



2022

2022 Annual Report of Activities



DIRECTOR'S MESSAGE


In late 2022, the FDIC began a gradual return towards “normalized” operations. This included conducting certain examination functions onsite; engaging with industry representatives during trade conferences; and hosting in-person training events, including Director’s Colleges. While technology will continue to be a valuable tool in our examination and other programs, the volume of activities conducted in person with bankers, or onsite at banks, will continue to broaden in 2023 and beyond, fulfilling desires expressed by a large portion of the industry during meetings with Office of the Ombudsman staff, and feedback included in Post-Examination Surveys.

I am pleased to present our latest annual report, which captures and aggregates the work of our Office during 2022. The report shares common themes of stakeholder feedback while highlighting the types of assistance and consultation provided to the industry and the general public during the year. The positive feedback received on our last report has motivated us to again use a dashboard approach to provide information on our engagements with the industry, and more importantly, identify major themes or areas of regulatory concern expressed by bankers and industry representatives. As always, your feedback and suggestions for enhancing future editions are welcome.



Thank you, and I hope you find the report useful and informative.

M. ANTHONY LOWE
Director

 (312) 382-6777

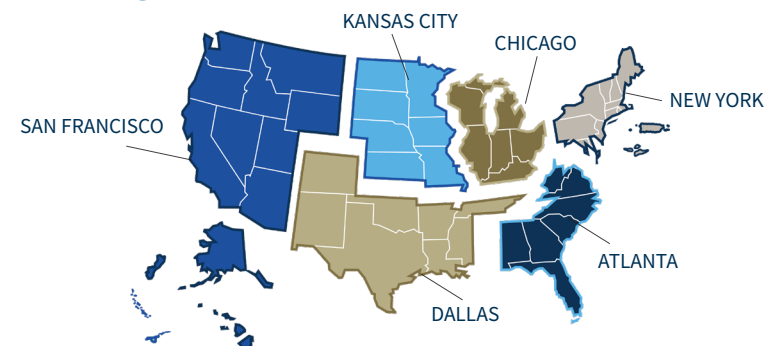
 mlope@fdic.gov

Our Core Mission

The Office of the Ombudsman is an **independent, neutral, and confidential** resource and liaison for the banking industry and general public to facilitate the resolution of problems and complaints against the FDIC in a fair, impartial, and timely manner.

The Office of the Ombudsman provides **prompt and meaningful feedback** to influence **positive change**.

Regions



WHO ARE WE?

The Office of the Ombudsman is a team of highly qualified, tenured, and dedicated staff whose mission is to assist anyone affected by the FDIC’s regulatory, resolution, receivership, or asset disposition activities. When an FDIC stakeholder has questions or concerns about these activities, we act as a liaison to help resolve them in a confidential and informal manner. We listen, answer questions, provide options, and help external stakeholders connect with the right people and information. We advocate for fair processes, constructive communication, and timely results. We solicit and analyze feedback we receive from external stakeholders, identify opportunities for positive change, and share those opportunities with decision-makers at the FDIC.

The Office of the Ombudsman reports directly to the Office of the FDIC Chairman.



PRIMARY EXTERNAL STAKEHOLDERS

- Bankers
- Banking Trade Associations
- State Banking Authorities



PRIMARY INTERNAL STAKEHOLDERS

- FDIC Chairman
- FDIC Division / Office Directors
- FDIC Staff (Including Examiners)

Our Core Values

CONFIDENTIAL



We take all reasonable steps to safeguard confidentiality.

NEUTRAL



We do not take sides. We advocate for fair processes.

INDEPENDENT



We are not part of the supervision, resolution, or receivership processes. We report directly to the FDIC Chairman’s office.

INFORMAL



We act as a liaison to resolve issues in an informal manner. We facilitate productive communication for mutual understanding and cooperation.

By the Numbers

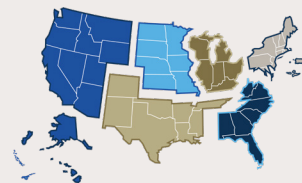
32

Average tenure of staff (years)



6


Number of regions



Each FDIC-supervised bank has a dedicated Regional Ombudsman. **CLICK HERE** to find your Regional Ombudsman.

WHAT CAN WE DO FOR YOU?

If you have been affected by the FDIC's regulatory activities, and need assistance working with the FDIC, the Ombudsman can help. We support the rights of external stakeholders to raise concerns without the fear of retaliation. We cannot make determinations or overturn regulatory decisions; however, we can help to ensure the FDIC fully appreciates your perspectives and concerns while simultaneously assisting you in understanding regulatory expectations and conclusions. We can also connect you with other helpful resources and explore multiple options to achieve a fair and equitable outcome.

	HAVING DIFFICULTIES?
<input type="checkbox"/>	You are uncomfortable discussing concerns or posing questions to your case manager or other FDIC management.
	Examples include: <ul style="list-style-type: none"> • You disagree with examination findings or ratings. • You believe an examination was not performed in accordance with published standards. • You believe supervisory decisions did not appropriately consider your institution's risk profile.
<input type="checkbox"/>	You cannot find FDIC regulatory information.
<input type="checkbox"/>	You need clarification of regulatory requirements.
<input type="checkbox"/>	You believe your institution has been the subject of retaliation, abuse, or retribution after disputing supervisory findings, ratings, or determinations.
<input checked="" type="checkbox"/>	CALL AN OMBUDSMAN! FIND YOUR REGIONAL OMBUDSMAN'S CONTACT INFO ▶

Ombudsman Directory



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LEADERSHIP

Director

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Associate Ombudsman

AMY BROWN

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WHAT DID WE DO?

