COLORADO STATE BANKING BOARD

Record of Proceedings - Regular Session September 15, 2011

The Colorado State Banking Board (Board) was called to order by Chairman Stephen A. Sherlock (Chairman Sherlock) at 10:03 a.m., September 15, 2011, at 1560 Broadway, Suite 975, Division of Banking (Division) Conference Room, Denver, Colorado. Attending in person were Chairman Sherlock and Board members Scott Pearson, Emily Robinson, and Donald (Don) Sall. Board members Adam Coyle and Richard (Rich) Martinez Jr. participated via teleconference. Board members Joseph (Joe) Cachey III, Tom Goding, and Dennis Reece were absent. A quorum was declared; 10:04 a.m.

Also in attendance were Acting State Bank Commissioner Fred J. Joseph (Commissioner Joseph), Assistant Attorney General Cathern Smith (AAG Smith), Board Secretary Diana Gutierrez (Board Secretary), Supervising Examiners William Mickles and Morris Augusta, and Financial Credit Examiner Jennifer Kim.

> Record of Proceedings Approval

Chairman Sherlock called for a motion to approve the August 18, 2011 minutes. Motion by Don Sall to approve the August 18, 2011, Record of Proceedings, Regular Session as presented, no revisions. Second by Scott Pearson. Motion carried unanimously; 10:05 a.m.

There were no rule or application hearings scheduled for this month; therefore, the meeting proceeded to the Division of Banking/Commissioner's Report.

➤ Division of Banking/Commissioner's Report

- 1) <u>Production Report</u>. There were no questions from the Board with regard to the information presented in the report.
- 2) <u>Delegated Authority Report</u>. Commissioner Joseph briefed the Board on the one delegated item for the month, approval of Bank Midwest, National Association dba Bank of Choice to be designated as an eligible public depository.
- 3) Activities Report. Commissioner Joseph mentioned his participation in a conference call with the Independent Bankers of Colorado (IBC) group on August 25, 2011 with regard to speaking at the IBC's upcoming conference.

There were no further items for discussion in open session; therefore, Chairman Sherlock called for a motion to convene in Executive Session to discuss:

- 1) aggregate statistical data regarding examinations and enforcement actions; and
- 2) institutions and financial service providers that are or may be the subject to formal or informal enforcement action or have recently been examined,

stating that such matters must be kept confidential as required by the Colorado Banking Code, Sections 11-102-103(8), 11-102-305, and 11-102-306.

Additionally, to receive legal advice pertaining to the interpretation of Colorado Open Meetings Law, title 24, part 4 of the Colorado Revised Statutes, the confidentiality provisions of the Banking Code, Sections 11-102-103(8), 11-102-305, and 306, C.R.S., the oaths to keep secret all information acquired in the discharge of duties as provided by sections 11-102-102(7) and 11-102-103(10), C.R.S., and the disqualification and quorum provisions of 11-102-103(7). The discussion was subject to the attorney-client privilege.

Authorization for the Executive Session is in the Open Meetings Law, Section 24-6-402(3)(a) (II) and (III), C.R.S.

Motion by Emily Robinson to convene the Executive Session of the September 15, 2011, Banking Board meeting. Second by Scott Pearson. Motion carried unanimously; 10:09 a.m.

The Board retired to Executive Session, which was tape recorded only.

Chair Sherlock called for a motion to adjourn from the Executive Session and reconvene the Regular Session of the September 15, 2011, Banking Board meeting. Motion by Emily Robinson to reconvene the Regular Session. Second by Don Sall. Motion carried unanimously; 11:19 a.m.

>Other Items for Discussion

Chairman Sherlock requested Commissioner Joseph provide an update to the Board on the status of the Commissioner position. Chairman Sherlock expressed concerns by the industry and public of the decision not being made in a timely fashion and asked Commissioner Joseph if he was aware of the reason for the delay. Commissioner Joseph stated he had been interviewed and that though he was not yet officially confirmed, it appeared he would be appointed to the position. Commissioner Joseph stated there were still several details that required finalization before an official announcement could be made. Discussion.

There were no other items for discussion.

Motion by Scott Pearson to adjourn the Regular Session of the September 15, 2011, Banking Board meeting. Second by Adam Coyle. Motion carried unanimously; 11:25 a.m.

Meeting adjourned.

I certify that the foregoing information substantially reflects the substance of the discussions as transcribed from my handwritten notes.

Diana S. Gutierrez, Secretary Colorado State Banking Board September 20, 2011

Date