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**From:** Barry Simmons [mailto:rendexes@gmail.com]

**Sent:** Thursday, March 28, 2019 2:53 PM

**To:** [REDACTED]

**Subject:** CRA Protest Complaint / BB&T Bank

The Renaissance Indexes Group files the Attached CRA Protest Complaint against BB&T Bank to deny the Merger Application to Acquire Sun Trust Bank. We also petition- pursuant to our rights to honest investigation - the FDIC impose and enforce the Fair Housing Act Final Rule - to include the Rules burden shifting components - in the laws' entirety and in the laws full and final perfection.

Please verify receiving

Thank You

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**March 27, 2019**

**RE: CRA Protest Complaint / BB&T Bank**

This letter is part of the continuing communications between the **Renaissance Indexes Group (RIG, Claimant)** and the **FDIC**. This Letter is to file the CRA Protest Complaint to against **BB&T Bank to deny the Merger Application to Acquire SunTrust Bank** - for engaging in continuing practices, policies and actions (and non-actions) that result in the disproportionate discriminate effect, disparate impact, illegal discrimination against the protected class of black Americans and for engaging in practices, policies and actions that result in the redlining of whole black American Neighborhoods and that deny the full enjoyment of equal rights secured under the banking laws in Equal access to capital, lending and banking services to the protected class of black Americans in the specified Zip Codes in Houston and in Dallas for the Houston

The RIG banking complaint outlines the violations of the banking laws: **Community Reinvestment Act, Fair Housing Act – to include the Final Rule, Equal Credit Opportunity Act – to include the Effects Test, HMDA, Fair Lending Laws, Regulation B, FTC Act – Section 5** and violations of Title VIII – 1968 Civil Rights Act and of the Equal Protection Clause – 14<sup>th</sup> Amendment – US Constitution. The banking complaint outlines the systemic, pervasive and continuing **redlining, illegal discrimination and denial of equal access** to capital perpetrated against the **protected** class of black Americans - as direct result of the entrenched **policies, patterns and actions** of **BB&T Bank**.

The **Complaint** is filed under the ruling in the US Supreme Court case – TDHCA V ICP, Inc. (2015) that established Bank and lender liability under the **Fair Housing Act (FHA)** – for any practice, action, policy, procedure, rule – that has the disparate impact on members of a protected class – to include the protected class of black Americans

**The Complaint** is also filed under the **US V Hudson City Savings Bank FSB ruling** – (2015) that expanded the **Equal Credit Opportunity Act (ECOA)** to include liability for practices and actions that discouraged members of a protected class from applying for equal credit transactions – as in placing its Bank branches **outside** of the black American Neighborhoods.

The RCG Complaints are filed under the **Fair Housing Act – Final Rule** – that clearly states that the burden of proof has shifted to the Bank (s) named in the Complaint – that pursuant to the **Illegal Discrimination Claims** the Bank is to provide

the legally sufficient justification to prove that the practices challenged in the Complaint are necessary to achieve one or more of the Banks' legitimate substantial nondiscriminatory interests – and that these interests – where legitimate – could not be achieved by a practice with a less discriminatory effect

AS the **FHA, Final Rule** allows for no exceptions the Bank either meets this burden of proof or it does not – where the Bank fails to meet this burden of

the **Illegal Discrimination Claims stands** – and are certified as true.

Pursuant to the **FHA Final Rule** the legally sufficient justification is to be supported with evidence and cannot be hypothetical or speculative

The RCG banking complaints outlines illegal discrimination pursuant to the ECOA **Effects Test** which states as follows:

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--the party alleging illegal discrimination need only establish a prima facie case by showing that the action in question has a disproportionate discriminate effect on members of the protected class, and is therefore discriminatory in effect -----

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Enclosed please find the **Illegal Discrimination Claims** letter that outlines the policies of **BB&T Bank** and how these policies have the requisite **disproportionate discriminate effect** on the members of the protected class of black Americans.

Claimant petitions to **the FDIC** that **the Banks named in the RCG banking complaint** be directed to answer the Claims in the RCG banking complaint directly – as **in - refute the Claim completely with evidence** and that failing a legitimate business necessity reason that the Claim be certified as part of the findings in the investigation report.

