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REAL ESTATE FINANCE BUREAU

MEMORANDUM

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**Re: Guidelines for the Submission of  
Electronic Payments of Filing Fees  
During COVID-19 State of Emergency**

**Originally Issued: May 1, 2020  
Updated: June 28, 2021<sup>1</sup>**

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The New York State Department of Law (“DOL”) publishes this memorandum as a guidance document pursuant to New York State Administrative Procedure Act § 102(14).

**I. INTRODUCTION**

The DOL’s Real Estate Finance Bureau (“REF”) strives to process all submissions as efficiently as possible. Pursuant to New York General Business Law (“G.B.L.”) §§ 352-e(7) and 359-e, nearly all proposed filings to REF typically must be accompanied by a filing fee. Historically, these filing fees have been paid via paper checks that are submitted simultaneously with a proposed filing. Processing these filing fee checks can be time-consuming for REF and can lead to delayed submission dates for sponsors. This is because many filing fee checks contain deficiencies—such as an incorrect amount or payee and/or a missing date or signatory—and resolving these deficiencies can delay a submission’s processing.

In addition, most personnel in REF currently are telecommuting due to the COVID-19 state of emergency. As such, REF’s capacity to process paper checks is limited. REF is aware that many submitters to REF also currently are telecommuting due to the COVID-19 state of emergency and that the submission of paper checks to REF may create logistical challenges for such submitters.

Accordingly, REF has developed an electronic payment (“e-payment”) portal that will allow submitters to pay REF filing fees electronically in lieu of using paper checks. Submitters will be able to utilize REF’s e-payment portal for **nearly all** filing fee payments to REF.<sup>2</sup> REF’s e-payment portal calculates the appropriate filing fees based on the type of submission (and information about the submission inputted by the submitter), thereby reducing incorrect filing fee payments and the time spent rectifying such errors.

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<sup>1</sup> This guidance document supersedes and replaces the previous versions of this guidance document, dated May 1, 2020 and September 18, 2020. The only changes made to this guidance document on June 28, 2021 were to indicate that the relief period is no longer tied to New York Executive Order Number 202 Declaring a Disaster Emergency in the State of New York (“EO 202”) and to indicate that payments may no longer be delayed pursuant to EO 202.18, as further explained herein.

<sup>2</sup> Although REF’s e-payment portal currently is technologically capable of processing filing fee payments for all submissions to REF, REF currently is not accepting e-payments of all filing fees due to the COVID-19 state of emergency (as further described herein).

Submitters using the e-payment portal must pay the appropriate filing fee(s) **before** submitting their proposed filing to REF and include with their submission package “proof of electronic payment of filing fees,” as further described herein. In such instances, the submission date of the proposed filing will be the date REF receives the complete submission package including “proof of electronic payment of filing fees,” rather than the date the submitter remitted the e-payment for the proposed filing.<sup>3</sup>

Please note that as of the date of this guidance document, REF still is working to improve the e-payment portal’s user experience and address any issues raised by submitters. REF thus reserves the right to make changes and enhancements to the e-payment portal in order to optimize functionality and address any issues that may arise without updating this guidance document.

The previous version of this guidance document dated May 1, 2020 stated that the e-payment portal accepted only automated clearing house (“ACH”) payments. Since September 18, 2020, the e-payment portal has accepted credit and debit card payments via Mastercard, Visa, and Discover as well as ACH payments (however, the e-payment portal cannot accept filing fee payments made using an American Express credit card).

## **II. EFFECTIVE DATE AND RELIEF PERIOD**

The e-payment guidelines detailed herein are effective as of the date of this guidance document and until further notice. The time period during which these guidelines are effective shall be termed “the relief period.” The relief period will continue until REF updates this guidance document to state that the relief period is no longer in effect.<sup>4</sup>

Notwithstanding the foregoing, REF reserves the right to extend or end the relief period at any time, in its sole discretion. REF also reserves the right to modify or rescind the guidelines detailed herein at any time, in its sole discretion, by updating this guidance document. REF further reserves the right to extend the temporary paperless e-submission policies and procedures detailed herein beyond the conclusion of the relief period.

In fact, although the specific e-payment guidelines detailed herein are specific to the relief period, REF intends for e-payment of its filing fees to be permanent. At some point in the near future, REF intends to require e-payment of all its filing fees, including for submissions mailed to REF in paper format (likely soon after the conclusion of the relief period). After such date, REF intends to no longer accept paper checks for the payment of any filing fees and reject submissions for which the filing fees were not paid through the e-payment portal. REF will provide further information about future e-payment requirements by updating this guidance document or issuing a separate guidance document.

Please note that any guidelines detailed herein concerning New York Executive Order Number 202.18 (“EO 202.18”)<sup>5</sup> are not in effect for the duration of the relief period. Rather, such guidelines are in effect only for the duration of EO 202.18. Pursuant to EO 210,<sup>6</sup> EO 202.18 was rescinded and deemed expired effective June 25, 2021. Therefore, this guidance document has been updated to reflect that delayed filing fee payments are no longer permitted and submitters who previously delayed filing fee payments must pay those filing fees by the deadline specified herein. Please note that REF reserves the right to modify or rescind its interpretation of the relevant provisions of EO 202.18 as detailed herein at any time, in its sole discretion, by updating this guidance document.

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<sup>3</sup> Please refer to the guidance document entitled “Temporary Electronic Submission Policy for Initial Submissions During COVID-19 State of Emergency” for detailed information about submission dates when using the e-submissions procedure described therein.

<sup>4</sup> Previous versions of this guidance document stated that REF intended for the relief period to remain in effect as long as EO 202 remained in effect. However, REF no longer will tie its relief period to EO 202; instead, the relief period will continue until REF updates this guidance document to state that the relief period is no longer in effect. EO 202 is available at the following web address:

[https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO\\_202.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_202.pdf)

<sup>5</sup> EO 202.18 is available at the following web address:

[https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO\\_202.18.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_202.18.pdf)

<sup>6</sup> EO 210 is available at the following web address:

<https://www.governor.ny.gov/news/no-210-expiration-executive-orders-202-and-205>

All requirements pursuant to Article 23-A of the G.B.L. (“the Martin Act”), REF’s regulations, REF’s guidance documents, and other relevant laws and regulations remain in full force and effect during the relief period, unless expressly stated herein or in the guidance documents entitled “Temporary Submission and Review Policies and Procedures Due to COVID-19 State of Emergency”<sup>7</sup> and “Temporary Electronic Submission Policies and Procedures for Initial Submissions During COVID-19 State of Emergency.”<sup>8</sup>

### **III. FILING FEE REQUIREMENTS**

As of the date of this guidance document, submitters to REF have the following options with respect to payment of filing fees: (1) payment of filing fees via the e-payment portal or (2) payment of filing fees via paper check (only for offering plan, amendment, amended and restated offering plan, amendment to amended and restated offering plan, no-action letter application, and amended no-action letter application submissions),<sup>9</sup> as described further below. The payment option chosen for initial submissions will affect how the submitter’s related submission package must be submitted. EO 202.18, which previously permitted delaying certain filing fee payments, was rescinded and deemed expired effective June 25, 2021. Consequently, submitters no longer may delay payment of any applicable filing fees.<sup>10</sup> Any submitters who previously chose to delay payment of their filing fee pursuant to EO 202.18 must pay their filing fee no later than **September 23, 2021**. To that end, REF has provided instructions for making delayed payment of certain filing fees pursuant to EO 202.18 in Section III(d) below.

