



National Credit Union Administration

Office of Examination and Insurance

September 9, 2022

SENT BY FEDERAL EXPRESS AND EMAIL

XXXX, CEO
XXXX Credit Union
XXXX
XXXX

Dear XXXX:

I am writing in response to your September 6, 2022, email correspondence to the Office of Examination and Insurance. Your email states that you were not copied on my August 5, 2022, decision regarding your July 7, 2022, request, through legal counsel and certified by Chairman XXXX, for review of your credit union's required divestiture of impermissible investments and removal of a board member from any current and future investment transactions. Your email asks for reconsideration of my August 5 decision and requests a stay on the required divestment of the credit union's XXXX investment until October 6, 2022, which you indicate would purportedly allow the credit union to divest of the impermissible investment without penalty.

My decision letter was sent to Chairperson XXXX via email on August 5, 2022. After you indicated to NCUA Supervisory Examiner XXXX on September 2, 2022, that you did not receive my response, we resent the decision letter directly to you on September 6, 2022. For your convenience, another copy of the decision letter is attached.

Under NCUA's Regulations, 12 C.F.R. §746.106(e), no party may request reconsideration of the decision rendered by the Director of the Office of Examination and Insurance. However, as stated in my August 5 decision letter, and pursuant to 12 C.F.R. §746.107, an insured credit union may file an appeal with the Supervisory Review Committee within 30 calendar days after a final decision is made by the Director of the Office of Examination and Insurance.

Accordingly, based on your constructive receipt of my August 5 decision on September 6, 2022, you may appeal my decision to the Supervisory Review Committee by October 6, 2022. Such an appeal must follow the requirements of the regulation and must be filed in writing with the Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428. Please refer to Part 746.107 for additional information regarding the required contents of an appeal.

Additionally, your email notes that if I cannot grant a stay on my decision to require divestment of the impermissible XXXX investment, you would like the opportunity to appeal it. To the extent that you may be inferring that an appeal to the Supervisory Review Committee would stay a supervisory or enforcement action during the pendency of such appeal, please note the appeal

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process does not affect any potential enforcement actions relative to this matter. Section 746.104 (d) provides that no provision of the appeal rule is intended to affect, delay, or impede any formal or informal supervisory or enforcement action in progress or affect NCUA's authority to take any supervisory or enforcement action against an insured credit union. The purpose of this provision is to ensure that appeals to the Supervisory Review Committee and enforcement matters remain separate processes governed by different rules.

Please acknowledge receipt of this letter via e-mail to: _E&IMail@ncua.gov.

Sincerely,

Kelly Lay
Director

cc: Chairman XXXX
Regional Director XXXX
Board Secretary Conyers-Ausbrooks
_Region XXXX DOS Mail
SE XXXX
DRM XXXX
RO XXXX
EIC XXXX

Enclosure