The Claimant petitions for and is entitled to **honest enforcement** and independent **FDIC investigations – BB&T Bank does not get to investigate itself**

**RE: BB&T Bank**

This letter and the enclosed outlines the stark and glaring disparities and outright denials of the amounts of capital, number of Bank branches, in-house bank investments, bank financed developments, commercial lending and loan products to include mortgages, home equity and business loans and lines of credit establishes the prima facie case for illegal discrimination, redlining and denial of equal access to capital pursuant to the banking laws, statutes and regulations – against **the above named Bank.**

## **Illegal Discrimination Claims**

**Bank Branch Disparities** The **Claim** in the banking complaint is that the Zip Codes and neighborhoods of the protected class of black Americans are systematically denied the brick and mortar free-standing edifices of Bank branches from **BB&T Bank** that stabilize the communities, attracts the banks' own investments, lead to Bank financed developments, attracts outside investments and lays the groundwork for City and municipal investments. These favorable advantages work to the benefit of the neighborhoods that have the bank branches – **95 %** of which are in the Anglo Zip Codes – but work to the detriment of the neighborhoods denied the free-standing edifices of Bank branches.. This **Bank policy** that results in the denial of Bank branches to the black American neighborhoods is not one of business necessity – the only argument available to the Banks. This Bank policy of Bank branch placement has a **devastating, disproportionate discriminate effect** on the black American neighborhoods in that these neighborhoods are denied both the Bank branches and the attendant benefits that come from same. Pursuant to the FHA – to include the Final Rule, ECOA, CRA and the governing cases in **US V Hudson City Savings Bank FSB** and **US V Chevy Chase FSB** this action and policy is illegal discrimination and redlining. This practice has the disparate impact on the protected class of black Americans **BB&T Bank** is legally bound – under the FHA Final Rule - to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests that is achieved by this practice. To date **BB&T Bank** does not have a single Bank branch – bricks and mortar free standing edifice – in a single black American Neighborhood in a single specified Zip Code in the whole of Houston

**Mortgage Loans** The **Claim** in the banking complaint is that **BB&T Bank** illegally discriminates against the protected class of black Americans and denies the **equal access to capital** for mortgage loans – the higher rejection rate for this loan product is due to the lending and credit policies of these Banks. These Banks set up obstacles that deny the protected class its rights of equal access to capital for home equity loans – where the homes of black Americans are appraised differently from the homes in the Anglo neighborhoods; where the state of the community is taken into account to determine approval and where the protected class are denied the favorable benefits of banker discretion of counseling and waiver of certain credit marks to get their mortgage loans approved. Since these banks have a higher approval rate for mortgage loans in the neighborhoods where the bank has placed Bank branches – the deliberate policy to **deny black American neighborhoods equal (in some cases no Bank branches)** has a devastating effect on the approval of home equity loans in the black American Zip Codes. The few mortgage loans that are made to the protected class of black Americans come saddled with higher interest rates, with higher fees and denial of any of the banker discretionary benefits as in deferments on repayments. This Bank policy is

**Disparate Treatment** of black Americans – which is in violation of the banking laws. This lending and credit policy by these Banks has a disproportionate discriminate effect on the protected class of black Americans – and establishes the prima facie case for illegal discrimination – pursuant to the **Effects Test. Beyond this the black American homebuyers are denied the equal Deferments, Skip Payment Privileges, Growing Equity Mortgages, Growing Payment Mortgages, etc.**

This practice has the disparate impact on the protected class of black Americans in the underserved Neighborhoods in Houston.

**BB&T Bank** is legally bound –under the **FHA Final Rule** -to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice.

### **Home Equity Loans / Lines of Credit**

The Claim in the Complaint states that **BB&T Bank** illegally discriminates against the protected class of black Americans and denies to this class the Equal access to capital for equal Home Equity Lending for home improvement and home equity loans – the higher rejection rate for this loan product is due to the lending and credit policies of **Prosperity Bank. BB&T Bank** sets up obstacles that deny the black American homeowners the Equal home equity lending – where the homes of black Americans are appraised differently from the homes in the majority Anglo neighborhoods, where the state of the community is weighted heavier in the black American neighborhoods and where the black American homeowners are denied the Equal banker **discretionary accommodations** of counseling, waiver of credit marks, overrides to get their home equity loans approved.