HOW WE ACHIEVED OUR MISSION IN 2022

836

Number of Stakeholder Meetings

Regional Ombudsmen met with 836 external stakeholders during 2022 to:



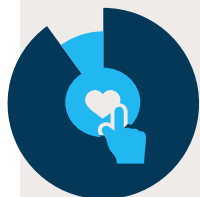
provide awareness
of our services



initiate or strengthen
relationships with the Office



share direct
contact information



Of the bankers
that responded to
our Customer
Satisfaction Survey,

98%

would utilize the
Ombudsman's
services if needed

91%

said the services they
used were Mostly
or Very Effective

135

Number of Information Requests

Most Frequent Requests:



REGULATORY
INFORMATION



NSF
ITEMS

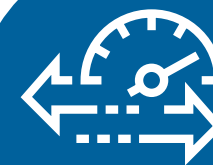
Requests regarding regulatory requirements were the most common; 25% of these stakeholders wanted to discuss agency policy or regulations governing the re-resentation of NSF items. A large number of stakeholders also sought clarification of other FDIC policies and regulations.



46

Number of Confidential Consultations

Half of the stakeholders who requested confidential consultations wanted to discuss a concern with an examination finding or rating. The most common concern was a UDAP violation related to the re-resentation of NSF items. A majority of the other stakeholders wanted to discuss ineffective communication during an examination, or the lack of communication regarding a pending examination report or application.



12

Number of Requests for Liaison Services

Two-thirds of these stakeholders reported receiving limited to no communication regarding agency-related delays in finalizing an examination, processing an application, or responding to correspondence. These stakeholders requested that the OO facilitate communication with appropriate FDIC contacts to address the delays. The remaining stakeholders disagreed with examination findings and requested the OO to facilitate a productive discussion with regional management.

WHAT DID WE HEAR?

The confidential nature of our work limits our ability to provide specifics about feedback we received or individual case information. However, we can present information on trends and commonalities.

NON-SUFFICIENT FUNDS RE-PRESENTMENT

Bankers and trade associations were critical of the FDIC's determination that certain bank practices for charging multiple fees for re-presented NSF items violated Section 5 of the FTC Act, were deceptive, and required corrective action.

Recurring themes from banker feedback, confidential consultations, and information requests regarding NSF Re-Presentment are presented below:



607

NUMBER OF BANKER
FEEDBACK SESSIONS

Regional Ombudsmen offer bankers private, confidential sessions to provide feedback and observations on FDIC operations, including the examination process. This candid feedback helps identify opportunities to improve FDIC processes. Each month, the Office analyzes feedback and reports anonymized common themes and trends to the Chairman's Office, as well as leadership of the Risk Management and Consumer Compliance divisions.

RECURRING RE-PRESENTMENT THEMES



Long-standing practices and disclosures for re-presented items and NSF fees were cited as a violation of law.



Limitations in core banking systems made the required "look-backs" for re-presented transactions costly, time-consuming, and burdensome.



Insufficient or delayed communication with bank management was experienced during the FDIC's examination review process.

WHAT DID WE HEAR?

PART 2

POST-EXAMINATION SURVEY

The Ombudsman administers a Post-Examination Survey (PES) for the divisions of Risk Management Supervision (RMS) and Depositor and Consumer Protection (DCP). The PES is designed to solicit candid feedback from bankers about a recent examination. There was a four-percentage point increase in the response rate year-over-year. To preserve the confidentiality of respondents, we consolidated response results and anonymized narrative comments before sharing the information with RMS and DCP division directors.

POST-EXAMINATION SURVEY RESPONSE RATE



92%

Ninety-two percent of bankers responding to a PES indicated they had largely favorable experiences during the examination process.



WHAT DID WE HEAR?

PART 3

By focusing on themes and reporting information on an aggregated basis, we ensure confidentiality is preserved.

EXAMINERS AND EXAMINATIONS



FAVORABLE COMMENTS

During 2022, we received more than twice as many favorable as unfavorable comments about examiners.

There was nearly universal appreciation for the return of some onsite presence during examinations. Most bankers expressed a preference for onsite loan review and discussions but were comfortable with a hybrid approach that allowed more collaborative decisions regarding examiner location.



2x

APPLICATIONS

We received more than twice as many favorable as unfavorable comments about application processing. Many of the unfavorable comments related to applications for deposit insurance. Some organizers reported receiving limited to no communication, for exceptionally long periods of time, after submitting an application. Also, several organizers opined that the FDIC's policies and practices, with respect to evaluating personal and professional financial responsibility and the general character and fitness of proposed directors and officers, were unreasonable.



INFORMATION TECHNOLOGY EXAMINATIONS

Bankers expressed a variety of concerns regarding IT Examinations. Some bankers reported that examiners did not sufficiently understand the processes, risks, and controls related to their bank's technology programs. In the bankers' opinions, this led to unwarranted criticisms and inappropriate supervisory recommendations. Other bankers reported having no opportunity to respond to IT criticisms prior to an exit or board meeting.



HOW CAN YOU RESPOND?

SHARE YOUR FEEDBACK ABOUT THIS REPORT



ACCESS THE ANONYMOUS [ONLINE FORM](#)



Help Improve FDIC Processes

Your thoughts and opinions about supervisory or resolution processes are important to FDIC leadership. Please **contact your Regional Ombudsman** to share your comments, suggestions, or observations.

Contact the **Ombudsman**
when you need service that is:

**CONFIDENTIAL
NEUTRAL
INDEPENDENT
INFORMAL**




ACCESS THE ANONYMOUS [ONLINE FORM](#)

Office of the
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