

(This Newsletter is a quarterly publication containing topics of interest to the categories of MSBs regulated by the Georgia Department of Banking and Finance. We hope that you will find this publication to be informative and valuable for providing information about the issues affecting your industry. If there are any issues you would like for the Department to highlight or address in future editions, please e-mail your questions or suggestions to dbfmort@dbf.state.ga.us.)

REGULATORY MATTERS

Changes in the Statutes - Effective July 1, 2007

Several changes were made in this year's legislative session which has a significant impact on licensees. One of these regards Quarterly Reporting requirements, which have now been changed to SEMI-ANNUAL reports. Please make a note that reports of agents and financial information will now *only* be reportable for January to June and July to December. The last report will be taken with the renewal. SEMI-ANNUAL reports will begin in DECEMBER. Current reporting for June 30 will be for the months of April to June, 2007, the last QUARTERLY report to be submitted.

Currently the reporting is underway. Note the NEW screens you will see in December below. Direct links are available from the Department's MSB website:

<http://dbf.georgia.gov/msbforms>

| |
|---|
| SEMI-ANNUAL REPORTING FORMS: Sale of Check Companies & Money Transmitters: |
| Semi-Annual Report for Sale of Check Licensees |
| Semi-Annual Report for Money Transmitter Licensees |
| |

Or you may use the links noted for each type:

The websites are:

- <https://bkgfin.dbf.state.ga.us/MTQtrReport.html> for Money Transmitters, and:
- <https://bkgfin.dbf.state.ga.us/CSQtrReport.html> for licensed Check Cashers.
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Other Significant Statutory Changes

Significant changes were made in 2007 to the Official Code of Georgia relating to the sale and issuance of checks, cashing of checks, and money transmission in the State of Georgia and are noted herein. Changes to the Department's Regulations regarding these code changes are anticipated in

the 2nd half of 2007. The most significant changes relate to Check Casher licensing, registration, or exemption. Other changes of note, additions and deletions, to the Code Sections, are noted for your reference. A revised copy of the MSB regulations as of 7-1-2007 is available at:

<http://dbf.georgia.gov/msbforms>

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A report of issues and topics of interest to Money Service Businesses licensed and registered by the Department of Banking and Finance

Check Casher Licensing, Registration, or Exemption

Generally, the changes in licensing, registration, and exemption qualifications passed by the General Assembly in the 2007 Legislative session are as follows:

- ▶ **License** - A full service license is required if you charge a fee that exceeds the greater of \$2.00 or 2% of the face amount of the check. Advertising is permitted **ONLY** by Full Service Licensees.
- ▶ **Registration** - A registration is required if you charge a fee, the fee **DOES NOT** exceed the greater of \$2.00 or 2% of the face amount of the check, and you **DO NOT** advertise.
- ▶ **Exemptions** - An entity that cashes checks for which **NO** FEE is charged for the service is exempt from the provisions of Article 4A.

All registrations and exemptions which were based on incidental retail sales and levels of income from check cashing activity have been eliminated. License requirements are now based on amount of fees charged and the advertising of check cashing services. Please note the following examples.

Check Cashing Full Service License Required

▶ If your fees charged for check cashing services **EVER** exceed the greater of \$2 or 2% of the face amount of the check, then a full service LICENSE is required, regardless of whether or not you advertise such services.

▶ If your fees charged for check cashing services **NEVER** exceed the greater of \$2 or 2% of the face amount of the check, but you **DO** advertise such services, then a full service LICENSE is required.

Check Cashing Registration Required

▶ If your fees charged for check cashing services **NEVER** exceed the greater of \$2 or 2% of the face amount of the check, **AND** you **DO NOT** advertise such services, then an application as a REGISTERED check casher is permitted.

▶ If you charge any fee and advertise the service, then a full service LICENSE is required.

Exemption from Check Cashing Licensing or Registration

▶ If you **DO NOT** charge a FEE to cash a check - you **DO NOT** need to obtain a license or registration.