Since **BB&T Bank** has a higher approval rating where it has placed its Bank branches – the deliberate policy **to deny bank branches** to the black American neighborhoods has a devastating effect on the approval ratio of the black American homeowners in the specified Zip Codes. This continuing practice has the disparate impact on the protected class of black Americans in the underserved Neighborhoods of Houston.

**BB&T Bank** is legally bound pursuant to its responsibilities under the **FHA Final Rule** to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice.

**Business Loans / Lines of Credit** The **Claim** in the banking complaint is that **BB&T Bank** illegally discriminates against the protected class of black Americans are denied the **Equal** access and approvals for business loans and lines of credit in both the number of business loans and in the amounts - that are needed to stabilize, develop and to revitalize the neighborhoods. The black American businesses are also denied

the equal advertising and promotion of business loans as well. This Bank policy -- to refusal to finance the businesses in the black American neighborhoods -- both existing and start-ups - is the worst kind of **Disparate Treatment** and forms the worst kind of redlining and is in violation of the banking laws. The Banks also refuse to seek out black American businesses -- as in direct mailings and solicitations- for the loan packages in the same way that it does for the Anglo businesses in the other set of Zip Codes. The black American applicants are denied the wide **banker discretion** of counseling and waiver of credit marks to get their business loans approved in the same way the banks accommodate the Anglo businesses. The few business loans that these Banks do make to the protected class are piecemeal pittances by comparison and come with higher interest rates, denial of any banker discretion of deferments: more onerous late payment penalties and the black American applicants are required to put up larger amounts of collateral. These Bank **policies** form the disproportionate discriminate effect on the protected class of black Americans and establish the prima facie case for illegal discrimination -- pursuant to the **Effects Test**. While **these Banks** are willing to loan black Americans **\$50,000** to buy an expensive vehicle it will not loan black Americans the same **\$50,000** to go into business or for a credit line for an existing business. This is the very kind of subtle and sophisticated illegal discrimination that **The FDIC** must be on lookout for.

**BB&T Bank** is legally bound -- under the **FHA Final Rule** - to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice

**Bank Investment Disparities** The Claim in the banking complaint is that the black American neighborhoods are denied the equal in-house investments that **BB&T Bank** makes in the Anglo Zip Codes. The policies that go into the decisions on where to make the Bank investments are not based on any legitimate business necessity. As part of the sophisticated illegal discrimination the Banks make policy decisions that **deny** the black American neighborhoods the free-standing edifices of Bank branches -- then makes further policy decisions to limit its Bank investments to the neighborhoods where the Bank **has placed the bank branches** -- with the net result of the Anglo neighborhoods receiving 95% of the Banks investment -- to the detriment of the neighborhoods in the black American Zip Codes that were denied Bank branches.

The net effect of this deliberate bank policy is that the Bank investments enriches, stabilizes and attracts other investments to the neighborhoods in the Anglo Zip Codes -- with a **reckless disregard** for the rights of equal investment in the black American neighborhoods. This Bank policy has the disparate impact on this group of persons and denies the protected class all of the favorable advantages and benefits that come with Bank investments and is **Disparate Treatment**. This Bank policy has the

disproportionate discriminate effect on the members of the protected class – and is pursuant to the **Effects Test** – illegal discrimination.

**BB&T Bank** is legally bound – under the **FHA Final Rule** - to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice.

**Bank Financed Developments** The **Claim** in the banking complaint is that the black American neighborhoods in the 21 Zip Codes that are redlined by **BB&T Bank** are denied the equal bank financed developments investments that **BB&T Bank** makes in the Anglo Zip Codes. This sophisticated form of (illegal) discrimination follows the same patterns and is formed by the same Bank policy that places the Bank financed **developments – stores, hotels, restaurants, retail outlets, mixed use luxury complexes** – only where the Bank has made earlier policy decisions to place the Bank branches and where the Bank has made its own in-house investments i. e. the Anglo neighborhoods. The Bank policy decisions on where to place the **Bank financed developments** are not based on any **legitimate substantial nondiscriminatory interest**. As part of the sophisticated illegal discrimination the Banks make policy decisions that deny the black American neighborhoods the free-standing Bank branch edifices and the Banks' own in-house investments and then make further Bank **policy decisions to limit the placement** of the Bank financed developments in the Zip Codes where the Bank has Bank branches and Bank in-house investments.

