

CHAPTER 3**DEPARTMENT ORGANIZATION****Authority**

N.J.S.A. 17:1-8.1 and 47:1A-2.

Source and Effective Date

R.2000 d.129, effective February 28, 2000.
See: 32 N.J.R. 140(a), 32 N.J.R. 999(a).

Executive Order No. 66(1978) Expiration Date

Chapter 3, Department Organization, expires on February 28, 2005.

Chapter Historical Note

Chapter 3, Department Organization, was adopted as R.1990 d.103, effective January 11, 1990. See: 22 N.J.R. 335(a).

Subchapter 2, Nonpublic Records, was adopted as R.1991 d.287, effective June 17, 1991. See: 23 N.J.R. 253(a), 23 N.J.R. 1921(a).

Subchapter 3, Disability Discrimination Grievance Procedure, was adopted as R.1993 d.321, effective July 6, 1993. See: 25 N.J.R. 1314(b), 25 N.J.R. 2860(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, Department Organization, expired on January 11, 1995.

Subchapter 2, Nonpublic Records, and Subchapter 3, Disability Discrimination Grievance Procedure, were adopted as new rules by R.1995 d.125, effective March 6, 1995. See: 27 N.J.R. 20(a), 27 N.J.R. 877(a).

Subchapter 1, Mission and Organization, was adopted as new rules by R.1995 d.272, effective May 3, 1995. See: 27 N.J.R. 2179(b).

Pursuant to Executive Order No. 66(1978), Chapter 3, Department Organization, was readopted as R.2000 d.129, effective February 28, 2000. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. MISSION AND ORGANIZATION**3:3-1.1 Mission statement of the Department**

The mission of the Department of Banking and Insurance is to regulate the banking, insurance and real estate industries in a professional and timely manner that protects and educates consumers and promotes the growth, financial stability and efficiency of those industries.

Amended by R.1997 d.394, effective August 25, 1997.
See: 29 N.J.R. 4097(a).

Substantially amended section.

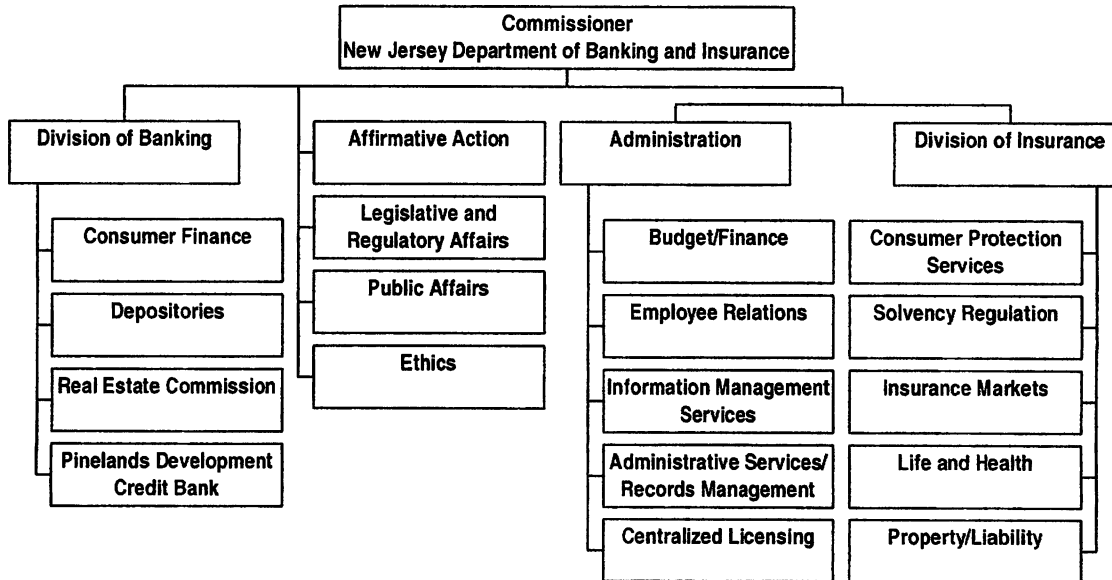
Amended by R.2003 d.138, effective April 7, 2002.
See: 34 N.J.R. 4022(a), 35 N.J.R. 1539(c).

Rewrote the section.

3:3-1.2 Organization of the Department

(a) The organization of the Department of Banking and Insurance appears below.

DEPARTMENT OF BANKING AND INSURANCE
December 2004



Amended by R.1997 d.394, effective August 25, 1997.
See: 29 N.J.R. 4097(a).

Rewrote section incorporating organizational chart which previously appeared as an appendix to this section.

Amended by R.2000 d.129, effective March 20, 2000.

See: 32 N.J.R. 140(a), 32 N.J.R. 999(a).

Amended by R.2005 d.30, effective December 14, 2004.

See: 37 N.J.R. 255(a).

Amended organizational chart.

5. Documents obtained pursuant to an ongoing investigation by the Department of a financial institution or other person, when disclosure would be inimical to the public interest;

6. Memoranda of understanding between the Department and a financial institution;

7. Information regarding individual institutions obtained pursuant to surveys conducted by the Department;

8. Personnel or pension records of an individual employed by the Department, except that the following shall be deemed public records:

i. An individual's name, title, position, salary, payroll record, length of service in the Department and in the government, date of separation from government service and the reason therefor, and the amount and type of pension he or she is receiving; and

ii. Data contained in information which discloses conformity with specific experimental, educational or medical qualifications required for government employment or for receipt of a public pension, but in no event shall detailed medical or psychological information be released; and

9. Personnel or pension records of an employee, officer, director or other person affiliated with a financial institution, such as the residence address, residence telephone number, salary or social security number, when such information is contained in any report, filing or record held by the Department.

