$15,000
- 013.03B. For those agencies having five to fifteen solicitors--\$10,000
- 013.03C. For those agencies having less than five solicitors--\$5,000
- 013.03D. The Board may require a higher bond amount; however, no person shall be required to post a bond in excess of one hundred thousand dollars.

Annotation: Neb. Rev. Stat. §45-606, 45-608, and 45-620

**APPENDIX**

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**INITIAL LICENSE APPLICATION REQUIREMENTS**

Application for collection agency license

Officer's Interrogatory

Financial Statement

Oath of Applicant

Collection Agency License Bond

Application for Renewal of Collection Agency License

**JOHN A. GALE**  
SECRETARY OF STATE  
(402) 471-8606 (phone)  
(402) 471-2530(fax)



STATE CAPITOL  
ROOM 1305  
LINCOLN, NE 68509

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## **NEBRASKA COLLECTION AGENCY LICENSING BOARD** **INITIAL LICENSE APPLICATION REQUIREMENTS**

Enclosed with this application are the Nebraska statutes and rules and regulations applicable to Nebraska collection agencies. The Nebraska Collection Agency Licensing Board reviews license applications at its **quarterly meetings** in January, April, July and October. Applications must be received by our office **no later than the first** of the month in which the Board meets in order to have the application placed on the agenda. If you have a problem in meeting the deadline or have any questions regarding the application, you should contact our office for assistance. The Board requires that every application for a collection agency license include the following information and meet the following requirements:

1. **All questions on the application form(s) must be answered** (unless otherwise noted) and the application must be sworn or affirmed by someone with general authority to act on behalf of the applicant agency on the attached form.
2. All licensing and investigation fees must be paid in advance.
3. Out of State applicants already doing business outside Nebraska must provide a **list of ten customers** (use attached form) for reference purposes. In addition, **all out of state applicants must have an office in the State** of Nebraska (see NAC, Title 434, Ch. 10, attached to this packet for requirements).
4. Three personal reference letters must be provided for **individual** and **partnership** applicants.
5. If the applicant is an **individual** or **partnership**, a personal financial statement must be completed. Credit reports will be obtained by the Board on **individual** and **partnership** applications.
6. If the applicant is a **corporation, limited liability company, or other business entity**, a copy of the articles of incorporation, certificate of organization, or other formation documents, and the name and address of the resident agent in the state of incorporation.
7. A **corporation, limited liability company, or other business entity** must be registered to do business in the State of Nebraska and in good standing.
8. A completed current financial statement of the **corporation** or **business on the form provided**.
9. A bond in the amount required by the Act (see Neb. Stat. 45-608).
10. An alphabetical list of all solicitors/collectors to be licensed with the required fee. The list should contain the name of the solicitor/collector and any alias used by the solicitor/collector.
11. A list of any branch offices to be licensed. The list should include name of branch (if different from the agency name), address, city, state, zip, and telephone number.
12. A list of other states in which the collection agency is licensed (use attached form).

**NEBRASKA COLLECTION AGENCY LICENSING BOARD**  
**INITIAL LICENSE APPLICATION REQUIREMENTS (continued)**

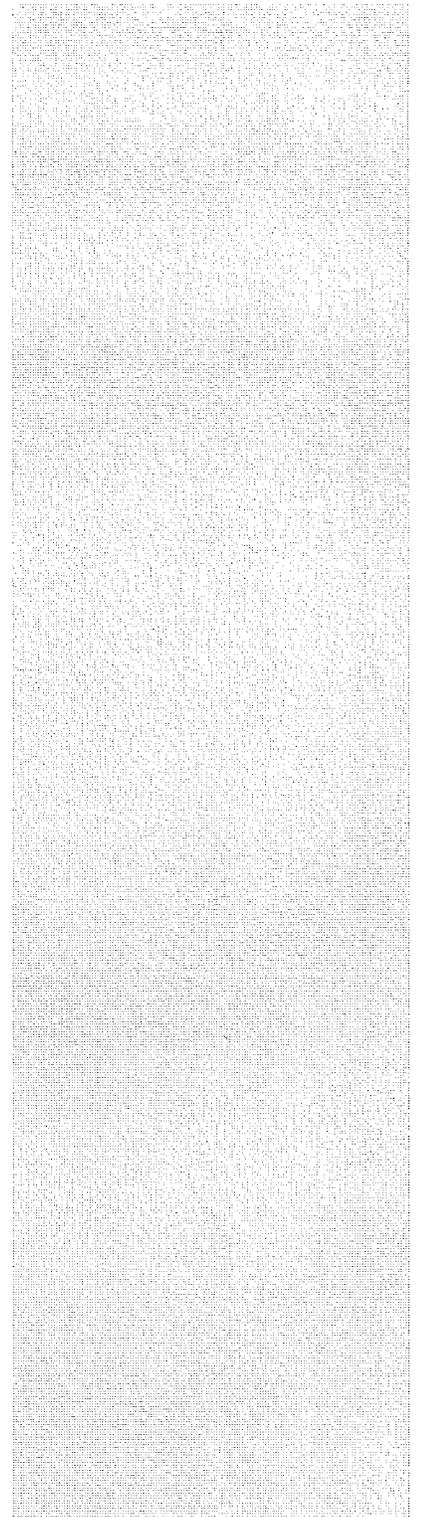
**The licensing fees are as follows:**

<b><u>Collection Agency Initial License Fee (initial).....</u></b>	<b><u>\$200.00</u></b>
<b><u>Collection Agency License Investigation Fee (initial).....</u></b>	<b><u>\$200.00</u></b>
<b><u>Branch Office Certificate (initial).....</u></b>	<b><u>\$ 50.00</u></b>
<b><u>Solicitor's Certificate (initial and renewal).....</u></b>	<b><u>\$ 1.00</u></b>
<b><u>License Renewal Fee (due December 1 each year).....</u></b>	<b><u>\$ 75.00</u></b>
<b><u>Branch Office Certificate (renewal).....</u></b>	<b><u>\$ 35.00</u></b>

**The Federal Fair Debt Collection Practices Act (15 U.S.C. sec. 1692 et. seq.) is applicable to all licensed Nebraska collection agencies. A copy of the act is available from the following:**

**The Federal Trade Commission, Pennsylvania Avenue & 6th Streets, NW, Washington, DC 20580 (202/326-3128)**

**The Nebraska Collectors Association, PO Box 70, Beatrice, NE 68310; (402/228-1312 phone) (402/228-1438 fax)**



**JOHN A. GALE**  
Secretary of State



State Capitol  
Room 1305  
Lincoln, NE 68508

**NEBRASKA COLLECTION AGENCY BOARD**  
**INITIAL COLLECTION AGENCY LICENSE APPLICATION**

Please complete the following questions. If additional space is needed for any question, you may attach a separate sheet to the application. The investigation fee of \$200.00 and the license fee of \$200.00 must be paid when the application is submitted. The investigation fee is non-refundable.

Date \_\_\_\_\_ Applicant is a(n): Ind  al  Partn  ip  .C  Corp  n \_\_\_\_\_

Agency Name \_\_\_\_\_

Agency Owner(s) \_\_\_\_\_  
(List all owners holding shares or ownership interests in the agency along with the percentage of interest held)

Business Street Address \_\_\_\_\_

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Licensing Contact Person \_\_\_\_\_ Telephone No. \_\_\_\_\_ Email Address \_\_\_\_\_

Complaint Contact Person \_\_\_\_\_ Telephone No. \_\_\_\_\_ Email Address \_\_\_\_\_

Nebraska Office Street Address \_\_\_\_\_  
(Out of state agencies must have a Nebraska Office Address – Refer to Chapter 10 of the Rules and Regulations)

Telephone No. \_\_\_\_\_ Contact Person \_\_\_\_\_

1. Discuss in brief your business history, organizational structure, type of collection related business engaged in (or to be engaged in, if not yet active) and if you have been in business prior to this application or have ever held a Nebraska Collection Agency License.

2. Does your business handle accounts and money?  yes  no

3. If licensed, have you ever had any disciplinary action by an agency or board?  yes  no If yes, explain on a separate sheet.

4. Will the business use any additional names for the collection agency?  yes  no If yes, list on a separate sheet. (Including registered trade names).

5. Applicants who are corporations, limited liability companies, or other business entities: please list on a separate sheet the names and resident addresses of the president, vice president, secretary, treasurer and other officers having a right to participate in the management of the collection agency.

6. Applicants licensed in another state: attach a listing of the states and the agencies issuing the license.

7. Out of state applicants already doing business outside Nebraska: please list ten (10) customers showing their names, complete addresses, and telephone numbers for reference purposes on the attached sheet.

8. Individual or Partnership applicants must provide three (3) letters of personal reference (each).

**OFFICERS' INTERROGATORY**

This interrogatory must be completed by each officer or other individual having a right to participate in the management of the applicant's business in the State of Nebraska. If additional forms are needed, copies may be made.

\_\_\_\_\_  
Name of Officer Title

\_\_\_\_\_  
Residence Street Address, City, State, Zip

**List the places where you have been engaged in any kind of business or vocation accounting for the entire period since you left school or college. If additional space is needed, attach a separate sheet to application.**

**Nature of Business** \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

Position held \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

**Nature of Business** \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

Position held \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

**Nature of Business** \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

Position held \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

**Nature of Business** \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

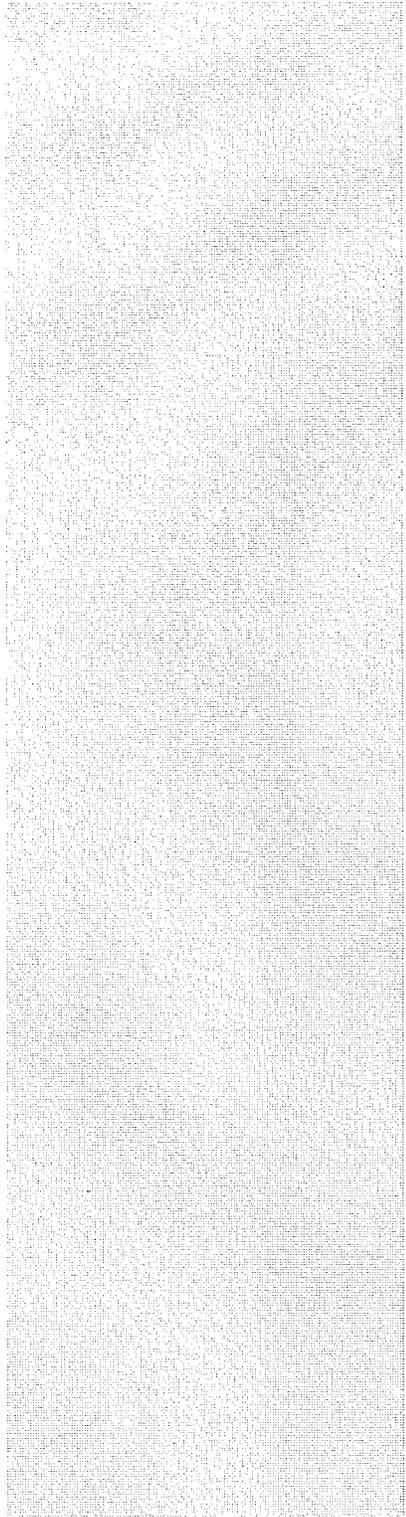
Position held \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

**Nature of Business** \_\_\_\_\_

Employer \_\_\_\_\_

Address \_\_\_\_\_

Position held \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_



Have you ever been engaged in any kind of collection agency work?  yes  no If yes, how long? \_\_\_\_\_

**Describe position** \_\_\_\_\_

Have you ever been licensed in any other state as an owner, manager, or solicitor of a collection agency?  yes  no

**If yes, where? When?** \_\_\_\_\_

Has your application for a license as an owner, manager, or solicitor of a collection agency ever been rejected in any other state?  yes  no If yes, explain giving exact dates, places, parties involved, and full details on a separate sheet.