#### **(a) Payment of Filing Fees via Paper Check**

During the relief period, submitters of offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, and amended no-action letter applications still have the ability to pay filing fees using a paper check. However, **REF strongly recommends that the filing fees for such submissions be paid using REF’s e-payment portal to the greatest extent possible during the relief period.** Submitters paying these initial submission filing fees via check **cannot** take advantage of REF’s temporary paperless e-submission policy detailed in REF’s guidance document entitled “Temporary Electronic Submission Policies and Procedures for Initial Submissions During COVID-19 State of Emergency.” Instead, any initial submissions of offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, and amended no-action letter applications for which the filing fee is paid with a paper check must be physically mailed to REF. Due to REF’s very limited in-office staffing during the COVID-19 state of emergency, payment of filing fees via paper check may delay a submission’s processing during the relief period.

Additionally, during the relief period, submitters of cooperative policy statement applications and amendments or extensions to cooperative policy statement applications **cannot** pay filing fees using a paper check. Instead, **REF requires** that the filing fees for such submissions be paid using REF’s e-payment portal during the relief period and until further notice. Submitters paying these initial submission filing fees via the e-payment portal may take advantage of REF’s temporary paperless e-submission policy detailed in REF’s guidance document entitled “Temporary Electronic Submission Policies and Procedures for Initial Submissions During COVID-19 State of Emergency.” Submitters wishing to pay these filing fees via paper check must wait until REF indicates that it will

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<sup>7</sup> This guidance document is available at the following web address:

[https://ag.ny.gov/sites/default/files/temporary\\_submission\\_and\\_review\\_policies\\_and\\_procedures\\_due\\_to\\_covid-19\\_state\\_of\\_emergency\\_6-28-2021.pdf](https://ag.ny.gov/sites/default/files/temporary_submission_and_review_policies_and_procedures_due_to_covid-19_state_of_emergency_6-28-2021.pdf)

<sup>8</sup> This guidance document is available at the following web address:

[https://ag.ny.gov/sites/default/files/temporary\\_electronic\\_submission\\_policies\\_and\\_procedures\\_for\\_initial\\_submissions\\_during\\_covid-19\\_state\\_of\\_emergency\\_6-28-2021.pdf](https://ag.ny.gov/sites/default/files/temporary_electronic_submission_policies_and_procedures_for_initial_submissions_during_covid-19_state_of_emergency_6-28-2021.pdf)

<sup>9</sup> As further detailed herein, cooperative policy statement application and amendment or extension to cooperative policy statement application filing fees must be paid using REF’s e-payment portal.

<sup>10</sup> EO 210 rescinded and deemed expired EO 202.18 effective June 25, 2021. Although various successor executive orders to EO 202 previously had been extended through July 5, 2021, EO 210 rescinded and deemed expired Executive Orders 202 through 202.111 effective June 25, 2021, thereby ending all previous extensions to successor executive orders. Therefore, this guidance document has been updated to reflect that EO 202.18 is no longer in effect as of June 25, 2021 and, as such, payments no longer may be delayed. If this is an issue, please contact REF.

again accept paper submissions of cooperative policy statement applications and amendments or extensions to cooperative policy statement applications to mail a paper copy of the submission including the paper check to REF. Hence, REF **strongly encourages** submitters to pay all such filing fees using REF's e-payment portal.

**(b) Payment of Filing Fees via the E-Payment Portal**

During the relief period, submitters of offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, and amended no-action letter applications also have the ability to pay filing fees via the e-payment portal. Again, REF strongly recommends that submitters take advantage of this e-payment option to the greatest extent possible. Additionally, submitters of cooperative policy statement applications and amendments or extensions to cooperative policy statement applications paying any associated filing fees during the relief period **must** pay those filing fees using the e-payment portal.

If paying filing fees via the e-payment portal during the relief period, submitters also must use REF's temporary e-submission policy. Specifically, REF will not permit e-payments with any paper-based submissions to REF during the relief period. In effect, this means that submitters currently can make e-payments only for the following submissions to REF: (1) offering plans, (2) amendments, (3) amended and restated offering plans, (4) amendments to amended and restated offering plans,<sup>11</sup> (5) no-action letter applications, (6) amended no-action letter applications, (7) cooperative policy statement applications, (8) amendments or extensions to cooperative policy statement applications, and (9) broker-dealer or salesperson registration statements submitted in tandem with one of the foregoing submissions (i.e., Forms M-2, M-3, M-4, and M-10).

Thus, no filing fee payments to REF other than the foregoing payments can be made via e-payment at this time. However, during the relief period, REF is not requiring the submission of "stand-alone" Forms M-2, M-3, M-4, and M-10 or Forms 99, nor is REF accepting for submission any Policy Statement exemption applications. Essentially, this means that the only filing fees that cannot be made via e-payment and instead should be paid via paper check are: (1) intrastate securities offerings pursuant to G.B.L. § 359-ff and (2) full filings of syndications registrations.

**(c) Delayed Payment of Certain Filing Fees Previously Permitted Pursuant to EO 202.18 No Longer Permitted**

EO 202.18 exempted filing fee requirements under G.B.L. § 352-e(7)(a) until 90 days after the expiration of EO 202.18. Such filing fees include the filing fees for offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, amended no-action letter applications, cooperative policy statement applications, and amendments or extensions to cooperative policy statement applications.<sup>12</sup> Accordingly, while EO 202.18 was in effect, submitters could choose to make initial submissions of these filings without paying the filing fees required by G.B.L. § 352-e(7)(a). In such cases, payment of the applicable filing fees would need to be made to REF within 90 days following the expiration of EO 202.18. However, EO 202.18 was rescinded and deemed expired effective June 25, 2021. Consequently, submitters no longer may delay payment of any filing fees.<sup>13</sup> Any submitters who previously chose to delay payment of their filing fee pursuant to EO 202.18 must pay their filing fee no later than **September 23, 2021**. To that end, REF has

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<sup>11</sup> For the purposes of REF's e-payment portal, amended and restated offering plans and amendments to amended and restated offering plans are treated like amendments. As such, submitters should select "Amendment to Offering Plan (Substantive)" from the "Add Filing" drop-down menu when making e-payments for amended and restated offering plans and amendments to amended and restated offering plans.

