

**CITY OF BILOXI  
AGENDA ITEM  
FACT SHEET**

Item No.: 5 E

Council Meeting Date: June 13, 2017

ITEM TITLE: RESOLUTION  
INTRODUCED BY: Mayor Andrew "FoFo" Gilich  
CONTACT PERSON: E. Michael Leonard, CAO  
Peter Abide, City Attorney

**SUMMARY EXPLANATION:**

Resolution authorizing entry into agreement with Xpress-Pay and Newtek Merchant Solutions for the acceptance of credit and debit cards by the City of Biloxi

Resolution  Ordinance \_\_\_\_\_ Public Hearing \_\_\_\_\_ Routine Agenda \_\_\_\_\_

Exhibits for Review

Contract \_\_\_\_\_ Minutes \_\_\_\_\_ Plans/Maps \_\_\_\_\_ Deed \_\_\_\_\_ Lease \_\_\_\_\_

Other (Specify): Exhibit "A"

Submittal Authorization: Council President \_\_\_\_\_ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: \_\_\_\_\_ Second By: \_\_\_\_\_

Vote:	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
	Lawrence	___	___	___	Tisdale	___	___	___
	Gines	___	___	___	Glavan	___	___	___
	Newman	___	___	___	Fayard	___	___	___
	Deming	___	___	___				

ACTION TAKEN:

pa/km061317acon

Resolution No.

RESOLUTION AUTHORIZING ENTRY INTO AGREEMENT WITH XPRESS-PAY AND  
NEWTEK MERCHANT SOLUTIONS FOR THE ACCEPTANCE OF CREDIT AND  
DEBIT CARDS BY THE CITY OF BILOXI

WHEREAS, various departments of the City of Biloxi routinely provide billable services such as water/sewer/trash services, permits, business licenses, Community Center and Natatorium passes, summer playground fees, and other services or goods; and

WHEREAS, the gift shops located in the Biloxi Visitors Center and the Mardi Gras Museum sell merchandise; and

WHEREAS, the City of Biloxi accepts credit and debit cards for these services in accordance with the guidelines set forth by the Mississippi State Auditor's Office; and

WHEREAS, the City of Biloxi uses Xpress-pay, a division of Systems East, as a portal to accept said payments; and

WHEREAS, Xpress-pay is changing service providers, which requires a Service Agreement between Newtek Merchant Solutions and the City of Biloxi; and

WHEREAS, the new Service Agreement will lower the transaction fee that is passed to our customers for the convenience of using a credit card; and

WHEREAS, the Service Agreement with Newtek Merchant Solutions will meet the guidelines established by the Mississippi State Auditor's Office for the acceptance of credit and debit cards; and

WHEREAS, it is in the best interests of the City of Biloxi and its citizens that the City of Biloxi have the ability to accept credit and debit cards as payment for water/sewer/trash services, permits, business licenses, Community Center and

Natatorium passes, summer playground fees, merchandise sold in City gift shops, and other services or goods for which credit and debit cards can be accepted as payment; and

WHEREAS, Xpress-pay through Newtek Merchant Solutions is regularly in the business of providing services for the acceptance and processing of credit and debit cards; and

WHEREAS, in accordance with the Newtek Merchant Solutions Application and Fee Schedule, attached hereto as Exhibit "A," Xpress-pay will continue to provide services enabling the City of Biloxi to accept and process debit and credit cards as payment; and

WHEREAS, as detailed in the "Fee Schedule" of Exhibit "A," all debit and credit card service charges will be borne by the card holder, not the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, THAT:

Section 1: The findings, conclusions and statements of fact contained in the preambles are hereby adopted and ratified.

Section 2: The Mayor is hereby authorized and directed to execute, in the name and on behalf of the City, Merchant Processing Agreement Application and Fee Schedule, attached hereto as Exhibit "A."

Section 3: This resolution shall take effect and be in force from and after adoption.

