

Re: Dodd-Frank Wall Street Reform and Consumer Protection Act - Orderly Liquidation Authority NPR

I am submitting comments pertaining to the "Presumptions" section of the Notice of Proposed Rule making embodied in the FDIC Press release dated 03/15/2011.

As a CFO, I object to the concept of a presumption of substantial responsibility solely on the basis of the title of an officer, any officer.

In smaller, non publically traded Financial Institutions (FI) especially ones where the majority ownership of an FI is concentrated in a few shareholders, having the title of CFO is not the same as being CFO of a larger publically traded FI. There is no chain of authority within these smaller FIs for the voice of a CFO to be heard, respected and/or listened to. This is even more pronounced where a CFO is not on the Board of Directors and there is no formal forum for stating/recording objections to policies and balance sheet investment concentrations in say CRE loans or loans in general that can and have lead to failures of many smaller FIs/community banks.

Presuming a CFO substantially responsible solely on the basis of title puts him/her in the unenviable position of having to rebut the presumption of substantial liability by basically proving a negative at his/her own expense.

Further, the examples cited on page 20 justifying the use of rebuttable presumptions are not similar to presumptions of PERSONAL responsibility that are inherent in this Proposal. The implied presumption here is one of guilt and is against the grain of my (any officers') constitutionally protected rights of being innocent until proven guilty and I am therefore asking them to be withdrawn from this Proposal before it becomes final.

Randy Sara
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