

FINANCIAL INSTITUTIONS TODAY

News and topics of interest to financial institutions regulated by the Department of Banking and Finance

Monthly Bulletin #12

December 2006

Inside this issue:

Impact of FAS 123R 2 on Bank Lending Limits

Suspicious Activity 2
Report (SAR)
Revised

Environmental Risk 3
Assessment:
Reminder to
Financial Institutions

2006 HMDA **3** Reporting Reminder

2007 State Holidays

DBF Outreach and Upcoming Speaking Engagements

Local Charities Bank on Generosity of Banking and Finance Employees

Action on
Applications for the
Month of December

6

DBF's Customer 12
Service Stars for the
Month of December

Authentication in an Internet Banking Environment: Reminder to Financial Institutions

In October of 2005, the Federal Financial Institutions Examination Council (FFIEC) issued guidance regarding internet banking authentication.

The guidance basically indicates that those institutions offering internet-based products and services must use effective methods of authenticating the identity of customers using those products. In many cases, single-factor authentication may not provide sufficient protection and is considered inadequate for high-risk transactions involving access to customer information or movement of funds.

Each institution should perform a risk assessment in order to determine the level of authentication which is necessary and implement appropriate policies and procedures in order to mitigate the risks associated with the products and services offered.

Compliance with this guidance was to be achieved no later than December 31, 2006. Institutions which are not in compliance will be subject to criticism at examinations and to potential administrative action, depending upon the severity and volume of deficiencies.

For specific details, regarding this guidance, please refer to the following:

FDIC: Available at <u>www.fdic.gov</u>

- FIL-103-2005 Authentication in an Internet Banking Environment
- FIL-77-2006 Frequently Asked
 Questions- Authentication in an Internet
 Banking Environment

FRB: Available at www.federalreserve.gov

- SR-05-19 Authentication in an Internet Banking Environment
- SR-06-13 Frequently Asked Questions-Authentication in an Internet Banking Environment

NCUA: Available at www.ncua.gov

- 05-CU-18 Authentication in an Internet Banking Environment
- 06-CU-13 Frequently Asked Questions-Authentication in an Internet Banking Environment



Impact of FAS 123R on Bank Lending Limits

The Department has noted in previous monthly bulletins the impact of FAS 123R, which requires the expensing of stock options and warrants, has had an impact on the aggregate period of time that it takes for banks to reach cumulative profitability. In turn, this has impacted a number of approval conditions related to bank dividends, director's fees and liquidity requirements. Our examiners have also brought to our attention that these provisions have also had a significant impact upon certain banks, particularly those with significant levels of organizer and employee stock options or warrants, in regards to the bank's lending limits.

State law requires that an expense fund be established pursuant to OCGA 7-1-396 and 7-1-412 to provide an expense fund of at least 5% of capital stock to cover pre-opening expenses and initial operating losses, so that the bank's lending limits will not fluctuate and the bank can operate more easily in compliance with their legal lending limits. We often require a higher amount be established to fund this reserve as a condition of charter approval, again to make sure that this reserve is sufficient to cover these projected amounts. Our examiners are noting in several denovo banks that with the imposition of FAS 123R, that expenses are exceeding original operating plan projections, and that as a result these bank's statutory capital bases and the resulting lending limits are fluctuating.

All banks, particularly those with options and warrants should periodically review the status of their statutory capital base and their resulting loan limits to make sure that their lending activity remains within the provisions of applicable state law. If there are further questions regarding these issues or the calculation of legal lending limits, please contact Senior Deputy Commissioner George A. Reynolds at 770-986-1629.

Suspicious Activity Report (SAR) Revised To Support Joint Filing and Reduce Duplicate SARs

On December 21, 2006, the Financial Crimes Enforcement Network (FinCEN) and the federal banking agencies announced that the format for the Suspicious Activity Report by Depository Institutions (SAR-DI) has been revised to support a new joint filing initiative, which will reduce the number of duplicate SARs filed for a single suspicious transaction. The revisions are the result of a joint effort by FinCEN and the federal banking agencies.