Has your license as an owner, manager, or solicitor of a collection agency ever been revoked or suspended in any other state?  yes  no If yes, explain giving exact dates, places, parties involved, and full details on a separate sheet.

Have you ever been convicted of any criminal offense or is there any criminal charge against you now pending (other than minor traffic violations)?  yes  no If yes, explain giving exact dates, places, parties involved, and full details on a separate sheet.

Have you been convicted of fraud in any court within the past five years?  yes  no If yes, explain giving exact dates, places, parties involved, and full details on a separate sheet.

Has there been any judgment entered against you for failure to account to your client money or property for such client or customer in the last five years?  yes  no If yes, explain giving exact dates, places, parties involved, and full details on a separate sheet.

Have you read and do you understand the provisions of the Collection Agency Licensing Act?  yes  no

List the names and addresses of three people unrelated to you who can attest to your reputation for honesty and fair dealings.

Name \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

**AUTHORIZATION FOR RELEASE OF INFORMATION**

I hereby authorize the Secretary of State as Chairman of the Nebraska Collection Agency Board to investigate and verify any information contained in my collection agency application or any other information relevant to my qualifications for licensure.

Signature \_\_\_\_\_ Social Security Number \* (optional) \_\_\_\_\_

**\*Failure to disclose your social security number will not affect your license application, but will be used by the Board to assist in verifying background information provided, including credit history checks. The number is being requested under Nebr. Revised Statute 45-607 which lists qualifications and disqualification's for licensees and officers, and in accordance with previous Collection Agency Licensing Board practice.**

**NEBRASKA COLLECTION AGENCY BOARD  
PERSONAL/CORPORATE FINANCIAL STATEMENT  
(This form must be completed)**

A completed financial statement must be completed for the owner if for a sole proprietorship OR the business entity if for a partnership, corporation, or limited liability company. The information is required so that the Board can properly evaluate the applicants' ability to qualify for such license. The Board is authorized to make all inquiries deemed necessary to verify the accuracy of the statements made herein.

The following is being submitted by \_\_\_\_\_ (name and title) as a true and accurate statement of financial condition of \_\_\_\_\_ (name of applicant) on \_\_\_\_\_, 20\_\_\_\_.  
(Must be no more than 6 months old)

Type of Business: Individual  Partnership  LLC  Corporation

**ASSETS, LIABILITIES AND NET WORTH**

ASSETS: \_\_\_\_\_ (omit cents)

Current Assets:	
Cash on hand	\$ _____
Cash in Bank (Itemize)	
(a) Trust Account (Client Funds)	\$ _____
(b) Operating Account	\$ _____
(c) Other Bank Accounts	\$ _____
Accounts Receivable	
a) Clients	\$ _____
b) Other	\$ _____
Notes Receivable	\$ _____
Other (Itemize)	\$ _____
\$ _____	
\$ _____	
<b>TOTAL CURRENT ASSETS</b>	<b>\$ _____</b>
Fixed Assets:	
Furniture, Fixtures, etc.	\$ _____
Real Estate	\$ _____
Other (Itemize)	\$ _____
\$ _____	
\$ _____	
<b>TOTAL FIXED ASSETS</b>	<b>\$ _____</b>
<b>TOTAL ASSETS</b>	<b>\$ _____</b>

<b>LIABILITIES &amp; NET WORTH:</b>	
Accounts Payable	
a) Clients	\$ _____
b) Other	\$ _____
Taxes Payable (Itemize)	\$ _____
\$ _____	
\$ _____	
\$ _____	
Real Estate Mortgages payable to:	\$ _____
Notes Payable to Banks	

a) Secured \$  
b) Unsecured \$

Notes Payable to Other - Specify: \$

Other Liabilities (Itemize) \$

\$

\$

\$

**TOTAL LIABILITIES** \$

**NET WORTH:**

Investment/Capital Stock \$

Surplus \$

Retained Earnings \$

**TOTAL NET WORTH** \$

**TOTAL LIABILITIES & NET WORTH** \$

**INCOME AND OPERATING EXPENSES**

Monthly Revenue (average over the past 6 months) \$

Monthly Expenses (average over the past 6 months) \$

**ADDITIONAL INFORMATION**

**List the names and addresses of your financial institutions:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Please list and give a brief explanation of all Lawsuits pending or judgments entered against the applicant agency in the last 3 years (attach information if needed)

Does the applicant agency have any debts, obligations, or potential liabilities of the applicant not listed elsewhere on this application  yes  no

Is the applicant an endorser, co-maker/signer or guarantor on an outstanding liability?  yes  no

Are any assets of the applicant, including stock, pledged or assigned other than those described?  yes  no

Has the applicant filed bankruptcy in the last 10 years?  yes  no

**If you answered yes to any of the above questions, please attach additional pages and explain in detail, including an estimate of the liability or debt where applicable**



**NEBRASKA COLLECTION AGENCY LICENSE BOND**

KNOW ALL PERSONS BY THESE PRESENTS:

That we, \_\_\_\_\_, as Principal and \_\_\_\_\_  
as Surety, are held and firmly bound unto the Nebraska Collection Agency Licensing Board for and on behalf of  
injured parties in the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_ ) for the payment of which well  
and truly to be made, we hereby bind ourselves, our heirs, executors, administrators, personal representatives,  
successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal, hereinabove described, is about to engage or is engaged in the collection agency  
business as a duly licensed collection agency in the State of Nebraska.

NOW THEREFORE, the condition of this obligation is such that, if the Principal shall faithfully and truly perform  
all agreements entered into with the licensee's clients or customers and shall, within forty-five days after the close  
of each calendar month, report to and pay to his, her or its client or customer the net proceeds of all collections  
made during the preceding calendar month and due to each client or customer, then this obligation to be void,  
otherwise to remain in full force and effect.

IT IS FURTHER PROVIDED, that an action may be brought in any court of competent jurisdiction upon this bond  
by any person to whom the licensee fails to account and pay as set forth hereinabove or who has been damaged by  
failure of the licensee to comply with all agreements entered into with such person, except that the aggregate  
liability of the Surety to all such persons shall, in no event, exceed the sum of such bond.

The term of this bond shall begin upon its effective date and end on December 31, \_\_\_\_\_.

The effective date of this bond is \_\_\_\_\_.

(Corporate Seal of Insurance  
Company if Applicable)

\_\_\_\_\_  
Signature of **Principal**

\_\_\_\_\_  
Signature of **Agent \***

\*The bond must be signed by an agent of the bonding company.

JOHN A. GALE  
Secretary of State  
402-471-8606 (Phone)



State Capitol, Suite 1305  
Lincoln, NE 68509  
402-471-2530 (Fax)

**APPLICATION FOR RENEWAL OF COLLECTION**  
Fee: \$75.00

**AGENCY LICENSE**

FILING DEADLINE IS NOVEMBER 30, 2012

1.  Information on form is correct  
(Complete #14 and sign and date the bottom of form)  
and date the bottom of form)
2.  Information on form is not correct  
(Make appropriate corrections, complete #14 and sign  
and date the bottom of form)

3. Applicant is a: \_\_\_ (I-Individual, P-Partnership, L-LLC, C-Corporation) Correct Information is: \_\_\_\_\_

4. Agency Name: \_\_\_\_\_  
Correct Information is: \_\_\_\_\_

5. List the name of the entity as it is registered with the Nebraska Secretary of State's Corporation Division.  
Registered Name: \_\_\_\_\_  
Correct Information is: \_\_\_\_\_

6. Agency Trade Names/d.b.a.'s: \_\_\_\_\_  
Correct Information is: \_\_\_\_\_

7. Agency Owner(s): \_\_\_\_\_  
Correct Information is: \_\_\_\_\_

8. Business Address: \_\_\_\_\_  
Correct Information is: \_\_\_\_\_

9. Telephone No: \_\_\_\_\_ Correct Information is: \_\_\_\_\_

10. Fax No: \_\_\_\_\_ Correct Information is: \_\_\_\_\_

11. Contact Name, Address, and Telephone Number for Nebraska Office. (You MUST have a Nebraska Office Address):  
Correct Information is: \_\_\_\_\_

12. Name, Address, Telephone Number, and Email of Person to receive all correspondence, licenses, and forms:  
Correct Information is: \_\_\_\_\_

13. Name, Address, Telephone Number, and Email of Person to contact regarding agency complaints:  
Correct Information is: \_\_\_\_\_

14. List, on a separate sheet, any and all law suites the company has been involved with and any and all state or federal actions taken against the company this year.

15. List, on a separate sheet, the name(s) and address(es) of the agency's general manager(s).

Signature of Person Completing Application \_\_\_\_\_ Title \_\_\_\_\_

Printed Name \_\_\_\_\_ Date \_\_\_\_\_

## CHAPTER 3. PRIVATE DETECTIVES

### 001 – DEFINITIONS

001.01. Private Detective Licensing Act shall mean Neb. Rev. Stat. §§71-3201 through 71-3213.

001.02. Secret service or private policing business shall mean and include: general investigative work; non-uniformed security services; surveillance services; location of missing persons; and background checks.

001.02A The following activities shall constitute general investigative work:

001.02A(1) investigating the identity, habits, conduct, movements, whereabouts, transactions, reputation, or character of any individual or organization;

001.02A(2) investigating the credibility of witnesses or other individuals;

001.02A(3) investigating the location or recovery of lost or stolen property;

001.02A(4) investigating the origin of and responsibility for libels, losses, accidents, or damage or injuries to individuals or property;

001.02A(5) investigating the affiliation, connection, or relationship of any individual, firm, or corporation with any organization, society, or association, or with any official, representative, or member thereof;

001.02A(6) investigating the conduct, honesty, efficiency, loyalty, or activities of employees, individuals seeking employment, agents, or contractors and subcontractors;

The list of activities in subsection 001.02A shall not be construed as exhaustive.

001.02B. Background checks shall mean the act of reviewing both confidential and public information to investigate an individual or entity's history, credit standing, general reputation, personal characteristics, or mode of living.

001.03. Secretary shall mean the Secretary of State

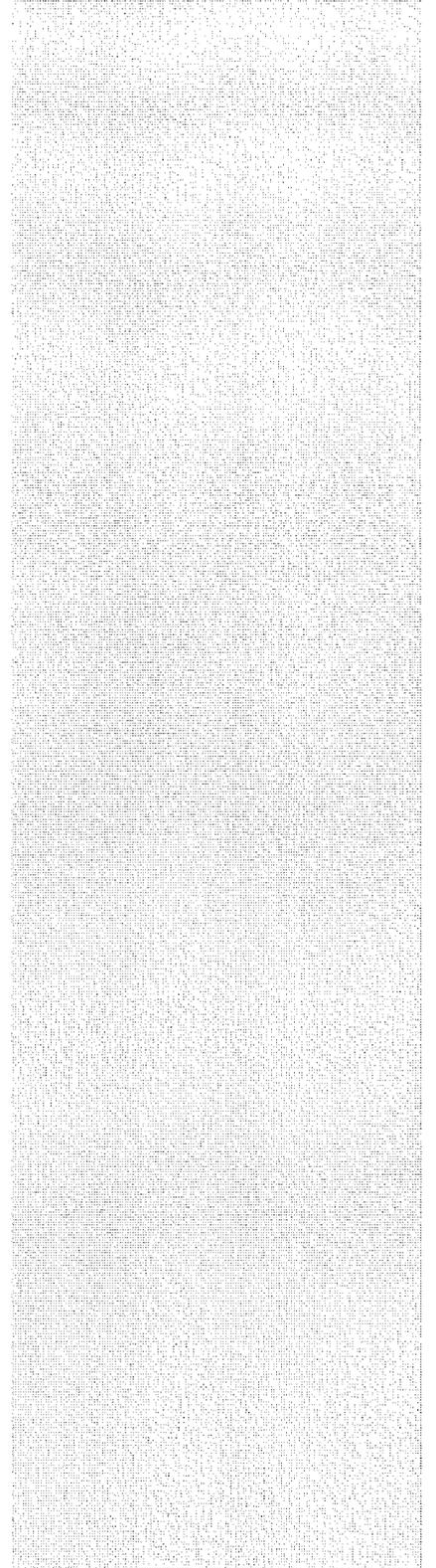
001.04. Sole proprietor shall mean an individual owning his own private detective business with no other agents or employees engaged in the private detective work, and shall not include any private detective business owned or operated in whole or in part by a partnership, limited partnership, firm, association, corporation, limited liability company or other legal entity.

