

**U.S. BANKRUPTCY ADMINISTRATOR
EASTERN DISTRICT OF NORTH CAROLINA**

**INSTRUCTIONS FOR
APPLICATION FOR APPROVAL AS A PROVIDER OF A
PERSONAL FINANCIAL MANAGEMENT INSTRUCTIONAL COURSE**

Introduction. A provider of a personal financial management instructional course seeking approval by the U.S. Bankruptcy Administrator, in accordance with 11 U.S.C. § 111, (hereinafter “Provider”) shall submit an application to the Office of U.S. Bankruptcy Administrator in the form described below. The Provider shall provide all information and documents required by the Bankruptcy Administrator for the judicial district in which the Provider seeks approval. Unless otherwise stated, all information and documents shall be in writing. All documents shall be either original or conformed copies.

Mailing Instructions, Information Requests, and Notification. The application package should include the completed application and all documents and information requested. Once completed, the entire package should be hand delivered or sent by overnight mail to the following address:

U.S. Bankruptcy Administrator
434 Fayetteville St., Ste.640
Raleigh, N.C. 27601
Attn: Lesley A. Cavanaugh
(919) 334-3887

Supplemental information requests and notifications will be sent to the principal contact identified in the application. Responses to requests should be submitted to the address stated above unless otherwise instructed.

Applications should be completed in their entirety before submission. An incomplete application may result in delay or denial of the application. Upon receipt of the application, the Provider will, as soon thereafter as practical, receive an acknowledgment letter which may include a request for additional information. Written inquires concerning the status of an application should be directed to the above address.

Application Form and Instructions. The application form and instructions consists of the following sections:

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| Section 1. | General Information Concerning the Provider |
| Section 2. | Qualifications/Experience of Provider |
| Section 3. | Experienced and Trained Personnel (Teachers) |
| Section 4. | Learning Materials and Methodologies (Course Curriculum) |
| Section 5. | Adequate Facilities |

- Section 6. Reasonableness of Fees
- Section 7. Acknowledgments, Agreements, and Declarations
- Section 8. Certification and Signature
- Appendix A. Matrix of Personnel Experience
- Appendix B. Provider Checklist for Adequacy of Facilities
- Appendix C. Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course

A Provider should furnish its social security or tax identification number with its application. Furnishing the Social Security number, as well as other data, is voluntary, but failure to do so may delay or prevent action on the application.

Section 1. General Information Concerning the Organization

- 1. Complete Section 1 of the Application.

Section 2. Qualifications/Experience of Provider

- 1. Compliance with Laws and Regulations. The Provider must be in compliance with all applicable laws and regulations of the United States and each state, commonwealth, district, or territory of the United States in which the Provider conducts courses. Nothing contained in these instructions, the application, or the appendices thereto, is intended to preempt any applicable law or regulation governing the conduct or operations of the provider.
- 2. Complete Section 2 of the Application.

Section 3. Experienced and Trained Personnel (Teachers)

- 1. Generally. The Provider must employ trained personnel with adequate experience and training in providing effective instruction and services.
- 2. Qualifications. The Provider shall employ, at a minimum, an individual who holds at least one of the following current certifications, or who has equivalent training or experience, to supervise instructors:
 - a. A state teacher’s certificate in any subject;
 - b. Certified Financial Planner (CFP);

- c. Certification as a credit counselor by the National Foundation for Credit Counseling;
 - d. Certification as a credit counselor by the Association of Independent Credit Counseling Agencies;
 - e. Accredited Financial Counselor (AFC);
 - f. Certification by the American Association of Family and Consumer Sciences;
 - g. Registered Financial Consultant (RFC); or
 - h. Certified Public Accountant (CPA).
3. Complete Section 3 of the Application.

Section 4. Learning Materials and Methodologies (Course Curriculum)

1. Generally. The Provider's learning materials and methodologies must be designed to assist debtor students in understanding personal financial management and must be consistent with stated objectives directly related to the goals of such instructional course.
2. Course Goals and Objectives. The Provider shall ensure that the course provides, at a minimum, written information and instruction on all of the following topics.
 - a. Budget Development
 - Setting short-term and long-term financial goals, as well as developing skills to assist in achieving these goals.
 - Calculating gross monthly income and net monthly income.
 - Identifying and classifying monthly expenses as fixed, variable, or periodic.
 - b. Money Management
 - Keeping adequate financial records
 - Developing decision-making skills required to distinguish between wants and needs, and to comparison shop for goods and services.
 - Maintaining appropriate levels of insurance coverage, taking into account the types and costs of insurance.

