

**BEFORE THE DEPARTMENT OF BANKING AND FINANCE
STATE OF GEORGIA**

In Re:

APEX CAPITAL BANK
d/b/a APEX CAPITAL RESERVE BANK,
affiliated entities, and associated individuals

ORDER TO CEASE AND DESIST

The Department of Banking and Finance of the State of Georgia ("Department") is authorized to issue an Order to Cease and Desist to any person or corporation conducting business as a bank or other financial institution "without authority" under Chapter 1 of Title 7 of the Official Code of Georgia Annotated. O.C.G.A. §7-1-5; see §§ 7-1-91(d), §7-1-241(c), and §7-1-243.

Apex Capital Bank d/b/a Apex Capital Reserve Bank, affiliated entities,¹ and associated individuals,² according to documentation obtained by the Department, are representing themselves to be a bank doing business with consumers in Georgia. The Department has no record of Apex Capital Bank and has not approved this entity or any of its affiliated entities or associated individuals to organize a bank and/or conduct a banking business in Georgia.³ Furthermore, Department has not granted Apex Capital Bank, Apex Capital Reserve Bank, or Apex Cape Bank permission to use "bank" in its name.

The official requirements and procedures for conducting a banking business in Georgia are prescribed in the Financial Institutions Code of Georgia. It is unlawful to conduct and/or be affiliated with a banking business in Georgia without a state or federal bank charter. It is also unlawful to use the words "bank" and/or "trust" in any entity's name without the permission of the Department.

¹ Although not intended to be an exhaustive list, the Department has received information indicating that the following are entities affiliated with **Apex Capital Bank**: apexcapitalbank.com, Apex Cape Bank, apexcapebank.com, the State of SCNRFP, scnrfp.gov.ag.

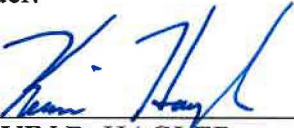
² Although not intended to be an exhaustive list, the Department has received information indicating that **Arthur Jay Lewis** is involved with Apex Capital Bank. As with the affiliated entities, it is likely that the Department may have omitted individuals associated with Apex Capital Bank. However, as with the affiliated entities, this possibility does not alter that fact that this Order to Cease and Desist applies to all associated individuals.

³ Apex Capital Reserve Bank is not chartered by any state or federal authority within the United States. Instead, Apex Capital Reserve Bank claims to be "authorized under the State of SCNRFP."

Pursuant to O.C.G.A. §§7-1-91(d), 7-1-241(c) and 7-1-243, the Department does hereby order Apex Capital Bank, its successors and assigns, all affiliated entities, and the officers, employees and directors of Apex Capital Bank as well as all affiliated entities, to:

- 1) Immediately Cease and Desist from using “bank” or any derivative thereof in its name in any form, including any internet website, marketing material, signage, correspondence, and/or legal documentation that could reach Georgia consumers without the written authorization of the Department pursuant to O.C.G.A. §7-1-243.
- 2) Immediately Cease and Desist from using “bank” or any derivative thereof in its name in any form, including any internet website, marketing material, signage, correspondence, and/or legal documentation originating from within this State without the written authorization of the Department pursuant to O.C.G.A. §7-1-243.
- 3) Immediately Cease and Desist from claiming to be a bank, in any form, including any internet website, marketing material, signage, correspondence, and/or legal documentation that could reach Georgia consumers.
- 4) Immediately Cease and Desist from claiming to be a bank, in any form, including any internet website, marketing material, signage, correspondence, and/or legal documentation originating from within this State.
- 5) Immediately Cease and Desist from providing any financial products or services to the citizens of Georgia by any delivery system, including the internet, while using the word “bank” or any derivative thereof without the written authorization of the Department pursuant to O.C.G.A. §7-1-241(c).
- 6) Immediately Cease and Desist from providing any financial products or services from within this State by any delivery system, including the internet, while using the word “bank” or any derivative thereof without the written authorization of the Department pursuant to O.C.G.A. §7-1-241(c).
- 7) Immediately Cease and Desist from engaging in the business of banking from within the State of Georgia and/or into the State of Georgia.
- 8) Respond to the Department by September 30, 2024, indicating the actions taken regarding compliance with the provisions of this Order. The Department may take further legal action through the State Attorney General or otherwise as authorized by law.

The above provisions are effective on September 10th, 2024, the date of issuance of this Order.



KEVIN B. HAGLER
Commissioner
Department of Banking and Finance
State of Georgia