January 11, 2014

Via e-mail to CE.Licensing@occ.treas.gov (& HQ.Licensing@occ.treas.gov)

Central District Office
Director for District Licensing
One Financial Place, Suite 2700
440 South LaSalle Street
Chicago, IL 60605

Re: Request for Full Copy of, & Timely Comments Requesting an Extension of the Comment Period On the Applications of US Bank to Acquire 94 Branches from RBS Citizens' Charter One - All branches which would be closed or consolidated should be disclosed during the comment period

Dear Director for District Licensing and others in the OCC:

This is a request in advance for a full copy of, and a timely comment requesting an extension of the OCC's public comment period on the Applications of US Bank to acquire 94 Branches from RBS Citizens' Charter One and close some as yet unknown number of them.

US Bank has a record of closing branches, and in connection with this proposed acquisition announced on January 7, US Bank spoke of "some overlap" between branches but "said it’s too early to say whether any will be closed." Chicago Tribune, January 7, 2014.

US Bank should have to disclose which branches it would close, during the comment period, as for example Huntington Bank recently had to do in connection with its smaller proposal to acquire Camco's Advance Bank. See, e.g., "Huntington plans 9 branch closings in Camco deal," by Evan Weese, Columbus Business First, Dec 23, 2013. http://www.bizjournals.com/columbus/news/2013/12/23/huntington-plans-9-branch-closings-in.html

In that case, Huntington re-applied and gave public notice of which branches it would close -- that should be done here.

While this disclosure of branches which would be closed, the OCC should extend the comment period. For now, to ensure consideration, US Bank NA (Ohio)'s 2012 HMDA data reflect that in the Chicago MSA for home purchase loans both conventional and subsidized, US Bank made a smaller portion of its loans to Latinos than did even the aggregate, including lenders not subject to the Community Reinvestment Act.
For conventional home purchase loans in the Chicago MSA in 2012, US Bank made 1083 such loans to whites, 78 to African Americans and only 77 to Latinos. That is, US Bank made 14 such loans to whites for each loan to a Latino, a bigger disparity than is the case with the aggregate.

For the home purchase loans in Table 4-1 in the Chicago MSA in 2012, US Bank made 268 such loans to whites, 68 to African Americans and only 60 to Latinos. That is, US Bank made 4.47 such loans to whites for each loan to a Latino, a significantly bigger disparity than is the case with the aggregate.

Such disparities exist throughout US Bank's franchise, as we will further present along with RBS issues including at the now-requested public hearings. Also to ensure consideration and action as quickly as possible, we are entering this into the record, from the American Banker newspaper of January 4, three days before this proposal was announced:

Banks Keep Offering Deposit Advances, Six Weeks After Crackdown

U.S. Bank [is] still offering deposit advances six weeks after regulators finalized sweeping guidance that raised doubts about the product's viability. As of Friday afternoon, the two big banks were still offering the product — which bears a strong resemblance to the payday loan — on their websites, with terms that appear out of compliance with the guidance. Judging from public statements, the banks' primary regulator has not blessed the product's continuation, even in the short term. The Office of Comptroller of the Currency, which issued the guidance alongside the Federal Deposit Insurance Corp., says the document became effective in late November, and there is no grace period.

"Banks that fail to comply with the guidance should expect that the OCC will take appropriate supervisory action, and enforcement action if necessary, to prevent harm to consumers, ensure compliance with appliance laws, and address any unsafe or unsound banking practice or violations of law associated with these products," OCC spokesman Bryan Hubbard says in an email...

U.S. Bank declined to say whether they have made any changes to their deposit advance products since the guidance was issued in late November. But a review of their websites suggests that what they're currently offering is not in compliance with the guidance.

The guidance contains a provision stating that banks should allow at least one statement cycle (which is typically a month) to elapse between the repayment of one deposit advance and the offer of a second loan. Yet... U.S. Bank's site says that the bank may limit access to the product if a customer uses it in nine consecutive statement cycles.

So did the OCC mean what it said? This is a timely request for public hearings.

The comment period should be extended to accept further HMDA analysis as well as information on the prospective branch closings.

On the current record, hearings should be held and the applications/notifications should not be approved.

Please immediately send all requested information and responses by e-mail to lee@fairfinancewatch.org and innercitypress@yrmail.com, and/or by hard copy by FedEx to:

Matthew R. Lee, Esq.
Fair Finance Watch

c/o 747 Third Ave ("hold at location" Fed Ex), NY NY 10017 USA

Or by regular mail to PO Box 580188, Mount Carmel Station, Bronx NY 10458

If you have any questions, please immediately telephone the undersigned, at (718) 716-3540.

Very Truly Yours,

Matthew Lee, Esq.
Executive Director
Inner City Press/Fair Finance Watch