

CB101.53 **Loan Production Office** [Section 11-105-101(1) and 11-102-104(1)(a), C.R.S.]

A. Definitions:

1. A Loan Production Office (LPO) is ~~defined as a any location other than the bank's main office~~ location in Colorado that is not a branch and where the only activities conducted are the solicitation and origination of loans by employees or agents of a ~~state bank or of a subsidiary corporation are conducted, provided that the loans are approved and made at the main office of the bank or at an office of the subsidiary located on the premises of or contiguous to the main office of the bank, and which location is subject to notification and the fee provisions of this Rule.~~ Loan approvals must be made at the main office or branch location of a bank or its subsidiary.

2. A Branch is any location in Colorado, other than the main office, at which deposits are received, checks are paid, money is lent, and trust powers may be exercised.

B. A Colorado state bank or a state bank chartered in another jurisdiction that intends to open a LPO in Colorado, or operate a LPO under a name which differs in any way from the name approved by the Banking Board, shall file an application on the appropriate form provided by the Division of Banking (Division).

BC. Approval of loans at the main office or branch is not intended to be perfunctory, i.e. merely final execution of the loan documents. ~~Approval at the main office shall be in accordance with safe and sound banking practice, including a review of the credit quality of the loan and a determination that it meets the bank's credit standards. In making an independent credit decision, the employee at the main office may consider recommendations made by the LPO as a factor when assessing the credit quality of the loan.~~

CD. Application to Operate a LPO or Application to Change Location of a LPO shall be filed with the Banking Board on a form provided by the Division ~~of Banking~~. ~~A The~~ completed application shall be filed at least thirty (30) days prior to the anticipated first day of ~~operating at a location~~ operations or use of a new name. Every LPO application shall include the name or names under which the applicant proposes to conduct the business of such LPO. ~~The application shall be accompanied by a the applicable fee as set by the Banking Board pursuant to Section 11-102-104(11), C.R.S.~~

E. When processing a LPO application:

1. The Division shall commence a ten (10) calendar day comment period by posting the proposed name on the Division's website and distributing the proposed name by email to its distribution mailing list;
 - a. If no objections are received within ten (10) calendar days, the Division shall proceed with processing the application;

 - b. If an objection is received within ten (10) calendar days, the Division will notify the applicant. The applicant and the objector should provide a written response to the Division within thirty (30) calendar days.

2. The Division will not process the disputed LPO application unless the objector provides express written consent to the applicant regarding the disputed name.
 3. Without express written consent, the Applicant must choose a new name to operate in Colorado so that the new name is not identical to or deceptively similar to the name of any existing Colorado financial institution, or likely to cause the public to be confused, deceived, or mistaken.
- F. The applicant shall have one year from the date of approval in which to open the LPO and will notify the Division of its opening.