

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



DEPARTMENT OF BUSINESS REGULATION
DIVISION OF BANKING
1511 PONTIAC AVENUE
CRANSTON, RI 02920

DECISION AND ORDER

IN RE:

**APPLICATION OF COLUMBUS CREDIT UNION
TO ESTABLISH A BRANCH OFFICE AT 3 CRESCENT VIEW AVENUE
RIVERSIDE, RHODE ISLAND 02915**

I. JURISDICTIONAL STATEMENT AND TRAVEL OF THE CASE

This matter came before the Department of Business Regulation ("Department"), Division of Banking ("Division") upon the application of Columbus Credit Union, a regulated institution with a principal office at 560 Main Street, Warren, Rhode Island 02885 (the "Applicant"), for approval to establish a full service branch office to be located at 3 Crescent View Avenue, Riverside, Rhode Island 02915 (the "Application"), pursuant to R. I. Gen. Laws § 19-2-11 and for the issuance of a certificate of public convenience and advantage in connection therewith.

The Application was filed on October 22, 2008. The Applicant published a notice of the filing of the Application during three consecutive weeks, specifically on November 12, 2008, November 18, 2008 and November 26, 2008 in The Providence Journal, a newspaper of general circulation in the State of Rhode Island. The Application was available for public inspection and comment in the office of the Division from November 13, 2008 through November 28, 2008. No letters of comment or objection were received by the Division in connection with the Application during the comment period.

II. APPLICABLE LAW

a. Public Convenience and Advantage Standard

The Director of the Department (the "Director"), or the Director's designee, is expressly authorized by R. I. Gen. Laws §§ 19-2-3 and 19-2-11 to issue a certificate of public convenience and advantage with respect to the establishment of a branch for a Rhode Island regulated institution upon consideration of factors consistent with the creation of a regulated institution and upon compliance with other applicable provisions of R. I. Gen. Laws Title 19. Although R. I. Gen. Laws Title 19 does not expressly delineate the factors that must be considered by the Director with respect to the standard of public convenience and advantage, it is the policy of the Director, and the Division under the supervision of the Director, to consider such factors as (a) the benefits to the community or communities to be served, such as the products and services to be provided by the proposed branch, and (b) the effects of the proposal on the public interest, such as the effect on employment, the economy and the tax base of the State. In addition, the Director considers the safety and soundness of the regulated institution making application and the effect of the proposal on the strength and stability of the financial community as a whole.

Under applicable law, therefore, the Director may issue a certificate upon a finding that the benefits flowing from the applicant's proposed activities will run to the public, that the applicant's proposed activities are fitting or suited to the public and will result in a gain or benefit to the public, that the proposed activity will not materially adversely affect the safety and soundness of the regulated institution, and that the application is in conformance with applicable law.

b. Community Reinvestment Act Standard

It has been the policy of the Director, in reviewing applications from state chartered institutions, to determine whether an applicant will adhere to Community Reinvestment Act ("CRA") standards. The principles inherent in CRA require institutions to address the credit needs of the communities they serve. While the federal CRA, 12 U.S.C. § 2901 *et seq.*, will not be applicable to the Applicant (because it is not a regulated financial institution as defined in 12 U.S.C. § 2901 *et seq.*), the state CRA statute, R. I. Gen. Laws § 19-9-4, will apply since the Applicant's by-laws do not prevent a member of the general public from gaining membership. R. I. Gen. Laws § 19-9-4 requires the Director to take into account the record of performance of a financial institution

in helping to meet the credit needs of its entire community when determining whether a certificate of public convenience and advantage should be issued.

c. Insurance of Deposits

R. I. Gen. Laws § 19-4-10 requires that any regulated institution permitted by law to receive deposits, except a regulated institution prevented from accepting deposits by its by-laws or agreement to form, must maintain federal deposit insurance.

III. FINDINGS OF FACT

Evidence was submitted to the Division in support of the Application which included responses to questions contained in the Application and various documents attached as exhibits to the Application.