# EXHIBIT A

Referral ID # \_\_\_\_\_ Partner #1 \_\_\_\_\_

Rep ID # **4165** Partner #2 \_\_\_\_\_

Agency # **3545** Partner #3 \_\_\_\_\_

Newtek 1807(ia) **MERCHANT INFORMATION** Page 1 of 4

Business Name (Doing Business As): <b>CITY OF BILOXI</b>			Corporate Name (also used for Headquarters information):		
Business Address (please use correct USPS format): <b>PO BOX 429</b>			Corporate Address (if different than business address using correct USPS format):		
City: <b>BILOXI</b>	State: <b>MS</b>	Zip: <b>39533</b>	City:	State:	Zip:
Location Phone:		Location Fax:		Contact Name:	
Business Email:			Contact Phone: ext.		
Website Address:			Contact Fax/Email:		
Phone number to appear on cardholder statement:			Send Monthly Merchant Statements To: <input type="checkbox"/> Business Address <input type="checkbox"/> Corporate Address		

**OWNERS/PARTNERS/OFFICERS**

1) Name:	Title:	Equity/Ownership:
Date of Birth:	Social Security #:	Home Phone:
Home Address:	City:	State: Zip:
2) Name:	Title:	Equity/Ownership:
Date of Birth:	Social Security #:	Home Phone:
Home Address:	City:	State: Zip:

MERCHANT PROFILE	Visa/Mastercard/Discover Network/American Express INFORMATION
Type of Ownership: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> C Corp <input type="checkbox"/> S Corp <input type="checkbox"/> LLC <input type="checkbox"/> Non Profit Other currently/previously owned businesses: _____ No. of Years in Business: _____ Name (as it appears on your business tax return): _____ Federal Tax ID Number (as it appears on your business tax return): _____ <input type="checkbox"/> I certify that I am a foreign entity/nonresident alien. (if checked please attach IRS Form W-8.) NOTE: Failure to provide accurate information may result in a withholding of merchant funding per IRS regulations. (See Part III, Section A.4 of your Program Guide for further information.) Do you currently accept VISA/MasterCard/Discover Network/American Express? <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, you must submit the 3 most current months statements. Seasonal Business? <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, list months: _____ Do you use any Third Party or software to store, process, or transmit cardholder data? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      If yes, give names: <b>Xpress-Pay.com</b> IATA/ARC: _____ (MCC 4722 Only) SIC/MCC: _____ Describe Products/Services Sold: (SIC/MCC for internal use only)      Methods of Marketing: <input type="checkbox"/> Newspaper/Magazine <input type="checkbox"/> Internet <input type="checkbox"/> Television/Radio <input type="checkbox"/> Direct Mail, Brochure & Catalog <input type="checkbox"/> Outgoing Telemarketing Sales	<b>MERCHANT TYPE</b> <b>VISA/MC/DISC Network/American Express SALES PROFILE</b> <input type="checkbox"/> Retail Outlet      Credit Cards Swiped _____ % <input type="checkbox"/> Restaurant/Food      Credit Cards Keyed with Imprint _____ % <input type="checkbox"/> Quick Serve      Credit Cards Keyed via Mail Order/Telephone _____ % <input type="checkbox"/> Lodging      Credit Cards Keyed via Internet <b>100</b> % <input type="checkbox"/> Mail/Telephone Order Only <input type="checkbox"/> Petroleum <b>Must Total 100%</b> <input type="checkbox"/> Voice Capture <input checked="" type="checkbox"/> Internet (contact email address required above)