Though the form has been approved by the Office of Management and Budget, it is only being released now for planning purposes. Institutions should not use it until after June 30, 2007, when they will have the option of using the new or existing form. Use of the revised format for filing will become mandatory December 31, 2007. Capability for electronic filing is currently being finalized, as are the Magnetic Media Specifications.

For details on this or other FinCEN guidance, go to www.fincen.gov



Environmental Risk Assessment: Reminder to Financial Institutions

On November I, 2005, the Environmental Protection Agency (EPA) issued the final rule to revise due diligence standards for Phase I Environmental Site Assessments and the effective date was November I, 2006. Changes were made to the "all appropriate inquiries" requirement, establishing more stringent and comprehensive standards and procedures for conducting Phase I assessments. The new standards are applicable to any party who may claim protection from Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) liability or who may receive a brownfields grant awarded under CERCLA. Financial institutions which do not require prospective purchasers to have the appropriate assessments performed or which do not perform such assessments on collateral acquired potentially may be liable if such properties are discovered to be environmentally contaminated. Therefore, it is important that all institutions develop and implement a comprehensive environmental risk program to mitigate the exposure to such risks.

After November I, 2006, parties must comply with the requirements of the "All Appropriate Inquiries" Final Rule, or follow the standards set forth in the ASTM E1527-05 Phase I Environmental Site Assessment Process, to satisfy the statutory requirements for conducting all appropriate inquiries. [ASTM=American Society for Testing and Materials International]

Reference Sources

Information regarding the final rule and environmental assessment requirements, in general, may be found at www.epa.gov.

Federal Deposit Insurance Corporation, Financial Institutions Letter, FIL-98-2006, issued November 13, 2006, addresses environmental risk programs for institutions and incorporates the final rule.

Internet Addresses Specific to the Final Rule:

Federal Register Notice, November 1, 2005, pp. 66069-66113 (40 CFR Part 312): http://www.epa.gov/brownfields/aai/fed-reg-notice1105.htm

Summary of the revised "all appropriate inquiries" rule and applicable links: http://www.epa.gov/brownfields/regneg.htm

2006 HMDA Reporting Reminder

"A Guide to HMDA Reporting: Getting It Right!" which provides guidance on collection and reporting of HMDA data is available at: http://www.ffiec.gov/hmda/guide.htm

Reports of calendar year 2006 HMDA data are due **March I, 2007**. Any questions or requests for information should be directed to:

Assistance Line: (202) 452-2016
Internet E-Mail Address: hmdahelp@frb.gov

2007 State Holidays

In accordance with O.C.G.A. §1-4-1, Governor Sonny Perdue proclaimed the following dates as public and legal holidays for the year 2007. Financial Institutions may observe both the official observance day as well as alternative observances indicated. In addition to these designated dates, financial institutions may close on Sunday and one discretionary day each week. If the discretionary day observed is changed permanently or temporarily, customer notice must be posted at least 30 days in advance.

Holiday: Observed:

New Year's Day Monday, January I

Martin Luther King Jr. Day Monday, January I5

Robert E. Lee's Birthday Friday, January 19 - will be observed on Friday, November 23

Washington's Birthday Monday, February 19 - will be observed on Monday, December 24

Confederate Memorial Day
Monday, April 23
Memorial Day
Monday, May 28
Independence Day
Wednesday, July 4
Labor Day
Monday, September 3
Columbus Day
Monday, October 8

Veterans' Day Sunday, November 11 - will be observed on Monday, November 12

Thanksgiving Day Thursday, November 22
Christmas Day Tuesday, December 25

EMERGENCY CLOSINGS

As the winter months approach, all financial institutions are reminded that current regulations provide for management to exercise its own discretion, with notification to the Department, in closing any institution for one business day (renewal for successive days) upon its determination that the safety of customers, employees or assets would be in jeopardy due to civil disorder, fire, acts of God, or utility failure or similar circumstances which render the institution unable to conduct business in a safe and sound manner. Such closings should be communicated to the Department by telephone, e-mail (dbf.state.ga.us) or fax as soon as transmission is feasible.