001.05. Plain Clothes Investigator shall mean and include any individual, other than a private detective, who is an employee and on behalf of a private detective agency without any identifying uniform performs services consisting wholly or investigative activity within the scope of the private detective business.

001.06. Private Detective shall mean any individual who as a sole proprietor engages in the private detective business without the assistance of any employee.

001.07. Private Detective Agency shall mean any person who as other than a private detective or a plain clothes investigator engages in the private detective business.

Annotation: Neb. Rev. Stat. § 71-3201



002 - PRIVATE DETECTIVE BUSINESS

002.01 For purposes of the Act advertising or holding oneself out as being engaged in the private detective business shall mean and include:

002.01A Placing advertisements offering private detective, secret service or private policing services.

002.01B Distributing business cards using stationary or letterhead indicating the individual or entity offers private detective, secret service or private policing services.

002.01C Soliciting clients for the purpose of performing private detective, secret service, or private policing services.

002.02 Advertising in state and local publication must be the same as identified on the application form.

002.02A Private detective agency advertising must have a private detective agency license.

002.02B Private detective advertising must be advertising as an individual performing private detective work.

002.02C Plain clothes investigators may only advertise as employees of a private detective agency that they are employed.

Annotation: Neb. Rev. Stat. Sec. 71-3201 and 71-3202

003 - APPLICATIONS AND OTHER FORMS

003.01 The following forms are required for licensing under the Act: (Example)

003.01A. Application for plain clothes or private detective license

003.01B. Voucher for plain clothes investigator

003.01C. Application for private detective agency license

003.01D. Release of information form

003.01E. Instructions for use of fingerprint cards

003.01F. Fingerprint card

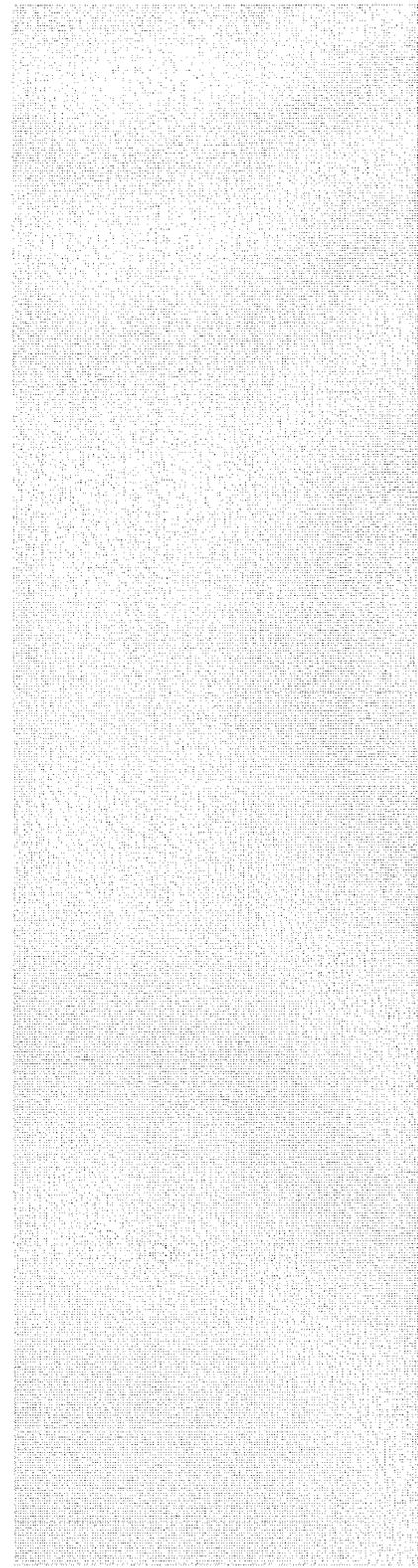
003.01G. Bond Form

003.01H. Plain clothes or private detective license renewal form

003.01I. Private detective agency renewal form

The forms listed in this section and attached hereto shall be made available to all applicants for license under the Act and shall be incorporated by reference into these rules and regulations.

Annotation: Neb. Rev. Stat. Sec. 71-3205; 71-3207; 71-3208



004 - LICENSE APPLICATION REQUIREMENTS

004.01 Before being considered by the Secretary of State, every application for a private detective, private detective agency, or plain clothes investigator license shall include the following information and meet the following requirements:

004.01A. All questions on the application form(s) must be answered.

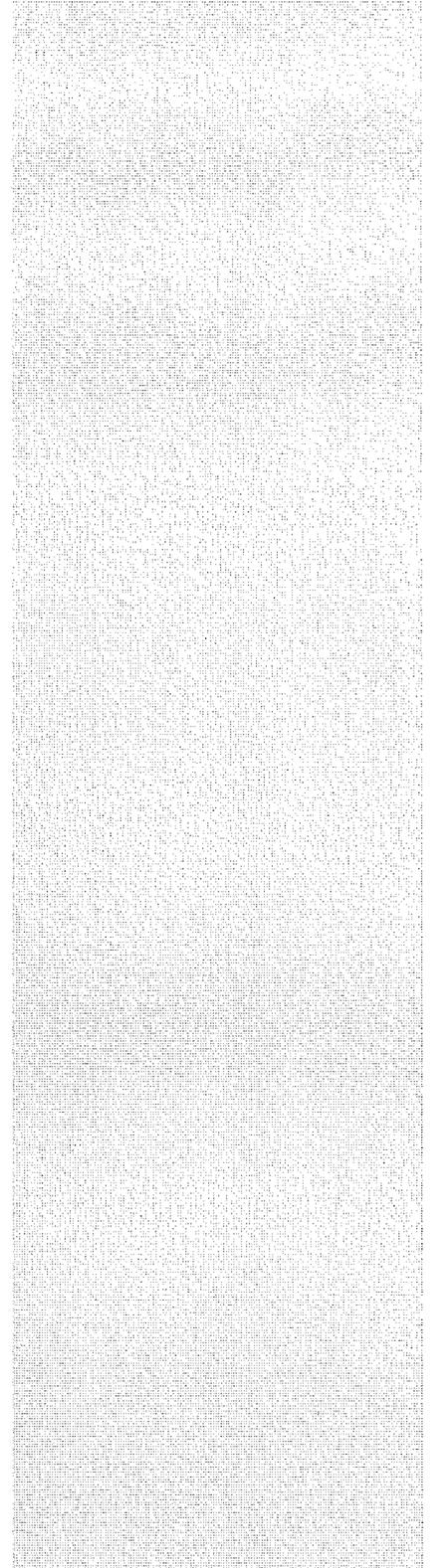
004.01B. All licensing and investigation fees must be paid in advance.

004.01C. Submission of readable fingerprint cards.

004.01D. Submission of a license surety bond for \$10,000 (for agency and private detective licenses only).

004.01E. Submission of a color photograph 1" by 1 1/2" facial of applicant taken within 90 days of application.

Annotation: Neb. Rev. Stat. Sec. 71-3205 through 71-3207



005 - PRIVATE DETECTIVE and PRIVATE DETECTIVE AGENCY LICENSING REQUIREMENTS

005.01 Before being approved by the Secretary of State all applicants for a private detective license or a private detective agency license must meet or exceed the following requirements:

- 005.01A a minimum of 3000 hours of verifiable investigative experience, or
- 005.01B a minimum of 2500 hours of verifiable investigative experience if the applicant has completed an associate degree in Criminal Justice, or a closely related field, from an accredited, regionally recognized, degree-awarding university, college or community college, or
- 005.01C a minimum of 2000 hours of verifiable investigative experience if the applicant has completed a bachelor's degree in Criminal Justice, or a closely related field, from an accredited, regionally recognized, degree-awarding university or college, and
- 005.01D a minimum score of 80% on the license exam.

005.02 For purposes of section 001 of this chapter, verifiable investigative experience shall mean and include previous investigative experience working as a city, county, state or federal law enforcement officer, military police officer, private investigator in another state, or licensed plain-clothes investigator in this state and may include other relevant investigative experience approved by the Secretary of State.

005.03 If the application is for a private detective agency license, at least one person designated on the application shall meet the requirements of section 001 of this chapter. The person so designated must have overall management responsibility of the day to day affairs and investigations of the agency and oversee or supervise any plain clothes investigators working under the agency license. If the applicant is a corporation the designee shall be an officer or director of the corporation, if the applicant is a limited liability company the designee shall be a member or manager of the limited liability company, if the applicant is a partnership or some other type of business organization the designee shall be a partner or manager. Any officer or managing partner must complete and submit finger print cards for a criminal background check prior to issuance of an agency license.

005.04 In addition to the requirements set forth in these rules, before being approved by the Secretary of State all applicants for a private detective license or a private detective agency license must meet all requirements set forth for licensure under the Private Detective Licensing Act.

005.05 Any person or persons conducting investigations as an employee of a private detective agency license holder must have a plain clothes investigations license.

Annotation: Neb. Rev. Stat. Sec. 71-3205 through 71-3207

Chapter 6 - PLAIN CLOTHES INVESTIGATOR'S LICENSE

006.01 Before being approved by the Secretary of State all applicants for a plain clothes investigators license must meet or exceed the following requirements:

006.01A a minimum score of 80% on the license exam.

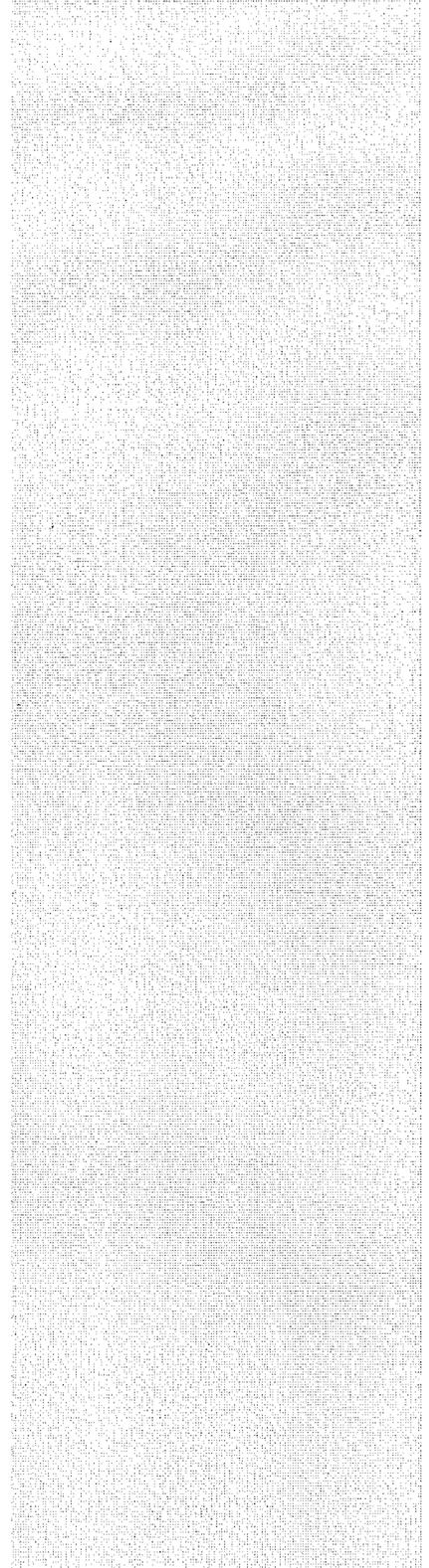
006.01B a statement signed by the agency license holder who the plain clothes investigator will be employed by ensuring that each investigator has the necessary knowledge to competently practice in the private investigative business.

