



January 30, 2026

Antonio P. Salazar  
Commissioner of Financial Regulation  
Maryland Office of Financial Regulation  
1100 N. Eutaw Street, Suite 611  
Baltimore, MD 21201

Re: Licensure Delays and Potential Enforcement Actions Against Responsible Earned Wage Access Providers

Dear Commissioner Salazar,

We hope this letter finds you well. We have appreciated the thoughtful collaboration during the last few years with you and your office to create a bespoke regulatory structure for responsible Earned Wage Access (EWA) providers. However, as it has been explained to us by our members, more recently, the Maryland Office of Financial Regulation (OFR) has eschewed good-faith efforts by responsible providers to obtain the appropriate licenses to operate in the State. We have also heard from our members that OFR may be exploring investigatory activities that portend a pursuit of unjustified and legally tenuous enforcement actions. Combined, these actions by OFR are cause for serious concern regarding the agency's execution of Maryland's EWA Law, and can lead some to conclude that OFR may be operating contrary to the legislative intent when passing the House Bill 1294 (referred to henceforth as the "EWA Law").

On May 28, 2025, Maryland Governor Wes Moore signed House Bill 1294 into law; thus, creating the first and only formal regulatory framework for EWA in the State of Maryland. Prior to the passage of the EWA Law, as we discussed with your team on many occasions, Maryland did not have a formal framework with which OFR could regulate EWA products or their providers.

While OFR has broad discretion on how to administer laws promulgated by the Maryland Legislature and regulate covered industries, it should do so in a way that ensures responsible providers seeking to abide by the provisions of the law are able to do so practically and efficiently.

Our primary concern stems from the continued usage of the 2023 industry guidance (the Guidance) issued by the OFR in its retrospective review of EWA providers' licensing applications. As you are aware, based on our countless meetings, this Guidance did not provide the clear, unambiguous, or definitive regulatory framework necessary to establish a violation. The Guidance failed to establish clear "rules of the road" that could be fairly and consistently

enforced, which was one of the driving reasons we collectively agreed to collaborate with the legislature on a unique and appropriate regulatory structure.

Furthermore, the OFR's own actions encouraged a collaborative, rather than adversarial, posture. The OFR specifically invited EWA providers to engage in discussions and present their products. We, and others in the industry, accepted this invitation in good faith. These discussions were predicated on an understanding that the OFR was seeking to learn about this innovative product, and were encouraged when Governor Moore allowed the new EWA framework to become law.

This collaborative engagement was formalized by the market inquiry conducted by the OFR over a year ago. During that inquiry, providers were transparent about their business models, fee structures, and operational procedures. The OFR has, therefore, been fully aware of prevailing market practices for a significant period. Moreover, to ensure a smooth licensing process, AFC and its members have consistently engaged with OFR in a good-faith manner post-passage of the EWA law by holding multiple meetings with relevant OFR staff and providing requested data. Thus, the decision to delay the licensing process by claiming deficiencies in licensing applications based on practices that were openly disclosed and discussed with the OFR more than a year ago—and which have not been addressed by clear, subsequent regulation—is arbitrary, prejudicial, and capricious.

Given the lack of clear regulatory guidance, the OFR's explicit invitation for dialogue, and the extensive knowledge gained from its own market inquiry, as well as the multitude of discussions held both prior and post-passage of the EWA Law, we are struggling to understand the basis for any delays in licensure of responsible EWA providers.

We remain committed to working with the OFR to develop a clear and appropriate regulatory framework for Earned Wage Access in Maryland. As we have for so many years, we are committed to transparent collaboration to ensure Maryland families have the safe and affordable financial options they deserve.

We welcome the opportunity to discuss this matter further.

Sincerely,



Ian P. Moloney  
Chief Policy Officer  
American Fintech Council