

TITLE 54

LOAN ASSOCIATIONS AND LENDING INSTITUTIONS

Chapter 721

Savings and Loan Supervisor

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CROSS REFERENCES

721.020
Four-year limit on appointive offices, 236.140

721.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Commissioner" means the Corporation Commissioner.

(2) "Savings and loan association" means savings and loan associations and building and loan associations, the two terms being synonymous, and the provisions of this chapter apply to both alike.

(3) "Supervisor" means the Savings and Loan Supervisor.

721.020 Savings and Loan Supervisor, appointment, compensation and duties. The Corporation Commissioner shall appoint a Savings and Loan Supervisor, who shall have had, when appointed, at least three years of practical experience in savings and loan association employment, examination or supervision. His salary shall be fixed by the commissioner, approved by the Governor and paid out of the Corporation Fund in the same manner and at the same time as other employees of the corporation department are paid. The supervisor shall enforce and assist the commissioner to enforce the provisions of this chapter and those parts of ORS chapter 722 not enforceable by others; and for such purpose he may employ with approval of the commissioner and subject to applicable provisions of the State Civil Service Law, such deputies and assistants as may be necessary for the proper conduct of the business of his office. The supervisor shall devote his full time to service under this chapter and ORS chapter 722. He may be removed by the commissioner.

721.030 Bonds of supervisor and assistants. Before entering upon the duties of the office to which they have been appointed, the supervisor and his deputies and assistants shall each subscribe to an oath that he will faithfully and impartially discharge the duties of his office or position and shall furnish to the State of Oregon a surety bond in such amount as the commissioner may require, conditioned that the supervisor, deputies and assistants will faithfully and honestly discharge the duties of their respective office or position. The cost of the bond shall be charged to the state and paid from the Corporation Fund.

721.040 Examinations by supervisor; report to commissioner. (1) The supervisor shall annually, or oftener if he deems it advisable, either in person or through duly ap-

pointed representatives, make a balance sheet audit of every savings and loan association doing business in this state. For that purpose he shall have the right of access to the offices and to all books and records of such association wherever they may be kept, and also shall have the right to require the officers, employees or agents of such association, or any person connected therewith, to answer under oath, which he or his duly appointed representative shall administer, any questions addressed to him pertinent and material to the business of such association.

(2) The supervisor shall make a report of his findings and file it in the office of the commissioner. The commissioner shall furnish a copy of or excerpts from such report to the association examined, and may, upon request of any such association, furnish a copy of or excerpts from such report to the Home Loan Bank Board, Federal Home Loan Bank or other federal or state financial agency organized pursuant to the laws of the United States or of this state and authorized to loan to or otherwise act as a reserve agency for savings and loan associations. The supervisor shall include in his report any violation of law or any unauthorized or unsafe practices of the association disclosed by the examination. The commissioner shall collect from the association for each examination all actual and necessary expenses thereof.

721.050 Reports and examinations as confidential information. (1) Neither the commissioner, supervisor, or any examiner, inspector, deputy, assistant or clerk, appointed or acting under the provisions of this chapter shall fail to keep secret the facts and information obtained in the course of an examination or by reason of his official position, except when the public duty of such officer requires him to report upon or to take official action regarding the affairs of the association so examined, or shall wilfully and knowingly make a false official report as to the condition of such association.

(2) Reports of examiners made to the commissioner or supervisor shall be regarded as confidential and not for public record or inspection, except that for good reason they may be made public by the commissioner.

(3) Nothing in this section shall prevent the proper exchange of information relating to savings and loan associations and the

business thereof with the representatives of savings and loan departments of other states, or with the Superintendent of Banks of this state, or with representatives of the Home Loan Bank Board, a Federal Home Loan Bank, or other federal or state financial agency organized pursuant to the laws of the United States or of this state and authorized to loan to or otherwise act as a reserve agency for savings and loan associations, but in no case shall the private business or affairs of any individual or company be disclosed.

