

Office of Thrift Supervision, Treasury

§ 509.104

U.S. code citation	CMP description	New maximum amount
12 U.S.C. 1467a(i)(2).	Holding Company Act Violation.	\$27,500.
12 U.S.C. 1467a(i)(3).	Holding Company Act Violation.	\$27,500.
12 U.S.C. 1467a(r)(1).	Late/Inaccurate Reports—1st Tier.	\$2,200.
12 U.S.C. 1467a(r)(2).	Late/Inaccurate Reports—2nd Tier.	\$27,500.
12 U.S.C. 1467a(r)(3).	Late/Inaccurate Reports—3rd Tier.	\$1,250,000.
12 U.S.C. 1817(j)(16)(A).	Change in Control—1st Tier.	\$6,500.
12 U.S.C. 1817(j)(16)(B).	Change in Control—2nd Tier.	\$32,500.
12 U.S.C. 1817(j)(16)(C).	Change in Control—3rd Tier.	\$1,250,000.
12 U.S.C. 1818(i)(2)(A).	Violation of Law or Unsafe or Unsound Practice—1st Tier.	\$6,500.

U.S. code citation	CMP description	New maximum amount
12 U.S.C. 1818(i)(2)(B).	Violation of Law or Unsafe or Unsound Practice—2nd Tier.	\$32,500.
12 U.S.C. 1818(i)(2)(C).	Violation of Law or Unsafe or Unsound Practice—3rd Tier.	\$1,250,000.
12 U.S.C. 1884	Violation of Security Rules.	\$110.
12 U.S.C. 3349(b)	Appraisals Violation—1st Tier.	\$6,500.
12 U.S.C. 3349(b)	Appraisals Violation—2nd Tier.	\$32,500.
12 U.S.C. 3349(b)	Appraisals Violation—3rd Tier.	\$1,250,000.
42 U.S.C. 4012a(f)	Flood Insurance	\$385 (per 4012a(f) violation). \$125,000 (per calendar year).

[56 FR 38306, Aug. 12, 1991, as amended at 65 FR 61262, Oct. 17, 2000; 69 FR 64251, Nov. 4, 2004]

§ 509.104 Additional procedures.

(a) *Replies to exceptions.* Replies to written exceptions to the administrative law judge’s recommended decision, findings, conclusions or proposed order pursuant to § 509.39 of this part shall be filed within 10 days of the date such written exceptions were required to be filed.

(b) *Motions.* All motions shall be filed with the administrative law judge and an additional copy shall be filed with the Secretary to the Office, who receives adjudicatory filings, (“Secretary”); provided, however, that once the administrative law judge has certified the record to the Director pursuant to § 509.38 of this part, all motions must be filed with the Director, to the attention of the Secretary, within the 10 day period following the filing of exceptions allowed for the filing of replies to exceptions. Responses to such motions filed in a timely manner with the Director, other than motions for oral argument before the Director, shall be allowed pursuant to the procedures at § 509.23(d) of this part. No response is required for the Director to make a determination on a motion for oral argument.

(c) *Authority of administrative law judge.* In addition to the powers listed in § 509.5 of this part, the administra-

tive law judge shall have the authority to deny any dispositive motion and shall follow the procedures set forth for motions for summary disposition at § 509.29 of this part and partial summary disposition at § 509.30 of this part in making determinations on such motions.

(d) *Notification of submission of proceeding to the Director.* Upon the expiration of the time for filing any exceptions, any replies to such exceptions or any motions and any ruling thereon, and after receipt of certified record, the Office shall notify the parties within ten days of the submission of the proceeding to the Director for final determination.

(e) *Extensions of time for final determination.* The Director may, *sua sponte*, extend the time for final determination by signing an order of extension of time within the 90 day time period and notifying the parties of such extension thereafter.

(f) *Service upon the Office.* Service of any document upon the Office shall be made by filing with the Secretary, in addition to the individuals and/or offices designated by the Office in its Notice issued pursuant to § 509.18 of this part, or such other means reasonably suited to provide notice of the person

§ 509.200

and/or office designated to receive filings.

(g) *Filings with the Director.* An additional copy of all materials required or permitted to be filed with or referred to the administrative law judge pursuant to subpart A and B of this part shall be filed with the Secretary. This rule shall not apply to the transcript of testimony and exhibits adduced at the hearing or to proposed exhibits submitted in advance of the hearing pursuant to an order of the administrative law judge under § 509.32 of this part. Materials required or permitted to be filed with or referred to the Director pursuant to subparts A and B of this part shall be filed with the Director, to the attention of the Secretary.

(h) *Presence of cameras and other recording devices.* The use of cameras and other recording devices, other than those used by the court reporter, shall be prohibited and excluded from the proceedings.

[56 FR 38306, Aug. 12, 1991, as amended at 58 FR 4311, Jan. 14, 1993; 61 FR 20356, May 6, 1996]

Subpart C—Special Rules

SOURCE: 70 FR 10023, Mar. 2, 2005, unless otherwise noted.

§ 509.200 Scope.

The rules and procedures in subpart C of this part and those rules and procedures in subparts A and B of this part that are identified in subpart C of this part shall apply to any proceedings under section 10(a)(2)(D) of the HOLA (12 U.S.C. 1467a(a)(2)(D)) to determine for purposes of section 10 of the HOLA, other than subsections (c), (d), (f), (h)(2), (m), (n), (q) and (s), whether any company that owns at least one percent but no more than 10 percent of the outstanding shares of a savings association or savings and loan holding company directly or indirectly exercises a controlling influence over the management or policies of such savings association or savings and loan holding company.

§ 509.201 Definitions.

The definitions contained in § 509.3 of this part shall apply to this subpart.

12 CFR Ch. V (1–1–06 Edition)

§ 509.202 Commencement of proceedings and contents of notice.

(a) *Commencement of proceedings.* The Director commences a proceeding by issuing a notice and having it served on the respondent in the manner provided for service by the Director in § 509.11 of this part;

(b) *Contents of notice.* The notice must set forth: (1) The legal authority for the proceeding and for the Office's jurisdiction over the proceeding;

(2) A statement of the matters of fact or law showing the Office is entitled to issue an Order finding, for purposes of section 10 of the HOLA, other than subsections (c), (d), (f), (h)(2), (m), (n), (q) and (s), the respondent to be directly or indirectly exercising a controlling influence over the management or policies of a savings association or savings and loan holding company;

(3) A proposed Order;

(4) A statement that the respondent must file an answer and, if it so desires, request a hearing within 20 days of service of the notice; and

(5) The time and place of the hearing if one is properly requested by the respondent.

§ 509.203 Answer, consequences of failure to answer, and consent.

(a) *Content of answer.* (1) An answer must specifically respond to each paragraph or allegation of fact contained in the notice and must admit, deny, or state that the party lacks sufficient information to admit or deny each allegation of fact. A statement of lack of information has the effect of a denial. Denials must fairly meet the substance of each allegation of fact denied; general denials are not permitted. When a respondent denies part of an allegation, that part must be denied and the remainder specifically admitted. Any allegation of fact in the notice which is not denied in the answer must be deemed admitted for purposes of the proceeding. A respondent is not required to respond to the portion of a notice that constitutes a prayer for relief or proposed Order.

(2) If a respondent does not contest the allegations in a notice, the respondent may file an answer that contains only a statement that the respondent consents to the entry of the