006.02 A plain clothes investigator license shall be null and void upon the following circumstances: expiration of agency, termination of employment

006.03 All plain clothes investigators must be employed by a licensed Nebraska private detective agency.

006.04 In addition to the requirements set forth in these rules before being approved by the Secretary of State all applicants for a plain clothes investigators license must meet all the requirements set forth for licensure under the Private Detective Licensing Act.

Annotation: Neb. Rev. Stat. Sec. 71-3201 and 71-3205



007 - LICENSE EXAM

007.01 The license exam shall consist of questions aimed at determining whether the applicant has the reasonably necessary knowledge, experience, and competency to engage in and perform the duties of the secret service or private policing business.

007.01A Knowledge of the Nebraska Private Detective Act and laws related to or affecting private detective work, including but not limited to:

007.01A1 Provisions of Neb. Rev. Stat. 71-3201 through 71-3213 the Nebraska private detective licensing act

007.01A2 Basic requirements to become a license holder

007.01A3 Debt collection restrictions

007.01A4 Surety bond requirements

007.01A5 Minimum number of hours of experience to apply for a detective license

007.01A6 Disqualification for application of private detective license

007.01A7 Expiration date of all license holders

007.01A8 Restrictions on duties of plain clothes investigators

007.01A9 Advertising for private detective services

007.01A10 License renewal requirements

007.01A11 Interception of wire of electronic communications (wiretapping)

007.01A12 Trespassing

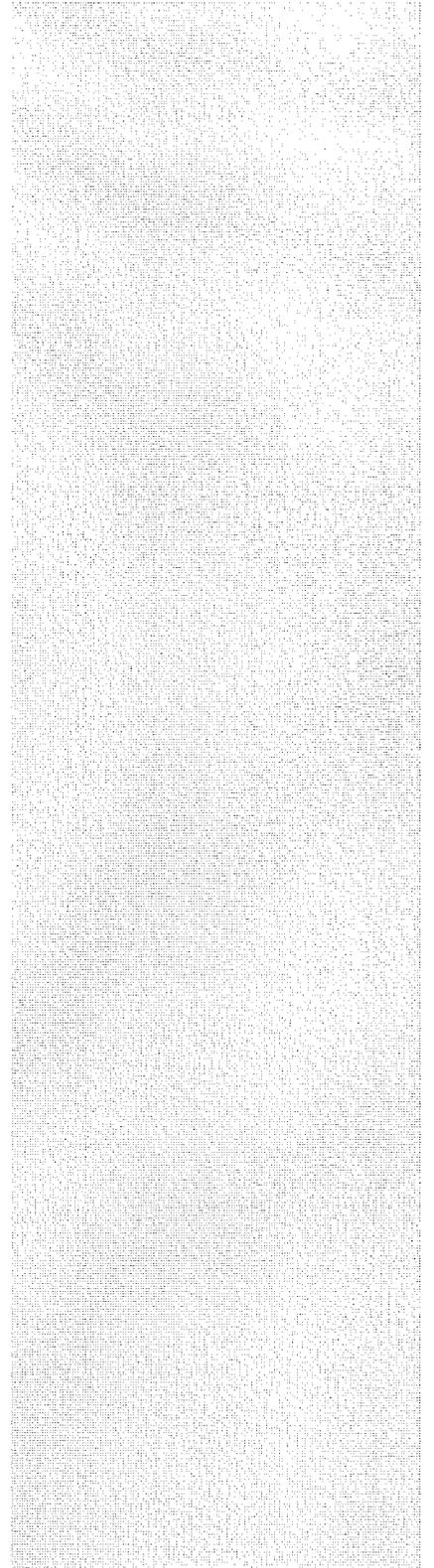
007.01A13 Carrying a concealed weapon

007.01A14 Provisions of the Nebraska private detective licensing rules and regulations

007.01A15 Intrusion

007.02 The license exam shall be administered at such places and times as the Secretary of State may determine, but in no event shall the test be held more than 30 days after an applicant's request to take the test. Any applicant who does not pass the exam must wait at least 21 days before re-taking the exam. If an applicant does not pass the test after three tries the applicant shall be considered incompetent to receive a license for private investigative work in the State of Nebraska, and shall not be eligible to take the test again. A passing exam score shall be valid for 2 years from the date of examination.

Annotation: Neb. Rev. Stat. Sec. 71-3205



008 - FEES

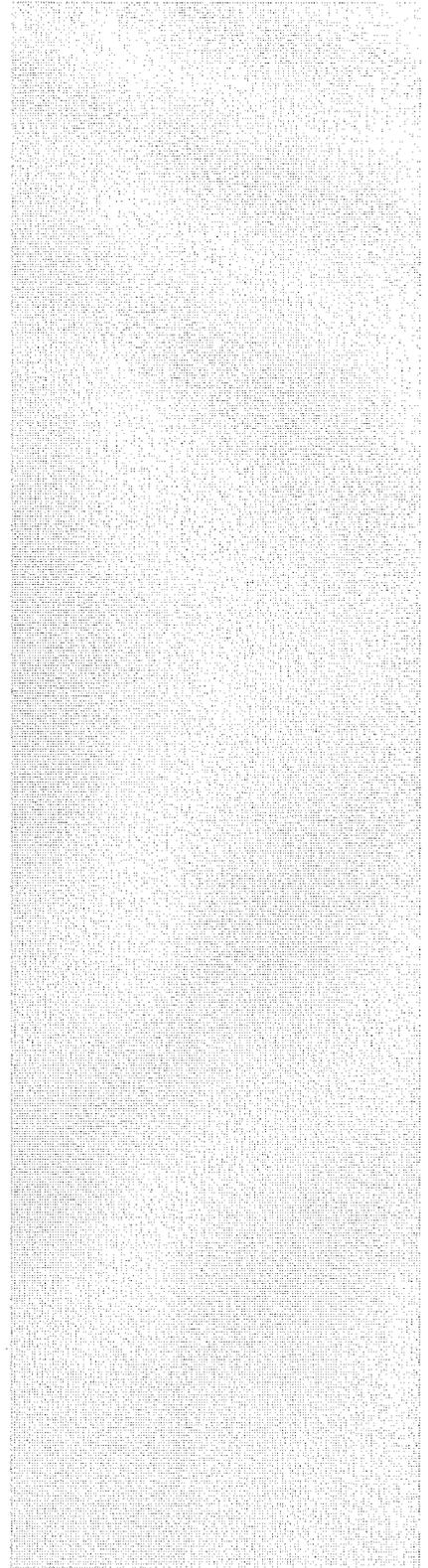
008.01 Application fees for initial and renewal applications shall be as follows:

<u>008.01A Private Detective .....</u>	<u>\$50.00.</u>
<u>008.01B Private Detective Agency .....</u>	<u>\$100.00.</u>
<u>008.01C Plain Clothes Investigator.....</u>	<u>\$25.00.</u>

008.02 A background check application fee of \$38 shall be charged in addition to the fees detailed above for each application except that the background check application fee shall not be required upon renewal.

008.03 Fees charged pursuant to this section are non-refundable.

Annotation: Neb. Rev. Stat. Sec. 71-3205



**APPENDIX**

Application for plain Clothes or Private Detective License

Voucher for plain clothes investigator

Application for private detective agency license

Release of information form

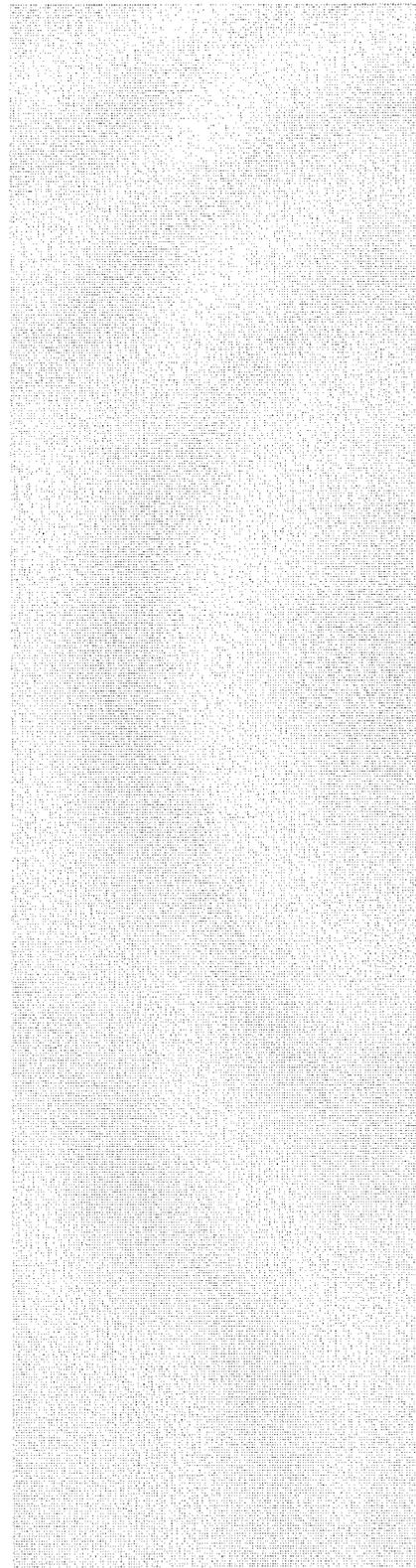
Instructions for use of fingerprint cards

Fingerprint card

Bond Form

Plain clothes or private detective license renewal form

Private detective agency renewal form



**JOHN A. GALE**  
**Secretary of State**



**State Capitol, Suite 1305**  
**Lincoln, NE 68509**

**APPLICATION FOR PLAIN CLOTHES OR PRIVATE DETECTIVE LICENSE**

Application for (please check one)  **Private Detective \$50.00**  **Plain Clothes Investigator \$25.00**

In compliance with the provision of Sections 71-3201 to 71-3213, Revised Statutes of Nebraska 1943 Reissue 2009, I do hereby on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, make application for a license authorizing me to engage in the private detective business. Accompanying this application is the statutory fee, recent photo and two copies of my fingerprints.  
*Print or Type all answers. Any omissions will require the form to be returned for completion.*

Full Name of Applicant.....

Residence Address..... Phone # (.....).....  
Street Address City State Zip Code Area Code

Date of Birth..... Place of Birth..... Age.....  
Month, Day, Year City, State or Country

Name of Private Detective business that you will work under.....

Business Address..... Phone # (.....).....  
Street Address City State Zip Code Area Code

Please list past employers or organizations where you have been employed or vocation.

1. Nature of Business..... Position Held..... From..... To.....  
Employer..... Address.....  
Employer Contact Person..... Phone # (.....).....  
Area Code
2. Nature of Business..... Position Held..... From..... To.....  
Employer..... Address.....  
Employer Contact Person..... Phone # (.....).....  
Area Code
3. Nature of Business..... Position Held..... From..... To.....  
Employer..... Address.....  
Employer Contact Person..... Phone # (.....).....  
Area Code

Have you completed an associate or baccalaureate degree program in Criminal Justice or a closely related field? If so please list the name of the school and the date the diploma or degree was awarded

Have you ever been engaged in any kind of police or detective work, public or private? If so please explain:

Have you ever been licensed in any other state as a private detective or plain clothes investigator? Where? When?

Has your application for a license as a private detective or plain clothes investigator ever been rejected in any other state?

If so, explain fully, giving exact dates, places, parties involved and full details of rejection:

Has your license as a private detective or plain clothes investigator ever been revoked or suspended in any other state?

