



# FINANCIAL INSTITUTIONS TODAY

News and topics of interest to financial institutions regulated by the Department of Banking and Finance

Monthly Bulletin #7

July 2013

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## Department Issues Two Declaratory Orders

On July 3, 2013, in order to achieve parity with national banks, Commissioner Hagler issued a Declaratory Order determining that overdraft fees imposed by state-chartered banks in connection with deposit accounts are not subject to state law usury limitations. Read the Declaratory Order on the Department's website at: <http://dbf.georgia.gov/documents/declaratory-order-overdraft-fees>.

On July 11, 2013, in order to achieve parity with federal credit unions, Commissioner Hagler issued a Declaratory Order determining that overdraft fees imposed by state-chartered credit unions in connection with deposit accounts are not subject to state law usury limitations. Read the Declaratory Order on the Department's website at: <http://dbf.georgia.gov/documents/declaratory-order-overdraft-fees-credit-unions>

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## Department Issues Proposed Rulemaking and Provides Opportunity to Comment

On July 31, 2013, pursuant to the provisions of the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1 *et seq.*, and by the authority of O.C.G.A. §§ 7-9-3, 7-9-12, and other cited statutes, the Department of Banking and Finance gave notice of its intent to adopt new rules.

The new rules are in response to the enactment of the Georgia Merchant Acquirer Limited Purpose Bank Act, O.C.G.A. § 7-9-1 *et seq.*

Comments to the Department must be received by the close of business on **Monday, September 9, 2013**.

The Proposed Rules may be viewed or downloaded from the Department's website at: [http://dbf.georgia.gov/sites/dbf.georgia.gov/files/related\\_files/document/DBFProposedRulemaking7-31-2013.pdf](http://dbf.georgia.gov/sites/dbf.georgia.gov/files/related_files/document/DBFProposedRulemaking7-31-2013.pdf)

**"Safeguarding Georgia's Financial Services"**

## Legal Lending Limits: Credit Exposure of Derivative Transactions

The language used in the 2012 amendment to O.C.G.A. § 7-1-285, an amendment undertaken to ensure that state-chartered banks continue to have access to the use of derivatives following passage of the Dodd-Frank Act, provides for the use of "a methodology acceptable to the department" in determining the credit exposure of a derivative for the purpose of calculating obligations to any one person or corporation.

Methodologies specifically contemplated at the time of amendment were the anticipated Office of the Comptroller of the Currency (OCC) revisions for derivatives to national bank lending limits. Based on publication in the [June 25, 2013 Federal Register](#) of the OCC's final version of revised national bank lending limits, the Department has determined that the OCC's methodologies for calculating the credit exposure of derivatives are acceptable for purposes of O.C.G.A. § 7-1-285(a)(1), subject to review through the examination process as to their appropriate implementation. For those elements of the OCC methodology requiring the written approval of the OCC prior to implementation, the Department's written approval would likewise be required prior to implementation by Georgia state-chartered banks.

## Meet Director for Supervision Pam Keane



Pam Keane

Pam Keane has been selected to fill the Director for Supervision position. Most recently, Pam held the Supervisory Manager position that is responsible for banks located in District 5 (Southwest District) and credit unions located in District 4 (Southeast District) and District 5, as well as serving as the trust contact.

Pam first joined the Department in 1988 as an examiner in the District 2 (Northeast) Field Office, where she worked until 1993. After working in several accounting and database management positions, Pam rejoined the Department in 2007 as an examiner in the District 2 Field Office and became a Senior Financial Examiner in 2009.

Pam graduated in 1987 from the University of Georgia with a Bachelor of Business Administration degree with a major in Accounting. Pam is a Certified Examinations Manager.

Congratulations Pam!

## DBF Outreach AND UPCOMING SPEAKING ENGAGEMENTS

- ❖ Commissioner Hagler will be speaking at the Community Bankers Association (CBA) Banker Regulatory Forum on **August 8th** at the Idle Hour Country Club, Macon. [Learn more...](#)
- ❖ District Director Melissa Sneed will be representing the Department and participating in the CBA's Bank Director College on **August 14th** at Callaway Gardens, Pine Mountain. [Learn more...](#)

## Georgia Residential Mortgage Act Fee Reminder

The \$10.00 per loan fees required by O.C.G.A. § 7-1-1011(b)(2) and Department Rule 80-5-1-.04 are due **no later than September 1, 2013**, for residential mortgage loans closed during the period January 1, 2013, through June 30, 2013. A \$10.00 fee will be due if the loan is a residential mortgage loan as defined in the Georgia Residential Mortgage Act (GRMA), and if a security deed, a modification of a security deed or other form of modification of a security interest is recorded. Financial institutions, mortgage licensees and registrants that act as the *collecting agent* (including brokers that table fund and collect the fee) must submit the fees and file the fee statement before the deadline to avoid fines.

**Per Department Rule 80-5-1-.04(b), GRMA per loan fee reporting / remittance must be completed online through the Department's secure website. Reporting is required even if no residential mortgage loans were made and no fees are due.** To avoid fines for failure to report/remit GRMA fees, reporting must be completed by the deadline noted above.

Reporting and fee payment must be done online from our secure website at:

<https://bkgfin.dbf.state.ga.us/GRMAFee.html>.

### Action on Applications for the Month of July:

The following is a summary of official action taken on applications by State Financial Institutions under Chapter 7-1 of the Official Code of Georgia and petitions for Certificate of Incorporation of Financial Institutions and other matters of interest during the month of July 2013.

#### **FINANCIAL INSTITUTION CONVERSIONS**

<b><u>PREVIOUS NAME</u></b>	<b><u>CONVERTED TO</u></b>	<b><u>APPROVAL</u></b>	<b><u>EFFECTIVE</u></b>
The Southern Federal Credit Union	The Southern Credit Union Fayetteville Fayette County	05-23-2013	07-01-2013

#### **APPLICATIONS TO ESTABLISH A BRANCH OFFICE**

<b><u>FINANCIAL INSTITUTION</u></b>	<b><u>BRANCH OFFICE</u></b>	<b><u>APPROVAL</u></b>	<b><u>BEGIN BUSINESS</u></b>
SunTrust Bank Atlanta	Hagen Ranch Branch Office 9909 Hagen Ranch Road Boynton Beach, FL 33437 Palm Beach County	Pending	
SunTrust Bank Atlanta	RiverGate Branch Office 12916 Walker Branch Road Charlotte, NC 28273 Mecklenburg County	Pending	
SunTrust Bank Atlanta	Stonebridge Village Branch Office 4676 Hog Mountain Road Flowery Branch, GA 30542 Hall County	Pending	

<u>FINANCIAL INSTITUTION</u>	<u>BRANCH OFFICE</u>	<u>APPROVAL</u>	<u>BEGIN BUSINESS</u>
SunTrust Bank Atlanta	Darnestown Branch Office 14112 Darnestown Road Germantown, MD 20874 Montgomery County	Pending	
SunTrust Bank Atlanta	Downtown Raleigh Branch Office 411 Fayetteville Street Raleigh, NC 27601 Wake County	Pending	
PeoplesSouth Bank Colquitt	US Highway 84 Branch Office NE Quadrant of US Highway 84 at Health and Science Boulevard Dothan, AL 36301 Houston County	07-10-2013	
Metro Bank Douglasville	Carrollton Branch Office 410 Newnan Street Carrollton, GA 30117 Carroll County	07-01-2013	
Colony Bank Fitzgerald	Tifton Branch Office 120 North Central Avenue Tifton, GA 31794 Tift County	Pending	

### APPLICATIONS TO CHANGE LOCATION

<u>FINANCIAL INSTITUTION</u>	<u>CHANGE LOCATION OF</u>	<u>APPROVAL</u>	<u>EFFECTIVE</u>
The Citizens Bank of Cochran Cochran	From: Dublin Branch Office 1303 Bellevue Avenue Dublin, GA 31021 Laurens County To: 605 Bellevue Avenue Dublin, GA 31021 Laurens County	Pending	

### FINANCIAL INSTITUTION MERGERS

<u>FINANCIAL INSTITUTION (SURVIVOR)</u>	<u>MERGED INSTITUTION</u>	<u>APPROVAL</u>	<u>EFFECTIVE</u>
First Reliance Federal Credit Union Athens, GA	Dairy-Pak Athens Credit Union Athens, GA	06-27-2013	07-01-2013
Atlanta Postal Credit Union Atlanta, GA	Asheville Postal Credit Union Asheville, NC	Pending	
Ameris Bank Moultrie, GA	Prosperity Bank St. Augustine, FL	Pending	

**APPLICATIONS TO BECOME A BANK HOLDING COMPANY  
AND/OR TO ACQUIRE VOTING STOCK OF A FINANCIAL INSTITUTION**

<b><u>BANK HOLDING COMPANY</u></b>	<b><u>TO ACQUIRE</u></b>	<b><u>APPROVAL</u></b>
<b><u>FORMATIONS</u></b>		
GDW Bankshares, Inc. Sandersville, GA	The Geo. D. Warthen Bank Sandersville, GA	Withdrawn 07-19-2013
<b><u>ACQUISITIONS</u></b>		
Ameris Bancorp Moultrie, GA	Prosperity Bank St. Augustine, FL	Pending

**NOTIFICATION OF APPROVAL OF APPLICATION TO SERVE  
A RESIDENTIAL GROUP COMMON BOND**

<b><u>CREDIT UNION</u></b>	<b><u>RESIDENTIAL GROUP COMMON BOND</u></b>	<b><u>APPROVAL</u></b>
Georgia's Own Credit Union Atlanta	Barrow County, GA	07-23-2013

**CHECK CASHER LICENSES AND REGISTRATIONS ISSUED**

<b><u>CITY</u></b>	<b><u>APPLICANT NAME</u></b>	<b><u>TRADE NAME</u></b>
Tucker	Federal Money Services Business, LLC	Quick Check Cashing
Decatur	* Flat Shoals Food Mart, Inc.	Flat Shoals Food Mart
Athens	* Galaxy Tax & Services, Inc.	
Macon	Jay Guruhari Krupa, LLC	Shurlington Package Store
Dalton	Just Finance, LLC	Check Advantage and Title Loan
Moultrie	* Mann Ventures, LLC	US Food Mart
Griffin	* RRF Lucky Mart, LLC	Lucky Mart
Hampton	* RRF Tonys, LLC	Tony's One Stop
Savannah	* Saiami, Inc.	Jasmine Food Mart
Decatur	TTM Tsegaye, Inc.	TTM Package Store
Snellville	* ZNS, Inc.	Citgo at Snellville

\* =Registered (O.C.G.A. 7-1-700 et al)

**HOLIDAY CLOSING**

This is a reminder that the Department will be closed on  
Monday, September 2nd for Labor Day.

**GEORGIA  
DEPARTMENT OF  
BANKING AND FINANCE**

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The Department is the state agency that regulates and examines banks, credit unions, and trust companies chartered by the State of Georgia. The Department also has regulatory and/or licensing authority over mortgage brokers/processors, lenders and loan originators, money service businesses, international banking organizations, and bank holding companies conducting business in Georgia.

Our **Mission** is to promote safe, sound, competitive financial services in Georgia through innovative, responsive regulation and supervision.

Our **Vision** is to be the best financial services industry regulator in the country – Progressive. Proactive. Service-Oriented.

**We're on the Web!**

**Visit our website at:  
[dbf.georgia.gov](http://dbf.georgia.gov)**

*Our Motto is: "Safeguarding Georgia's Financial Services"*

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