<sup>12</sup> Although technically the filing fees for some cooperative policy statement applications and amendments or extensions to cooperative policy statement applications were not exempted under EO 202.18, to avoid confusion during the pendency of EO 202.18, REF treated all cooperative policy statement application and amendment or extension to cooperative policy statement application filing fees as exempted under EO 202.18.

<sup>13</sup> EO 210 rescinded and deemed expired EO 202.18 effective June 25, 2021. Although various successor executive orders to EO 202.18 previously had been extended through July 5, 2021, EO 210 rescinded and deemed expired Executive Orders 202 through 202.111 effective June 25, 2021, thereby ending all previous extensions to successor executive orders. Therefore, this guidance document has been updated to reflect that EO 202.18 is no longer in effect as of June 25, 2021 and, as such, payments no longer may be delayed. If this is an issue, please contact REF.

provided instructions for making delayed payment of certain filing fees pursuant to EO 202.18 in Section III(d) of this guidance document below.

Now that EO 202.18 has been rescinded and deemed expired, all submitters of offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, amended no-action letter applications, cooperative policy statement applications, and amendments or extensions to cooperative policy statement applications wishing to use the temporary paperless e-submission process described herein must pay the required filing fees pursuant to both G.B.L. § 352-e(7)(a) and G.B.L. § 359-e(5)(d) via the e-payment portal before proceeding with their e-submission. REF will not accept e-submissions in which any filing fees—including filing fees for associated broker-dealer or salesperson registration statements required by G.B.L. § 359-e(5)(d)—were paid via paper check. Instead, submitters of offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, or amended no-action letter applications must physically mail their entire initial submission (including a paper copy—and a digital copy, where required—of their submission and their paper check) to REF. Additionally, submitters of cooperative policy statement applications and amendments or extensions to cooperative policy statement applications must wait until REF indicates that it will again accept paper submissions of cooperative policy statement applications and amendments or extensions to cooperative policy statement applications to physically mail their entire initial submission (including a paper copy of their submission and their paper check) to REF.

Additionally, REF will not permit e-payment for Forms 99 until further notice. Furthermore, REF very strongly advises against the submission of any Forms 99 during the relief period. As discussed in REF’s guidance document entitled “Temporary Submission and Review Policies and Procedures Due to COVID-19 State of Emergency,” REF does not intend to pursue enforcement actions based solely upon the failure to timely file a Form 99 with REF during the relief period. If submitters have any questions regarding Form 99 submission procedures during the relief period, they should contact [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov).

#### **(d) Instructions for Making Delayed Payment of Certain Filing Fees Pursuant to EO 202.18**

EO 202.18 exempted certain filing fee requirements under GBL § 352-e(7)(a) until ninety days after the expiration of EO 202.18. EO 202.18 was rescinded and deemed expired effective June 25, 2021. Therefore, any submitters who chose to delay payment of their filing fee pursuant to EO 202.18 must pay their filing fee no later than September 23, 2021. In order to do so, such submitters must complete all fields of the “Form 202.18 — Submission of Delayed Filing Fee Payment Pursuant to Executive Order 202.18” (“Form 202.18”) and return the completed form to REF with their e-payment receipt (highly preferred) or paper check for the full filing fee amount. A copy of Form 202.18 is attached to this guidance document as **Exhibit C**.<sup>14</sup>

Submitters must complete a separate Form 202.18 for each filing for which a payment was delayed pursuant to EO 202.18. The same form can be used to submit the initial and final payments for an offering plan by checking the applicable box on the form. However, the same form cannot be used for multiple unrelated plans/projects/filings. REF reserves the right to reject incomplete Forms 202.18 and Forms 202.18 submitted for delayed payments for multiple unrelated plans/projects/filings.

Submitters are advised that—regardless of how the original filing corresponding to the delayed payment was made—submitters may pay their delayed filing fee by either the e-payment portal or paper check. Nevertheless, REF highly prefers that submitters submit all delayed filing fee payments through the e-payment portal.

If paying delayed filing fees using REF’s e-payment portal, submitters must email a PDF of the completed Form 202.18 and the PDF e-payment receipt for the full filing fee amount to [REFsubmissions@ag.ny.gov](mailto:REFsubmissions@ag.ny.gov) with the subject line “EO 202.18 DELAYED FILING FEE PAYMENT FOR [PLAN ID] [PROPERTY NAME].” If both the initial and the final offering plan filing fee payments are being submitted simultaneously, only *one* Form 202.18

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<sup>14</sup> This form also has been posted to the “Forms” section of the REF website at the following URL:  
[https://ag.ny.gov/sites/default/files/delayed\\_filing\\_fee\\_payment\\_pursuant\\_to\\_executive\\_order\\_202.18-fillable.pdf](https://ag.ny.gov/sites/default/files/delayed_filing_fee_payment_pursuant_to_executive_order_202.18-fillable.pdf)

is required, but *two* e-payment receipts must be attached to the submission email. Please note that the e-payment receipt(s) must be saved and named according to the parameters set forth in Section VI(a) of this guidance document.

If paying delayed filing fees using a paper check, submitters must staple the paper check for the full filing fee amount to the completed Form 202.18 and mail them to the following address: Real Estate Finance Bureau, NYS Department of Law, 28 Liberty Street, 15th Floor, New York, NY 10005. If both the initial and the final offering plan filing fee payments are being submitted simultaneously, only *one* Form 202.18 is required, but *two* separate paper checks must be attached to the Form 202.18.

#### **IV. AMENDED INTERPRETATION AND DEFINITION OF “CHECK”**

Due to the introduction of the e-payment portal, REF hereby interprets and defines the word “check” as used in REF’s regulations, guidance documents, and forms as “check **or** proof of electronic payment of filing fees.”<sup>15</sup> This amended interpretation and definition of the word “check” supersedes and replaces all of REF’s prior interpretations and definitions of the word “check.”

Therefore, as of the date of this guidance document, all submissions to REF that require the inclusion of a check for payment of the filing fee now can include a check **or** “proof of electronic payment of filing fees.” However, during the relief period and until further notice, the filing fees associated with initial submissions of cooperative policy statement applications and amendments or extensions to cooperative policy statement applications may **not** be paid via paper check; such filing fees may **only** be paid via the e-payment portal.<sup>16</sup> Accordingly, submitters of cooperative policy statement applications and amendments or extensions to cooperative policy statement applications who wish to pay via paper check must wait until REF indicates that it will again accept paper submissions of such applications and amendments or extensions to such applications to mail a paper copy of the submission including the paper check to REF. In contrast, during the relief period, the filing fees associated with initial submissions of offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, and amended no-action letter applications may be paid via either check or the e-payment portal.<sup>17</sup>

#### **V. USING THE E-PAYMENT PORTAL**

REF’s e-payment portal can be accessed via REF’s web page or at the following web address:

<https://refpayment.ag.ny.gov/REFPAY/index.jsp>

REF’s e-payment portal has been designed to be straightforward and user-friendly, and submitters are encouraged to use the e-payment portal rather than submit paper checks.

