

Delegations of Authority – Enforcement Actions*

Enforcement Action	Type of Delegation	Reserved to Board	Director & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Certification General Counsel or designee required	Certification Regional Counsel
15-Day Letters	Issue letter	No	Yes	Yes	Yes	No	Yes	Yes
8(a) Notice to Primary Regulator	Tier 1 Capital < 2% and no Tier II Capital	No	Yes	Yes	Yes	No	Yes	Yes
	Tier I Capital < 2%	No	Yes	Yes	No	No	Yes	No
	Tier I Capital 2% or greater	Yes	No	No	No	No	NA	NA
8(a) Notice of Intent to Terminate Insured Status	Respondent failed to correct viol / practice / condition	No	Yes	Yes	No	No	Yes	No
8(a) Order Terminating Insured Status	Issue Order	Yes	No	No	No	No	NA	NA

*FOOTNOTES APPLICABLE TO ALL OF EXHIBIT II

1. Any subdelegation below the Regional Director level must be in writing by the Regional Director.
2. Any FDIC official with delegated authority under this part may elect not to exercise that authority.

Delegations of Authority – Enforcement Actions*

Enforcement Action	Type of Delegation	Reserved to Board	Director & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Certification General Counsel or designee required	Certification Regional Counsel
Issue 8(b) Notice against an institution without consent	Issue Notice of charges	No	Yes	Yes	Yes	No	Yes	Yes
8(b) Consent Orders against institutions	Consent C&D (no Notice)	No	Yes	Yes	Yes	No	Yes	Yes
	Consent C&D, with Notice, prior to ALJ filing of proposed Findings of Fact	No	Yes	Yes	Yes	No	Yes	Yes
Issue 8(b) Notice against an individual without consent	Issue Notice of charges	No	Yes	Yes	No	No	Yes	No
8(b) Consent Order against an individual	Consent PC&D (no Notice) Consent PC&D, with Notice, prior to ALJ filing of proposed Findings of Fact	No	Yes	Yes	No	No	Yes	No
	Consent C&D after ALJ filing of proposed Findings of Fact	Yes	No	No	No	No	NA	NA
Issue 8(b) Order without consent	Issue Order	Yes	No	No	No	No	NA	NA
8(b)(6)(A) Restitution Action	Issue Notice of Charges	Yes	Yes (1)	Yes (1)	No	No	Yes	No
8(c) Temp C&D	Issue 8(c)	No	Yes	Yes	No	No	Yes	No
8(e) Removal:	Notice of Intent to remove under 8(e)(1) and 8(e)(2)	No	Yes (1)	Yes (1)	No	No	Yes	No
Issue 8(e)(1), (2) or (3) (Consent)	Consent, no Notice	No	Yes (2)	Yes (2)	No	No	Yes	No
	Consent with Notice prior to ALJ filing proposed Findings of Fact	No	Yes	Yes	No	No	Yes	No
	After ALJ filing proposed Findings	Yes	No	No	No	No	NA	NA
Issue 8(e)(1), (2) or (3) Order without consent	Issue Order	Yes	No	No	No	No	NA	NA

Delegations of Authority – Enforcement Actions*

Enforcement Action	Type of Delegation	Reserved to Board	Director & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Certification General Counsel or designee required	Certification Regional Counsel
Issue 8(g) Suspension & Removal	With consent, to issue 8(g) Suspension Order (after indictment) or 8(g) Permanent Order (after conviction).	No	Yes (2)	Yes (2)	No	No	Yes	No
	Mandatory per: 8(g)(1)(C)(ii)	No	Yes	Yes	No	No	Yes	No
	8(g) Without Consent or not statutorily mandatory	Yes	No	No	No	No	NA	NA
8(i) & 7(a)(1) Civil Money Penalties	Notice of Assessment of CMPs	No	Yes (1) (3)	Yes (1) (3)	No	No	Yes	No
	Issue Consent Final Order to Pay, with or without prior Notice of Assessment	No	Yes (2) (3)	Yes (2) (3)	No	No	Yes	No
	Issue Final Order to Pay without consent and hearings have been held	Yes	No	No	No	No	NA	NA
	Prosecution and Collection of CMPs	No	NA	NA	NA	NA	Yes (4)	Yes (4)
	Notice of Assessment of Liability to Commonly Controlled Insured Institutions	No	Yes	Yes	No	No	Yes	No
	Grant or Denial of request for waiver of liability	Yes	No	No	No	No	NA	NA
FDI Act Section 38 PCA Actions (Directives / Orders / Cap Plans)	Accept/Reject Cap Plan Require new/revised Cap Plan; any determination as to Cap Plan	No	Yes	Yes	Yes	No	Yes	Yes
	Issue Notice of Intent to:							
	issue capital directive	No	Yes	Yes	Yes	No	Yes	Yes
	issue PCA directive other than 38(f)(2)(F)(ii)	No	Yes	Yes	Yes	No	Yes	Yes
	38(f)(2)(F)(ii) dismissals	No	Yes	Yes	No	No	Yes	No
reclassify capital category per 325.103(d) or 308.202	No	Yes	Yes	Yes	Yes	No	Yes	Yes