If so, explain fully, giving exact dates, places, parties involved and full details of revocation or suspension:

Have you ever been convicted of any criminal offense, or is there any criminal charges now pending against you (other than minor traffic violations)? If yes, explain fully giving exact dates, places, persons, and full details of such charges or convictions:

Have you read and do you understand the provisions of Nebraska Statutes 71-3201-through 71-3213, revised RRS Nebr. 1943, Reissue 2009 (Nebraska Private Detective Licensing Act)?

If you are applying for a Private Detective License will you display your license in a conspicuous place in your business?

If applying for a Plain Clothes Investigator License do you understand that if you change Private Detective agency employers, that

you must immediately return your pocket card to the Secretary of State and secure a new card?.....

*Photocopy as needed*

State at least four (4) individuals who can be contacted as personal references concerning your reputation for truth, honesty, and integrity. These individuals cannot be related to you.

I Name.....Occupation.....

Residence Address.....Phone #.(.....).....  
Street Address City NE Zip Code Area Code

Business Address.....Phone #.(.....).....  
Street Address City NE Zip Code Area Code

II Name.....Occupation.....

Residence Address.....Phone #.(.....).....  
Street Address City NE Zip Code Area Code

Business Address.....Phone #.(.....).....  
Street Address City NE Zip Code Area Code

III Name.....Occupation.....

Residence Address.....Phone #.(.....).....  
Street Address City NE Zip Code Area Code

Business Address.....Phone #.(.....).....  
Street Address City NE Zip Code Area Code

IV Name.....Occupation.....

Residence Address.....Phone #.(.....).....  
Street Address City NE Zip Code Area Code

Business Address.....Phone #.(.....).....  
Street Address City NE Zip Code Area Code

**APPLICANT'S CONSENT**

The foregoing statements are made for the purpose of procuring a Nebraska Private Detective or Plain Clothes Investigator License. I hereby consent that these statements may be used as evidence by the Secretary of State of the State of Nebraska; or in any court in Nebraska where a violation of Sections 71-3201 through 71-3213 is claimed and that the application and representations made by me in order to procure a License.

I also expressly agree that the Secretary of State of the State of Nebraska reserves the right to go outside this application for information as to my trustworthiness and competency to act as a Private Detective or Plain-clothes Investigator in the State of Nebraska.

Respectfully Submitted,

.....  
Signature of Applicant









STATE OF NEBRASKA

Dave Heineman
Governor

NEBRASKA STATE PATROL
Colonel David A. Sankey
Superintendent
P.O. Box 94907
Lincoln, Nebraska 68509-4907
Phone: (402) 471-4545

Date \_\_\_\_\_

AUTHORIZATION FOR RELEASE OF INFORMATION

I, \_\_\_\_\_
(Last Name) (First) (Middle) (Date of Birth)

\_\_\_\_\_  
(Address) (Soc. Sec. #)

do hereby authorize a review and full disclosure of all records, or any part thereof, concerning myself to any duly authorized agent of the Nebraska State Patrol or any out-of-state police agency assisting them, whether the said records are public or private, and including those which may be deemed to be of a privileged or confidential nature. The intention of this authorization is to provide information which will be utilized for investigative resource material.

I authorize the full and complete disclosure of the records of educational institutions; financial or credit institutions; commercial or retail mercantile establishments and retail credit agencies; medical and psychiatric consultation and/or treatment, including those of hospitals, clinics, private practitioners, the U.S. Veteran's Administration, and all military and psychiatric facilities; public utility companies, employment and pre-employment records including background investigation reports, the results of polygraph examinations, efficiency rating, complaints or grievances filed by or against me; records of complaints of a civil nature made by or against me, and including, but not limited to the records and recollections of attorneys at law, or other counsel representing or having represented me; and any records of any type what so ever which concern any criminal charges involving me.

I further authorize the release of information concerning all of the above mentioned areas or any other information which has a bearing on my fitness or ability to become a private investigator, even though such information is not contained in written records and regardless of whether such information is considered privileged or confidential in nature.

A photocopy of this release form will be valid as an original hereof, even though the said photocopy does not contain an original writing of my signature.

\_\_\_\_\_  
Officer's Signature & Badge #

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



AN INTERNATIONALLY ACCREDITED LAW ENFORCEMENT AGENCY

An Equal Opportunity/Affirmative Action Employer

Printed with soy ink on recycled paper



JOHN A. GALE  
Secretary of State



State Capitol, Suite 1305  
Lincoln, NE 68509

**SUPPLEMENTARY INSTRUCTIONS FOR**  
**USE OF FINGERPRINT CARDS**

(To be distributed with all applications for private detective,  
private detective agency, and plainclothes investigator licenses)

**Please note that the request for Social Security number found at**  
**the center of the fingerprint form on the upper third of the page is**  
**optional.**

Federal law (the Privacy Act of 1974, Public Law 93-79) generally  
provides that it is illegal for any government entity to deprive any  
individual any right, privilege, or benefit due to the individual's failure  
to provide a Social Security number. Therefore, since the Secretary of  
State does not have specific legal authority to request a Social Security  
number for private detective licensing, the request for a Social Security  
number on the fingerprint card is optional.

**Failure to provide your Social Security number on the fingerprint**  
**form will not affect your application for licensure.**

The Social Security number requested (if provided) is used to ease  
identification of individuals for the state and federal criminal history  
checks done on applicants through the use of the fingerprint cards.

**APPLICANT**  
\* See Privacy Act Notice on Back

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK  
LAST NAME NAM FIRST NAME MIDDLE NAME

FBI LEAVE BLANK

FD-258 (REV.3-1-10) 1110-0046

SIGNATURE OF PERSON FINGERPRINTED

ALIASES AKA

O  
R  
I

**NB920070Z**

**SECRETARY OF STATE  
LINCOLN, NB**

DATE OF BIRTH DOB  
Month Day Year

RESIDENCE OF PERSON FINGERPRINTED

CITIZENSHIP CTZ

SEX

RACE

HGT.

WGT.

EYES

HAIR

PLACE OF BIRTH POB

DATE

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

YOUR NO. OCA

LEAVE BLANK

EMPLOYER AND ADDRESS

FBI NO. FBI

CLASS

REASON FINGERPRINTED

SOCIAL SECURITY NO. SOC

REF.

MISCELLANEOUS NO. MNU

1. R. THUMB

2. R. INDEX

3. R. MIDDLE

4. R. RING

5. R. LITTLE

6. L. THUMB

7. L. INDEX

8. L. MIDDLE

9. L. RING

10. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

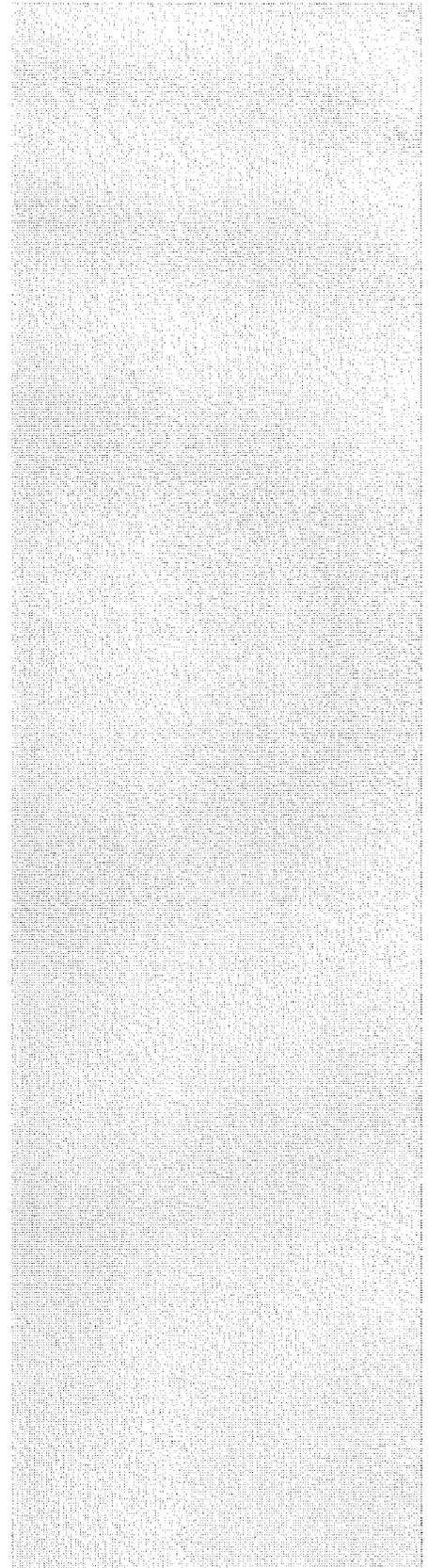


IN WITNESS WHEREOF, the said Surety has caused this instrument to be executed by  
its \_\_\_\_\_ and its corporate seal to be affixed hereto this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

(Seal)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Surety

\_\_\_\_\_  
\_\_\_\_\_  
By \_\_\_\_\_ (Officer)





**JOHN A. GALE**  
**Secretary of State**



**State Capitol, Suite 1305**  
**Lincoln, NE 68509**

**RENEWAL APPLICATION FOR PRIVATE DETECTIVE AGENCY**

In compliance with the provision of Sections 71-3201 to 71-3213, Revised Statutes of Nebraska  
1943 Reissue 2009, I do hereby on this .....day of .....20.....  
make application for a license authorizing .....  
to perform the functions as a private detective agency. Accompanying this application is the statutory fee of \$100.00

*PRINT OR TYPE ALL ANSWERS. Any omissions will require the form to be returned for completion.*

Full Name of Applicant.....

Business Address.....Phone .....

Street Address City, State Zip

**OFFICERS**

.....Nebraska.....  
President Street Address City Zip Code

.....Nebraska.....  
Vice President Street Address City Zip Code

.....Nebraska.....  
Secretary Street Address City Zip Code

.....Nebraska.....  
Treasurer Street Address City Zip Code

Other officers having right to participate in management:

.....Nebraska.....  
Name Street Address City Zip Code

.....Nebraska.....  
Street Address City Zip Code

.....Nebraska.....  
Street Address City Zip Code

**AFFIDAVIT**

Entity or Individual making application for Private Detective Agency License

STATE OF ..... )  
..... ) ss.

COUNTY OF ..... )

I.....being first duly sworn on oath say that I am the above named applicant or  
a duly elected and qualified officer, that I have personally reviewed the foregoing application, and that the same is true to the best  
of my knowledge and belief.

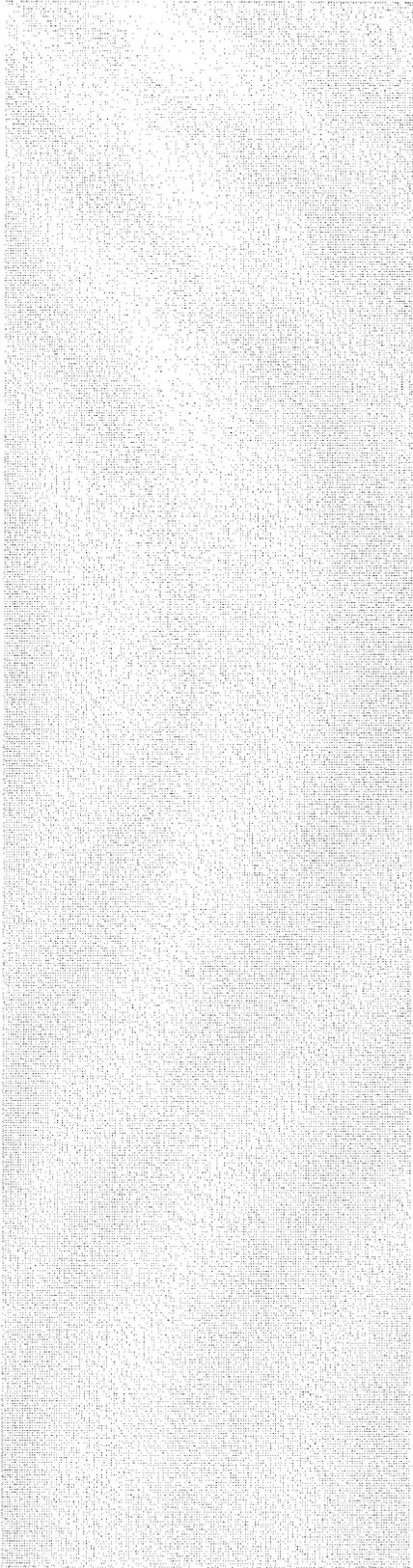
.....  
Name of Agency

.....  
Signature of President, Managing Officer or Individual

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

.....  
Signature of Notary Public  
My commission expires ..... 20.....