It is the responsibility of each submitter using the e-payment portal to ensure that the correct filing fees are paid and all information submitted in connection with an e-payment is truthful and accurate. REF is not responsible for any overpayment of filing fees, and refunds are not guaranteed.<sup>18</sup> Thus, REF encourages submitters to thoroughly familiarize themselves with the e-payment portal prior to submitting any e-payments. If a submitter encounters any issues with the e-payment portal, they should contact REF by emailing [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov).

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<sup>15</sup> Please note that the e-payment portal cannot be used to remit any payments pursuant to an Assurance of Discontinuance. The e-payment portal can be used only to remit filing fees.

<sup>16</sup> Likewise, during the relief period and until further notice, cooperative policy application and amendment or extension to cooperative policy application submissions may **only** be made via e-submission.

<sup>17</sup> Likewise, during the relief period, submitters are permitted to submit offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, and amended no-action letter applications via either e-submission or paper submission.

<sup>18</sup> Furthermore, REF cannot provide credits toward future filings.



### **(a) Creating an Account**

When using REF's e-payment portal for the first time, submitters must create an account by (1) entering their name, telephone number, and email address into an online form, (2) activating their account through an email link, and (3) resetting their password. After creating an account, the e-payment portal will store the submitter's contact information so that the submitter does not need to re-enter this information for subsequent e-payments. Creating an account also allows a submitter to take advantage of the e-payment portal's "My Previous Receipts" function, which is a repository of all of the submitter's receipts for prior e-payments.

Submitters are advised to create their own personal accounts on the e-payment portal. Specifically, attorneys and other legal personnel who are submitting on behalf of clients should create an account using their own contact information versus using the contact information of their clients (legal personnel can identify their client later in the e-payment process, as described below). Additionally, law firms are advised against creating one "master" account for the entire law firm. Rather, each person in the law firm who will be making e-payments should create their own account. Notwithstanding the foregoing, one need not be an attorney or other legal professional in order to make an e-payment; sponsors/issuers/applicants/registrants also can make e-payments on their own behalf.

### **(b) Selecting a Filing**

After successfully creating an account, submitters will be directed to the e-payment portal's home page. This home page has two sections: (1) the "Filing Information" section, where submitters can select from a drop-down menu the filing(s) for which they wish to pay filing fees; and (2) the "User Information" section, where submitters provide minimal information about themselves and the third party or client associated with the filing (if applicable).

Once on this home page, submitters should choose the appropriate filing from the drop-down menu and click "Add Filing." At this point, a pop-up window will appear in which the submitter should enter all required information. For filings requiring input of a plan ID (such as amendments), submitters must click "Look Up Plan Information" after entering the plan ID to automatically populate the property's name and address.<sup>19</sup> After entering all required information about the filing, the submitter should click "Add This Filing" in the pop-up window. This will return the submitter to the home page, where the "Invoice Summary" in the "Filing Information" section will display the filing fee and all relevant information entered with respect to the filing.

The e-payment portal automatically calculates the appropriate filing fee based on the type of filing and certain information added by the submitter. However, the e-payment portal currently does not have the ability to calculate additional filing fees for amendments containing price increases or determine whether the maximum filing fee has already been paid. For such amendments, submitters must calculate the increased filing fee due and enter the amount in the "Additional Fee" field.<sup>20</sup> It is the submitter's responsibility to determine whether the maximum filing fee has been paid already and, if it has not, to calculate and determine the correct additional filing fee for the price increase. Submitters are reminded that (1) REF is not responsible for any overpayment of filing fees and refunds are not guaranteed, and (2) underpayment of required fees may delay the processing of the amendment. Accordingly, submitters are cautioned that they should be certain of whether the maximum filing fee has been paid before making any payments through the e-payment portal. Submitters may email [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov) if they are unsure whether the maximum filing fee has been paid.

Please note that the e-payment portal generally will process payment for only one proposed filing at a time; multiple *unrelated* filings cannot be submitted simultaneously. However, in certain instances, the e-payment portal will permit multiple *related* filings to be paired together. To illustrate, the e-payment portal will *not* permit a

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<sup>19</sup> Once a plan ID has been assigned to a filing, you may not enter the property's name and address manually; instead, you must use the "Look Up Plan Information" button to automatically populate these fields. The "Property or Plan Name" and/or "Property or Plan Address" associated with a particular plan ID cannot be changed through the e-payment portal. Instead, any changes to these fields will be made in the system upon the submission's acceptance for filing based on the information contained in the submission itself. Accordingly, filing fees must be paid using the existing, current information associated with the property in REF's records.

<sup>20</sup> The additional fee for price increases is calculated using the following method: (New Total Offering Price - Old Total Offering Price) \* 0.004. No additional filing fee for price increases is required if the maximum filing fee of \$30,000 has been paid already.

submitter to pay the filing fees for multiple offering plans at the same time. But the e-payment portal *will* permit a submitter to pair together a new offering plan submission and a new Form M-10 broker-dealer registration statement submission and pay their respective filing fees simultaneously. As of the date of this guidance document, Forms M-2, M-3, and M-10 may be paired with submissions of offering plans, amendments, amended and restated offering plans, amendments to amended and restated offering plans, no-action letter applications, amended no-action letter applications, CPS-7 applications, and CPS-12 applications.<sup>21</sup> Additionally, the e-payment portal will permit the pairing of multiple Forms M-2, M-3, and M-10.<sup>22</sup>

After selecting a filing(s) as permitted, submitters must enter their “User Information” on the home page (some of this information will be stored from the account creation stage). Once a submitter enters any additional information in this section and saves the filing, this information will pre-populate for future e-payments until changed. Submitters also must disclose whether they are submitting the e-payment on behalf of themselves or a third party or client. If submitting on behalf of a third party or client, submitters should disclose the name of the sponsor/issuer/applicant/registrant in the “Third Party or Client Name” field. Upon completion of all of the foregoing requirements, submitters should click “Save Filings.” Then, a pop-up window will appear for submitters to select their payment method; submitters must select either (i) electronic check or (ii) credit or debit card. After selecting their payment method, submitters should click “Save and Continue.”