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- Saving for emergencies, for periodic payments, and for financial goals.
- c. Wise Use of Credit
- The types, sources, and costs of credit and loans.
 - Identifying debt warning signs.
 - Appropriate use of credit and alternatives to credit use.
 - Checking a credit rating.
- d. Consumer Information
- Public and non-profit resources for consumer assistance.
 - Applicable consumer protection laws and regulations, such as those governing correction of a credit record and protection against consumer fraud.
3. Course Procedures. The Provider shall ensure that the following procedures are followed.
- a. Generally
- The Provider shall require each debtor student to provide proof of identification, to provide his/her bankruptcy case number, and to sign in and sign out of the course.
 - The course shall be a minimum of two hours in length. Courses offered via the Internet or telephone should be designed for average completion within a minimum of two hours.
 - At the end of the course, the Provider shall collect from each debtor student a completed course evaluation. The evaluation shall be in a form acceptable to the United States Bankruptcy Administrator and shall not be signed by the debtor student.
- b. Classroom Instruction (*For each course offered through classroom instruction.*)
- A teacher shall be present for purposes of instruction and interaction with debtor students.
 - Class size shall be reasonably limited to ensure an effective presentation of the course materials.
- c. Telephonic Instructional (*For each course offered through telephonic instruction.*)

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- The Provider shall use a toll-free telephone number.
- The Provider shall comply with the Americans with Disabilities Act and also include a toll-free telephone number for deaf or hearing impaired debtor students, e.g, TTY, TDD, or Text Telephone.
- The Provider shall employ adequate procedures to ensure that the debtor student is the individual who completed the course.
- A teacher shall be present telephonically for purposes of instruction and interaction with debtor students. No pre-recorded instruction shall be used during the course.
- Written copies of the learning materials shall be provided to debtor students before the telephonic instruction session.

d. Internet Instruction (*For each course offered through Internet instruction.*)

- The Provider shall comply with the Americans with Disabilities Act (ADA) and its application to the Internet.
- The Provider shall employ adequate procedures to ensure that the debtor student is the individual who completed the course.
- A teacher shall respond within 24 hours to a debtor student's questions or comments.

4. Providers of Telephonic Courses or Internet Courses. In addition to meeting all other requirements, the Provider who conducts telephonic or Internet courses must demonstrate sufficient experience and proficiency in designing and providing services over the telephone or Internet.

5. Complete Section 4 of the Application.

Section 5. Adequate Facilities

1. Generally. The Provider shall ensure that any facility used by debtor students complies with all applicable laws and regulations, including, but not limited to, the Americans with Disabilities Act Accessibility Guidelines, and all federal, state, and local fire, health, safety, and occupancy laws, codes, rules, or regulations.

2. Complete Section 5 of the Application.

Section 6. Reasonableness of Fees

1. Reasonableness of Fees. Fees, contributions, or payments received from debtor students for courses shall be reasonable in amount. The Provider must provide

services without regard to a debtor student's ability to pay, and may not withhold services because of an inability to pay.

2. Complete Section 6 of the Application.

Section 7. Acknowledgments, Agreements, and Declarations

1. Agreement to Disclose Information to Debtor Students. The Provider shall disclose the following information to each debtor student before the debtor student pays for a course:
 - The Provider's fee schedule, including any cost to the debtor student in addition to the course fee.
 - A statement that the course is offered to debtor students without regard to the debtor student's ability to pay.
 - The qualifications, including educational and training background, of the Provider's teachers.
 - A schedule of course dates, times, and locations.
 - A statement that the Provider does not pay or receive fees or other consideration for the referral of debtor students to the Provider.
 - A statement that, upon completion of the course, the Provider will provide a certification of course completions to the debtor student.
2. Acknowledgment of Prohibitions, Limitations, and Obligations Regarding Operations. By executing and submitting the Application for Approval as a Provider of a Personal Financial Management Instructional Course, the Provider acknowledges the prohibitions, limitations, and obligations set forth in Appendix C, Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course.
3. Complete Section 7 of the Application.

Section 8. Certification and Signature

The Provider's owner, president, chairman, trustee, or other authorized official is required to declare, by signing the application, that such individual is authorized to complete the application on behalf of the Provider; that such individual has read and knows the contents of the application and all enclosures and attachments submitted; and to affirm under penalty of perjury that all of the representations and statements contained therein are true and correct to the best of such individual's knowledge, information, and belief.

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**U.S. BANKRUPTCY ADMINISTRATOR
EASTERN DISTRICT OF NORTH CAROLINA**

**APPLICATION FOR APPROVAL AS A PROVIDER OF A
PERSONAL FINANCIAL MANAGEMENT INSTRUCTIONAL COURSE**

An application package is complete if all questions/items have been responded to and either original or conformed copies of the documents requested in the application are attached. Failure to file a complete application may result in the delay or denial of the application. Responses to the questions on this application are continuing and the applicant must promptly notify the Office of the United States Bankruptcy Administrator of any circumstances that would cause an answer to any question to change. If additional space is required to complete an answer, attach a separate page with the name of the individual/organization, social security number/federal tax identification number, and the question number indicated on the top, right-side of the page.

Section 1. General Information Concerning the Provider

1.0 Provider is seeking _____ (a) initial approval _____ (b) renewal of approval
_____ (c) amendment to original application dated _____

*If (b) please indicate any changes to answers from your previous application with an asterisk.