**Photocopy as needed**



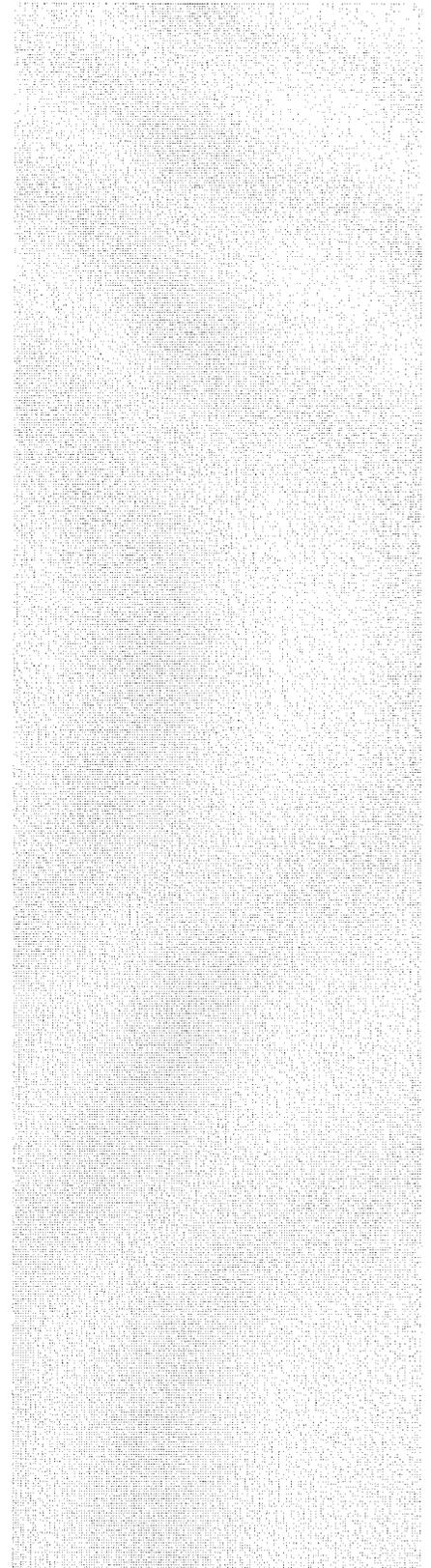
## CHAPTER 4 ATHLETE AGENTS

### 001 FEES

001.01 The fee for the initial application for registration as an athlete agent is \$300. The fee for a renewal application for registration as an athlete agent is \$150.

001.02 The fee for a reciprocal application for registration as an athlete agent is \$150. The fee for a reciprocal renewal application for registration as an athlete agent is \$150.

| Annotation: Neb. Rev. Stat. §48-2609

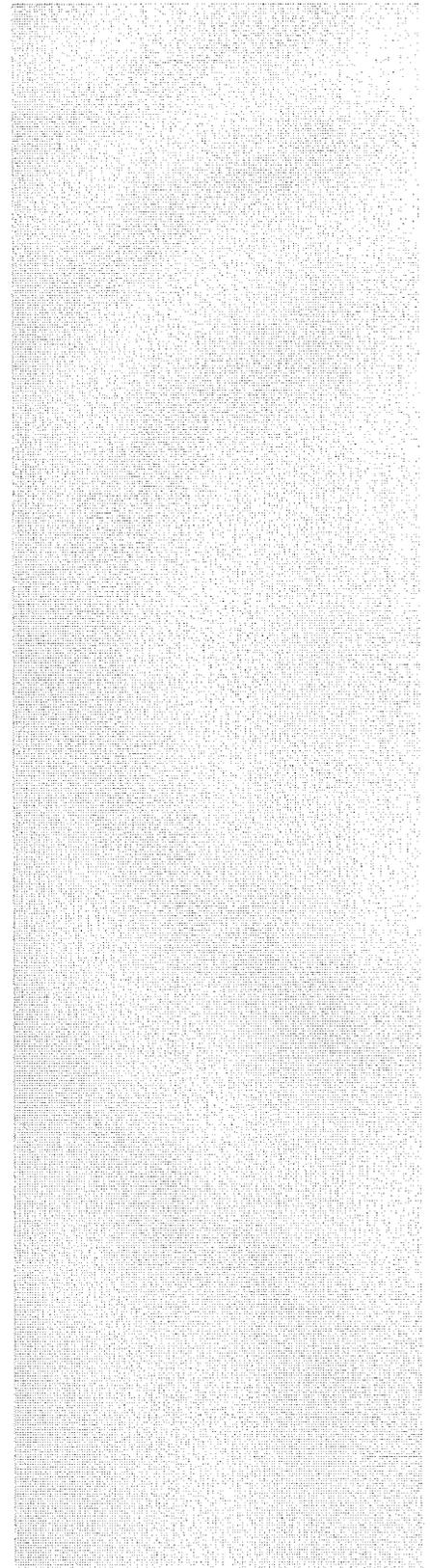


**CHAPTER 5 NONRECOURSE CIVIL LITIGATION FUNDING COMPANIES**

**001 FEES**

**001.01 The fee for the initial application for registration as a civil litigation funding company is \$500. The fee for a renewal application for registration as a civil litigation funding company is \$200.**

**Annotation: Neb. Rev. Stat. §25-3308**



## CHAPTER 6 NOTARY PUBLICS

### 001.- DEFINITIONS

001.01. Act shall mean Neb. Rev. Stat. §§64-101 through 64-118.

001.02. Applicant shall mean a person who has submitted any of the documents listed in Section 3.

001.03. Application shall mean both the initial and renewal application for Notary Public.

001.04. Form shall mean and include an application submitted on paper or an application submitted electronically in a digital format approved by the Secretary.

001.05. Malfeasance in office occurs when a Notary Public fails to follow the requirements and procedures for Notarial acts provided for in statute under Chapter 64, articles 1 and 2, and this administrative code, or, being convicted of a felony or other crime involving fraud or dishonesty within the last five (5) years.

001.06. Nebraska employer means an entity with an office or regular place of business within the physical boundaries of Nebraska. The Secretary's office shall use a US Postal Service address to determine the physical location of the business.

001.07. Notarial act means an act which the law and regulations of this State authorize Notaries Public of this State to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents.

001.08. Notarial certificate or acknowledgement shall mean the section at the end of a document where a Notary Public verifies by notarization that the signor of the document presented satisfactory evidence of identity, appeared in the Notary's presence, and that he/she actually signed the document.

001.09. Regular place of work or business in Nebraska means any place where any person is to work, is working, or customarily works, for gain or reward within the physical boundaries of Nebraska.

001.10. Resident means that the applicant considers Nebraska his or her permanent home, or the place to which he or she intends to return after a period of absence. To meet the residency requirement the applicant must live in Nebraska for more than six (6) months out of the year.

001.11. Secretary shall mean Secretary of State.

Annotation: Neb. Rev. Stat. §§64-101 through 64-118

## 002.- NOTORIAL ACTS

### 002.01. Document

002.01A The Notarial certificate or acknowledgement must be completed in its entirety including dates, state and county of notarial act.

002.01B Blank or incomplete documents should not be notarized.

002.01C Notaries Public may not post-date or pre-date a document.

### 002.02. Seal

002.02A Notaries Public must affix a clear and legible impression of their stamp to a document. The seal and signature may not be affixed over printed material or other signatures on the document.

002.02B Notaries Public must obtain a new seal each time the commission is renewed which includes the new commission dates.

002.02C Notary commissions are issued to an individual regardless of whether or not another business or entity paid the notary application fee, bond, or seal.

002.02D The seal should be secured and only accessible by the Notary Public.

### 002.03. Signature

002.03A The signature on the most recent application, whether on an Initial Application for Notary Public Commission, Renewal Application for Notary Public Commission or Notary Public Request to Change Record, will be used for verification; therefore the Notary Public should always sign consistently with their application signature.

002.04. Notaries Public must be aware of the condition of the signor. Special attention should be given when asked to notarize the signature of a minor child or persons that might not have the capability of understanding the document that they are signing. If the Notary Public reasonably believes the signor does not understand the document they should refuse to notarize.

002.05. Notaries Public cannot refuse to provide services on the basis of race, color, national origin, religion, sex (including pregnancy), disability, or marital status.

Annotation: Neb. Rev. Stat. §§64-101 through 64-118

003. - APPLICATIONS AND OTHER FORMS

003.01. The following forms are required to obtain and maintain a Notary Public Commission under the Act:

003.01A Initial Application for Notary Public Commission

003.01B U.S. Citizenship Attestation Form

003.01C Bond Form

003.01D Renewal Application for Notary Public Commission

003.01E Evidence of Employment in Nebraska

003.01F Notary Public Request to Change Record

003.01G Bond Rider

003.02. A \$15,000 surety bond is required and must be concurrent with the Notary Public commission term.

003.03. The forms listed in this section and attached hereto shall be made available to all applicants under the Act and shall be incorporated by reference into these rules and regulations.

Annotation: Neb. Rev. Stat. §64-102 and §64-109.

004.- COMMISSION REQUIREMENTS

004.01. Before being considered by the Secretary of State, every application for a Notary Public Commission shall include the following information and meet the following requirements:

004.01A All questions on the application form(s) must be answered.

004.01B A fee of \$30 must be submitted.

004.01C A passing examination score.

004.01D Submission of a license surety bond for \$15,000

004.01E U.S. Citizenship Attestation Form

004.01F Non-resident Evidence of Employment Form

004.02. Renewal applications must be received no later than the date the commission expires. If the commission expiration date falls on a weekend or holiday the renewal must be received prior to that expiration date. If received after the expiration date the renewal shall be considered an initial application. A renewal application shall include the following:

004.02A Notary Public Commission Renewal Form as referenced in appendix

004.02B A fee of \$30.

004.02C A bond form or bond rider that updates the initial bond.

004.02D U.S. Citizenship Attestation Form

004.02E Non-resident Evidence of Employment Form

004.03. No appointment shall be made if the applicant has been convicted of a felony.

004.04. No appointment shall be made if the applicant has been convicted of a crime involving fraud or dishonesty within the last five (5) years.

004.04A A crime involving fraud or dishonesty means a violation of, or a conspiracy to violate, a civil or criminal law involving fraud, dishonesty, bribery, perjury, larceny, theft, robbery, extortion, forgery, counterfeiting, embezzlement, misappropriation of property, or any other offense adversely affecting such person's fitness to serve as a notary public.

004.04B Conviction within the last five (5) years means being convicted by a court of law within the last five (5) years from the date the application is received.

004.05. An applicant must be a resident of the State of Nebraska or 1.) reside in one of the following states: Colorado, Iowa, Kansas, Missouri, South Dakota, or Wyoming and 2.) maintain a regular place of work or business in Nebraska.

004.05A Non-resident applicants will be required to submit the form entitled "Evidence of Employment in Nebraska" listed under Section 3- Applicants and Other Forms 001.05.

004.05B If an applicant is self-employed a written explanation must be attached to the "Evidence of Employment in Nebraska" form noted above.

Annotation: Neb. Rev. Stat. §§64-101 through 64-104

005.- CHANGES TO NOTARY PUBLIC COMMISSION

005.01. Name Change

005.01A A Notary Public may continue to use their current Notary Commission as it was issued until the expiration or termination of such commission. The Notary Public must continue to sign their name using the name as listed on the commission certificate.