### **(c) Completing an E-Payment**

After selecting a filing(s) and entering and saving all required information on the e-payment portal’s home page, submitters can proceed to the secure payment page by clicking “Proceed to Payment.” This page requires the submitter to enter the bank account or the credit or debit card information of the sponsor/issuer/applicant/registrant prior to processing the filing fee payment. In the “Billing Address” section, submitters should enter the name of the bank account or credit or debit account holder and their/its address. If using a personal bank account or credit or debit card, submitters should enter the first and last names of the bank account or credit or debit cardholder and then enter her/his/their address. If using a business bank account, submitters should enter the name of the bank account holder/entity in the “Company” field and the bank account holder’s business address in the “Address” field. If using a business credit or debit card, submitters should enter the name of the corporate account holder/entity in the “Company” field and its address in the “Address” field, as well as the first and last names of the individual credit or debit cardholder.

The e-payment portal processes all filing fee payments within twenty-four hours of submission of the e-payment. The e-payment portal currently accepts both ACH payments and credit and debit card payments via Mastercard, Visa, and Discover (however, the e-payment portal cannot accept filing fee payments made using an American Express credit card).<sup>23</sup> Please also note that all payments made on the e-payment portal are fully encrypted and no payment data is stored on the e-payment portal or sent to REF or the Office of the Attorney General. If making an ACH filing fee payment, it should appear on the account holder’s bank statement in a format similar to the following after the filing fee payment has been processed and cleared: “External Withdrawal WEB - NYS / OFFICE OF T 0330128397 00NWVW1 - PURCHASE ONLINE PAYMENTS.” If making a credit or debit card filing fee payment, it should appear on the cardholder’s statement in a format similar to the following after the filing fee payment has been processed and cleared: “NYS / OFFICE 28 LIBERTY ST FL 15 212-4168122 NYUS.”

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<sup>21</sup> Please note that submitters pairing a CPS-7 application or CPS-12 application with Forms M-2, M-3, and/or M-10 must add the Forms M-2, M-3, and/or M-10 **before** adding the CPS-7 application or CPS-12 application. The e-payment portal will not permit the pairing of these filings if the CPS-7 application or CPS-12 application is added before the Forms M-2, M-3, and/or M-10. REF currently is working to rectify this issue.

<sup>22</sup> The e-payment portal does not yet have the ability to pair Forms M-2, M-3, and M-10 with CPS-5 applications, amendments to CPS-7 and CPS-12 applications, or amended no-action letter applications. However, REF currently is working to rectify this issue and hopes to have this issue resolved in the near future. In the meantime, submitters wishing to submit a Form M-2, M-3, and/or M-10 simultaneously with any of these applications, amendments to applications, or amended applications must complete two separate e-payment transactions in order to pay the required filing fees. In such instances, both e-payment receipts should be submitted as proof of e-payment (please refer to [Section VI](#) of this guidance document for further instructions about this requirement).

<sup>23</sup> The version of this guidance document issued on May 1, 2020 stated that the e-payment portal only accepted ACH payments. As of the date of this guidance document, the e-payment portal now can accept credit and debit card payments as well (however, the e-payment portal cannot accept filing fee payments made using an American Express credit card).



#### **(d) Confirmation of Successful E-Payment**

Once the submitter successfully completes e-payment of a filing fee, the submitter will see a confirmation page indicating successful e-payment of the filing fee.<sup>24</sup> In addition, the submitter will receive a confirmation email from [no-reply@ag.ny.gov](mailto:no-reply@ag.ny.gov).<sup>25</sup> An itemized receipt for the transaction will be attached to the confirmation email as a PDF file. A PDF file of this itemized receipt also will be saved on the “My Previous Receipts” page. A sample itemized receipt is annexed to this guidance document as **Exhibit A**.

Submitters remitting e-payments of filing fees must include a copy of this itemized PDF receipt with their submissions as “proof of electronic payment of filing fees,” as described in more detail in **Section VI** of this guidance document. **Only this itemized receipt will be accepted by REF as proof of e-payment.** REF reserves the right to reject submissions that include proof of e-payment other than the itemized PDF receipt generated by the e-payment portal.<sup>26</sup> REF also reserves the right to revoke any receipts it issues in the event the transaction is declined due to insufficient funds or for other reasons.

Submitters are prohibited from making any edits or alterations to the PDF receipt after it has been issued by REF (other than changing the file name to adhere to the saving and naming conventions below). Upon submission of an itemized receipt as proof of e-payment, REF will compare the itemized receipt to its internal e-payment records for the filing(s) to ensure there are no discrepancies between the submitted proof of e-payment and REF’s internal e-payment records. The Attorney General has the authority to take enforcement action pursuant to the Martin Act and other applicable provisions of law in the event of any discrepancies.

#### **(e) Troubleshooting Commonly Encountered E-Payment Portal Issues**

Most submitters successfully pay their filing fees using the e-payment portal without any issues. However, submitters occasionally encounter issues while using the e-payment portal; most issues are minor and quickly resolved. REF continuously is endeavoring to improve the e-payment portal’s operation and user experience and strives to resolve any recurring issues as efficiently as possible.

Attached to this guidance document as **Exhibit B** are instructions for troubleshooting commonly encountered e-payment portal issues. Submitters are encouraged to refer to these instructions if they encounter any issues with the e-payment portal. If a submitter still is encountering issues with the e-payment portal after troubleshooting as suggested in **Exhibit B**, the submitter should contact REF by emailing [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov). When submitting inquiries or reporting issues to [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov), submitters should include: (1) the username (email address) they used to log into the system, (2) the name of the paying party, (3) the date and approximate time of the transaction, (4) the type of filing for which they were attempting to pay the fee, (5) the fee amount, and (6) a screenshot of the error message, if applicable.

### **VI. SUBMISSION OF PROOF OF E-PAYMENT OF FILING FEES**

Submitters using the e-payment portal must pay the appropriate filing fee(s) **before** submitting their proposed (initial submission) filing to REF and include with their initial submission a digital copy of “proof of electronic payment of filing fees.” In addition, submitters of offering plans must pay the second half of the filing fee prior to

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<sup>24</sup> If the payment was rejected, the submitter should receive an on-screen payment declined message and be given the opportunity to try again using a different bank account or credit or debit card. In some cases, submitters may be redirected to a “Payment Error” screen; submitters redirected to that screen may contact [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov) to confirm the status of their payment, including (1) the username (email address) they used to log into the system, (2) the name of the paying party, (3) the date and approximate time of the transaction, (4) the type of filing for which they were attempting to pay the fee, (5) the fee amount, and (6) a screenshot of the error message, if applicable.

<sup>25</sup> To ensure submitters receive these emails, submitters are advised to add [no-reply@ag.ny.gov](mailto:no-reply@ag.ny.gov) as an approved sender.