Background Checks

Check Sellers, Money Transmitters, and Check Cashers are affected by changes to both Articles 4 and 4A relating to the requirement that applicants, licensees, and additionally in the case of check cashers, registrants, are required to perform background checks on all persons working in the licensed activity of the applicant, licensee or registrant **PRIOR TO HIRING** the individual. The law has always prohibited the hiring of felons to work in these regulated businesses. The requirement to perform the required background check prior to hiring to help ensure that felons are not working in the business has been added.

See O.C.G.A. 7-1-682 (e) relating to the requirement for check sellers and money transmitters, and O.C.G.A. 7-1-702 (d) for check casher licensees and registrants.

License/Registration transfers, sales, etc.

A provision clarifying that the license or registration held by Check Sellers, Money Transmitters, or Check Cashers (licensees and registrants) is **NOT** transferable, assignable, or subject to a change of ownership without prior application to and approval by the department has been added to both Articles 4 and 4A.

See O.C.G.A. 7-1-682 (f) relating to the requirement for check sellers and money transmitters, and O.C.G.A. 7-1-702 (e) for check casher licensees and registrants.

Administrative Actions

Significant changes to the administrative action process regarding licensees and registrants have been made. See O.C.G.A. 7-1-689 (a) and (b) relating to the requirement for check sellers and money transmitters, and O.C.G.A. 7-1-707 (b) for check casher licensees and registrants.

A report of issues and topics of interest to Money Service Businesses licensed and registered by the Department of Banking and Finance

Department Issues Proposed Rules for Comment August 10, 2007

Pursuant to the provisions of the Georgia Administrative Procedures Act, Official Code of Georgia Annotated (O.C.G.A.) Chapter 50-13 and by authority of O.C.G.A. §§ 7-1-61, 7-1-663; 7-1-1012, and other cited statutes, the Georgia Department of Banking and Finance hereby gives notice of its intent to adopt new and amended rules. The proposed changes may be downloaded from:

<http://dbf.georgia.gov>

The proposed changes are in part responsive to law changes in the 2007 Legislation. A synopsis and purpose precedes each proposed rule, with background information and explanation where applicable. The Department will review all comments. It may contact those providing

OTHER NEWS

A FEW IMPORTANT BSA ISSUES FOR CHECK CASHERS

Common issues noted during examinations of check cashers involve several different statutes and regulations. Some of the federal regulations that apply to check cashers are for the larger purpose of protecting the whole country against terrorists, money launderers and other risks. The following is a VERY BRIEF description of actions you need to take to be in compliance with some federal regulations. For information that you need to read, PLEASE refer to our website: http://dbf.georgia.gov/00/channel_title/0,2094,4341,4745_46385621,00.html. This is the Money Services Business, Forms and Applications page. To review our MSB information look down the page to the section in the chart titled Bank Secrecy Act Information & News Items. You can read about the requirements for completing Currency Transaction Reports, Suspicious Activity Reports, conducting independent review and other topics. Remember that your risk level may not be the same as your neighbors risk level and your program must be written based on the risks posed

comments to discuss their suggestions. After the comment period has closed the final rules will be prepared.



RULES COMMENTS

Comments to the Department of Banking and Finance concerning the rules which have been published must be received by:

**August 10, 2007, at the close of
business.**

Please send all comments to:

Rob Braswell, Commissioner
Georgia Department of Banking and Finance
2990 Brandywine Road, Suite 200
Atlanta, GA 30341-5565
Fax: (770) 986-1654 or 1655

by the location, size, nature and volume of the financial services provided by you.

You should also visit www.msb.gov for more information, including a Fact Sheet found at <http://www.msb.gov/pdf/FinCENfactsheet.pdf>. Spend some time on the www.fincen.gov website also. If you read and understand this information you should be able to put together a program to protect your company that meets the requirements of the regulation.

Minimum BSA compliance requires the following:

- Registration with the U.S. Department of the Treasury Financial Crimes Enforcement Network. This registration must be renewed every two years (for those who handle transactions of \$1,000 or more, for one person, in one day).
- Cash Transaction Reports must be filed for all transactions greater than \$10,000.
- A Monetary Instrument Log must be maintained for all sales of money orders between \$3,000 and \$10,000 to the same customer in a day.