**The net result of this Bank policy is that 95% of the bank financed developments are placed in the Anglo Zip Codes** – this Bank policy displays a reckless disregard for the equal rights of the protected class of black Americans and is **Disparate Treatment** of same – and results in the disparate impact on the protected class of black Americans in Houston.

Beyond this the Bank financed developments supports the businesses and properties in the Anglo Zip Codes with no corresponding bank financed developments to support the businesses and properties in the black American Zip Codes. As a direct result of this Bank policy these neighborhoods are denied the **equal investments** of capital of bank financed developments, are denied the stabilizing effects and are aggrieved by the wreckage of neighborhoods that are denied Bank financed developments.

**BB&T Bank** is legally bound – under the **FHA Final Rule** - to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice.

**Commercial Building Loans Disparities** The **Claim** in the banking complaint is that the black American neighborhoods are **denied the equal** access to capital and equal capital outlays in the form of commercial building loans. The vast **majority – 95%** - of

the **BB&T Bank** commercial building loans are made in the Anglo Zip Codes and go to support the businesses and properties in the Anglo Zip Codes with no corresponding commercial building loan support for the businesses and properties located in the 26 Zip Codes of the protected class. The banks' lending and credit policy on this matter is such that it provides the capital for the commercial building loans in those neighborhoods and Zip Codes with "higher demand".

The fatal defect of this argument is that the Banks' **earlier** lending and credit **policies** are what caused the "higher demand" in the Anglo Zip Codes in the first place. The Banks' earlier and initial policies to deliberately place the vast majority **95%** of all of its Bank branches, in-house investments and bank financed developments in the Anglo Zip Codes is what caused the "higher demand" now for commercial building loans. The bank now hides behind this policy of "higher demand" to deny the protected class of black Americans in the redlined Zip Codes their rights of equal access to capital and to continue to enrich and to stabilize the neighborhoods in the Anglo Zip Codes.

This bank policy is not one of **legally sufficient justification** – the bank would not go out of business where it made the same **equal** access to capital and the same **Equal** capital outlays for commercial building loans in the 26 Zip Codes of the protected class of black Americans. This policy greatly benefits the citizens, businesses and property owners in the Anglo Zip Codes. This lending and credit policy, however, has a devastatingly disproportionate discriminate effect on the protected class of black Americans.

**BB&T Bank** is legally bound – under the FHA Final Rule - to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice

**Advertising/Marketing Disparities** The **Claim** in the banking complaint is that the black American Media and the black American citizens are aggrieved by the denial of equal investments in the advertising and marketing of the **BB&T Bank's** loan products and banking services, from the denial of direct mailings and of solicitations by these Banks – both in the dollar amounts and in the number of advertisements. This disparity is part and parcel of the overall denial of equal access to capital and denies the protected class the equal knowledge and the equal benefits of the loan products.

This Bank policy – to **place 99%** of the Bank advertisements in the Anglo general media and in the Anglo business and community newspapers – is not based on any legitimate business necessity on the part of the Banks. The supporting evidence for the redlining charge against these Banks is manifested in the Bank advertising policy and in the fact that the **black American Media is excluded** from the Bank advertising campaigns. The bank named in the RCG banking complaints have never signed full advertising

contracts with the black American owned and operated Media – to include newspapers, radio, TV or Internet. **The Bank does not have a single full advertising contract with any black American owned and operated newspaper, radio station or TV** in Houston. The result of this policy of exclusion of equal marketing and advertising dollars and number of advertisements in the black American Media is that the black Americans are not made aware of the loan products and banking services that the Banks offers or of any Bank promotions – and are in effect denied the equal treatment by these Banks.

The vast and glaring disparities in advertising between these two sets of Zip Codes reveals that the Banks prefers one (Anglo Zip Codes) over the other (black American Zip Codes). Since the differences in the amounts of investments in advertising between these two racially distinct areas of **Houston** is so stark and glaring this in and of itself is redlining and illegal discrimination as pursuant to the holdings in the governing case of **US V Chevy Chase FSB**. This advertising disparity also results in the disparate impact and disproportionate discriminate effect on the protected class of black Americans and establishes the case for illegal discrimination pursuant to the **Effects Test**. There is no legally sufficient justification – pursuant to the Fair Housing Act Final Rule” argument to legally justify this brand of discriminatory actions.