Delegations of Authority – Enforcement Actions*

Enforcement Action	Type of Delegation	Reserved to Board	Director & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Certification General Counsel or designee required	Certification Regional Counsel
FDI Act Section 38 PCA Actions (Continued)	Issue:							
	Capital Directive	No	Yes	Yes	Yes	No	Yes	Yes
	PCA Directive other than 38(f)(2)(F)(ii)	No	Yes	Yes	Yes	No	Yes	Yes
	38(f)(2)(F)(ii) dismissal order with consent	No	Yes	Yes	No	No	Yes	No
	Immediate issuance of Directive without Notice (308.201(a)(2))	No	Yes	Yes	Yes	No	Yes	Yes
	Act on Appeals of Immediately effective PCA Directive	No	Yes	Yes	No	No	Yes	No
	Directives to Reclassify per 325.103(d) or 308.202 with consent	No	Yes	Yes	Yes	No	Yes	Yes
	Orders on requests for informal hearing to reconsider reclassification per 308.202	No	Yes	Yes	Yes	No	Yes	Yes
	Act on Recommended Decision of Presiding Officer in Reclassif. Hearing (308.202)	No	Yes	Yes	No	No	Yes	No
Unilateral Settlement Offers	Accept, deny, enter into negotiations regarding settlement and offers pursuant to Part 308	No	Yes	Yes	No	No	Yes	No
Acceptance of Written Agreements with inst. or IAP	Pertaining to any Section 8(a) matter	No	Yes	Yes	No	No	Yes	No
	Pertaining to or in lieu of any Section 8(b) matter / order	No	Yes	Yes	No	No	Yes	No
	Concerning conditions precedent to FDIC's nonobjection to a filing	No	Yes	Yes	Yes	No	Yes	Yes

Delegations of Authority – Enforcement Actions*

Enforcement Action	Type of Delegation	Reserved to Board	Director & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Certification General Counsel or designee required	Certification Regional Counsel
Modif. or Termination of Enf. Actions and Orders	Termination of any 8(a) orders, agmts, actions when insured inst. is closed by chartering authority	No	Yes	Yes	Yes	No	Yes	Yes
	Termination of 8(a) Notification to Primary Regulator (Material Compliance)	No	Yes	Yes	Yes (6)	No	Yes	Yes
	Termination of 8(a) Notice of Intent to Terminate Insured Status (Material Compliance)	No	Yes	Yes	Yes (6)	No	Yes	Yes
	Terminate 8(b) and (c) Orders and Agmts or actions pending under 8(b) or (c) when inst. is closed by chartering authority	No	Yes	Yes	Yes	No	Yes	Yes
	Terminate 8(b) Orders (Material Compliance)	No	Yes	Yes	Yes	No	Yes	Yes
	Modification or Termination of 8(e) Order or action	No	Yes	Yes	No	No	Yes	No
	Grant or deny requests for reinstatement to office, whether or not an informal hearing has been requested, pursuant to 12 C.F.R. 308.203	Yes	No	No	No	No	NA	NA
	Modification or Termination of 8(g)	No	Yes	Yes	No	No	Yes	No
	Denials of Requests for 8(g) modifications or terminations	Yes	No	No	No	No	NA	NA
	<u>Termination of any pending enforcement action:</u> Any pending action may be dismissed or terminated at any time prior to the commencement of a hearing on the merits by ALJ	No	Yes	No	No	No	Yes	No
	With consent, No later than 14 days after closing of record of administrative hearing, but before ALJ decision	No	Yes	No	No	No	Yes	No
	After 14 days	Yes	No	No	No	No	NA	NA