A report of issues and topics of interest to Money Service Businesses licensed and registered by the Department of Banking and Finance

- The licensee has to have incorporated the following four items into an Anti-Money Laundering (AML) Compliance Program:
 1. The licensee must incorporate policies, procedures, and internal controls reasonably designed to assure compliance with the BSA. These must be written.
 2. The licensee must designate a compliance officer to be responsible for day-to-day compliance with the BSA and the AML compliance program. This designation must be in writing.
 3. The licensee must provide education and/or training of appropriate personnel. The proof of the education or required reading must be in writing.
 4. The licensee must provide for an independent review to monitor and maintain an adequate program.

In addition, check cashers must have a policy that explains procedures used to comply with the Office of Foreign Asset Control. Go to their website to understand more about their purpose: <http://www.treas.gov/offices/enforcement/ofac/>

There is a list called "Specially Designated Nationals List" and if you complete a transaction with a person that is on this list, the federal government may pursue additional actions against your business. When you check the list and identify a customer on the list, you will need to call the OFAC hotline. Read the information at <http://www.fincen.gov/hotlineterrorist.pdf> . Also go to and read "Protecting Our National Security: The Critical Nature of OFAC Compliance for Money Service Business" here: http://www.treas.gov/offices/enforcement/ofac/regulations/msb_reg.pdf

If you don't have access to the internet, please visit a library to review all of the information referenced here.

Other important issues related to the state law and regulations include:

- Section 7-1-705(g) and Rule 80-3-1-.06(2): report fraudulent or forged checks
- Rule 80-3-1-.02(5)(b): maintain logs of checks cashed (specific information required)
- Rule 80-3-1-.02(5)(c) maintain a daily reconciliation of cash (specific information required)
- Rule 80-3-1-.02(5)(g) provide all customers with a receipt (specific information required)
- Section 7-1-705(a) post fees charged for cashing checks
- Rule 80-3-1-.02(3) post the license in plain view
- Rule 80-3-1-.02(l) have sufficient financial resources, you must provide *current* financial statements
- Rule 80-3-1-.01(5)(e) maintain a general ledger in order to produce quarterly financial statements
- Rule 80-3-1-.02(6) maintain personnel files (specific information required)

These are not the only state rules and regulations that require compliance. You MUST refer to our law and rules to read the details of the above and all other law and rules that have not been mentioned. These are all found on our website and are changed annually so remember to update your copy and review it often.

Upcoming Speaking Engagements

- Deputy Commissioner Rod Carnes & Supervisory Manager Joel Byers will be speaking at the MSBGA conference on August 2nd at 9:00 a.m. the Gwinnett Center on recent statutory changes and examination issues.
- Director of Money Service Businesses & Mortgage Licensing Melinda Kinard and Supervisory Manager Joel Byers will be speaking at 8:30 on August 9 at the offices of Troutman Sanders, LLP.

IN MEMORY

DAVID G. SORRELL: 1951—2007

The Department is saddened to announce the death of former Commissioner David Sorrell, who passed away July 1, 2007 of an apparent heart attack.

David had been with the Department since 1974 when he began as an examiner in the Northeast Georgia area. David served as Acting Commissioner from January 2002 until his appointment as Commissioner in June 2003, and he retired from the Department as Commissioner on December 1, 2005. He also served as the Senior Deputy Commissioner, Deputy Commissioner for Supervision, and as the Director of Administration. From 1973 to 1974, David worked in credit analysis and loan review with the Bank of North Carolina, N.A., Jacksonville, N.C. He also served on the Board of Directors for the Conference of State Bank Supervisors (CSBS), Board of Directors of National Association of State Credit Union Supervisors (NASCUS), as well as serving on several committees for these organizations.

David had a tremendous impact upon financial institution supervision in Georgia and around the country through his interaction with fellow state and federal regulators. He will be truly missed by all of us who had the privilege of working with him as a colleague and knowing him as a friend.