**BB&T Bank** is legally bound – under the FHA Final Rule -to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interest achieved by this practice -----

**Community Development Loans.** The **Claim** in the banking complaint is that the protected class of black Americans in the neighborhoods of the 21 Zip Codes in **Houston** are denied the equal investments in community development loans by **BB&T Bank**. That 90% of these **Banks'** community development dollars are placed in the Anglo Zip Codes – to the detriment of the 21 Zip Codes of the protected class – is the very kind of disparate impact that forms the prima facie case under the FHA Final Rule and forms the **disproportionate discriminate effect** that establishes the prima facie case for illegal discrimination pursuant to the ECOA Effects Test. What meager efforts **BB&T Bank** makes in this regard are based on different standards for what constitutes community development – while **BB&T Bank** is willing to make community development loans available for rehab cesspools, detoxification sewer holes and “affordable housing” in the neighborhoods of the protected class of black Americans it will not and has made any community development loans or investments that revitalize and stabilize the black American communities as in **High Tech Centers**; to train computer programmers and Coders as in **Apprenticeship Academies** to train machinists and electricians or for gleaming **Neighborhood Centers** for neighborhood improvements – beautification and public safety.

**BB&T Bank** is legally bound – under the FHA Final Rule -to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interest achieved by this practice.

**Bridge Loans** The **Claim** in the banking complaint is that the protected class of black Americans - both **businesses and homeowners** - is aggrieved by the denial of equal access to Bridge Loans from **BB&T Bank** – both in the dollar amounts and in the number of **Bridge Loans** applications and approvals. This disparity is part and parcel of the overall denial of equal access to capital and denies the protected class the equal benefits of the credit and loan products that the banks freely make available to the Anglo neighborhoods in the Anglo Zip Codes. That **95%** or better of the **Bank** bridge loans are made in the Anglo neighborhoods – to the detriment and reckless disregard for the equal rights of the neighborhoods of the protected class of black Americans. This is the very kind of disparate that forms the prima facie case under the FHA Final Rule and disproportionate discriminate effect on members of a protected class that forms the prima facie case for illegal discrimination pursuant to the **Effects Test**; that is violation of the **ECOA** and is violation of the holding in **US V Chevy Chase FSB**.

**BB&T Bank** is legally bound – under the FHA Final Rule -to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice

**Working Capital Loans** The Claim in the banking complaint is that the businesses in the neighborhoods of the protected class of black Americans are denied equal **Working Capital Loans** that **BB&T Bank** freely make available to the businesses in the Anglo neighborhoods – to the tune of a **95% ratio**. This denial – like the other denials – has devastating consequences for the survival – much less the thriving – of the businesses in the black American neighborhoods. The negative impact on the whole community leaves in its wake closed businesses and abandoned shops – a situation not suited to attracting the very kind of private investment needed for a thriving neighborhood. This situation also affects the appraisal of home and property values in the community and makes for an unlivable environment. Beyond this the deliberate denial of **Working Capital Loans** to the protected class of black Americans is the very kind of disparate impact actionable under the FHA Final Rule and is the worst kind of redlining and illegal discrimination and is in violation of the banking laws: **CRA, ECOA, FHA Regulation C** and of the ruling in **US V Chevy Chase FSB**

**BB&T Bank** is legally bound – under the FHA Final Rule - to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice.

**Bank Discretionary Accommodations** The **Claim** in the banking complaint is that the protected class of black Americans in the neighborhoods of the 21 Zip Codes in **Houston** presently redlined by **BB&T Bank** is aggrieved by the blanket denial of any of the discretionary accommodations – **counseling, waivers of credit marks, overrides** to get their loans and credit lines approve in the same way the Bank does for the Anglo applicants. Yet **these same Banks** freely extends all of the discretionary accommodations to the individual applicants and businesses in the Anglo neighborhoods. This policy and practice by **BB&T Bank** has the requisite **disproportionate discriminate effect** and disparate impact on the protected class of black Americans most egregious kind of illegal discrimination and has devastating effects on the communities and neighborhoods in the 21 Zip Codes of the protected class of black Americans. The denials of the discretionary banker accommodations include: waivers of credit marks, counseling and overrides.