DBF OUTREACH AND UPCOMING SPEAKING ENGAGEMENTS

- Commissioner Rob Braswell is scheduled to speak about the Department's 2007 Housekeeping Bill on **January 10, 2007** at a joint meeting with the GBA Board of Directors, Public Affairs Committee, and BankPAC Board. The meeting will be held prior to the annual Legislative Reception at the Hyatt Regency, Atlanta.
- Senior Deputy Commissioner George Reynolds will be at the Community Bankers Association of Georgia's (CBA) De Novo Bank Conference to be held on **January 29 30**, **2007** at the Ritz Carlton, Amelia Island, Florida. To find out more about the conference, go to the <u>CBA website</u>.

Local Charities Bank on Generosity of Banking and Finance Employees

The holiday season meant more than gingerbread cookies and eggnog to the 50 Atlanta-based Department of Banking and Finance (DBF) employees that collected over 3,000 canned goods and \$900 to donate to the Atlanta Community Food Bank and The Quinn House in a little over one month. "We hold a food drive almost every year," said Applications Analyst Susan Nelson, coordinator of the Department's efforts this year. "Never before has this agency been able to achieve such amazing results!"

The DBF 2006 food drive was held in remembrance of Jenny Neville, who had been a member of the DBF Family for over 20 years. Her pleasant disposition and generous spirit inspired an innovative and multi-faceted collection strategy. Tapping into the "holiday" competitive spirit, we created a friendly rivalry by splitting the Department into "red" and "green" teams led by Helen O'Leary, Non-Depository Financial Institutions Division Attorney, and Lori Godfrey, Supervisory Manager, respectively. Fiery emails sparked donations as break room thermometers charted our progress. Two of the Department's metro Atlanta field offices also helped to further the food collection efforts. Even as the mailroom overflowed with donations, O'Leary and Godfrey were relentless in their pursuit to top the totals from earlier years. A holiday concert, silent auction, and "Cans for Casual Days" drummed up even more donations.



From left to right: Food Drive Team Captains Lori Godfrey and Helen O'Leary



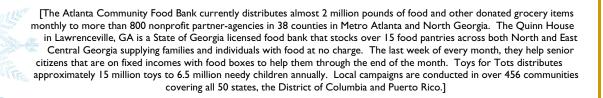
"Teddy" early on working for toy donations

Halfway through the food drive, the DBF started a new tradition with our first annual toy drive for Toys for Tots. Our toy drive campaign mascot, T. "Teddy" Bear, delivered over 100 toys the DBF collected in just two weeks. "Teddy" was no behind the scenes cheerleader either – he appeared

in ads and wrote personal letters to the staff encouraging toy donations for boys and girls of all ages. "Our campaign was definitely a success," said Judy Newberry, Deputy Commissioner for Legal and Consumer Affairs and Toys for Tots coordinator, "we look forward to holding a toy drive annually and plan to expand the campaign to our field offices next year."



"Teddy" driving away with the bounty he collected



Action on Applications for the Month of December:

The following is a summary of official action taken on applications by State Financial Institutions under Chapter 7-1 of the Code of Georgia and petitions for Certificate of Incorporation of Financial Institutions and other matters of interest during the month of December 2006.

APPLICATIONS FOR NEW FINANCIAL INSTITUTION

FINANCIAL INSTITUTION Private Bank of Buckhead 3 Piedmont Center, Suite 210 Atlanta, GA 30305 Fulton County	CAPITALIZATION \$ 12,500,000	APPROVAL 08-08-2006	BEGIN BUSINESS 12-11-2006
Primary Bank 3880 Roswell Road Atlanta, GA 30342 Fulton County	\$ 15,000,000	Pending	
Brookhaven Bank 2987 Clairmont Road, NE Suite 130 Atlanta, GA 30329 DeKalb County	\$ 20,500,000	12-11-2006	
Atlantic Capital Bank 3280 Peachtree Road, Suite 1600 Atlanta, GA 30326 Fulton County	\$ 80,000,000	Pending	
First Choice Community Bank 110 Evans Mill Drive, Suite 605 Dallas, GA 30157 Paulding County	\$ 18,000,000	Pending	
Vinings Bank 4135 Atlanta Road Smyrna, GA 30080 Cobb County	\$ 12,000,000	Pending	

