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DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[96-65]

Review of OTS Decisions

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final Guidelines.

SUMMARY: The Office of Thrift Supervision (OTS) is issuing guidelines for the review, appeal and reconsideration of various agency findings and decisions as Thrift Bulletin 68 (TB 68). The guidelines issued today establish an independent appellate process available to review supervisory decisions, examination findings and application decisions. TB 68 also provides for an agency Ombudsman to act as a liaison between the OTS and persons dealing with the OTS. The text of TB 68 is attached as Appendix A to these guidelines.

Section 309(a) of the Community Development and Regulatory Improvement Act of 1994 (CDRIA) requires the OTS and the other Federal banking agencies to develop an intra-agency supervisory review process. One purpose of TB 68 is to fulfill OTS's statutory mandate under Section 309 of the CDRIA. The guidelines that the OTS previously followed for its supervisory review process were set forth in Regulatory Bulletin 4a (RB 4a), dated September 20, 1993. TB 68 incorporates, with certain modifications, the guidelines provided for in RB 4a and RB 4a is

hereby rescinded.

Irrespective of the statutory mandate of Section 309(a) of the CDRIA, but related to the appellate process, TB 68 also provides a process for the reconsideration of decisions made with respect to applications filed with the OTS. Previously, as part of a restructuring of its applications regulations, in April 1992, the OTS deleted review provisions in several individual application regulations with the intent of developing uniform procedures that would cover all applications filed with the OTS. The guidelines issued today in TB 68 set forth these procedures.

The CDRIA also requires that each Federal banking agency appoint an Ombudsman to "act as a liaison between the agency and any affected person with respect to any problem such party may have in dealing with the agency resulting from the regulatory activities of the agency; and assure that safeguards exist to encourage complainants to come forward and preserve confidentiality." The responsibilities of and procedures to be used by the OTS Ombudsman are also set forth in TB 68.

DATES: The final guidelines are effective [Insert date of publication in the Federal Register].

FOR FURTHER INFORMATION CONTACT: The Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552: Alvin W. Smuzynski, Director, Regional Operations (202) 906-5669 or Valerie J. Lithotomos, Counsel (Banking and Finance), Regulations and Legislation Division, Chief Counsel's Office (202) 906-6439, regarding supervisory appeals; David A. Sjogren, Program Manager, Applications, Corporate Activities Division (202) 906-6739 or John P. Harootunian, Senior Counsel, Business Transactions Division, Chief Counsel's Office (202) 906-6415, regarding application reconsiderations; and Lee Lassiter (202) 906-5685, regarding Ombudsman matters.

SUPPLEMENTARY INFORMATION:

I. Supervisory Review and Appeals

Section 309(a) of the CDRIA ¹ requires the OTS and the other banking agencies to establish an "independent intra-agency appellate process" for the review of "material supervisory determinations" (as defined in Section 309(f)(1) of the CDRIA) made at insured depository

¹Pub. L. 103-325, 108 Stat. 2160, 2218-20 (September 23, 1994) (codified at 12 U.S.C. Section 4806).