<sup>26</sup> In the event a sponsor/issuer/applicant/registrant remits an e-payment on their own behalf (rather than having their attorney do so for them), REF recommends that such sponsor/issuer/applicant/registrant forward the email containing “proof of electronic payment of filing fees” to their attorney upon receiving such email. This will enable their attorney to include such “proof of electronic payment of filing fees” in the submission package as described in **Section VI** of this guidance document.

sending the final submission to REF; such final submissions must include proof of e-payment.<sup>27</sup> When using the e-payment portal to pay the filing fee, the foregoing requirements supersede any and all previous requirements to submit a filing fee check simultaneously with a proposed filing.

To fulfill the requirement of submitting a digital copy of “proof of electronic payment of filing fees,” submitters must include the PDF copy of the itemized receipt with their initial submission to REF (for offering plan submissions, the PDF copy of the itemized receipt must be included with **both** the initial and final submissions). Submitters must upload the digital copy of proof of e-payment, along with all other required documents, to the OAG Cloud using the procedures detailed in REF’s guidance document entitled “Temporary Electronic Submission Policies and Procedures for Initial Submissions During COVID-19 State of Emergency.”

For example, submitters of offering plans, amendments, amended and restated offering plans, and amendments to amended and restated offering plans using REF’s temporary e-submission policy should save the digital copy of proof of e-payment to the “Backup Documents” folder within the “Initial Submission” folder that is uploaded to the OAG Cloud. In contrast, submitters of no-action letter applications, amended no-action letter applications, cooperative policy statement applications, and amendments and extensions to cooperative policy statement applications using REF’s temporary e-submission policy should save the digital copy of proof of e-payment directly to the “Initial Submission” folder that is uploaded to the OAG Cloud; no subfolders are required for these submissions. REF reserves the right to reject for submission any e-submission containing a broker-dealer or salesperson registration statement that does not also contain an e-payment receipt for the broker-dealer or salesperson registration statement filing fee either in the “Backup Documents” folder or in the “Initial Submission” folder, as appropriate.

Before being uploaded to the OAG Cloud, the digital copy of proof of e-payment must be saved and named using the naming conventions specified in the next section.

#### **(a) Saving and Naming Conventions for Digital Copies of Proof of E-Payment of Filing Fees**

Submitters must save and name the digital copy of proof of e-payment using the naming conventions below, as appropriate. To the extent that these naming conventions result in unwieldy or overly lengthy filenames, REF highly encourages submitters to use abbreviations to shorten portions of the filenames provided in this document, as long as the abbreviation is clear. For example, “Affidavit” may be changed to “Aff,” “Application” may be changed to “App,” “Amendment” may be changed to “A,” “Ancillary Documents” may be changed to “Ancillary Docs,” “Condominium” may be changed to “Condo,” “Cooperative” may be changed to “Coop,” and “Street” may be changed to “St”.

- **Offering Plan Initial Submissions:**
  - Offering Plan Name [space] Backup Document [space] Proof of E-Payment [space] Initial
    - For example: *ABC Condominium Backup Document Proof of E-Payment Initial*
- **Offering Plan Final Submissions:**<sup>28</sup>
  - File Number [space] Offering Plan Name [space] Backup Document [space] Proof of E-Payment [space] Final
    - For example: *CD20-0001 ABC Condominium Backup Document Proof of E-Payment Final*

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<sup>27</sup> The e-payment portal allows only the first half of the offering plan filing fee to be paid at the time of the initial submission. Accordingly, submitters will no longer be able to pay the full offering plan filing fee as part of their initial submission. To the extent that a submitter already paid the full offering plan filing fee with their initial submission, no further filing fee will be required. Instead, such submitters must include a digital copy of the check submitted with their initial submission of the offering plan; the PDF file should be named according to the following naming convention: “[Plan ID] [Plan Name] Backup Document Check for Initial Submission Filing Fee.”

<sup>28</sup> Only offering plans require proof of e-payment to be submitted with **both** the initial and final submissions. All other submissions only require proof of e-payment to be submitted with the initial submission.

- Amendment Initial Submissions:
  - File Number [space] Offering Plan Name [space] Amendment [space] [Amendment Number] [space] Backup Document [space] Proof of E-Payment
    - For example: *CD20-0001 ABC Condominium Amendment 1 Backup Document Proof of E-Payment*
- Amended and Restated Offering Plan Initial Submissions:
  - File Number [space] Offering Plan Name [space] Amended and Restated Offering Plan [space] Backup Document [space] Proof of E-Payment
    - For example: *CD20-0001 ABC Condominium Amended and Restated Offering Plan Backup Document Proof of E-Payment*
- Amendments to Amended and Restated Offering Plan Initial Submissions:
  - File Number [space] Offering Plan Name [space] Amended and Restated Offering Plan [space] Amendment [space] [Amendment Number] Backup Document [space] Proof of E-Payment
    - For example: *CD20-0001 ABC Condominium Amended and Restated Offering Plan Amendment 1 Backup Document Proof of E-Payment*
- No-Action Letter Application Initial Submissions:
  - Project Name [space] NAL Application [space] Backup Document [space] Proof of E-Payment
    - For example: *ABC Condominium NAL Application Backup Document Proof of E-Payment*
- Amended No-Action Letter Application Initial Submissions:
  - NAL File Number [space] Project Name [space] Amended NAL Application [space] [Amendment Number] [space] Backup Document [space] Proof of E-Payment
    - For example: *NA20-0001 ABC Condominium Amended NAL Application 1 Backup Document Proof of E-Payment*
- Cooperative Policy Statement #1, 3, 7, 11, and 12 Application Initial Submissions:<sup>29</sup>
  - Project Name [space] CPS-[#] Application [space] Backup Document [space] Proof of E-Payment
    - For example: *ABC Condominium CPS-1 Application Backup Document Proof of E-Payment*
- Cooperative Policy Statement #5 and 6 Application Initial Submissions:
  - Offering Plan File Number [space] Project Name [space] CPS-[#] Application [space] Backup Document [space] Proof of E-Payment
    - For example: *CD20-0001 ABC Condominium CPS-5 Application Backup Document Proof of E-Payment*
- Cooperative Policy Statement #1 and 11 Extension Application Initial Submissions:
  - CPS File Number [space] Project Name [space] CPS-[#] Extension Application [space] [Extension Number<sup>30</sup>] [space] Backup Document [space] Proof of E-Payment
    - For example: *CP20-0001 ABC Condominium CPS-1 Extension Application 1 Backup Document Proof of E-Payment*

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<sup>29</sup> Cooperative Policy Statement #10 applications do not require a filing fee.