APPLICATIONS TO ESTABLISH A BRANCH OFFICE

FINANCIAL INSTITUTION Brookhaven Bank (IO) Atlanta	BRANCH OFFICE Johnson Ferry Branch Office 2163 Johnson Ferry Road Atlanta, GA 30319 DeKalb County	<u>APPROVAL</u> 12-11-2006	BEGIN BUSINESS
SunTrust Bank Atlanta	Birmingham Village Branch Office 980 Birmingham Road Alpharetta, GA 30004 Fulton County	12-28-2006	

FINANCIAL INSTITUTION SunTrust Bank Atlanta	BRANCH OFFICE Hampden Hall Branch Office 929 West 36th Street Baltimore, MD 21211	APPROVAL 11-13-2006	BEGIN BUSINESS 12-18-2006
SunTrust Bank Atlanta	Fairwood Green Safeway Branch Office 12410 Fairwood Parkway Bowie, MD 20720 Prince Georges County	11-27-2006	12-07-2006
SunTrust Bank Atlanta	Deltona Wal-Mart Branch Office 101 Howland Boulevard Deltona, FL 32738 Volusia County	Pending	
SunTrust Bank Atlanta	Harford Square Branch Office 1401-A Pulaski Highway Edgewood, MD 21040 Harford County	10-05-2006	12-11-2006
SunTrust Bank Atlanta	El Mercado Branch Office 2400 West 60th Street Hialeah, FL 33014 Miami-Dade County	11-03-2006	12-29-2006
SunTrust Bank Atlanta	Pebblebrooke Branch Office 15225 Collier Boulevard Naples, FL 34119 Collier County	08-07-2006	12-11-2006
SunTrust Bank Atlanta	Mirasol Branch Office 6289 PGA Boulevard Palm Beach Gardens, FL 33418 Palm Beach County	09-06-2005	12-12-2006
SunTrust Bank Atlanta	Gatlin Boulevard Wal-Mart Branch Office 1850 SW Gatlin Boulevard Port St. Lucie, FL 34953 St. Lucie County	Pending	
SunTrust Bank Atlanta	Viera Wal-Mart Branch Office 8500 North Wickham Road Viera, FL 32940 Brevard County	Pending	
United Community Bank Blairsville	Cleveland TN Main Branch Office 2525 Keith Street Cleveland, TN 37312 Bradley County	12-04-2006	
First Nation Bank Covington	Highway 138 Branch Office 1981 Georgia Highway 138 SE Conyers, GA 30094 Rockdale County	11-09-2005	12-11-2006

FINANCIAL INSTITUTION First Citizens Bank of Georgia (IO) Dawsonville	BRANCH OFFICE Forsyth Branch Office State Highway 306 and State Highway Cumming, GA 30040 Forsyth County	APPROVAL Pending	BEGIN BUSINESS
Mountain State Bank Dawsonville	South Chestatee Branch Office 5458 South Chestatee Street Dahlonega, GA 30533 Lumpkin County	10-10-2006	12-08-2006
Mountain State Bank Dawsonville	Dahlonega Branch Office 111 South Chestatee Street Dahlonega, GA 30533 Lumpkin County	10-10-2006	12-08-2006
Appalachian Community Bank Ellijay	Dawson 400 Branch Office 258 Beartooth Parkway, Suite 120 Dawsonville, GA 30534 Dawson County	12-21-2006	
Community Trust Bank Hiram	Canton Branch Office State Route 20 & I-575 Canton, GA 30115 Cherokee County	12-18-2006	
Community Trust Bank Hiram	Woodstock Branch Office 510 Claremore Drive Woodstock, GA 30188 Cherokee County	12-14-2005	Withdrawn 12-12-2006
Citizens State Bank Kingsland	Fernandina Beach Branch Office 402 Centre Street Fernandina Beach, FL 32034 Nassau County	Pending	
Community Bank & Trust - West Georgia LaGrange	Columbus Wal-Mart Banking Center Branch Office 5448 Whittlesey Boulevard Columbus, GA 31904 Muscogee County	12-18-2006	
American Banking Company Moultrie	Jacksonville Branch Office 8705 Perimeter Park Boulevard Suite 4 Jacksonville, FL 32216 Duval County	09-21-2006	12-04-2006
Carver State Bank Savannah	Skidaway Branch Office 7110 Skidaway Road Savannah, GA 31405 Chatham County	12-19-2006	

