



INDEPENDENT **COMMUNITY** BANKS
OF NORTH DAKOTA

COMMUNITY BANKER NEWSLETTER

Official Newsletter of Independent Community Banks of ND

Nov / Dec 2018 Issue



2019

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Chairman's Remarks



Rick Braaten

American State
Bank & Trust Co
Williston
ICBND Chairman

Rick

With the holiday season fast approaching I want to wish everyone a Merry Christmas and Happy New Year. Wow! Hard to believe how fast 2018 has passed by. I would say the Washington Summit and State ICBND convention were highlights for me this past year. Happy to have the elections behind us and maybe a short reprieve from the political commercials. Some nice things happened for community banking this past year. Looking forward to meeting and seeing many of you at ICBND events in 2019. All the very best in the new year. Stay warm, healthy and happy.



President's Remarks



Barry Haugen

ICBND President

We survived another election season and an interesting one it was. At the macro level, voter turnout nationally was huge with nearly 100 million people voting representing an increase of almost 25 percent over the last midterm. The divide of the suburban vote and urban vote continued to widen with Republicans losing more ground in suburban districts but maintaining a stronghold in rural areas. 100 new members of Congress will be making their way to DC. Of those 100, 63 are Democrats and 37 are Republicans.

While the Republicans held the majority in the Senate (and even gained a couple seats), the majority in the House flipped with Democrats picking up 37 seats. This was not altogether unexpected but will create some interesting leadership changes in the House. Nancy Pelosi certainly has the upper hand for Majority Leader. The House Financial Services Committee will be chaired by Maxine Watters which will make for a much different tone than we're used to out of this committee. Regulatory relief does not rise very high in her priority list. Instead, she will be very aggressive in attacking big banks. Other priorities for the new chair include investigations into Wells and Deutsche Bank, addressing the Equifax breach, protection of the Bureau of Consumer Financial Protection, the Jobs Act 3.0, and flood insurance. Absent a great deal of confidence for regulatory relief, we are hopeful that we will see some movement on data security issues and maybe even some modernization of BSA/AML in this next Congress.

Despite being in a lame duck session right now, we have seen progress on a new farm bill. Just last

night, top congressional farm bill negotiators said they have reached an agreement in principle on the 2018 Farm Bill. As you know the existing farm bill has expired. The Senate and House Ag Committee chairmen said they are working to finalize report language and receive cost estimates from the CBO. Final details and hopefully a vote will have occurred by the time you've read this. The safety net aspects of a farm bill, not the least of which is crop insurance, are critical to our members and their customers.

Closer to home, the North Dakota Senate will have 7 new faces with 5 Republicans and 2 Democrats. On the House side, there will be 12 new members with 8 Republicans and 4 Democrats. Republicans in the state assembly continue to maintain a 116-25 supermajority along with all of the statewide elected officials. The Organization Session kicks off next week and ICBND will be there every step of the way during the 66th ND Legislative Assembly representing the interests of community banking.

Finally, and most importantly, Merry Christmas and Happy New Year to you all. Please take time during this busy season to cherish the things that really matter.

Barry



MERRY CHRISTMAS

Featuring ICBND's Newest *Endorsed* Associate Member

Dakota Carrier Network

Bismarck

4202 Coleman St.

Bismarck, ND 58501

Contact: Todd Domres– Director of Sales

Phone: (701) 323-3039

Email: tdomres@dakotacarrier.com

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Fargo

3901 Great Plains Drive S

Fargo, ND 58104

Contact: Dana Eckart– Account Executive

Phone: (701) 364-1304

Email: deckart@dakotacarrier.com



Dakota Carrier Network (DCN) provides Ethernet, Broadband, and Internet services on a statewide fiber-optic network. DCN also offers customers co-locations space for data backup and disaster recovery services.

Watch for more information soon.

We welcome our newest endorsed associate member and encourage all of you, our member banks, to refer to your associate members *first* to fulfill your growing community bank's needs.





Featuring other valued Associate Members

Shown alphabetically by logos

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**REBECA ROMERO
RAINEY
PRESIDENT AND
CEO**

**"WE MUST ALL PAUSE THIS
HOLIDAY SEASON AND
APPRECIATE THE PEOPLE
WHO MAKE THIS INDUSTRY
WHAT IT IS."**



FLOURISH COLUMN

With the holidays and New Year just on the horizon, it's a time for all of us to reflect on 2018 and what it meant for us personally, professionally and, as it often is for community bankers, a mix of both.

We can reflect on the historic regulatory relief victory in May in the form of S.2155, the Economic Growth, Regulatory Relief, and Consumer Protection Act. This was a success of our doing after years of advocacy and passionate storytelling about what regulatory relief would mean for our banks and the communities we serve.