005.01B A Notary Public may change the name on the Notary Commission by filling out the "Notary Public Request to Change Record" form and submitting a fee of \$30.00. A bond issued under the new name must accompany the form.

005.02. Address Change

005.02A A Notary Public must update their address when moving by filling out and submitting the "Notary Public Request to Change Record" form.

005.02B No fee will be assessed for updating address information.

005.03. Employment Change

005.03A If a non-resident is terminated from a regular place of work or business in Nebraska a Notary Public must relinquish their Notary Public Commission by returning the commission certificate and seal to the Secretary.

005.04. Signature Change

005.04A A Notary Public may change their signature by filing out a new "Initial Application for a Notary Public" form.

005.04B The Notary Public Examination is only valid for 2 years and by applying anew the Notary Public may have to re-test.

Annotation: Neb. Rev. Stat. §64-101 and §64-105.04

006 -- NOTARY PUBLIC EXAMINATION

006.01. The Notary Public Examination shall consist of questions aimed at determining whether the applicant has the reasonably necessary knowledge, experience, and competency to engage in and perform the duties of a Notary Public. An applicant must score 85% or better to pass the exam.

006.01A Knowledge of the Notary Public Act and laws related to or affecting notarial work, including but not limited to:

006.01A1. Provisions of Neb. Rev. Stat. §§64-101 through 64-118 the Nebraska Notary Public statutes,

006.01A2 Uniform Recognition of Acknowledgements Act Neb. Rev. Stat §§64-209 through 64-215 and any other relevant statutes,

006.01A3 These Rules and Regulations.

006.02. The written examination will be an open resources test sent to the applicant upon receipt of the \$30.00 fee and a completed application.

006.03. Applicants shall have three attempts at passing the Notary Public Examination. If the applicant does not pass the second exam they must wait at least 30 days before re-taking the exam. If the applicant does not pass the test after three attempts the applicant shall be considered incompetent to receive a Notary Public commission in the State of Nebraska, and shall not be eligible to take the exam again.

006.03A A passing exam score shall be valid for 2 years from the date of examination.

006.03B If a passing exam score is not used within 2 years the applicant only has the remainder of prior opportunities to retake the exam.

006.04. The examination may be completed electronically if authorized by the Secretary.

Annotation: Neb. Rev. Stat. §64-101.01

## 007- ALLEGED MALFEASANCE AGAINST NOTARIES PUBLIC

007.01. In investigating an alleged malfeasance against a notary public, the Secretary must consider the totality of the offense, facts, and circumstances in each individual case.

### 007.02. Factors Considered

007.02A While evaluating an alleged malfeasance to determine if it should be set for hearing or recommend to a stipulation process, the Secretary may consider a variety of factors, including, but not limited to, the following:

007.02A1 Nature and severity of the act, offense or crime under consideration.

007.02A2 Number and/or variety of current violations.

007.02A3 Evidence pertaining to the requisite honesty, credibility, truthfulness, and integrity of the Notary Public.

007.02A4 Actual or potential harm to the general public, group, individual or customer.

007.02A5 History of complaints received by the Secretary.

007.02A6 Prior disciplinary record or warning from the Secretary.

### 007.03. Discipline

007.03A Stipulations are a voluntary agreement between the Secretary and Notary Public. A stipulation will be sought in lieu of setting a hearing to simplify the discipline process and provide cost savings to the Secretary.

007.03A1 Stipulations will include the following: statement of facts, acknowledgment of malfeasance, and a penalty.

007.03A2 Stipulations must be in writing and signed by the Secretary and Notary Public.

007.03B Total Revocation means the Notary Public Commission is revoked and cannot ever be reinstated.

007.03B1 The following acts of malfeasance will likely result in the total revocation of a Notary Public Commission:

007.03B1a The signor was not in the physical presence of the Notary Public at the time of the Notarial act.

007.03B1b The signor was not personally known to the Notary Public or identified by the Notary Public through satisfactory evidence during the Notarial act.

007.03B1c A Notary Public engaged in the unauthorized practice of law. This would include using the term "notario publico" or any non-English equivalent term in a manner which misrepresents the authority of the Notary Public.

007.03B1d A Notary Public permitting another person to use the Notary Public's official seal or official seal embosser.

007.03B1e A Notary Public being convicted of a felony or crime involving fraud or dishonesty while commissioned.  
007.03C If revoked the Notary Public Commission and seal must be returned to the Secretary's office.

007.03D Temporary Revocation means a revocation of the Notary Public Commission for as little as one month or as long as 4 years.

007.03D1 The following acts of malfeasance will likely result in the temporary revocation of a Notary Public Commission:

007.03D1a Notarizing a document in which the Notary Public has a personal interest.

007.03D1b A Notary Public making a materially false statement on the application.

007.03D1c Failure of the Notary Public to maintain the required bond.

007.03D2 During the revocation the Notary commission and seal must be returned to the Secretary's office.

007.03E An Admonishment will be issued to a Notary Public and noted in their paper and electronic file when the Secretary feels that the alleged malfeasance rises to the level of warning but not revocation.

007.03E1 The following acts of malfeasance will likely result in an official warning to the Notary Public:

007.03E1a A Notary Public overlooks changing the County or State of the Notarial document.

007.03E1b A Notary Public Notarizes a document with blanks.

007.03E2 An official admonishment will not hinder the Notary Public from performing their duties.

Annotation: Neb. Rev. Stat. §64-105

008- FEES

008.01. The application fee is \$30.00, which includes affixing the State Seal to the commission and approving the bond for the Notary Public.

008.01A A refund of the application fee will only be issued if requested by the applicant upon failure of the third examination and within two (2) years of initial payment.

008.02. The fee to change the name on a commission is \$30.00.

008.03. Duplicate commissions will be provided at a cost of \$15.00.

008.04. Notaries Public may charge the following fees for their services:

008.04A For each protest: \$1.00, For recording the same, \$2.00

008.04B For each notice of protest: \$2.00

008.04C For taking affidavits and seal: \$2.00

008.04D For administering oath or affirmation: \$2.00

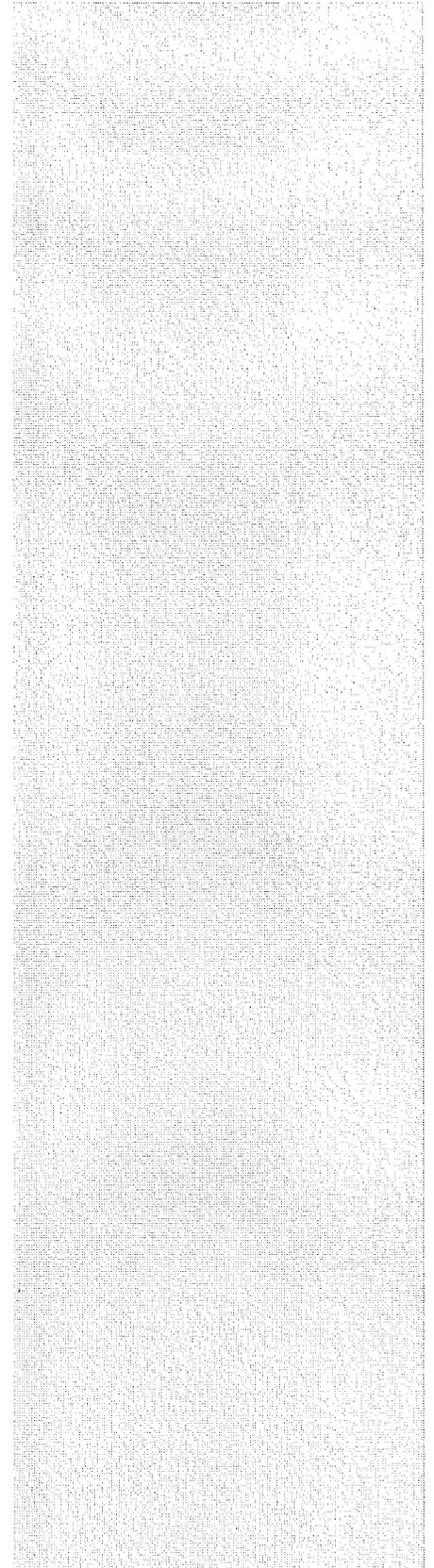
008.04E For each certificate and seal: \$5.00

008.04F For each mile traveled in serving notice based on the rate established by the Department of Administrative Services

Annotation: Neb. Rev. Stat. §33-102 and 33-133

APPENDIX

Initial Application for Notary Public Commission  
U.S. Citizenship Attestation Form  
Bond Form  
Renewal Application for Notary Public Commission  
Evidence of Employment in Nebraska  
Notary Public Request to Change Record  
Bond Rider



# NEBRASKA SECRETARY OF STATE

**Business Services Division: Notary**  
 1445 K St., 1301 State Capitol Bldg.  
 P. O. Box 95104 \* Lincoln, NE 68509  
[www.sos.ne.gov](http://www.sos.ne.gov)

## INITIAL APPLICATION FOR NOTARY COMMISSION

Please type or print legibly in black ink. Applications will be rejected for incomplete responses.

<b>APPLICANT INFORMATION</b>			
Last Name	First	M.I.	Date
<b>Home Address</b>			
Street Address		Apartment/Unit #	
PO Box (if any)			
City	State	Zip	
Home Phone		E-mail Address (optional)	
<b>Business Address</b> (Required for non-resident applicant, optional for resident applicant)			
Company Name			
Street Address			
City	State	Zip	
Work Phone		Extension	
<i>Non-resident applicants must also submit an Evidence of Employment in Nebraska form.</i>			
<b>NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA</b>			
1. Are you 19 years of age or older? YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Have you previously been commissioned as a Notary Public in the State of Nebraska? YES <input type="checkbox"/> NO <input type="checkbox"/>		
2. Have you been convicted of a felony? YES <input type="checkbox"/> NO <input type="checkbox"/>	5. Has your name changed? YES <input type="checkbox"/> NO <input type="checkbox"/>		
3. Have you been convicted of a crime involving fraud or dishonesty within the last 5 years? YES <input type="checkbox"/> NO <input type="checkbox"/>	5a. If yes, please give previous name:		
3a. If yes, please detail the conviction, the state and the date of the crime: (attach additional pages if needed)	6. If you are bilingual, would you allow your name to be placed on a list of bilingual Notaries? YES <input type="checkbox"/> NO <input type="checkbox"/>		
	6a. List languages in which you are fluent:		
<b>NOTARIAL OATH</b>			
<i>Your signature below will be used to verify your signature on other documents. You must sign consistently.</i>			

State of \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, do solemnly (swear), (affirm) under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge; and, I do solemnly (swear) (affirm) that upon appointment, I will support the Constitution and laws of the United States and the State of Nebraska, and I will faithfully discharge the duties of Notary Public in and for the State of Nebraska according to the best of my ability.

X \_\_\_\_\_  
 Applicant's Signature

Subscribed and (sworn) (affirmed) before me: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 (Month) (Year)

\_\_\_\_\_  
 Signature of Notary Public

^Affix Official Notary Seal^

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## INITIAL APPLICATION FOR NOTARY COMMISSION INSTRUCTIONS

### APPLICANT INFORMATION:

**Name:** You must provide your name to include: Last Name, First Name, and Middle Initial. If you do not have a middle initial, please state "none" in the MI field.

**Date:** Enter the date you are completing the application.

**Home Address:** You are required to enter your home street address. If you use a P.O. Box, you may include the P.O. Box in addition to your street address.

**Business Address:** If you are a non-resident applicant, your business address is required and you must complete this section in its entirety. If you are a Nebraska resident, this section is optional, but if provided, this information may be used to contact you if needed.

Non-resident applicants must also complete and submit an Evidence of Employment in Nebraska form.

### NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA:

All questions in this section must be answered. Please read each question carefully and clearly mark the appropriate box or fill in the details to answer question.