Specifically, information was provided on the Applicant and the proposed branch. The Applicant provided a statement which described the means by which the proposed branch would promote the public convenience and advantage of the communities to be served as well as information on the benefits of the proposed branch to the communities to be served and the impact on the safety and soundness of the Applicant. Based upon the documentary evidence filed with the Division, the Acting Director hereby makes the following findings of fact:

1. On October 22, 2008 the Division duly received from Columbus Credit Union the Application pursuant to R. I. Gen. Laws § 19-2-11.

2. The Applicant published a Notice of Application Filed during three consecutive weeks, specifically on November 12, 2008, November 18, 2008 and November 26, 2008 in The Providence Journal in accordance with R. I. Gen. Laws § 19-1-3.

3. The public inspection and comment period for the Application extended from November 13, 2008 through November 28, 2008 during which time the Application was available for public inspection and comment in the office of the Division. No letters of comment or objection were received by the Division in connection with the Application during the comment period, therefore no public hearing was held.

4. Applicant is both a Rhode Island credit union and a regulated institution as defined in R. I. Gen. Laws § 19-1-1.

5. The service area for the Applicant's proposed branch will be the Rhode Island communities of Riverside and West Barrington.

6. Approval of the Application will result in added convenience to existing customers of the credit union, with resulting benefits to the Applicant's customers.

7. The Applicant has provided a copy of its CRA Statement along with evidence of its intent to comply with CRA and non-discrimination laws and regulations and to address the credit needs of the communities it serves.

8. Financial information provided by the Applicant adequately demonstrates the financial strength of the Applicant with respect to safety and soundness issues. The Applicant has the management capability required to operate the proposed branch.

9. The shares and deposits of the credit union are insured by the National Credit Union Share Insurance Fund ("NCUSIF") which is administered by the National Credit Union Administration ("NCUA"). Approval of the proposed branch will not have any impact on the deposit insurance coverage provided by the NCUSIF.

IV. CONCLUSIONS OF LAW

Based upon the documentary evidence filed with the Division, the Acting Director hereby makes the following conclusions of law:

1. R. I. Gen. Laws §§ 19-2-3 and 19-2-11 authorize the Director to issue the certificate of public convenience and advantage in connection with the Application.

2. The Notice of Application Filed satisfies the requirements of R. I. Gen. Laws § 19-1-3 with respect to the publication of notice for the proposed branch.

3. The proposed branch is in the public interest, will promote the convenience and advantage of the communities to be served by the proposed branch and will have a beneficial effect on the economy and on the citizens of the communities to be served by the branch, all consistent with safe and sound banking practices, and the requirements of Rhode Island law and the standard for issuing the certificate sought by the Applicant.

4. The Application complies with the spirit and intent of R. I. Gen. Laws § 19-9-4 regarding credit needs of local communities.

5. The Applicant's deposits at the proposed branch will have NCUSIF insurance.

V. DECISION AND ORDER

Upon review and consideration of the documentary evidence in the record presented in this matter, it is hereby ORDERED:

That the application of Columbus Credit Union to establish a branch office at 3 Crescent View Avenue, Riverside, Rhode Island 02915 and for the issuance of a certificate of public convenience and advantage in connection therewith is hereby approved in accordance with, and with the general effect provided for in R. I. Gen. Laws § 19-2-11, subject to the following condition:

1. That the Applicant opens the proposed branch within one (1) year of the date of this Decision and Order; if it has not opened the branch within one (1) year, it must promptly return the certificate of public convenience and advantage to the Division for cancellation unless good cause is demonstrated for an extension.

ENTERED AS ADMINISTRATIVE ORDER NUMBER 09-120 OF THE DIRECTOR OF THE DEPARTMENT OF BUSINESS REGULATION AS OF THIS 12th DAY OF MAY 2009.



A. Michael Marques, Director
Rhode Island Department of Business Regulation