**BB&T Bank** is legally bound – under the **FHA Final Rule** - to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice

**Informational Banking Services** – The **Claim** in the banking complaint is that the protected classes of black Americans in the 21 Zip Codes that are presently redlined by **BB&T Bank** are aggrieved by the blanket denial of the direct mailings, solicitations and pre-approved credit cards that **BB&T Bank** freely makes available to the Anglo Zip Codes. It is **the Banks'** policy to limit the direct mailings and solicitations for the loan products to the neighborhoods where it has placed Bank branches. As **BB&T Bank practices, policies and actions (and non-actions)** discriminates against the neighborhoods of this class for placement of Bank branches the individuals and businesses are also denied the equal Bank informational services in the same way that **BB&T Bank** accommodates the individuals and businesses in the Anglo Zip Codes.

**Ascertainment of Credit Needs** The **Claim** in the banking complaint is that the neighborhoods of the protected class of black Americans are denied the equal rights under the **CRA** – for **BB&T Bank** to take the equal affirmative steps and the equal continuing actions to assess and to meet the credit needs of the individuals; businesses and non-profits. **BB&T Bank** has not formed any viable and visible working relations and CRA partners in the black American neighborhoods; has not sponsored any “Meet Your Banker” Galas and has not sponsored any real Financial Literacy Seminars at any Hotels or ay any University Halls to accommodate the black Americans in the same way that the Bank does for the Anglo neighborhoods.

**Promotion of Loan / Credit Products** The **Claim** in the banking complaint is that **BB&T Bank** has failed to promote the loan and credit products in the neighborhoods of the protected class of black Americans in the same way it does in the neighborhoods in

the Anglo Zip Codes. The businesses in the first set of neighborhoods are denied even the basic business loan products – much less the “expanded suite of specialty commercial loan products” and “wider array of credit products” that **BB&T Bank** presently provides for the businesses in the Anglo neighborhoods in Houston and beyond.

Comerica Bank is legally bound to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice.

**Overrides/** The Claim in the banking complaint is that the individuals and businesses in the neighborhoods and Zip Codes of the protected class of black Americans are aggrieved by the outright denial of the equal granting of overrides and exceptions to the credit underwriting and pricing policies that **BB&T Bank** freely grants to the individuals and businesses in the Anglo neighborhoods and Zip Codes in Houston.

**Factoring** The **Claim** in the banking complaint is that the small businesses owned and operated by the protected class of black Americans are denied and are aggrieved by illegal discrimination in the banking service of factoring (Asset based lending). This is an important banking service offered by **BB&T Bank**. It is one where the outstanding invoices of a business are purchased by the Bank with the Bank making available immediate working capital for the business – and can make the difference between a business thriving and a business failures. **BB&T Bank** does not promote or advertise this banking service to the protected class of black Americans nor does the Claimant find anywhere in the 21 Zip Codes where **these Banks** has made this service available to any of the black American small businesses.

### **Loan Product Disparate Treatment**

The **Claim** in the banking complaint is that the individuals and businesses in the neighborhoods of the protected class of black Americans – even where approved for loans – are aggrieved by the unequal and discriminatory actions of **BB&T Bank**:

--are **charged higher rates** of interest for the same loans and credit products as similarly situated Anglo applicants in the second set of Zip Codes

--are required to put up **larger amounts and sizes of collateral** to secure same loans products as similarly situated Anglo applicants and businesses in the second set of Zip Codes

--are **denied** the equal **favorable treatment of deferments** on repayments on the loan products as similarly situated Anglo applicants

These actions, practices and policies of the Banks are violations of the banking laws: **CRA, ECOA – to include the Effects Test, FHA – to include the Final Rule, Fair**

**Lending Laws, Regulation B, FTC Act – Section 5 and HMDA** form the prima facie case for illegal discrimination pursuant to the **Effects Test** and is redlining and denial of equal access to capital pursuant to the controlling authority of the US Supreme Court rulings in the holdings in **TDHCA V ICP, Inc.**, **US V Hudson City Savings Bank FSB** and **US V Chevy Chase FSB**

### **Reverse Redlining**

The **Claim** in the banking complaint is that the individuals and businesses in the neighborhoods and Zip Codes of the protected class of black Americans are aggrieved by the Banks policies, practices, actions (and non-actions) that target this class for “approval” of only the most **toxic, exploitative and high** cost loan and credit products – this includes everything from business, home equity, mortgages, auto, construction and personal loans and lines of credit.