(4) Any official violating any provision of this section, in addition to the penalties provided for violation of any such provision, shall be liable to any person or corporation injured by the disclosure of such information for all damages sustained thereby.

721.060 Supervisor to prescribe books and accounts. To facilitate the examination specified in ORS 721.040, the supervisor shall require each savings and loan association to keep its books in such form as to accurately and truthfully show all its assets and liabilities in detail and to keep a record in ink, showing the appraised values of the security held in connection with each loan, and signed in each case by the appraiser, officer or committee charged with making such appraisals.

721.070 Prolonged audit by supervisor; expenses; audit by accountants. (1) If, in the opinion of the supervisor, the examination mentioned in ORS 721.040 fails to disclose the true financial condition of any association, he shall have authority to make or cause to be made through duly appointed representatives, a prolonged audit, investigation and revaluation of all the assets of such association in order to ascertain its true financial condition.

(2) The supervisor shall collect from the association so examined all the actual and necessary expenses thereof. However, such expenses shall not exceed one-fourth of one percent of the entire assets of the association as disclosed by the examination, and in no event shall such expenses exceed the sum of \$2,500.

(3) In any case in which an association employs a firm of public accountants to make a detailed audit of its books and accounts, the association shall furnish to the supervisor a copy in full of the findings of such accountants, and all statements and schedules prepared by them, with their com-

ments and recommendations thereon. This audit and report shall be subject to the examination, approval or rejection, in whole or in part, by the supervisor.

721.080 Appraisal of property by supervisor; expenses. The supervisor may make a revaluation of the real and personal property owned by any savings and loan association doing business in this state, and any of its securities on which the loan payments may be delinquent for six months or more. He may, for that purpose, appoint local or other appraisers, who shall be disinterested persons, at the expense of such association. The expense of such appraisement shall be fixed by the supervisor, but it shall not exceed \$5 for each property located outside the limits of any incorporated town or city, and shall not exceed \$3 for each property located inside the limits of any incorporated town or city. Each appraiser shall be required to make a sworn report to the supervisor of his estimated valuations of all property so examined and appraised.

721.090 Annual report to Governor by supervisor; January report. The supervisor shall annually, at the earliest possible date after the July statements of all savings and loan associations are received, make, through the office of the commissioner, a report to the Governor of the general conduct and condition of all savings and loan associations doing business in this state, including the statement of condition contained in such savings and loan associations' July report, arranged alphabetically by towns and also in tabular form. There shall be printed as many copies of such report as the supervisor may deem necessary. Such report may also contain a copy of this chapter and ORS chapter 722 with amendments and with any decisions or rulings which have been made regarding any section thereof. The supervisor may also publish in January, through the press or otherwise, a condensed report based upon the statements filed with him in that month.

721.100 Removal of supervisor and commissioner for neglect of duty. (1) If the supervisor, having knowledge of the impairment of capital, or of any violation of law, or unsafe practice of any savings and loan association, or any dishonest or misleading practice of any association officer, director or employe in the conduct of its business, such as renders the conduct of the associa-

tion's business hazardous to its shareholders, creditors or the public welfare, shall fail to take the proper action required by this chapter and ORS chapter 722 or shall refuse to perform the official duties pertaining to his office, he shall forthwith be discharged by the commissioner and a successor shall be appointed by the commissioner to fill the unexpired term.

(2) If the commissioner has such knowledge and fails to take the action required of him by this chapter and ORS chapter 722 or, having knowledge of the failure or refusal of the supervisor to act, shall fail to declare

his office vacant as required in this section, then, upon conviction thereof, the office of Corporation Commissioner shall thereupon be declared vacant by the Governor and a successor shall be appointed by him to fill the unexpired term.

721.990 Penalties. Violation of subsection (1) of ORS 721.050 is punishable, upon conviction, by removal from position or office and by a fine of not more than \$500 or imprisonment in the county jail for not more than one year, or both fine and imprisonment.