<sup>30</sup> For the purposes of identifying the proper extension number to be included in the email, please be advised that extension numbers and amendment numbers are interchangeable, due to a limitation of the Real Estate Finance Bureau database. That is, if a Cooperative Policy Statement #1 application was first amended and then extended, the database will show only two “amendments” and the extension number should be “2” (not “1”); additionally, if a Cooperative Policy Statement #1 application has been amended once and then extended three times, the database will show only four “amendments” and the extension number should be “4” (not “3”). In other words, when identifying the appropriate extension number for these emails, please use the next available “amendment” number shown in the Real Estate Finance Bureau database.

- Cooperative Policy Statement #1 Amendment Application Initial Submissions:
  - CPS File Number [space] Project Name [space] CPS-1 Amendment Application [space] [Amendment Number] [space] Backup Document [space] Proof of E-Payment
    - For example: *CP20-0001 ABC Condominium CPS-1 Amendment Application 1 Backup Document Proof of E-Payment*
  
- Cooperative Policy Statement #7 and 12 Amendment Initial Submissions:
  - CPS File Number [space] Project Name [space] CPS-[#] Amendment [space] [Amendment Number] [space] Backup Document [space] Proof of E-Payment
    - For example:
      - *HO20-0001 ABC Homeowners Association CPS-7 Amendment 1 Backup Document Proof of E-Payment*
      - *CP20-0001 ABC Condominium CPS-12 Amendment 1 Backup Document Proof of E-Payment*

## **VII. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS GUIDANCE DOCUMENT**

Submitters who choose to submit e-payments during the relief period must comply with **all** e-payment requirements described herein. REF reserves the right to reject submissions for which e-payment of filing fees was remitted that do not comply with **all** e-payment requirements described herein. Additionally, the Attorney General has the authority under the Martin Act to investigate and strictly enforce violations of the statutes and regulations governing disclosure requirements. Nothing contained in this guidance document shall be construed to be a waiver of, or a limitation on, the Attorney General's authority to take enforcement action pursuant to the Martin Act and other applicable provisions of law, except as expressly stated herein.

# **EXHIBIT A**



**STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL**

Letitia James  
Attorney General

Division of Social Justice  
Real Estate Finance Bureau  
04/30/2020

Jane Submitter  
123 Submitter Street  
New York, NY 12345  
Jane.Submitter@lawfirm.com

**RECEIPT FOR REAL ESTATE FINANCE BUREAU FILING FEE**

**Receipt Number:** 0000001  
**Plan ID (If Applicable):**  
**Plan Name (If Applicable):**  
**Payment Amount:** \$15,345.00

Thank you for submitting your filing fee payment to the Real Estate Finance Bureau. Upon submission of your filing, please include a copy of this receipt and keep an additional copy for your records. This receipt is subject to revocation by the Real Estate Finance Bureau in the event of a transaction being declined due to insufficient funds or other reasons.

If you have any questions regarding your payment, filing, or the submission process, please contact the Real Estate Finance Bureau by email at [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov). A summary of your filing fee payment is listed below.

Invoice Items:

- 1) Offering Plan - \$15,000.00  
Initial Offering Price: \$20,000,000.00  
Initial or Final Submission: Initial  
Property or Plan Address: 123 Anywhere Avenue, New York, NY, 12345  
Property or Plan Name: ABC Condominium
  
- 2) Forms M-2, M-3, M-4 and M-10 - \$345.00  
Form: M-10  
Number of Signatories: 3  
Registrant Name: ABC Condominium LLC



# **EXHIBIT B**

## INSTRUCTIONS FOR TROUBLESHOOTING COMMONLY ENCOUNTERED E-PAYMENT PORTAL ISSUES

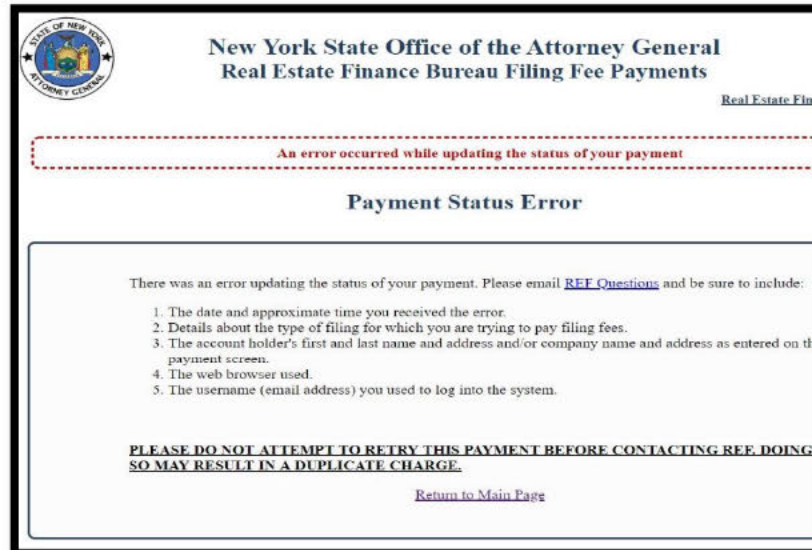
Most submitters successfully pay their filing fees using the e-payment portal without any issues. However, submitters occasionally encounter issues while using the e-payment portal; most issues are minor and quickly resolved. REF continuously is endeavoring to improve the e-payment portal's operation and user experience and strives to resolve any recurring issues as efficiently as possible.

The following is a list of issues commonly encountered by submitters using the e-payment portal and possible solutions for such issues:

- **Internet Browser Issues:** REF recommends that submitters access the e-payment portal in the Google Chrome internet browser. Certain functions may not operate optimally when using the e-payment portal in other internet browsers.
- **“Add Filing” / “Save Filing” Issues:** Submitter receives an error message when trying to add a filing or save a filing in the e-payment portal.
  - Submitters should avoid idling too long while completing transactions in the e-payment portal because their transactions may be rejected due to inactivity.
  - Submitters must enter data in all mandatory fields.
  - Submitters are reminded that submitters must click “Look Up Plan Information” after entering the plan ID to automatically populate the property's name and address.
    - Once a plan ID has been assigned to a filing, you may not enter the property's name and address manually; instead, you must use the “Look Up Plan Information” button to automatically populate these fields. The “Property or Plan Name” and/or “Property or Plan Address” associated with a particular plan ID cannot be changed through the e-payment portal. Instead, any changes to these fields will be made in the system upon the submission's acceptance for filing based on the information contained in the submission itself. Accordingly, filing fees must be paid using the existing, current information associated with the property in REF's records.
  - Submitters should follow the instructions in the error message regarding what needs to be fixed, where such instructions are provided.
  - If following the error message instructions does not resolve the issue, submitters should either clear their browser cache or refresh their browsers (by clicking Ctrl + F5 on a PC or Command + F5 on a Mac) and then re-attempt to process their transactions.
- **Payment Processing Issues:** Submitter receives a payment error message when trying to process their payment.
  - Submitter receives the payment error message *before* entering bank account information such as the bank account and routing numbers or credit or debit card information (i.e., if the error message appears upon clicking the “Proceed to Payment” button): In this scenario, the issue may be caused by the submitter's firewall denying access to the payment processing company's website, [www.convergepay.com](http://www.convergepay.com). In such situations, submitters (or their IT departments) should change their firewall settings to permit access to the payment processing company's website and then re-attempt to process their payment.
  - Submitter receives the payment error message *after* entering bank account information such as the bank account and routing numbers or credit or debit card information (i.e., if the error message appears upon clicking the “Submit Payment” button): In this scenario, the issue may be caused by one of the following problems:
    - The submitter's bank account is not set up to permit standard Automated Clearing House Electronic Clearance Service (“ACH ECS”) transactions. In such situations, submitters should contact their banks and enable “ACH ECS” transactions from their bank accounts. If the submitter's bank also requires REF's ACH identification number or W-9 Form in order to permit e-payments, submitters should contact [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov); upon

