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Should any bank be excluded from the special assessment? Or should there be a tier system to accommodate risk, capital, earnings and liquidity ratios?

Either way, some "fairness" in the assessment is warranted, whether it is exclusion or a tier-based assessment.

In general, small community banks get hit hardest by this assessment and are likely the more healthy and have the ability to survive in this environment. However, the assessment, in terms of percentage of impact to earnings, is far more than mid-size and large banks, which is not helping small community banks survive and for sure will impede growth.

That said, the only likely scenario to exclude banks (of any size) from the assessment are those that, by not taking TARP capital (excluding those that were denied TARP capital), have not been the bad actors that caused the need for the assessment, and therefore should not be "punished" with a special assessment. The other determination would be small cap banks that are on course to stay in the game but have diminished chances of survival with the extra six figure ++ annual expense eroding income. Any other quick determination on who to exclude or reduce will be too subjective.

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