

GUIDANCE DOCUMENT

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

STATEMENT OF POLICY #8
VIOLATIONS OF BANKING STATUTES

The Nebraska Department of Banking and Finance ("Department") sets forth Statement of Policy #8 regarding violations of the Nebraska Banking Act. A bank examination report made by the Department will include a list of any apparent violation(s) of state statute(s) by the bank and/or representatives of the bank, including apparent violations which were remedied prior to or during the examination.

Neb. Rev. Stat. § 8-109 of the Nebraska Banking Act provides for criminal sanctions and automatic forfeiture of a bank examiner's job if the examiner fails to report violations by bank officers or employees to the Department. Furthermore, the Department is required to report willful violations of the banking statutes by officers, directors or employees of banks to the Attorney General for criminal prosecution. In many cases, the banking statutes provide for criminal penalties for such violations. The Department considers statutory violations a serious matter.

Bank management should review this policy statement with its Board of Directors and adopt procedures to assure compliance with the banking statutes. The Board of Directors must review and correct any statutory violations listed in examination reports issued by the Department of Banking and Finance, the Federal Deposit Insurance Corporation, the Federal Reserve Board, or the Consumer Financial Protection Bureau.

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