



New Mexico Regulation and Licensing Department
FINANCIAL INSTITUTIONS DIVISION

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Deputy Superintendent

Christopher Moya
Director of Financial
Institutions

Date: May 2, 2020
To: All Licensed Small Loan Companies
From: Christopher Moya, Director of the Financial Institutions Division
Re: Public Health Emergency Order, Dated April 30, 2020

The Financial Institutions Division (FID) has been contacted by numerous licensees and their representatives regarding the potential for financial services businesses that were not defined as conducting “essential business” under the Public Health Emergency Orders related to the COVID-19 pandemic (issued March 23, 2020, April 6, 2020, April 11, 2020, and April 30, 2020) to be able to engage in “curbside pickup and/or delivery services to customers” under the provision beginning at page 5, subsection (2), of the directions issued by the Secretary of the Department of Health in the most recent Public Health Emergency Order (issued April 30, 2020).

This “curbside pickup” provision of the most recent Public Health Emergency Order applies only to “retail businesses.” In the current Order (as in the prior Orders) financial services businesses have been addressed in a separate fashion than other types of businesses that have been considered to be engaged in what is commonly understood to constitute “retail business” (for example, grocery stores or hardware stores). [See subsection (1) of the “Definitions” section of the Orders. See also subsection (2) of the Definitions section, at provisions (r) and (s) listing certain types of financial services providers that have been determined to conduct “essential business.”] The Public Health Emergency Orders (including the current Order issued April 30, 2020) have imposed a distinction between the types of business that constitute “retail business” and those businesses engaged in the delivery of financial services. Financial services providers determined not to be engaged in “essential business” are distinct from other “retail businesses” that have determined not to be engaged in “essential business.” Therefore, financial services providers not determined to be engaged in “essential business” are not permitted to provide financial services under the “curbside pickup” provision of the current Public Health Emergency Order.

Questions regarding requests for exemption from requirements of the Public Health Emergency Order are to be directed to: covid.exemption@state.nm.us

Respectfully,

Christopher Moya
Director

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Boards and Commissions Division
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