SUBCHAPTER 2. NONPUBLIC RECORDS

3:3-2.1 Nonpublic records

(a) Throughout the Department of Banking and Insurance, the following shall not be deemed to be public records pursuant to N.J.S.A. 47:1A-1 et seq.:

1. Documents obtained or prepared incident to an examination or audit of a financial institution, its holding institution or its subsidiary and any examination or audit report;

2. Business plans and incorporators' financial statements filed in connection with a charter or license application, and all materials the Department receives or prepares incident to an application by a financial institution or other person to make a leeway or other investment;

3. Complaint files maintained by the Department;

4. Memoranda or other correspondence between the Department and the Office of the Attorney General, and all memoranda within the Department concerning advice given by the Office of the Attorney General;

(b) The fact that a document is not listed in (a) above shall not be construed as evidence that the document is a public record for purposes of N.J.S.A. 47:1A-1 et seq.

Amended by R.1991 d.525, effective October 21, 1991.
See: 23 N.J.R. 1858(a), 23 N.J.R. 3133(c).

Added (a)9 exempting from "Right to know", personnel or pension records with personal information, contained in reports, filings or records held by the Department and added new (b) disclaimer.
Administrative change.
See: 29 N.J.R. 4099(a).

3:3-2.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Independent auditor" means a certified public accountant or other person approved by the Commissioner of Banking and Insurance who is retained by the depository institution pursuant to 12 U.S.C. 1831m(a) or N.J.S.A. 17:9A-253.

"Report of Examination" means documents obtained or prepared incident to an examination or audit of a financial institution pursuant to N.J.S.A. 17:9A-260, its holding institution or its subsidiary and any examination or audit report.

New Rule, R.1994 d.49, effective January 18, 1994.
See: 25 N.J.R. 4819(a), 26 N.J.R. 351(a).
Administrative change.
See: 29 N.J.R. 4099(a).

3:3-2.3 Release of Bank Examination Reports to independent auditors

(a) The Report of Examination shall be made available for inspection by an independent auditor retained by the depository institution in connection with the audit of the depository institution subject to the following conditions:

1. The independent auditor shall review the Report of Examination only on the premises of the institution and shall not make or retain any copies of such information; and
2. The independent auditor shall not disclose the confidential supervisory information for any purpose without the prior written approval of the Commissioner except as necessary to provide advice to the institution.

New Rule, R.1994 d.49, effective January 18, 1994.
See: 25 N.J.R. 4819(a), 26 N.J.R. 351(a).
Administrative change.
See: 29 N.J.R. 4099(a).

SUBCHAPTER 3. DISABILITY DISCRIMINATION GRIEVANCE PROCEDURE

3:3-3.1 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"ADA" means the Americans with Disabilities Act, 42 U.S.C.A. § 12101 et seq.

"Agency" means the New Jersey Department of Banking and Insurance.

"Designated decision maker" means the Commissioner of Banking and Insurance or his or her designee.

Administrative change.
See: 29 N.J.R. 4099(a).

3:3-3.2 Purpose

(a) These rules are adopted by the agency in satisfaction of the requirements of the ADA and regulations promulgated pursuant thereto, 28 C.F.R. 35.107.

(b) The purpose of these rules is to establish a designated coordinator whose duties shall include assuring that the agency complies with and carries out its responsibilities under the ADA. Those duties shall also include the investigation of any complaint filed with the agency pursuant to N.J.A.C. 3:3-3.5 through 3.8.

3:3-3.3 Required ADA notice

In addition to any other advice, assistance or accommodation provided, a copy of the following notice shall be given to anyone who inquires regarding the agency's compliance with the ADA or the availability of accommodation which would allow a qualified individual with a disability to receive services or participate in a program or activity provided by the agency.

AGENCY NOTICE OF ADA PROCEDURE

The agency has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination" in programs or activities sponsored by a public entity.

Rules describing and governing the internal grievance procedure can be found at N.J.A.C. 3:3-3. As those rules indicate, complaints should be addressed to the agency's designated ADA Coordinator, who has been designated to coordinate ADA compliance efforts, at the following address:

ADA Coordinator
Department of Banking and Insurance
20 West State Street
PO Box 040
Trenton, New Jersey 08625-0040

1. A complaint may be filed in writing or orally, but should contain the name and address of the person filing it, and briefly describe the alleged violation. A form for this purpose is available from the designated ADA coordinator. In cases of employment related complaints, the procedures established by the Department of Personnel, N.J.A.C. 4A:7-1.1 et seq., will be followed where applicable.

2. A complaint should be filed promptly within 20 days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, will follow the filing of a complaint. The investigation will be conducted by the agency's designated ADA Coordinator. The rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

4. In most cases a written determination as to the validity of the complaint and a description of the resolution, if any, will be issued by the designated decision maker and a copy forwarded to the complainant no later than 45 days after its filing.

5. The ADA coordinator will maintain the files and records of the agency relating to the complaints filed.

6. The right of a person to a prompt and equitable resolution of the complaint filed hereunder will not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible Federal department or agency or the New Jersey Division on Civil Rights. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. The rules will be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that the agency complies with the ADA and implementing Federal rules.

Administrative change.
See: 29 N.J.R. 4099(a).

3:3-3.4 Designated ADA coordinator

(a) The designated coordinator of ADA compliance and complaint investigation for the agency is: