

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

BUREAU OF BANKS AND TRUST COMPANIES

PUBLIC DISCLOSURE OF FORMAL ENFORCEMENT ACTIONS

Background

The Department of Financial and Professional Regulation, Division of Banking (“Department”) and the State Banking Board of Illinois have determined that it is in the public interest to disclose to the public certain information regarding any formal enforcement action the Department takes against a person, firm, partnership, or corporation that violates any provision of any Act or rule administered by the Director of Banking (“Director”). The provisions of this Policy Statement shall apply to formal enforcement actions issued by the Department’s Bureau of Banks and Trust Companies. For purposes of this Policy Statement, a “formal enforcement action” includes but is not limited to a settlement agreement, a stipulated agreement, a written agreement, a cease and desist order, an order assessing a late filing fee, a civil money penalty, an order of removal or prohibition, a revocation or suspension of a license, and a notice of intent to take possession and control. The Department shall release selected enforcement information so that members of the public, stockholders, and others that do business with the entity subject to the formal enforcement action are provided material information related to the conduct or business affairs of the entity. The Department may also release material information to correct false reports or speculation in the community or in the media that may have a negative impact on the safety and soundness of the entity subject to the enforcement action. However, the Department will not disclose confidential information about the entity or personal information related to the entity’s customers or personnel.

Disclosure of Formal Enforcement Action

Within 30 days after a formal enforcement action becomes final, the Department shall release the following information through publication in its monthly regulatory report or in the Illinois Register, by issuing a news release, or by posting on the Department’s Internet site:

- The name of the entity subject to the formal enforcement action
- The nature of the formal enforcement action
- The date on which the Department issued the formal enforcement action
- The name of the person to whom any inquiries about the formal enforcement action should be directed.

For purposes of this Policy Statement, a formal enforcement action becomes final when the entity subject to the action stipulates to the issuance of the formal enforcement action, when the entity and the Director sign the agreement they jointly entered into, when the applicable time limit for the entity subject to the action to seek a hearing expires or, if the entity subject to the action requests a hearing, when the hearing is concluded and the formal enforcement action is sustained as issued or as modified, whichever occurs first.

The Director or the Director's designee shall be the sole person authorized to respond to inquiries regarding the formal enforcement action. In addition to the information publicly released as stated above, information that is not deemed to be confidential or personal may be made available by the Department upon request.

If the Director concludes that disclosure of the formal enforcement action may seriously threaten the safety and soundness of the entity or create a risk of harm to the public, the Director has discretion to delay releasing the information beyond the 30 days stated above or may elect to not release the information.

The Department shall notify the entity subject to the formal enforcement action of the provisions of this Policy Statement no later than the date on which the Department issues the formal enforcement action.

[Revised: October, 2005]