**Special Processing Addendum Required For This Section For All Merchants Processing With 50% Or More Keyed Volume**

OTHER MERCHANT NUMBERS	Accept all MasterCard, Visa, Discover Network & American Express Transactions (presumed, unless any selections below are checked)																														
<table style="width: 100%;"> <tr> <th style="width: 15%;">NEW SERVICES</th> <th style="width: 15%;">EXISTING</th> <th style="width: 70%;"></th> </tr> <tr> <td><input type="checkbox"/> Check Service</td> <td>Check Service #</td> <td></td> </tr> <tr> <td><input type="checkbox"/> WEX Account</td> <td>EBT Merchant #</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Voyager Account</td> <td>Gift Card #</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td>American Express Pass Through SE#</td> <td></td> </tr> <tr> <td><input type="checkbox"/> _____</td> <td>Other #</td> <td></td> </tr> </table>	NEW SERVICES	EXISTING		<input type="checkbox"/> Check Service	Check Service #		<input type="checkbox"/> WEX Account	EBT Merchant #		<input type="checkbox"/> Voyager Account	Gift Card #		<input type="checkbox"/> Other	American Express Pass Through SE#		<input type="checkbox"/> _____	Other #		<table style="width: 100%;"> <tr> <th style="width: 50%;">MasterCard</th> <th style="width: 50%;">Visa</th> </tr> <tr> <td><input type="checkbox"/> MC Credit Trans</td> <td><input type="checkbox"/> Visa Credit Trans</td> </tr> <tr> <td><input type="checkbox"/> MC Non-PIN Debit Trans</td> <td><input type="checkbox"/> Visa Non-PIN Debit Trans</td> </tr> <tr> <th style="width: 50%;">Discover Network</th> <th style="width: 50%;">American Express</th> </tr> <tr> <td><input type="checkbox"/> Disc. Credit Trans</td> <td><input type="checkbox"/> American Express Credit Trans</td> </tr> <tr> <td><input type="checkbox"/> Disc. Non-PIN Debit Trans</td> <td></td> </tr> </table> <p>See section 1.9 of the Program Guide for details regarding limited acceptance.</p>	MasterCard	Visa	<input type="checkbox"/> MC Credit Trans	<input type="checkbox"/> Visa Credit Trans	<input type="checkbox"/> MC Non-PIN Debit Trans	<input type="checkbox"/> Visa Non-PIN Debit Trans	Discover Network	American Express	<input type="checkbox"/> Disc. Credit Trans	<input type="checkbox"/> American Express Credit Trans	<input type="checkbox"/> Disc. Non-PIN Debit Trans	
NEW SERVICES	EXISTING																														
<input type="checkbox"/> Check Service	Check Service #																														
<input type="checkbox"/> WEX Account	EBT Merchant #																														
<input type="checkbox"/> Voyager Account	Gift Card #																														
<input type="checkbox"/> Other	American Express Pass Through SE#																														
<input type="checkbox"/> _____	Other #																														
MasterCard	Visa																														
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Discover Network	American Express																														
<input type="checkbox"/> Disc. Credit Trans	<input type="checkbox"/> American Express Credit Trans																														
<input type="checkbox"/> Disc. Non-PIN Debit Trans																															

**MONTHLY SALES VOLUME & AVERAGE TICKET**

Each applicant certifies that the below average ticket size and monthly sales volume is accurate and acknowledges that any significant variance from this information could result in delayed or withheld settlement of funds and/or assessment of additional fees.

Monthly Sales Volume: Visa/MasterCard/Discover Network	<input style="width: 150px;" type="text"/>	Average Ticket Size: Visa/MasterCard/Discover Network	<input style="width: 150px;" type="text"/>
Monthly Sales Volume: American Express	<input style="width: 150px;" type="text"/>	Average Ticket Size: American Express	<input style="width: 150px;" type="text"/>

PRICING PLAN AND PROCESSING CHARGES

Tiered  Interchange & Assessment Pass-Through  Enhanced Recovery Reduced (ERR)

Table with columns for Non-PIN Debit/MC/D, V/MC/D Credit Card, and American Express OptBlue®. Rows include Qualified Discount Rate, MID-Qualified Discount Rate, NON-Qualified Discount Rate, Discount/Additional Basis Points for Interchange/ERR Pricing (0.40%), and Transaction Fee and Batch Fees (All Card Types) (\$0.45).

