

WAC 208-460-100 How do you obtain a waiver? (1) To obtain a waiver under WAC 208-460-090, a credit union must submit its request to the director. The waiver request must contain the following:

- (a) A copy of your member business loan policy;
- (b) The higher limit sought (if applicable);
- (c) An explanation of the need to raise the limit (if applicable);
- (d) Documentation supporting your ability to manage this activity; and
- (e) An analysis of the credit union's prior experience making member business loans, including, as a minimum:
 - (i) The history of loan losses and loan delinquency;
 - (ii) Volume and cyclical or seasonal patterns;
 - (iii) Diversification;
 - (iv) Concentrations of credit to a member and associated members in excess of fifteen percent of net worth;
 - (v) Underwriting standards and practices;
 - (vi) Types of loans grouped by purpose and collateral; and
 - (vii) The qualifications of personnel responsible for underwriting and administering member business loans.

- (2) The director will:
 - (a) Review the information you provided in your request;
 - (b) Evaluate the level of risk to your credit union;
 - (c) Consider your credit union's historical CAMEL composite and component ratings;
 - (d) Notify you whenever your waiver request is deemed complete; and
 - (e) Notify you of the action taken within forty-five calendar days of receiving a complete request.

(3) In connection with a waiver request under WAC 208-460-090 (1) through (3):

- (a) The director will provide a copy of the waiver request to Region VI of the NCUA and will consult and seek to work cooperatively with Region VI in making his or her decision on the request;
- (b) The waiver is not effective until the director approves it;
- (c) If you do not receive notification within forty-five calendar days after the date the complete request was received by the director, the waiver request is deemed approved by the director; and
- (d) The director will promptly notify Region VI of the NCUA of his or her decision on the request.

(4) In connection with a waiver request under WAC 208-460-090(4):

- (a) If the director approves the request, the director will promptly forward the request to Region VI of the NCUA for decision under NCUA rules at 12 C.F.R. 723.12;

- (b) The waiver is not effective until the regional director of the NCUA approves it in accordance with NCUA rules at 12 C.F.R. 723.12; and

- (c) The credit union may appeal the regional director's decision in accordance with NCUA rules at 12 C.F.R. 723.13.

[Statutory Authority: RCW 31.12.426(1), 31.12.516(2), 43.320.040. WSR 01-10-084, § 208-460-100, filed 5/1/01, effective 6/1/01.]