The actions and policies of **BB&T Bank** is **Disparate Treatment** with **Disparate Impact** on the protected class of black Americans and are illegal discrimination pursuant to the **FHA Final Rule** and redlining pursuant to the holdings in **US V Hudson City Savings Bank FSB** and **US V Chevy Chase FSB**.

These actions, practices and patterns of these Banks are systemic, pervasive and continuing and will only be corrected by the deep, wide, Color of Money investigation and full prosecution and imposition Fines, Penalties, Sanctions, Monitoring and capital Fund.

**Charitable Contributions** The **Claim** in the banking complaint is that the Charities and non-profits in the neighborhoods of the protected class of black Americans are denied the charitable contributions; **Bank** employee assistance and the Capital Campaigns that **BB&T Bank** freely makes available for the Non-Profit Corporations in the Anglo Zip Codes. Beyond this outright denial, **BB&T Bank** sets different standards for the pittance that it does make to the black Americans Charities – it is limited to the homeless services; rehabilitation cesspools and detoxification sewer holes for a class of degenerates that does not revitalize the community. In the Anglo Zip Codes **these Banks** makes much larger donations to Charities that actually stabilize the neighborhoods.

As all three parties to this action are bound by the **laws** and in pursuit of the whole **truth** the Bank must not be allowed to “address” or otherwise dance around the Claim in the banking complaint. To this end, Claimant petitions that **BB&T Bank** is to be directed to answer the Claim directly – as in **YES** or **NO** – as in refute completely with evidence.

**BB&T Bank** is legally bound – pursuant to the FHA Final Rule - to provide the legally sufficient justification to prove the legitimate substantial nondiscriminatory interests achieved by this practice

**Disparate Treatment** – the protected class of black Americans are denied the equal rights of equal treatment by **BB&T Bank**. AS the individual bankers within these Banks have wide discretion and the granting – or denial – of this discretion makes all of the difference in the granting or denial of credit. The black Americans are denied the **counseling** by these Banks and are denied any **waivers** of credit marks; denied the **banker discretion** to get their loans approved; denied the opportunity for signature loans; denied the equal knowledge of the loan products or of any special promotions due to the Banks policy **to not advertise** in the black American Media; denied the direct mailings and solicitations. This is failure to provide equal information services. AS there is no legitimate “business necessity” argument for these policies and actions that deny equal rights to black Americans and as these policies have a disproportionate discriminate effect on the protected class this establishes the case for illegal discrimination – pursuant to the **Effects Test**. These policies are all the more egregious in that the courts have ruled that this action – **Disparate Treatment** – is intentional discrimination because the difference in treatment on this prohibited basis has no credible non-discriminatory explanation.

**Redlining** The black Americans in the 21 Zip Codes in **Houston** (and the 26 Zip Codes in Dallas) are aggrieved by the policies and actions of these banks and suffer redlining where the Banks practices make for **unequal** access to capital and credit; **unequal** access to the information services; **unequal** access to banking services and **deliberately deny** the protected class the same favorable treatment that the Bank freely extends to the Anglo population in the second set of Zip Codes. The black American neighborhoods are also aggrieved by revers redlining – where the Bank only makes available the high cost toxic loan and credit products.

**Disparate Impact** the black Americans are further aggrieved by **BB&T Bank** seemingly neutral lending and credit policies because these Bank policies disproportionately excludes and places undue burdens on the protected class – as in minimum home mortgage amounts which places the purchase of a home out of reach of the black Americans; as in years long relations with the local Banks to get approved for loan products – the black Americans could not have had the same years’ long relations with the Banks as the Anglo applicants because the black neighborhoods are denied the bank branches; as in requiring years of experience in owning and operating **wealth creating entities** – Real Estate Investment Trusts, Stock Brokerage Houses, Trading Companies and Private Equity Groups – black Americans **could not have** had the years of experience in these entities because black Americans have historically been

denied the equal access to the relatively large amounts of capital needed to own and operate the wealth creating entities in the first place.