Delegations of Authority – Enforcement Actions*

Enforcement Action	Type of Delegation	Reserved to Board	Director & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	Certification General Counsel or designee required	Certification Regional Counsel
Section 39 Compliance Plans (39 Plans)	Accept/reject 39 Plans Require new/revised 39 plans; make any determination as to 39 plans	No	Yes	Yes	Yes	No	Yes	Yes
	Issue Notice of Intent to issue Order and Issue Order pursuant to Section 39	No	Yes	Yes	No	No	Yes	No
	Act on requests for modification or rescission of Sec 39 Order	No	Yes	Yes	No	No	Yes	No
	Act on appeals of immediately effective orders issued pursuant to section 39 of the FDI Act	No	Yes	Yes	No	No	Yes	No

10(c) Investigations

Enforcement Action	Type of Delegation	Reserved to Board	Director & Deputy Director	Associate Director	Regional Director & Deputy Regional Director	Assistant Regional Director	General Counsel or designee to issue
10(c) Investigations	Order of Investigation pursuant to FDI Act 10(c) and Subpart K of 308 (308.144 thru .150)	No	Yes	Yes	No	No	Yes
	Order of Investigation pursuant to FDI Act Sec 8 thru 13	No	NA	NA	NA	NA	Yes
	Order of Investigation pertaining to an open insured depository institution or an institution making application to become an insured depository institution, or an order of investigation against an institution that has been placed into conservatorship or receivership	No	Yes concurrent execution w/ Legal	Yes concurrent execution w/ Legal	No	No	Yes Concurrent execution w/ requesting division

Delegations of Authority – Enforcement Actions*

8(p) and 8(q) Actions

Enforcement Action	Type of Delegation	Reserved to Board	Executive Secretary	Concur Director & Deputy Director	Concur Associate Director	General Counsel
8(p) Termination of Insured Status	Institution ceases to accept deposits other than trust funds	No	Yes (5)	Yes	Yes	Yes
8(q) Termination of Insured Status	Deposit Liabilities have been assumed by another insured institution	No	Yes (5)	Yes	Yes	Yes

FOOTNOTES:

- Authority delegated to the Deputy Director, Risk Management, and Associate Director, Supervision and Applications Branch to issue Notices of Charges pursuant to sections 8(e) and (g) of the Federal Deposit Insurance (FDI) Act and Notices of Assessment and Final Orders to Pay pursuant to section 8(i) (except Call Report, Home Mortgage Disclosure Act, Flood insurance or other consumer-related Civil Money Penalties) and 8(b)(6) of the FDI Act (collectively "Notices") can be exercised only upon the prior written joint concurrence by the Director and the General Counsel of the FDIC for the issuance of the Notice. Consumer-related actions are issued by DCP.
- Authority delegated to the Deputy Director, Risk Management, and Associate Director, Supervision and Applications Branch to provide written concurrence for the issuance of an Order pursuant to stipulation and consent entered into between the FDIC and any Respondent respecting enforcement actions pursuant to sections 8(b)(6), 8(e), and 8(i) (except Call Report, Home Mortgage Disclosure Act, Flood insurance or other consumer related Civil Money Penalties) can be exercised only upon receipt of the written concurrence of the General Counsel or his designee, to issue the stipulated Order. Consumer-related actions are issued by DCP.
- Authority delegated to the Director, Deputy Directors, and Associate Directors, to levy and enforce CMPs for:
 - late, inaccurate, false, or misleading filing of Reports of Condition and Income pursuant to §7(a)(1) of the FDI Act;
 - late, inaccurate, false, or misleading filing of HMDA reports or CRA loan data pursuant to §8(i) of the FDI Act;
 - violations of the National Flood Insurance Act and Part 339 of the FDIC Rules and Regulations or other consumer-related actions; and
 - any other reports as the Board of Directors may require.

Note: Consumer-related actions are issued by DCP.

The authority to levy and enforce such CMPs has historically been granted exclusively to the **General Counsel**. It is important that the requesting division consult with, and coordinate closely with, the Legal Division (Compliance and Enforcement) in addition to obtaining appropriate General Counsel certification in order to preserve appropriate historical perspective and expertise in these cases.
- Authority delegated to the General Counsel and his/her designee to prosecute administrative civil money penalty actions and to collect civil money penalties under the Section.
- Authority to issue Termination of Insured Status Orders to be exercised upon recommendation of Director, Deputy Directors, and Associate Directors, and concurrence of General Counsel, or his designee.
- Prior to exercising this authority, the Regional Director, or designee, should consult with Washington Sr. Management and provide information regarding how an institution is in material compliance with the outstanding notice.