Table listing various fees such as PIN Debit Access Fee, Flat Fee PIN Debit Pricing (0.65/ea), PIN Debit Transaction Fee, PIN Debit Pass Through Debit Network Fees, PIN Debit Additional Transaction Fee, PIN Debit Additional Basis Points, AVS Surcharge, Voice Authorization, Voice AVS, American Express OptBlue® Fee Surcharge, Non Bankcard Transaction Fee, Gateway Transaction Fee, Gateway Monthly Fee, Wireless Transaction Fee, Wireless Monthly Fee, TransArmor Solution Full Bundle Fee, TransArmor Solution PCI Only Fee, and TransArmor Data Protection Fee.

Table listing fees such as Statement/Maintenance Fee V/ MC/D/American Express OptBlue® (\$0/mo), Min. Monthly Discount Fee (0.02%), Merchant Club, Breach Coverage, Regulatory Product, Charge Back Fee, Request for Copy (retrieval), ACH Returned Item Fee Visa/, Network/Association Fees, PCI Service Fee, PCI Non-Compliance Fee POS, Monthly Fee, and Insightics Solution Monthly Fee.

Other Notes/ Requests: [ ] [ ]
\*See Schedule A on Page 3
Early termination fee of \$295 may apply. See Section A.3 of your Program Guide.
\*V/MC/D\* refers to \*Visa, MasterCard and Discover\*

EQUIPMENT INVENTORY

Table for equipment inventory with columns for Purchase Price Does Not Include Sales Tax, Equipment Description, Quantity, and Check One Per Line (Free Use, Purchase, Rent, Lease, Existing, Swap). Includes notes: Setup Waived per T Harkins/Monthly fees waived per Beth Johnson.

SHIP EQUIPMENT TO: (CHECK ONE)  Ground  3 Day  2 Day  Next Day  Saturday Delivery

Merchant Location  Agent Bank  Sales Office  Other (Name): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Attn: \_\_\_\_\_

Section containing FEES COLLECTED BY NEWTEK, FRONT END (FDR Omaha, Nashville, North, Bypass, Compass, TSYS (Vital), Credit\*, ACH\*\*), and PROGRAMMING (Rep Install, NMSW Install, Auto Close Time, Internet Processing, Petroleum, Virtual Terminal Only, Retail, Restaurant, Tips, Server, WIFI, Pin Debit, Lodging, Quick Serve, IP/Digital Phone Lines, Dial Access).

CREDIT CARD AUTHORIZATION

REQUIRED ONLY FOR CREDIT CARD PAYMENTS
Credit Card Acct: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Merchant Signature: x \_\_\_\_\_ Date: \_\_\_\_\_