receiving an email from the submitter requesting this information, REF can provide such information to the submitter.

- If the submitter engages in the self-help described in the bullet point above and still receives an error message upon re-attempting an e-payment (or otherwise cannot complete their transaction on the e-payment portal), the submitter should contact [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov) for assistance.
- The submitter's credit or debit card is not authorized to allow withdrawals of this amount. In such situations, submitters should contact their credit or debit card issuer to confirm that withdrawals of this amount are authorized.
  - If the submitter engages in the self-help described in the bullet point above and still receives an error message upon re-attempting an e-payment (or otherwise cannot complete their transaction on the e-payment portal), the submitter should contact [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov) for assistance.
- An error occurred while processing your payment, in which case the error message should indicate the specific cause of the error (for example, where an invalid bank routing number was provided).
  - If the submitter engages in the self-help described in the bullet point above and still receives an error message upon re-attempting an e-payment (or otherwise cannot complete their transaction on the e-payment portal), the submitter should contact [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov) for assistance.
- An error was encountered while updating the status of the payment (a "payment status error"), in which case the submitter should see an error message like the one pictured below:



- **If the submitter receives the above error message, the submitter should contact [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov) before re-attempting to pay in order to avoid the risk of paying multiple times for one transaction.**
- If a submitter previously made multiple attempts to pay for one transaction after receiving the above payment status error message, the submitter may have been charged for each attempt to make a payment. Submitters who made multiple attempts to pay should verify the number of withdrawals from their bank accounts for the transaction and, if multiple withdrawals have been made, include the following when contacting [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov): (1) the number of withdrawals made, (2) the refund amount requested, and (3) the other information requested in the payment status error message.
- Accordingly, prior to using the e-payment portal, REF encourages submitters to (i) check their firewall settings to enable access to the payment processing company's website, [www.convergepay.com](http://www.convergepay.com); and (ii) contact their banks to enable "ACH ECS" transactions (if paying

via electronic check) or contact their credit or debit card issuer to ensure that withdrawals of the filing fee amount are authorized (if paying by credit or debit card).

- **Payment Made But No Receipt or Receipt is Missing Payment Information:** If a submitter makes a payment but either (i) does not receive a receipt or (ii) the receipt is missing payment information, the submitter should contact [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov). **Submitters should not re-attempt to pay before contacting [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov) for assistance.**

If a submitter encounters any other issues with the e-payment portal, the submitter should contact REF by emailing [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov). When submitting inquiries or reporting issues to [REFQuestions@ag.ny.gov](mailto:REFQuestions@ag.ny.gov), submitters should include the username (email address) they used to log into the system, the name of the paying party, the date and approximate time of the transaction, the type of filing for which they were attempting to pay the fee, the fee amount, and a screenshot of the error message, if applicable.

# **EXHIBIT C**

**FORM 202.18 — SUBMISSION OF DELAYED FILING FEE PAYMENT PURSUANT TO EXECUTIVE ORDER 202.18**

New York Executive Order Number 202.18 (“EO 202.18”) exempted certain filing fee requirements under GBL § 352-e(7)(a) until ninety days after the expiration of EO 202.18. EO 202.18 was rescinded effective June 25, 2021. Therefore, any submitters who chose to delay payment of their filing fee pursuant to EO 202.18 must pay their filing fee no later than September 23, 2021. In order to do so, such submitters must complete all fields of this form and return to the Real Estate Finance Bureau (“REF”) with their e-payment receipt (highly preferred) or paper check for the full filing fee amount.

Submitters must complete a separate form for each filing for which a payment was delayed pursuant to EO 202.18. The same form can be used to submit the initial and final payments for an offering plan by checking the applicable box below. However, the same form cannot be used for multiple unrelated plans/projects/filings. REF reserves the right to reject incomplete forms and forms submitted for delayed payments for multiple unrelated plans/projects/filings.

If paying delayed filing fees using REF’s e-payment portal, please email a PDF of this completed form and the PDF e-payment receipt for the full filing fee amount\* to [REFsubmissions@ag.ny.gov](mailto:REFsubmissions@ag.ny.gov) with the subject line “EO 202.18 DELAYED FILING FEE PAYMENT FOR [PLAN ID] [PROPERTY NAME].” Please note that the e-payment receipt must be saved and named according to the parameters set forth in REF’s guidance document entitled “Guidelines for the Submission of Electronic Payments of Filing Fees During COVID-19 State of Emergency.”

If paying delayed filing fees using a paper check, please staple the check for the full filing fee amount to this completed form and mail to the following address: Real Estate Finance Bureau, NYS Department of Law, 28 Liberty Street, 15th Floor, New York, NY 10005.

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File Type (e.g., offering plan, amendment, CPS-1 application): \_\_\_\_\_

*If an offering plan, please specify which of the following applies:*

Initial Payment                       Final Payment                       Both Initial and Final Payments

Plan ID / File ID: \_\_\_\_\_

Plan / Project Name: \_\_\_\_\_

Plan / Project Address: \_\_\_\_\_

Amendment Number (if applicable): \_\_\_\_\_

Submission Date of Filing: \_\_\_\_\_

Payment Date: \_\_\_\_\_

Amount of Payment / Filing Fee Amount: \_\_\_\_\_

Sponsor Name: \_\_\_\_\_

Submitting Attorney Name: \_\_\_\_\_

Submitting Attorney Firm: \_\_\_\_\_

Submitting Attorney Firm Address: \_\_\_\_\_

Submitting Attorney Email: \_\_\_\_\_

\_\_\_\_\_  
Signature of Submitting Attorney

\_\_\_\_\_  
Date

*\*If both the initial and the final offering plan payments are being submitted, two e-payment receipts must be attached to the email.*