### NOTORIAL OATH:

**Do not complete this section until you are in the presence of a Notary.** You must sign in the presence of a Notary. The Notary will complete the state and county information, date, sign, and impress their seal. PLEASE NOTE: You may not notarize your own signature.

The signature you place on this application is the signature that you must use when Notarizing documents. You must sign consistently. Your signature on the application will be used to verify your signature on additional forms in the filing process, if a complaint is ever filed against you, or if a document you notarize must be certified in another country.

If you have any questions completing the applications, please contact the Notary department at:  
[www.sos.ne.gov/business/notary](http://www.sos.ne.gov/business/notary) or (402) 471-2558.

# United States Citizenship Attestation Form

For the purpose of complying with Neb. Rev. Stat. §§ 4-108 through 4-114, I attest as follows:

I am a citizen of the United States.

— OR —

I am a qualified alien under the federal Immigration and Nationality Act, my immigration status and alien number are as follows: \_\_\_\_\_, and I agree to provide a copy of my USCIS documentation upon request.

I hereby attest that my response and the information provided on this form and any related application for public benefits are true, complete, and accurate and I understand that this information may be used to verify my lawful presence in the United States.

PRINT NAME

\_\_\_\_\_  
(first, middle, last)

SIGNATURE

DATE

**GENERAL NOTARY PUBLIC BOND FORM**

\*\*\*If this sample bond form is used by YOUR Bonding or Insurance Agent, it MUST BE SIGNED AND SEALED by the Agent and/or be accompanied by an agency power of attorney attachment.

KNOW ALL MEN BY THESE PRESENTS:

THAT \_\_\_\_\_

Of the town of \_\_\_\_\_ in the county of \_\_\_\_\_ and State of Nebraska, lately appointed General Notary Public within and for said State of Nebraska, as principal, and

\_\_\_\_\_ as surety, is held and firmly bound unto the State of Nebraska in the penal sum of FIFTEEN THOUSAND DOLLARS, good and lawful money of the United States, to be paid to the State of Nebraska, for which payment well and truly made, we bind ourselves our heirs, executors and administrators, jointly and severally by these presents:

Whereas, the above bounden has been appointed to the office of General Notary Public within and for said State of Nebraska, for a term of four years FROM EFFECTIVE DATE OF COMMISSION.

Now the conditions of the above obligation are such that if the said principal shall faithfully and in all things perform all duties required of him/her by law as a General Notary Public within and for said State, during his/her continuance in office by virtue of said appointment, then the above obligation to be void else to remain in full force.

SEALED WITH OUR SEALS, and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Nebraska Resident Agent

\_\_\_\_\_  
Surety Company

STATE OF NEBRASKA            )  
  )  
County of \_\_\_\_\_ )

"I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and the constitution of the State of Nebraska, and that I will faithfully and impartially perform the duties of the office of General Notary Public according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence: and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God."

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_ personally appeared before me and is known by the undersigned to be the same person designated as principal in the foregoing bond and the identical person signing the oath of office of a general notary public.

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

Witness my hand and official seal at

\_\_\_\_\_  
Notary Public

\_\_\_\_\_, Nebraska.  
City

My Commission expires \_\_\_\_\_

# NEBRASKA SECRETARY OF STATE

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 P. O. Box 95104 \* Lincoln, NE 68509  
[www.sos.ne.gov](http://www.sos.ne.gov)

## RENEWAL APPLICATION FOR NOTARY COMMISSION

Please type or print legibly in black ink. Applications will be rejected for incomplete responses.  
 This application is only accepted within the 30 days immediately preceding your current commission expiration date.

<b>APPLICANT INFORMATION</b>			
Last Name	First	M.I.	Date
<b>Home Address</b>			
Street Address		Apartment/Unit #	
PO Box (if any)			
City	State	Zip	
Home Phone		E-mail Address (optional)	
<b>Business Address</b> (Required for non-resident applicant, optional for resident applicant)			
Company Name			
Street Address			
City	State	Zip	
Work Phone		Extension	
<i>Non-resident applicants must also submit an Evidence of Employment in Nebraska form.</i>			
<b>NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA</b>			
<b>Since last commissioned:</b>		3. Has your name changed?      YES <input type="checkbox"/> NO <input type="checkbox"/>	
1. Have you been convicted of a felony?      YES <input type="checkbox"/> NO <input type="checkbox"/>	3a. If yes, please give previous name:		
2. Have you been convicted of a crime involving fraud or dishonesty?      YES <input type="checkbox"/> NO <input type="checkbox"/>	4. If you are bilingual, would you allow your name to be placed on a list of bilingual Notaries?      YES <input type="checkbox"/> NO <input type="checkbox"/>		
2a. If yes, please detail the conviction, the state and the date of the crime: (attach additional pages if needed)		4a. List languages in which you are fluent:	
		5. List date current commission expires:	
<b>NOTARIAL OATH</b>			
<b><i>Your signature below will be used to verify your signature on other documents. You must sign consistently.</i></b>			

State of \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, do solemnly (swear), (affirm) under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge; and, I do solemnly (swear) (affirm) that upon appointment, I will support the Constitution and laws of the United States and the State of Nebraska, and I will faithfully discharge the duties of Notary Public in and for the State of Nebraska according to the best of my ability.

X \_\_\_\_\_  
 Applicant's Signature

Subscribed and (sworn) (affirmed) before me: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Month) (Year)

\_\_\_\_\_  
 Signature of Notary Public

^Affix Official Notary Seal^

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[www.sos.ne.gov](http://www.sos.ne.gov)

## RENEWAL APPLICATION FOR NOTARY COMMISSION INSTRUCTIONS

### APPLICANT INFORMATION:

**Name:** You must provide your name to include: Last Name, First Name, and Middle Initial. If you do not have a middle initial, please state "none" in the MI field.

**Date:** Enter the date you are completing the application. Please note: This application is only accepted within the 30 days immediately preceding your current commission expiration date.

**Home Address:** You are required to enter your home street address. If you use a P.O. Box, you may include the P.O. Box in addition to your street address.

**Business Address:** If you are a non-resident applicant, your business address is required and you must complete this section in its entirety. If you are a Nebraska resident, this section is optional, but if provided, this information may be used to contact you if needed.

Non-resident applicants must also complete and submit an Evidence of Employment in Nebraska form.

### NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA:

All questions in this section must be answered. Please read each question carefully and clearly mark the appropriate box or fill in the details to answer question.

### NOTORIAL OATH:

**Do not complete this section until you are in the presence of a Notary.** You must sign in the presence of a Notary. The Notary will complete the state and county information, date, sign, and impress their seal. PLEASE NOTE: You may not notarize your own signature.

The signature you place on this application is the signature that you must use when Notarizing documents. You must sign consistently. Your signature on the application will be used to verify your signature on additional forms in the filing process, if a complaint is ever filed against you, or if a document you notarize must be certified in another country.

If you have any questions completing the applications, please contact the Notary department at:  
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P. O. Box 95104 \* Lincoln, NE 68509  
(402) 471-2558 or (402) 471-4094  
<http://www.sos.ne.gov>

## Evidence of Employment in Nebraska Form

This form must be completed for a non-resident applicant who is employed by a business located within the physical boundaries of Nebraska. The form must be completed by one of the officers, directors, managers, or authorized representatives of the business.

\_\_\_\_\_ being first duly sworn on oath say that \_\_\_\_\_  
Name of Authorized Representative Name of Notary Applicant

is employed as a(n) \_\_\_\_\_ for \_\_\_\_\_, whose regular place of business  
Position of Notary Applicant Name of Business  
is located within the physical boundaries of Nebraska.

The applicant is employed at the following location: \_\_\_\_\_  
Address of Business

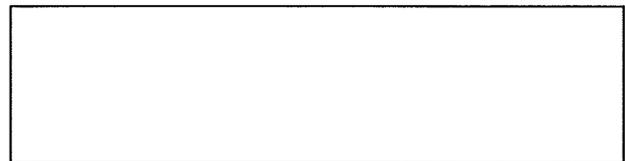
\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Title of Authorized Representative

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

\_\_\_\_\_  
Signature of Notary Officer

My Commission expires \_\_\_\_\_, 20\_\_\_\_\_



↑ Affix Notary Seal Here ↑

# NEBRASKA SECRETARY OF STATE

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P. O. Box 95104 \* Lincoln, NE 68509  
[www.sos.ne.gov](http://www.sos.ne.gov)

## Notary Public Request to Change Record

Please type or print legibly in black ink  
Please return the form with the applicable fee to the address listed above.  
\$30.00 fee for Name Change and no fee for address change.

<b>Please print:</b>			
Name as it appears on your commission:		Date commission issued:	
<b>Mark all boxes that apply:</b>			
<input type="checkbox"/>		I would like to change my name on my notary public commission.	
<input type="checkbox"/>		I would like to change my mailing address, email or phone on file to the information below.	
<b>Complete the following for change of address:</b>			
<b>New Home Address</b>			
Street Address		Apartment/Unit #	
PO Box (if any)			
City		State	Zip
Home Phone		E-mail Address (optional)	
<b>New Business Address (Required for non-resident applicant, optional for resident applicant)</b> <i>Non-resident Notaries Public must submit the Evidence of Employment form if the work address is being changed.</i>			
Company Name			
Street Address			
City		State	Zip
Work Phone		Extension	
<b>Complete the following for change of name:</b> <i>A bond under the new name must accompany this change form and a copy of the marriage certificate or court order.</i>			
<b>Applicant Information</b>			
Last Name		First	M.I.
Date of name change:	Changed by:	<input type="checkbox"/> Marriage	<input type="checkbox"/> Court Order
<b>NOTARIAL OATH</b>			
<i>Your signature below will be used to verify your signature on other documents. You must sign consistently.</i>			

State of \_\_\_\_\_ County of \_\_\_\_\_

I, \_\_\_\_\_, do solemnly (swear), (affirm) under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge.

X \_\_\_\_\_  
Applicant's Signature

Subscribed and (sworn) (affirmed) before me : this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Month) (Year)

^Affix Official Notary Seal^

\_\_\_\_\_  
Signature of Notary Public

BOND RIDER

To be attached to and form a part of \_\_\_\_\_, \_\_\_\_\_  
Name and Address of Surety Bond Number

\_\_\_\_\_ for \_\_\_\_\_ as Principal, and  
Dated Name and Address of Owner/Operator

\_\_\_\_\_ as Surety, in favor of the Nebraska Secretary of State, 1445 K Street,  
Name of Surety  
Suite 1301, P.O. Box 95104, Lincoln, NE 68509, as Oblige.

It is understood and agreed that the Bond is changed or revised in the particulars as indicated below:  
That the effective date of the bond is has changed from \_\_\_\_\_ to \_\_\_\_\_.  
Date Date

Said Bond shall be subject to all its terms, conditions, and limitations, except as herein expressly  
modified. This Bond Rider shall become effective: \_\_\_\_\_.  
Date

IN WITNESS WHEREOF, \_\_\_\_\_ has caused its corporate seal to be  
Name of Surety  
hereunto affixed this:

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

STATE OF NEBRASKA )  
County of \_\_\_\_\_ )

"I, \_\_\_\_\_, do solemnly swear that I will support the  
Constitution of the United States and the constitution of the State of Nebraska, and that I will faithfully and impartially  
perform the duties of the office of General Notary Public according to law, and to the best of my ability. And I do further  
swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the  
government of the United States or of this State by force or violence: and that during such time as I am in this position I will  
not advocate nor become a member of any political party or organization that advocates the overthrow of the government of  
the United States or of this State by force or violence. So help me God."

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_ personally appeared before me and is known by the  
undersigned to be the same person designated as principal in the foregoing bond and the identical person signing the  
oath of office of a general notary public.

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

Witness my hand and official seal at \_\_\_\_\_ Notary Public

\_\_\_\_\_, Nebraska. My Commission expires \_\_\_\_\_