Merchant Initials \_\_\_\_\_

**SCHEDULE A PASS THROUGH FEES**

CARD TYPE	FEE NAME	RATE	DESCRIPTION
MasterCard	Digital Enablement Fee	0.01%	Applies to all Consumer Credit, Commercial and Signature Debit dollar volume for select cardholder card-not-present transactions.
MasterCard	Network Access Brand Usage Fee (NABU)	\$0.0195 per item	Applies to all U.S. authorized card transactions.
MasterCard	Cross Border Fee	0.60%	Applies to international transactions submitted in U.S. Dollars.
MasterCard	Acquirer Program Support Fee	0.85%	Applies to foreign cards used in the U.S.
MasterCard	Processing Integrity Fee	\$0.055 per item	Applies to full or partial authorizations that are not cleared or reversed in an appropriate time period.
MasterCard	Card Validation Code 2 Fee (CVC2)	\$0.0025 per item	Applies to all transactions that received a response value of M or N (match or no-match).
MasterCard	Address Verification Service (AVS) Acquirer Access Fee	\$0.01 per item	Applies to each card present and card not present authorization with AVS submitted into the network.
MasterCard	License Fee	0.0061%	Applies to gross sales volume for MasterCard Credit and Signature (non-PIN) Debit transactions.
MasterCard	Kilobyte Fee	\$0.0035	Applies to each authorization transaction submitted to MasterCard's network for settlement.
MasterCard	Global Wholesale Travel Transaction Program B2B Acquirer Fee	1.57%	Applies to all qualifying MasterCard B2B card-not-present transactions processed on a new MasterCard Virtual Purchasing card.
Visa	International Acquiring Fee	0.45%	Applies to foreign cards used in the U.S.
Visa	Misuse of Authorization System Fee	\$0.045 per item	Applies to each approved or partially approved authorization transaction that cannot be matched to a clearing transaction or authorization reversal.
Visa	Zero Floor Limit Fee	\$0.10 per item	Fee for any Visa settled transaction that cannot be matched to a previous approved authorization. This includes transactions conducted at limited amount terminals without authorizations.
Visa	U.S. Transaction Integrity Fee (TIF)	\$0.10 per item	This fee is assessed on every check card, prepaid card, or signature debit card transaction that fails to request or meet Custom Payment Service qualifications.
Visa	Acquirer ISA (International Service Assessment) Fee	0.80%	Assessed on international card transactions acquired in the U.S.
Visa	Fixed Acquirer Network Fee	Varies	Based on several factors like the number of merchant locations, the processing volume, the type of merchant, and the acceptance method. See <a href="http://www.thesba.com/visafanf/">www.thesba.com/visafanf/</a> for details on this fee.
Visa	File Transmission Fee	\$0.0018 per item	This fee will be charged on all incoming and outgoing Visa transactions.
Visa	Acquirer Data Processing Fee – Debit	\$0.0155 per item	Per authorization fee for U.S. acquired Visa check cards or prepaid cards.
Visa	Acquirer Data Processing Fee – Credit	\$0.0195 per item	Per authorization fee for U.S. acquired Visa credit cards.
Discover	International Service Fee	0.80%	Applies to non-US cards used in the U.S. (primarily Diners Club).
Discover	Data Usage Charge	\$0.0195 per item	Applies to all Discover transactions.
Discover	Full Acquiring - Network Authorization Fee	\$0.0025 per item	Applies to all Discover transactions.
Discover	International Processing Fee	0.50%	Applies when card is used outside the cardholder's country.
American Express OptBlue®	Network Fee	0.15%	Applies to all transactions for American Express OptBlue®.

Newtek is a Registered ISO of Wells Fargo Bank, N.A., Walnut Creek, CA.

Merchant Initials \_\_\_\_\_

Rev. 08-2016

1. Is the Merchant's DBA name displayed at the facility (exterior signage) and does it match the application?  Yes  No  
If no, please explain: \_\_\_\_\_
2. Does the address match that of the application?  Yes  No
3. Type of Location:  Shopping Center / Retail / Restaurant  Warehouse  Office  Residence  Shows/Conventions  Other: \_\_\_\_\_
4. Does Merchant  Own  Lease  Other: \_\_\_\_\_
5. Is Merchant located within another Merchant's facility?  Yes  No  
If Yes, name of the other Merchant: \_\_\_\_\_
6. Is the Merchant's telephone number and address verifiable? (i.e. Yellow Pages)  Yes  No
7. Is the business currently operating? If no, expected opening date \_\_\_\_\_  Yes  No
8. Does the merchant have appropriate and sufficient equipment and inventory consistent with the type of business and projected sales volume and average ticket? If no, please explain: \_\_\_\_\_  Yes  No
9. What are the sales and return policies? Are they displayed, written, and available to the consumers? (i.e., "All Sales Final")  Yes  No  
If no, please explain: \_\_\_\_\_
10. No. of employees: \_\_\_\_\_
11. Previous Processor: \_\_\_\_\_ b. Reason for Leaving: \_\_\_\_\_