Suspicious Activity Reports Reminder

Financial Crimes Enforcement Network (FinCEN) has revised Form TD F 90-22.56, Suspicious Activity Report by Money Services Business, to simplify the reporting process. The new report is FinCEN Form 109, Suspicious Activity Report by Money Services Business, and is effective for use after March 31, 2007. The old form, TD F 90-22.56, *will not be accepted* by the Enterprise Computing Center-Detroit after September 30, 2007. The revised SAR-MSB may be found at www.msb.gov under "What's New". Be sure to download the form's instructions, as these contain critical "How to" information for completing the form. Any questions regarding the revised format may be directed to the BSA Forms Manager via the FinCEN Helpline at 1-800-949-2732.

ACTION ON APPLICATIONS DURING THE PREVIOUS QUARTER

APPROVED CHECK CASHERS (License/Registration) - Second Quarter 2007

| Lic# | Company Name | DBA | CITY | Type | Approved |
|-------|------------------------------|--------------------------|----------------|------|------------|
| 22420 | Order Express, Inc. | | Chicago | L | 04/03/2007 |
| 22458 | Hamp's, Inc. | Flint Hill Package Store | Manchester | L | 04/27/2007 |
| 22465 | O&DJ Trading, Inc. | Quick Mart | Conyers | R | 04/06/2007 |
| 22473 | Golden Forest Spirits, Inc. | Hal's Beer and Wine | Decatur | L | 04/06/2007 |
| 22475 | Kritika Investment, Inc. | Discount Check Cashing | Americus | L | 04/06/2007 |
| 22476 | Dhruti Investments, Inc. | Dhruti Check Cashing | Americus | L | 04/06/2007 |
| 22480 | Trouts Beverages, Inc. | Trouts Beverages | Jasper | L | 04/10/2007 |
| 22483 | The H & S Choe Corp. | Handee Mart | Columbus | R | 04/10/2007 |
| 22500 | Ballantine Enterprises, Inc. | C & J Market | Augusta | L | 04/24/2007 |
| 22511 | Tara Investments, LLC | Mableton Chevron | Mableton | L | 04/27/2007 |
| 22516 | Heet Food, Inc. | Pig Jig Mart | Vienna | L | 04/24/2007 |
| 22522 | ABH Corporation | Quick Pick Food Store | Austell | R | 04/27/2007 |
| 22526 | Chu, Yong Chan | Pine Hill Food Store | Hephzibah | R | 04/30/2007 |
| 22536 | Samee Investment, Inc. | Citgo Food Mart | Alpharetta | L | 05/01/2007 |
| 22539 | AVS Food Mart, LLC | Short Trip | Cartersville | L | 05/02/2007 |
| 22540 | Kwon's Enterprise, Inc. | Kwon's Check Cashing | Chamblee | L | 05/02/2007 |
| 22541 | Ramiz Business, Inc. | Phillip's 66 Food Mart | Jonesboro | R | 05/03/2007 |
| 22543 | Buford Express, Inc. | Buford Money Express | Doraville | L | 05/07/2007 |
| 22544 | Vansh Corporation | King's Food Mart | Macon | R | 05/07/2007 |
| 22547 | Nobel Business, Inc. | Marathon Food Mart | Jonesboro | R | 05/04/2007 |
| 22552 | Caroline Sun Corporation | Pak-N-Go | Augusta | L | 06/05/2007 |
| 22558 | Sara G, Inc. | Sara G | Atlanta | L | 05/14/2007 |
| 22561 | Edwards Package Store, Inc. | Edwards Package Store | Elberton | R | 06/05/2007 |
| 22573 | BBS Enterprise, Inc. | Redan Package | Stone Mountain | L | 05/17/2007 |
| 22575 | Dimpal Enterprises, Inc. | Alpha Convenience Store | Alpharetta | R | 05/17/2007 |
| 22577 | MNB, Inc. | Discount Beverage | Reidsville | R | 05/17/2007 |
| 22578 | Perpetual Enterprises, Inc. | 124 Package | Lithonia | L | 05/17/2007 |
| 22581 | Choudary, Khawar I. | Select One Food Mart | Murrayville | R | 05/22/2007 |
| 22582 | Moreland, Inc. | Buddy's Food Mart | Atlanta | R | 05/22/2007 |
| 22584 | Vince Check Cashing, Inc. | Vince Check Cashing | Jonesboro | L | 05/17/2007 |
| 22585 | Navisun International, LLC | Griffin Package | Griffin | R | 05/22/2007 |
| 22599 | Z & W Enterprises, Inc. | Z & W Enterprises | Riverdale | L | 06/05/2007 |
| 22603 | Webb, Frankie | Mail Bag | Decatur | L | 06/05/2007 |
| 22605 | Wan Hee, Inc. | Jumbo Package Store | Stone Mountain | L | 05/25/2007 |
| 22611 | Matthew's Marketplace, Inc. | Matthew's Marketplace | Conyers | L | 06/07/2007 |
| 22612 | Cole, Jacquelyn T. | Checks 4 Less | Waynesboro | L | 06/07/2007 |
| 22616 | Refresh Enterprises, Inc. | Baker Road Bottle Shop | Acworth | R | 06/04/2007 |
| 22618 | Su, Suk B. | Danneman's Supermarket | Atlanta | R | 06/06/2007 |