12-07-2006

Pending

FINANCIAL INSTITUTION BRANCH OFFICE APPROVAL BEGIN BUSINESS

Sea Island Bank Statesboro Branch Office Statesboro 1205 Brampton Avenue

Statesboro, GA 30458-4966

Bulloch County

07-27-2006 The Park Avenue Bank Jacksonville Branch Office 12-01-2006

13901 Sutton Park Drive South, Suite 190 Valdosta

Jacksonville, FL 32224

Duval County

CreekSide Bank Acworth Branch Office

Woodstock U.S. Highway 41 and Mars Hill Road

> Acworth, GA 30101 Cobb County

United Bank Covington Branch Office 12-21-2006

Zebulon 1182 Washington Street Covington, GA 30014

Newton County

APPLICATIONS TO CHANGE LOCATION

FINANCIAL INSTITUTION CHANGE LOCATION OF APPROVAL EFFECTIVE

SunTrust Bank Connecticut & M Branch Office Pending

Atlanta From: IIII Connecticut Avenue, N.W.

Washington DC 20036 1150 Connecticut Avenue, NW

To: Washington DC 20036

SunTrust Bank Greer Branch Office 11-13-2006 12-11-2006

713 W Wade Hampton Atlanta From:

Greer SC 29652 Greenville County

То: 655 West Wade Hampton Boulevard

> Greer SC 29650 Greenville County

McIntosh Commercial Bank Covington Branch Office 12-18-2006

> 10205 Access Road, Suite B From:

> > Covington GA 30014 **Newton County**

To: 7200 Highway 278

Covington GA 30014 **Newton County**

NOTICE OF CHANGE IN NAME

EFFECTIVE PREVIOUS NAME NEW NAME APPROVAL Piedmont Bank of Georgia The PrivateBank 12-13-2006 12-13-2006

Atlanta

Page 10

PREVIOUS NAME NEW NAME APPROVAL EFFECTIVE

First Bank of Henry County FirstBank Financial Services 12-06-2006

McDonough

American Banking Company Ameris Bank 10-17-2006 12-08-2006

Moultrie

APPLICATIONS FOR RESERVATION OF A NAME

PROPOSED NAME COUNTY APPLICANT

Community Business Bank Forsyth County Mr. John B. Kline, President

Kline & Associates P.O. Box 418 Decatur, GA 30301

Credit Union of Georgia Cherokee County Mr. Mark K. Outler, President/CEO

MACO Educators Federal Credit Union

P. O. Box 2148

Woodstock, GA 30188

First Milton Bank Fulton County Mr. Brent H. Baker, President

Brent Baker, Inc. 6020 Rose Hill Court Cumming, GA 30041

Landmark Bank of Savannah Chatham County Ms. Stephanie E. Dreyer

Jenkens & Gilchrist

401 Congress Ave., Suite 2500

Austin, TX 78701

FINANCIAL INSTITUTION MERGERS

FINANCIAL INSTITUTION

(SURVIVOR)MERGED INSTITUTIONAPPROVALEFFECTIVEUnited Community BankSouthern National Bank11-30-200612-01-2006

Blairsville, GA Marietta, GA

First Charter Bank Gwinnett Banking Company 12-29-2006

Charlotte, NC Lawrenceville, GA

Citizens State Bank Old Florida Bank Pending

Kingsland, GA Fort Myers, FL

Atlantic Southern Bank Sapelo National Bank 12-15-2006 12-15-2006

Macon, GA Darien, GA

Atlantic Southern Bank First Community Bank of Georgia Pending

Macon, GA Roberta, GA

riacon, GA Roberta, GA

American Banking Company Islands Community Bank, N.A. 11-08-2006 12-31-2006 Moultrie, GA Beaufort, SC

FINANCIAL INSTITUTION (SURVIVOR) American Banking Company Moultrie, GA	MERGED INSTITUTION Bank of Thomas County Thomasville, GA	APPROVAL 10-17-2006	EFFECTIVE 12-08-2006
South Georgia Banking Company Omega, GA	Community National Bank Ashburn, GA	12-15-2006	12-28-2006
RBC Centura Bank Rocky Mount, NC	Flag Bank Atlanta, GA	12-08-2006	12-08-2006
CMAR Credit Union Marietta. GA	Mission Partners Employees Credit Union Alpharetta. GA	10-02-2006	10-02-2006