I hereby certify the above information is accurate and I personally recommend this merchant application based on the site inspection

Site Survey was conducted

On Site Survey  Telephone Survey

**X N.Vacalopoulos** Representative Name Printed **X** \_\_\_\_\_ Representative's Signature Date \_\_\_\_\_

Newtek 1807(a) AUTHORIZED SIGNER FOR BUSINESS

Merchant certifies that all information set forth in this completed Merchant Processing Application is true and correct and that Merchant has received a copy of the Program Guide [Version Newtek1804(a)] and Confirmation Page, which is part of this Merchant Processing Application, and by this reference incorporated herein. Merchant acknowledges and agrees that we, our Affiliates and our third party subcontractors and/or agents may use automatic telephone dialing systems to contact Merchant at the telephone number(s) Merchant has provided in this Merchant Processing Application and/or may leave a detailed voice message in the event that Merchant is unable to be reached, even if the number provided is a cellular or wireless number or if Merchant has previously registered on a Do Not Call list or requested not to be contacted Merchant for solicitation purposes. Merchant hereby consents to receiving commercial electronic mail messages from us, our Affiliates and our third party subcontractors and/or agents from time to time.

Merchant further agrees that Merchant will not accept more than 20% of its card transactions via mail, telephone or Internet order. However, if your Application is approved based upon contrary information stated in the Transaction Information section above, you are authorized to accept transactions in accordance with the percentages indicated in that section.

By signing below, each of the undersigned authorizes us, our Affiliates and our third party subcontractors and/or agents to verify the information contained in this Application and to request and obtain from any consumer reporting agency and other sources, including bank references, personal and business consumer reports and other information and to disclose such information amongst each other for any purpose permitted by law. If the Application is approved, each of the undersigned also authorizes us, our Affiliates and our third party subcontractors and/or agents to obtain subsequent consumer reports and other information from other sources, including bank references, in connection with the review, maintenance, updating, renewal or extension of the Agreement or for any other purpose permitted by law and disclose such information amongst each other. Each of the undersigned furthermore agrees that all references, including banks and consumer reporting agencies, may release any and all personal and business credit financial information to us, our Affiliates and our third party subcontractors and/or agents. Each of the undersigned authorizes us, our Affiliates and our third party subcontractors and/or agents to provide amongst each other the information contained in this Merchant Processing Application and Agreement and any information received subsequent thereto from all references, including banks and consumer reporting agencies for any purpose permitted by law. It is our policy to obtain certain information in order to verify your identity while processing your account application.

As part of our approval, processing services, continuing fraud prevention and account review processes, the undersigned consents to the use of information gathered online or that you submit to us, and/or automated electronic computer security screening, by us or our third party vendors.

Merchant authorizes Newtek and Bank and their affiliates to debit Merchant designated bank account via Automated Clearing House (ACH) for costs associated with equipment hard ware, software and shipping.

You further acknowledge and agree that you will not use your merchant account and/or the Services for illegal transactions, for example, those prohibited by the Unlawful Internet Gambling Enforcement Act, 31 U.S.C. Section 5361 et seq, as may be amended from time to time, or processing and acceptance of transactions in certain jurisdictions pursuant to 31 CFR Part 500 et seq, and other laws enforced by the Office of Foreign Assets Control (OFAC).

Merchant certifies, under penalties of perjury, that the federal taxpayer identification number and corresponding filing name provided herein are correct. Merchant agrees to all the terms of this Merchant Processing Application and Agreement. This Merchant Processing Application and Agreement shall not take effect until Merchant has been approved and this Agreement has been accepted by Newtek and Bank.

Merchant Owner/Officer Signature: **X** \_\_\_\_\_ Title: **X** \_\_\_\_\_ Date: \_\_\_\_\_

Merchant Owner/Officer Signature: **X** \_\_\_\_\_ Title: **X** \_\_\_\_\_ Date: \_\_\_\_\_

FOR ALL CORPORATIONS - Corporate Resolution

The indicated officer identified above has the authorization to execute the Merchant Processing Agreement with Bank on behalf of the herewithin named corporation.