A report of issues and topics of interest to Money Service Businesses licensed and registered by the Department of Banking and Finance

| Lic# | Company Name | DBA | CITY | Type | Approved |
|--------------|------------------------------|----------------------------|----------------|------|------------|
| 22620 | Quick Cash Plus, Inc. | Quick Cash Plus | Atlanta | L | 06/07/2007 |
| 22628 | Downtown Starlite, Inc. | J & C Food Mart | Atlanta | R | 06/07/2007 |
| 22629 | Arshad, Umar | Twin Pic | Forest Park | R | 06/07/2007 |
| 22638 | Rizq Food, Inc. | Shell Food Mart | Cumming | R | 06/14/2007 |
| 22639 | Aaron & Suma, LLC | Marathon Food Mart | Lawrenceville | L | 06/13/2007 |
| 22640 | Sixth Era, Inc. | Country Food | Stone Mountain | L | 06/13/2007 |
| 22641 | Breckenridge Food Mart, Inc. | Breckenridge Food Mart | Duluth | R | 06/13/2007 |
| 22647 | Garcia-Escobar, Juan | Miscelania Guatemex | Cairo | R | 06/15/2007 |
| 22648 | Mun Kom, Inc. | Spalding Liquor | Griffin | L | 06/15/2007 |
| 22649 | Atlanta Drinks, LLC | Skyland Point Bottle Store | Atlanta | L | 06/19/2007 |
| 22655 | Shree Ram, Inc. | Rocky's Food Mart | Warner Robins | R | 06/19/2007 |
| 22657 | Swity, Inc. | Chapel Hill Package | Douglasville | R | 06/19/2007 |
| 22660 | Huendo, Mercedes J. | El Bazaar | Cartersville | R | 06/21/2007 |
| 22661 | Arora, Suraj B. | Liquor & More | Martinez | R | 06/21/2007 |
| 22663 | Prabhu, Inc. | Fast Stop | Warner Robins | R | 06/21/2007 |
| 22666 | Desai, Guatam | DJ Petro | Waynesboro | R | 06/25/2007 |
| 22670 | DOS Enterprise, LLC | M&S Check Cashing | Lawrenceville | L | 06/27/2007 |
| Total | | | 55 | | |

R=Registrant L=Full Service

EXPIRED/CLOSED CHECK CASHERS (License/Registration)

| Lic# | Applicant | City | Closed | Type |
|--------------|----------------------------|---------------|------------|------|
| 9506 | B and B Spirits, Inc. | Decatur | 04/06/2007 | LD |
| 18862 | Han, Kwang Il | Augusta | 04/13/2007 | LD |
| 19576 | Texmex Investments, LLC | Norcross | 04/06/2007 | RD |
| 19579 | M&E Food, Inc. | Atlanta | 05/15/2007 | RD |
| 20521 | Gbadebo, Adesola | Decatur | 05/01/2007 | RD |
| 20634 | Kash Group, Inc. | Cumming | 06/07/2007 | LD |
| 20895 | Georgia Distributor, Inc. | Chamblee | 05/01/2007 | LD |
| 21076 | Kemin Enterprises, Inc. | Vienna | 04/20/2007 | LD |
| 21423 | Sharon Package Store, Inc. | Atlanta | 06/19/2007 | LD |
| 21551 | Jateen Corporation | Macon | 05/03/2007 | LD |
| 21652 | LADEL5, Inc. | Duluth | 06/19/2007 | LD |
| 21822 | Lim, Duk Taek | Lawrenceville | 06/18/2007 | LD |
| Total | | 12 | | |

