

OFFICE OF THE STATE BANK COMMISSIONER
J. THOMAS THULL, *Bank Commissioner*

SPECIAL ORDER 2008-1

This Order issued this 10th day of October, 2008, by the State Bank Commissioner.

WHEREAS, 12 C.F.R. §7.1002 authorize a national bank to act as a "finder", bringing interested parties together to a transaction and performing various functions set out in the regulation; and

WHEREAS, the Comptroller of the Currency has deemed borrowers and lenders to be encompassed by the term "interested parties"; and

WHEREAS, state law provides no similar authority for state banks to act as a finder, bringing together interested parties to a transaction; and

WHEREAS, K.S.A. 9-1715 provides the state bank commissioner with the power to authorize state banks or trust companies to engage in any activity in which such banks or trust companies could engage were they operating as any other insured depository institution, including a national bank; and

WHEREAS, the Commissioner deems the issuance of this special order to be reasonably required to preserve and protect the welfare of state banks and to promote the competitive equality of state and national banks;

IT IS THEREFORE ORDERED that Kansas state banks shall have the authority to act as a finder as permitted in 12 C.F.R. §7.1002, and to engage in those activities which the Comptroller of the Currency determines to be incidental to the activity of acting as a finder; and

IT IS FURTHER ORDERED, that Special Order 1995-4 is revoked because those activities are fully encompassed by the authority granted in this Order; and

IT IS FURTHER ORDERED, pursuant to K.S.A. 9-1715(b) as amended, that the terms of this special order shall become effective October 10, 2008 and shall remain in full force and effect until amended or revoked by the State Bank Commissioner.

IT IS SO ORDERED.

STATE BANK COMMISSIONER


J. Thomas Thull