We can reflect on being at the forefront of innovation. In October, we led the way by partnering with The Venture Center to launch the ICBA ThinkTech Accelerator. Through this exciting initiative, we will bring community banks, early-stage fintechs and key stakeholders to the table to identify challenges, solve problems and, ultimately, provide more opportunities for economic growth and development in communities throughout America. What an incredible opportunity.

And we can reflect on the

many friendships we forged and grew throughout the year, often at events like ICBA Community Banking LIVE or our respective state conventions. These were opportunities to gather with friends while moving our great industry forward.

In looking back at 2018, I can't help but think of Kurt Yost, whom we lost in October. Kurt was president and CEO of Nebraska Independent Community Bankers for 34 years and was one of the community banking industry's greatest champions.

My inbox has been flooded with emails in the weeks since his passing—messages from community bankers across the country sharing their stories about how Kurt was such an incredible friend, advocate and all-around amazing person.

Anyone who knew Kurt could always expect a hug, an attaboy and his smile, which would go from ear to ear. The minute he walked into a room, whether he was hosting or participating, he made you feel welcomed—he always made me feel welcomed. Kurt was a powerfully positive presence wherever he was and in

whatever he did.

And while he gave his heart and soul to his members, community, state and industry, he was also a problem solver who called it like it was. He was, without a doubt, a game changer. Thank you for everything that you were and everything you accomplished for our industry, Yostie. We will miss you immensely.

And this is exactly why we must all pause this holiday season and appreciate the people who make this industry what it is: something unique, something special, something to be grateful for.

Thank you, community bankers, for all you do. I wish you the happiest of holidays and the warmest of wishes for the New Year.

Rebeca Romero Rainey is president and CEO of the Independent Community Bankers of America® (ICBA), the leading advocacy organization exclusively representing community banks.



TIM ZIMMERMAN
CHAIRMAN, ICBA

**"WE'RE ALREADY
EXPERIENCING THE TANGIBLE
BENEFITS."**



FROM THE TOP COLUMN

They say the days are long and the years are short. This is often used in the context of raising children, but it's just as relevant for community bankers in 2018. While our days were sometimes a grind, together we achieved numerous historic advocacy gains that have had tangible benefits for community bankers.

We started 2018 digesting and implementing generational tax reform, which passed at the end of 2017 and features significant reductions in tax rates. Meanwhile, we kept our focus on pushing forward for regulatory relief.

Thanks to the cumulative impact of grassroots calls and emails, op-eds, petitions and meetings, the Economic Growth, Regulatory Relief, and Consumer Protection Act (S.2155) was passed and signed into law with strong bipartisan support! This landmark law unravels many of the suffocating regulatory burdens community banks face. For community bankers, it is already paying dividends and providing real regulatory relief.

Let's start with mortgage lending. The expanded "qualified mortgage" safe

harbor for portfolio loans will benefit the vast majority of community banks. The agencies have begun to act on the exemption from expanded Home Mortgage Disclosure Act reporting, shielding many local banks from this excessive regulatory burden. Meanwhile, they're working to implement relief from mandatory escrow requirements. For those community bankers who have considered leaving the mortgage lending market due to the regulatory headaches, these and other provisions could be a game changer.

Or how about the broader regulatory reporting environment? S.2155 implements a short-form call report, expands access to the 18-month exam cycle, exempts most community banks from the Volcker Rule, simplifies capital rules and eliminates Dodd-Frank stress testing for larger community banks. This all adds up to a far more efficient and manageable regulatory regime, allowing community bankers to focus more on what we do best: serving our customers and communities.

Amid these policy improvements, we're also enjoying a welcome change

in the "tone from the top" or culture of the banking agencies. The regulatory heads have professed a commitment to transparency, innovation and congressional intent while they've begun transforming their agencies to restore trust among community bankers and other regulated entities.

As 2018 comes to a close, the community banking industry stands far stronger than it did at the beginning of this whirlwind of a year. The concrete policy gains that we achieved are already helping our banks thrive. I am confident that we will be able to continue building on these accomplishments in 2019. It'll be here before you know it.

Connect with Tim
@TimZimPgh

Did you know?

Community bankers this year sent more than 15,000 messages and 10,000 petition signatures to Congress advocating the passage of S.2155.

Timothy K. Zimmerman is chairman of the Independent Community Bankers of America® (ICBA), the only national advocacy organization that exclusively represents community banks and is CEO of Standard Bank in Monroeville, Pa.



