

**Subpart K—Parties and Representational Practice Before the OCC; Standards of Conduct**

**§ 19.190 Scope.**

This subpart contains rules relating to parties and representational practice before the OCC. This subpart includes the imposition of sanctions by the administrative law judge, any other presiding officer appointed pursuant to subparts C and D of this part, or the Comptroller against parties or their counsel in an adjudicatory proceeding under this part. This subpart also covers other disciplinary sanctions—censure, suspension or debarment—against individuals who appear before the OCC in a representational capacity either in an adjudicatory proceeding under this part or in any other matters connected with presentations to the OCC relating to a client’s rights, privileges, or liabilities. This representation includes, but is not limited to, the practice of attorneys and accountants. Employees of the OCC are not subject to disciplinary proceedings under this subpart.

[56 FR 38023, Aug. 9, 1991; 56 FR 41726, Aug. 22, 1991]

**§ 19.191 Definitions.**

As used in §§ 19.190 through 19.201, the following terms shall have the meaning given in this section unless the context otherwise requires:

(a) *Practice before the OCC* includes any matters connected with presentations to the OCC or any of its officers or employees relating to a client’s rights, privileges or liabilities under laws or regulations administered by the OCC. Such matters include, but are not limited to, representation of a client in an adjudicatory proceeding under this part; the preparation of any statement, opinion or other paper or document by an attorney, accountant, or other licensed professional which is filed with, or submitted to, the OCC, on behalf of another person in, or in connection with, any application, notification, report or document; the representation of a person at conferences, hearings and meetings; and the transaction of other business before the OCC on behalf of another person. The term

“practice before the OCC” does not include work prepared for a bank solely at its request for use in the ordinary course of its business.

(b) *Attorney* means any individual who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth, of the United States or the District of Columbia.

(c) *Accountant* means any individual who is duly qualified to practice as a certified public accountant or a public accountant in any state, possession, territory, commonwealth of the United States, or the District of Columbia.

**§ 19.192 Sanctions relating to conduct in an adjudicatory proceeding.**

(a) *General rule.* Appropriate sanctions may be imposed when any party or person representing a party in an adjudicatory proceeding under this part has failed to comply with an applicable statute, regulation, or order, and that failure to comply:

- (1) Constitutes contemptuous conduct;
- (2) Materially injures or prejudices another party in terms of substantive injury, incurring additional expenses including attorney’s fees, prejudicial delay, or otherwise;
- (3) Is a clear and unexcused violation of an applicable statute, regulation, or order; or
- (4) Unduly delays the proceeding.

(b) *Sanctions.* Sanctions which may be imposed include any one or more of the following:

- (1) Issuing an order against the party;
- (2) Rejecting or striking any testimony or documentary evidence offered, or other papers filed, by the party;
- (3) Precluding the party from contesting specific issues or findings;
- (4) Precluding the party from offering certain evidence or from challenging or contesting certain evidence offered by another party;
- (5) Precluding the party from making a late filing or conditioning a late filing on any terms that are just; and
- (6) Assessing reasonable expenses, including attorney’s fees, incurred by any other party as a result of the improper action or failure to act.