

**2675.3160 BRANCH OFFICES.**

Subpart 1. **Authorizing resolution.** A savings association may make an application to establish a branch office. The application must be in writing in the form prescribed by the Department of Commerce and submitted to the commissioner of commerce.

Subp. 2. **Summary denial.** The commissioner shall deny such application if it is determined that any of the following conditions exist:

A. the location of the proposed branch office is more than 100 miles from home office of the association on the effective date of this part;

B. the commissioner has granted, within one year preceding the filing of the application, another application by the association under this section for a certificate authorizing it to establish a branch office;

C. the commissioner has denied, other than summarily, within one year preceding the filing of the application, another application by the association under this part for a certificate authorizing it to establish a branch office at the same location or within the immediate vicinity thereof; or

D. the association has filed with the commissioner another application for a certificate authorizing it to establish a branch office with respect to which action by the commissioner is pending.

If the commissioner summarily denies such application, the commissioner shall serve the order of summary denial upon the association by mail at its principal place of business.

Subp. 3. **Hearing.** If the application is not summarily denied, the commissioner shall fix the time, within 60 days after the filing of the application, for a hearing at the commissioner's office to decide whether or not the application shall be granted. Notice of the hearing shall be published in the form prescribed by the commissioner in some newspaper published in the municipality in which the proposed branch office is to be located, and if there is no such newspaper, then at the county seat of the county in which the branch office is proposed to be located. The notice shall be published once, at the expense of the association, not less than 15 days nor more than 30 days prior to the date of the hearing. At the hearing the commissioner shall consider the application and hear such witnesses as may appear in favor of or against the granting of the application.

Subp. 4. **Criteria for granting.** If upon the hearing it appears to the commissioner that there is a reasonable public demand for the branch office in the location specified by the application, that there is a reasonable probability of its usefulness and success, that it can be established without undue injury to the properly conducted, existing financial institutions in the locality, and that it will be properly and safely managed, the application shall be granted; otherwise it shall be denied.

Subp. 5. **Written denial.** If the application is denied, the commissioner shall, not later than 60 days after the hearing, make an order in writing to that effect, specifying the ground for denial and forthwith give notice thereof by registered mail to the association, at its principal place of business; and, thereupon, the commissioner shall refuse to issue a certificate of authorization to the association.

Subp. 6. **Authorizing certificate.** If upon hearing it shall appear to the commissioner of commerce that the application shall be granted, the commissioner shall not later than 60 days after the hearing issue a certificate authorizing the association to establish a branch office at the location stated in the application, subject to such conditions as the commissioner may deem necessary. After the issuance of the certificate of authorization by the commissioner, it shall be filed for record with the secretary of state and with the county recorder of the county of the principal place of business of the association and also with the county recorder of the county in which said branch office is to be located, if different from that of the principal place of business of the association.

Subp. 7. **Deadline.** If a branch office is not opened for business to the public within 12 months following the date of issuance by the commissioner of the certificate authorizing its establishment, unless extended by order of the commissioner for a period not exceeding an additional 12 months, said certificate shall become void.

**Statutory Authority:** *MS s 46.01; 51A.42*

**History:** *9 SR 1337; L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 17 SR 1279*

**Published Electronically:** *September 14, 2007*