APPLICATIONS TO BECOME A BANK HOLDING COMPANY AND/OR TO ACQUIRE VOTING STOCK OF A FINANCIAL INSTITUTION

BANK HOLDING COMPANY	TO ACQUIRE	APPROVAL DATE
<u>FORMATIONS</u>		
Highland Financial Services, Inc.	Highland Commercial Bank	12-20-2006
Marietta, GA	Marietta, GA	
Signature Bancshares, Inc.	Signature Bank of Georgia	Pending
Sandy Springs, GA	Dunwoody, GA	
Embassy Bancshares, Inc.	Embassy National Bank (IO)	12-29-2006
Snellville, GA	Lawrenceville, GA	
ACQUISITIONS		
Atlantic Southern Financial Group, Inc.	First Community Bank of Georgia	Pending
Macon, GA	Roberta, GA	

CHECK CASHER LICENSES ISSUED

CITY	APPLICANT NAME	TRADE NAME
Roswell	Banuestra Financial Corporation	Banuestra
Stone Mountain	Best Check Cashing, LLC	Best Check Cashing
Cedartown *	Casey's, Inc.	Casey's Food Store
Douglas	FGW, Inc.	Mike's Check Cashing
Doraville	Kim, Jong U.	EZ Check Cashing
Lilburn	Lambis, LLC	Lambis Check Cashing
Palmetto	Lopez, Alberto	Lopez Tax Service and Check Cashing
Lilburn	P&E Title Pawn & Check Cashing, Inc.	Mr. Money
Tucker	Trimax Financial Services, Inc.	Trimax Financial Services
Milledgeville	W. R. Davis Business Services, Inc.	Davis Income Tax and Accounting Service

^{* =} Exempt Registration (O.C.G.A. 7-1-709)

MONEY TRANSMITTER LICENSES ISSUED

MONEY TRANSMITTER

APPROVAL DATE

Omnex Group, Inc. Lake Forest, CA 12-06-2006



DBF's Customer Service Stars for the Month of December

It is the Department's goal to provide excellent customer service, meeting and exceeding the expectations of our customers. Along those lines, we would like to recognize the following individuals or groups for going above and beyond in serving our customers:

Josh Higgins, Financial Examiner and his exam team (District 2): District Director Tracy Whitesides received an e-mail stating: "I want to commend Josh and the rest of his staff for their examination. These exams should be non-interfering and this was. The group only asked relevant questions and were very diligent in their work. When issues arose they were very helpful in working through the points. The State Banking Department has always been an ally of my banks and I am proud of the support we get from the Department. Thank everyone for a quality job."

Mark Pressler, Financial Examiner and his exam team (District I): District Director Kevin Hagler received a letter stating: "We wanted to thank you and your staff for the professional manner in which they handled the exam."

Daisy Mitchell, Supervisory Examiner and her exam team (District 1): District Director Kevin Hagler received a letter stating: "Ms. Mitchell's team was thorough in their exam process and provided us with helpful information and suggestions. We are very appreciative of the information and guidance received from the exam team. Your suggestions help us identify areas of improvement and address resources needed to monitor risks going forward."

CONGRATULATIONS AND GREAT JOB TO THIS MONTH'S CUSTOMER SERVICE STARS!!

GEORGIA DEPARTMENT OF BANKING AND FINANCE

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We're on the Web!
www.gadbf.org

The Department will
soon be launching its new
website within the
georgia.gov portal
environment. We hope
that you will like the
structure and content of
our new website!

The Department is the state agency that regulates and examines banks, credit unions, and trust companies chartered by the State. The Department also has regulatory and/or licensing authority over mortgage brokers, lenders, and processors, money service businesses, international banking organizations, and bank holding companies conducting business in Georgia.

Our **Mission** is promote safe, sound, competitive financial services in Georgia through innovative, responsive regulation and supervision.

Our **Vision** is to be the best financial services industry regulator in the country – Progressive. Proactive. Service-Oriented.

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