Secretary of the Board: **X** \_\_\_\_\_ Date: \_\_\_\_\_

Personal Guarantee: In exchange for Newtek and Wells Fargo Bank, N.A.,(a member of Visa USA, Inc., and MasterCard International, Inc.) (the Guaranteed Parties) acceptance of, as applicable, the Agreement, the undersigned unconditionally and irrevocably guarantees the full payment and performance of Merchant's obligations under the foregoing agreements, as applicable, as they now exist or as modified from time to time, whether before or after termination or expiration of such agreements and whether or not the undersigned has received notice of any amendment of such agreements. The undersigned waives notice of default by Merchant and agrees to indemnify the Guaranteed Parties for any and all amounts due from Merchant under the foregoing agreements. The Guaranteed Parties shall not be required to first proceed against Merchant to enforce any remedy before proceeding against the undersigned. This is a continuing personal guaranty and shall not be discharged or affected for any reason. The undersigned understands that this is a Personal Guaranty of payment and not of collection and that the Guaranteed Parties are relying upon this Personal Guaranty in entering into the foregoing agreements, as applicable.

Guarantor: **X** \_\_\_\_\_ Printed Name: **X** \_\_\_\_\_ Date: \_\_\_\_\_

Co-Guarantor: **X** \_\_\_\_\_ Printed Name: **X** \_\_\_\_\_ Date: \_\_\_\_\_

Accepted By Universal Processing Services of Wisconsin, LLC DBA Newtek Merchant Solutions Signature: **X** \_\_\_\_\_ Title: **X** \_\_\_\_\_ Date: \_\_\_\_\_

Wells Fargo Bank, N.A.(a member of Visa USA, Inc. and MasterCard International, Inc.), 1200 Montego, Walnut Creek, CA 94598 Signature: **X** \_\_\_\_\_ Title: **X** \_\_\_\_\_ Date: \_\_\_\_\_



## PERSONAL GUARANTEE WAIVER FORM

**Business Name:**

*Reason for waiving the personal guarantee:*

Corporate owned / incorporated? Yes  No

**Corporate Name:**

**\* Articles of Incorporation MUST be supplied \***  
**\* Must be in business two years or more and two years  
business financials MUST be supplied \***

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Non-profit business? Yes  No

**Non-profit business type:**

**\* Proof of non-profit status MUST be supplied \***

**If other reason please give a brief description:**

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\*\*\* All requests for waiving the personal guarantee are subject to approval \*\*\*

**Merchant Name:**

**Merchant Signature:**

**Date:**



If you do not wish to have the PCI Protection Plan extended to cover the merchant account(s) you have with Newtek Electronic Payment Processing, you will need to sign this opt out-form below and email it to [service@newtekbusinessservices.com](mailto:service@newtekbusinessservices.com) or fax it to (866) 429-5294.

This form must be received by us no later than the 20th of the current month to avoid enrollment. If received after the 20th of the current month, you agree to be billed accordingly for the current month, and will be excluded from the program the following month.

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**I decline to have the PCI Protection Plan extended to cover the merchant account(s) that my business has with Newtek Electronic Payment Processing. I understand that under the terms of my merchant agreement with Newtek Electronic Payment Processing, that I am responsible for all expenses, fines, assessments, and penalties that arise in the event that a data breach is suspected or occurs at one or more of my merchant accounts(s). Further, I understand and agree that the PCI Protection Plan will not be available to me to help pay any of the above mentioned expenses, fines, assessments, and penalties in the event of a suspected or actual breach of one or more of my merchant locations. I hereby certify that I am authorized to sign on behalf of my company, partnership, etc.**

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MID #

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Print the name of your business

---

Signature

---

Today's date

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Billing Address