1.1 Provider is a(n): _____ Individual _____ Unincorporated Association
_____ Corporation _____ Limited Liability Corp.
_____ Partnership _____ Limited Liability Partnership
_____ Other

1.2 Name under which Provider will conduct business, including any d/b/a: _____

1.3 Primary business address (including street and mailing address): _____

1.4 State of organization: _____ Date of organization: _____

1.5 Federal Tax ID No. or Social Security No.: _____ Telephone No.: _____

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- Fax No.: _____ Website: _____ Email: _____
- 1.6 Name, street address, telephone number, email address, and fax number of the principal contact for the Provider.
- 1.7 Name, street address, telephone number, email address, and fax number of the registered agent for the Provider.
- 1.8 List each judicial district for which the Provider requests approval.
- 1.9 List all locations of branch and satellite offices, if any. For each office where courses will be provided to debtor students, provide the mailing address, street address, telephone number, fax number, business hours, email address, Internet website, and number of personnel employed at each location.

Section 2. Qualifications/Experience of Provider

- 2.1 How long has the Provider been in business? _____ Years _____ Months
- 2.2 How long has the Provider conducted personal financial management instructional courses? _____ Years _____ Months
- 2.3 Disclose the total number of students taught by the Provider within the last 12-month period.

- 2.4 State all names, including any d/b/a, a/k/a, f/k/a, and street and mailing address(es) the Provider has used in the last three years.
- 2.5 Identify each owner, officer, director, partner, or trustee who served within the last three years and provide their term of office, street address, principal occupation, employment experience, and state whether they have been convicted of a crime involving fraud, dishonesty, or false statements.
- 2.6 Identify each individual or entity who regularly refers debtor students to the Provider. State each individual's or entity's street address, mailing address, telephone number, fax number, email address, and Internet website, if any.
- 2.7 State all affiliated businesses or subsidiaries of the Provider within the last three years, including those persons identified as owners, officers, directors, partners, and trustees of those affiliated businesses or subsidiaries; whether organized for profit or not for profit; and the location and the nature of the business of each such affiliate business or subsidiary.
- 2.8 State the name of each business with which the Provider conducts business in which an owner, officer, director, employee, or insider of the Provider holds, directly or by nominee, a 20 percent ownership or financial interest.

- 2.9 Disclose any accreditations(s) or certification(s) by accrediting or certifying organizations.
- 2.10 If, at any time, the Provider's accreditation or certification was revoked or suspended, or lapsed, within the last five years, disclose when and why.
- 2.11 List each state in which the Provider is licensed to conduct business.
- 2.12 List all legal actions, proceedings, investigations, arbitrations, mediations, audits by federal or state agencies, and potential bond or other claims in which the Provider is a party, pending or adjudicated, within the last three years, and the outcomes.
- 2.13 Disclose any prior or ongoing disciplinary or enforcement action by an applicable licensing, registration, or certification authority, court, or regulatory body against the Provider, or any owner, officer, director, partner, trustee, employee, or agent of the Provider, within the last three years.

Section 3. Experienced and Trained Personnel (Teachers)

- 3.1 Complete and attach Appendix A, Matrix of Personnel Experience, for each location that will be staffed by teachers providing courses to debtor students. Enter the supervisor's/teacher's name and other identifying information in the employee box and complete the information as instructed. Place the Provider's name, address, and federal tax identification or Social Security number on each matrix submitted.

3.2 Attach original or conformed copies of the following to the application:

- Any written standards, procedures, or guidelines provided to teachers of the Provider's course.

Section 4. Learning Materials and Methodologies (Course Curriculum)

4.1 State the estimated length of the course in hours.

Classroom: _____ Telephone: _____ Internet:

4.2 Describe the procedure that will be employed to ensure the completion and submission of a course evaluation forms by student debtors.

4.3 If providing telephonic or Internet courses, describe the Providers' experience and proficiency in providing such courses via the telephone and/or the Internet.

4.4 Provide the online address for any Internet personal financial management course.

4.5 Attach original or conformed copies of the following to the application:

- Course materials used for planning purposes and instructional materials which will be regularly provided to the student debtors whether the course is taught in a classroom, by telephone, or over the Internet.

Section 5. Adequate Facilities

5.1 Complete and attach Appendix B, Provider Checklist for Adequacy of Facilities, for each classroom location.

Section 6. Reasonableness of Fees

- 6.1 Disclose the course fee and schedule for each location, including fee and access information for telephone and Internet courses.
- 6.2 Attach original or conformed copies of the following to the application:
 - Fee schedule or suggested contribution schedule for all fees and contributions to be paid by debtor students, including any fees charged for material or other items.

Section 7. Acknowledgments, Agreements, and Declarations

- 7.1 Complete and attach an originally executed Appendix C, Acknowledgments, Agreements, and Declarations in Support of Application for Approval as a Provider of a Personal Financial Management Instructional Course.
- 7.2 Attach original or conformed copies of the following to the application:
 - Disclosure forms that will be provided to student debtors.

Section 8. Certification and Signature

I declare under penalty of perjury that I am authorized to complete this application of behalf of the above named entity; I have examined the contents of the application, enclosures, and other accompanying documents; and I believe that all representations are true and correct to the best of my knowledge, information, and belief.

Signature of President, Chairman, Trustee, or other
Authorized Official

Type or Print Name of Signor

Type or Print Title of Signor

Date