**BB&T Bank** – pursuant to the FHA Final Rule – is legally obliged to provide the legally sufficient justification to prove that these practices as challenged in the Complaint are necessary to achieve one or more of the Banks’ legitimate substantial nondiscriminatory interests that results **in disparate treatment** and have the **disparate impact** on the protected class of black Americans. Any “business necessity” argument is disallowed in the case of **Disparate Treatment** on a prohibited basis. The “business necessity” argument is further disallowed to justify discriminatory Bank policies because the argument is routinely dismissed as a pretext for illegal discrimination and redlining.

The prima facie case for illegal discrimination is further established due to the disproportionate discriminate effect that the **BB&T Bank** policies have on the members of the protected class – in this case black Americans – pursuant to the **FHA Final Rule** and the ECOA - **Effects Test**.

The totality of the systemic and continuing actions (and non-actions), practices and patterns by **BB&T Bank** denies the protected class of black Americans

--denies the full and Equal **full enjoyment of rights** secured under the CRA, ECOA, FHA – to include the Final Rule and Fair Lending Laws

--denies the full and **Equal rights** of Equal opportunity to secure credit transactions

--denies the full and **Equal opportunity** to revitalize and to stabilize the neighborhoods

--denies the full and **Equal opportunity** to create wealth – as **BB&T Bank** has not marketed, promoted or made the financing for a single Wealth Creating Entity

--denies the **full Equal rights** of American citizenship

--denies the full Equal rights secured under the **Title VIII** – 1968 Civil Rights Act

--denies the full Equal rights secured under the **Equal Protection Clause** – 14<sup>th</sup> Amendment – US Constitution

**BB&T Bank** does not get to decide which Neighborhoods – by racial and Zip Code divisions - are to receive the favored advantages of access to capital, lending, banking services, Bank branches, Community Outreach and which Neighborhoods it gets to deny – in some cases -to ignore altogether -----

This is the last vestiges of the Equal Rights Struggle and in the noble tradition of Civil Rights we must now knock down the last barrier - **Equal Access to Capital**.

The **Claimant** petitions that the **following rights of Due Process** be honored and enforced by **The FDIC**.

--that **BB&T Bank be directed** to abide by the **FHA Final Rule** to provide the legally sufficient justification to prove that the practices challenged in the Complaint are necessary to achieve one or more of the Banks' legitimate substantial nondiscriminatory interests and that these interests – where legitimate – could not be achieved by another practice with a less discriminatory effect -

-the legally sufficient justification must be supported with evidence and cannot be speculative or hypothetical – and is to be provided per Claim

Where BB&T Bank fails to faithfully abide by the FHA Final Rule – in its entirety and in its full and final perfection as outlined above the **Illegal Discrimination Claims stands** –as

**BB&T Bank** does not get to pick and choose which parts of the FHA it is going to abide by and which parts it is going to ignore -----and to direct **BB&T Bank** answer the **Illegal Discrimination Claims** in the Complaint directly, truthfully, honestly and completely

--**Interview** of the Claimant by FDIC investigators in the course of the investigation

--**Zip Code Tour** – that the FDIC investigators be on the ground in Houston to see first-hand the stark and glaring disparities between the two sets of Zip Codes due to the Banks refusal to do business in the black American neighborhoods – in violation of the CRA and ECOA and Fair Lending Laws

--**Hearing** – Claimant is entitled to schedule a full hearing on the Banking Complaint – with the named Bank present.

--**Rights** to honest investigations – that **BB&T Bank** not be allowed to reframe and to dance around the **Illegal Discrimination Claims** as to allow for such denies the Claimant rights to honest and truthful investigations

--that Claimant be afforded opportunity to refute the “answers” from **BB&T Bank** – in the relentless pursuit of the whole truth.

The Claimant petitions that the FDIC

-deny the Merger Application To Acquire SunTrust Bank

--imposes Fines - \$500 Million Dollars minimum

--imposes Penalties – to include Cease and Desist Orders on **BB&T Bank** and Removal Orders for the entire Board and the Chairman

--imposes Sanctions for the cancellation of the FDIC Insurance and 5 Year Agency Monitoring on **BB&T Bank** pursuant to the RCG Complaints

--to refer the **BB&T Bank** case to the Department of Justice Civil Rights Division with recommendations for civil actions

-to refer the case to the Department of Housing/Urban Development for Discrimination Charges

**In The Relentless Pursuit of Justice,**

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**Chairman / RIG**

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