



700 S. W. Jackson
Suite 300
Topeka, KS 66603-3796

Office of the State
Bank Commissioner

Phone: (785) 380-3939
Fax: (785) 371-1229
www.osbckansas.org

David L. Herndon, Bank Commissioner

Laura Kelly, Governor

July 7, 2022

Carl Morris
FlexWage Solutions LLC
cmorris@flexwage.com

Re: Request for Interpretative Opinion - FlexWage Solutions LLC

Dear Mr. Morris,

The information you sent has been reviewed by the Kansas Office of the State Bank Commissioner (OSBC) staff in relation to the Kansas Uniform Consumer Credit Code (UCCC). We appreciate your thorough explanation of your business operations regarding the FlexWage Earned Wage Access program. At this time, we have determined the services you provide do not require a supervised loan license. This determination is based on employer funding, no advancement of unearned wages, and the lack of a repayment obligation. Loan, in the UCCC is defined as several mechanisms to either create or defer debt; see K.S.A. 16a-1-301 (27) for the full definition. Since access to already earned wages are employer funded, Flexwage is not creating a debt for the employee. The fee structure for data services to ensure this process was also considered. If there is any significant change to your business operations, to include the fee structure or employee contracts, this determination could change.

Thank you for your cooperation, and please let me know if you have any questions or if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Dana Branam".

Dana Branam
Director of Licensing
Consumer and Mortgage Lending Division
Kansas Office of the State Bank Commissioner