

NEBRASKA ADMINISTRATIVE CODE

Title 47 – DEPARTMENT OF BANKING AND FINANCE

Chapter 6 – COMPLAINTS

001 AUTHORITY.

001.01 This Rule has been promulgated pursuant to authority delegated to the Director of the Department of Banking and Finance (“Department”) in Neb. Rev. Stat. § 8-3031 of the Nebraska Financial Innovation Act (“Act”).

001.02 Any terms used within this Rule shall have a definition consistent with the definitions contained within Neb. Rev. Stat. § 8-3003 and Neb. Rev. Stat. § 8-101.03. In the event of any inconsistency between definitions in these Sections, the Act shall control.

001.03 The Department has determined that this Rule is in the public interest.

001.04 The Director may, on a case-by-case basis, and with prior written notice to the affected person, require adherence to additional standards or policies, as deemed necessary in the public interest.

002 COMPLAINTS MANAGEMENT PROGRAM.

002.01 A Digital Asset Depository shall have in effect a documented system or process to intake, review, and address complaints from customers directly, and those forwarded from the Department of Banking and Finance.

003 RESPONSE TIMELINESS.

003.01 Any complaints received by a Digital Asset Depository shall acknowledge receipt of a complaint to the maker or provider, in writing, within two (2) business days of receiving the complaint. All complaints shall be fully responded to within ten (10) business days.

003.02 Any failure to address, or respond, to a complaint, as required in this Rule, will be considered a violation of the Act. Pursuant to Neb. Rev. Stat. § 8-1,134, violations of any provision of Chapter 8, or any rule and regulation or order of the Director, may result in an administrative proceeding being brought against the digital asset depository.

003.02A An administrative proceeding may result in the issuance of an administrative fine, along with the costs of the Department in the proceeding, against the depository. Such fines shall not exceed ten thousand dollars (\$10,000.00) for the first offense and twenty-five thousand dollars (\$25,000.00) for subsequent offenses.

003.02B In addition to an administrative fine and the costs of the proceeding being assessed against the depository, within any proceeding instituted under Neb. Rev. Stat. § 8-1,134 the Director may take further

administrative action against the depository's charter and/or its directors and officers, including, but not limited to, revocation, suspension, or cancellation of the charter.

004 NOTICE REGARDING THE SUBMISSION OF COMPLAINTS.

004.01 Each chartered digital asset depository shall provide instructions on the filing of a complaint with the digital asset depository, including via mail, telephone, or email, in a clear and conspicuous manner, on its website, mobile applications, advertisements, forms, and in any other form and manner as shall be required by the Director.

004.02 In addition to the charter-specific requirements detailed in Section 003.01 of this Rule, each chartered entity shall also provide information, in the same forms and manner contained therein, which states that any complaints may also be directed to the Department, with the contact information of the Department included therein.

005 COMPUTATION OF TIME.

005.01 In computing time prescribed or allowed by any applicable statute or rule in which the method of computing time is not specifically provided, days will be computed by excluding the day of the act or event and including the last day of the period. If the last day of the period falls on a Saturday, Sunday, or legal holiday, the period shall include the next business day.