APPROVED/EXPIRED CHECK SELLERS/ MONEY TRANSMITTERS

| LicNUM | Applicant Name | DBA | City | ST | Approved | Closed |
|---|-------------------------------|-----------------------|-------------|------------|------------|------------|
| 22442 | Trans-Fast Remittance LLC | | New York | NY | 04/13/2007 | |
| 22515 | Hong Lan Services, Inc. | | Westminster | CA | 05/10/2007 | |
| 22583 | Amacif, Inc. | | Decatur | GA | 05/25/2007 | |
| 18960 | Trans-Fast Remittance, Inc. | Trans-Fast Remittance | New York | NY | 02/10/2004 | 04/13/2007 |
| 19574 | TelecommUSA, Ltd. | TelecommUSA | Charlotte | SC | 07/13/2004 | 04/04/2007 |
| 22283 | Ready Remittance Company, LLC | Atlanta | GA | 02/16/2007 | 06/21/2007 | |
| Upgrade from Money Transmitter to Check Seller | | | | | | |
| 19076 | Order Express, Inc. | Order Express | Chicago | IL | 03/05/2007 | |
| Total | | 7 | | | | |

FY 2008 Check Casher Renewals

The FY2008 CHECK CASHER on-line license renewal is in process. Remember the license classification may have changed since the last renewal (See Information on Page 1). Late renewal fines will be assessed after midnight August 1. ALL licensees MUST complete their application ON-LINE. The website is <https://bkgfin.dbf.state.ga.us/CCRenewalFY08.html>.

Licensees should use their USER ID and PASSWORD which was mailed with the renewal notice. Please note the following:

- **PAYMENT:** ACH or credit card ONLY. Most major cards accepted.
- **PASSWORDS:** Provided in your renewal notice. Contact the Department if you misplace this information.
- **INCOMPLETE or "INFORMATION REQUIRED" APPLICATIONS:** Supplemental information should be mailed in. Should any additional information be required based on review of your renewal, the licensee or registrant will be contacted by e-mail or fax *ONLY*. Renewals requiring additional information cannot be approved until such information is received and approved. All fines and fees must be paid.
- **LATE FILINGS:** If you have attempted access but been unable to utilize the on-line system, please contact the Department for instructions to complete your application. **HARD COPY FORMS ARE NOT AVAILABLE ON THE INTERNET.** Failure to request assistance in a timely manner will NOT prevent the assessment of the late fee if the deadline has passed.



Department Contact Information

| NAME | E-MAIL ADDRESS | PHONE# |
|---|--|--------------|
| Melinda Kinard, Director of Money Service Businesses and Mortgage Licensing | mkinard@dbf.state.ga.us | 770-986-1649 |
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Atlanta, GA 30341-5565

Website: <http://www.gadbf.org>

Phone & Fax Numbers: Phone: (770) 986-1633 or
Toll Free: (888) 986-1633
Fax: (770) 986-1655 or 1029



E-MAILING THE DEPARTMENT

The Department would like to encourage you to correspond with us using e-mail. Providing written details in the e-mail regarding any questions or concerns you may have allows the Department to forward the request to the appropriate person who handles that area, and if sufficient details are included in the request, that person can then more efficiently provide you an answer. The main Division e-mail address is dbfmort@dbf.state.ga.us

In the event you still need additional information or you do not receive a timely response to your e-mail, please contact us by phone.

NOTE: This publication is delivered to interested parties via e-mail and is also available from the Department's website at: <http://www.gadbf.org> under Publications, Bulletins. If you would like to be added to our distribution list, please send an e-mail to dbfcorp@dbf.state.ga.us and indicate your name, the company you are with, license or registration # (if applicable), and phone number.

