

SPECIAL STATE BANKING BOARD MEETING  
OFFICE OF THE COMMISSIONER  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
1200 MEMORIAL HIGHWAY  
BISMARCK, NORTH DAKOTA

November 25, 2024

PUBLIC SESSION

The special meeting of the State Banking Board was held in the Office of the Commissioner, Department of Financial Institutions, 1200 Memorial Highway, Bismarck, North Dakota. Chair Kruse called the meeting to order at 1:00 PM, Monday November 25, 2024.

MEMBERS PRESENT: Lise Kruse, Chair  
Todd Heilman, Member  
Pao-Yueh (Claudia) Schollmeyer, Member  
Brenda Foster, Member  
Pete Jahner, Member  
Steven Rehovsky, Member  
Charlotte Aldinger, Member

MEMBERS ABSENT: N/A

ALSO PRESENT: Corey Krebs, Assistant Commissioner  
Ryan Spah, Chief Examiner  
Angie Mills Fischer, Review Examiner  
Carolene Severson, Examiner  
Matt Menge, Assistant Attorney General  
Adam Natwick  
Dean Zaderaka

Ross Perleberg  
Don Grande  
Heidi Olson  
Amy Wells  
Jennifer Wilson  
Dennis Peterson  
Chris Lamoureux  
Jim Paszek  
Gary Preszler  
Nate Martindale  
Danita Bye  
W. Burl Evans  
Matt Oachs  
Jayce Evan  
Fred Evans  
Gordon Bye  
Theresa Evans

## CONFLICTS OF INTEREST

In the matter of the application of Trust Company of the Dakotas to organize a state-chartered trust company, Board Member Foster noted a potential conflict. The applicants are former employees of the bank which also employs Ms. Foster. The Board, acting as the neutral reviewer, evaluated the conflict in relation to North Dakota Administrative Code 115-04-01-03-(7).

It was moved by Member Jahner, seconded by Member Aldinger, and carried by a vote of 6 to 0, with Member Foster abstaining, to declare a disqualifying conflict of interest for Member Foster.

Member Foster left the meeting at 1:04 PM.

In the matter of the application of Trust Company of the Dakotas to organize a state-chartered trust company, Board Member Heilman noted a potential conflict. The applicants have an account with the bank which employs Mr. Heilman, and Mr. Heilman was part of a meeting with the customer on services the bank could offer the applicant. The Board, acting as the neutral reviewer, evaluated the conflict in relation to North Dakota Administrative Code 115-04-01-03-(7).

**It was moved by Member Rehovsky, seconded by Member Schollmeyer, and carried by a vote of 5 to 0, with member Foster absent, to declare a disqualifying conflict of interest for Member Heilman.**

Chair Kruse turned the meeting over to Administrative Law Judge Hope Hogan to conduct the hearing portion of the meeting.

#### **ADMINISTRATIVE HEARING – TRUST COMPANY APPLICATION**

Administrative Law Judge Hope Hogan opened the hearing at 1:10 PM in the offices of the Department of Financial Institutions, 1200 Memorial Hwy, Bismarck, ND regarding the application to establish the Trust Company of the Dakotas.

The hearing closed at 3:52 PM.

**Items for Consideration – Trust Company of the Dakota’s application for a trust company charter.**

Chair Kruse called the Board into open session at 3:53 PM.

Chair Kruse noted the legal criteria for the Board to consider in making their decision.

1. Whether the place where such company is proposed to be located is in need of a further trust company,
2. Whether the proposed institution is adapted to filling such need

3. Whether the proposed incorporators are possessed of such character, integrity, reputation, and financial standing as shown by a detailed financial statement to be furnished by them,
4. That their connection with the company will be beneficial to the public welfare of the community in which such company is proposed be established.

Member Heilman left the meeting at 3:05 PM.

The Board discussed the facts of the application and conclusions of law.

It was moved by Member Jahner and seconded by Member Rehovsky to approve the application for a trust charter by the Trust Company of the Dakota's. The motion failed by a vote of 5 to 0, with Members Foster and Heilman absent and abstaining.

Chair Kruse noted that a second meeting will be conducted on December 6, 2024, for the Board to review and approve a findings of facts and conclusions of law document related to this meeting.

The meeting adjourned at 4:49 PM.



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Lise Kruse, Chair



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Corey Krebs, Secretary