JIM REBER,
PRESIDENT AND
CEO OF ICBA
SECURITIES

PORTFOLIO MANAGEMENT

How 'Bout Them Dogs? Put unrealized losses to good use

This just in: community bank investment portfolios have lost value in 2018. The rest of this column contains good news. At least, it does for those community bank portfolio managers who are interested in improving future earnings, creating a more diversified collection of bonds, tweaking their risk profile and, yes, deferring income. I hope that includes you.

Before we get into the numbers, and at the risk of being Master of the Obvious, I want to mention that all of the decline in value this year is for the purest of reasons: rising interest rates. In the recent past (i.e. the last decade), there have been certain securities whose prices had plummeted because either credit quality had deteriorated or spreads had widened. Two of the more notable examples of this are the cratering of Fannie Mae/Freddie Mac Preferred Stock in the aftermath of their being placed in receivership in 2008, and a couple of episodes of disruption in the muni market. Does Meredith Whitney on "60 Minutes" ring a bell?

Where we are

Even though we're now a full three years into this rising rate cycle, bond prices have really been quite stable until just recently. The Fed first hiked overnight rates in December 2015 after warning that it might for several meetings. By the end of that year, the typical community bank had a modest unrealized loss of about 30 basis points (0.30 percent).

Fast forward two years, to December 2017, and those

losses, on average, were still only 50 basis points. The cause of the relative price stability was two-fold. First, the Fed was moving quite slowly, as there were only four rate hikes in that two-year period. Second, credit spreads on most of the bonds banks owned tightened during that period. As the economy improves, the required incremental yields over those of benchmark Treasuries normally shrink, and such was the case here too.

Today, those losses on average are approaching 3 percent. That means a \$100 million portfolio is \$300,000 underwater. Many community banks have not a single bond that's owned at an unrealized gain. If your portfolio sounds like this, you're in good company. This also represents an opportunity.

Build for the future

If you ask your tax accountant if income deferral is a sound tax-planning and cash flow strategy, you should first set your stopwatch to see how long it takes to receive a "yes." Selling some underwater bonds, which some might term "dogs," and buying other securities that have higher market yields will push income into future periods. It will also delay some payment of income tax to Uncle Sam.

So far this year, the banking industry's earnings are about 20 percent ahead of last year. That's due to both a still-improving lending environment and (as you may have heard) tax reform. Chances are that your institution could selectively sell some bonds this year and still meet its earnings goals, with all future years also benefiting.

Look both ways

As you investigate your opportunities, a few bond-swap reminders are in order. First,

economically, the best bonds to sell are the ones with the lowest current market yields. Examples of these could be short bullet agencies or "pre-refunded" munis. Your brokers could use the term "take-out yield" as a synonym for market yield.

Also, and this may be academic at this point, it's very difficult to make the math work by taking a gain on a tax-free bond. However, it can be beneficial to buy tax-free securities to replace bonds sold at a loss. Your broker can demonstrate the economics of this "tax swap" strategy.

Finally, from a timing standpoint, it's wise to act sooner rather than later as year end approaches. The liquidity in the bond market often starts to evaporate by mid-December, so you'll want to stay ahead of that likelihood. And, if it's more advantageous to take some losses in the next calendar year, think about pulling the trigger by mid-January. Having nearly an entire year to start making up the realized losses will help the 2019 results.

There are plenty of reasons to think about taking some losses now, and this column contains just a few of them. Your broker-dealers can help you and your management team identify which "dogs" can be converted into "winners" for future periods.

Anatomy of a Swap

ICBA Securities' endorsed broker, Vining Sparks, can help identify bond swap candidates and quantify the impact of a swap on the entire financial position of your community bank. For a demonstration of the Performance Architect, contact your Vining Sparks sales rep.

Jim Reber is president and CEO of ICBA Securities and can be reached at 800-422-6442 or jreber@icbasecurities.com.



ICBA CONTINUES CALL FOR CONGRESS TO MODERNIZE BSA

With Congress resuming its inquiry into Bank Secrecy Act effectiveness and efficiency, ICBA repeated its call for lawmakers to modernize the law. In a statement for a Senate Banking Committee hearing examining regulatory and law-enforcement perspectives, ICBA offered its plans on how to alleviate compliance burdens and allow community banks to better allocate their resources.

ICBA's statement urged policymakers to update currency transaction report and suspicious activity report thresholds, streamline reporting requirements, offset BSA compliance costs, and require beneficial ownership information to be collected at the time a legal entity is formed.

At the hearing, regulators joined lawmakers from both parties in expressing support for BSA modernization. Financial Crimes Enforcement Network Director Kenneth Blanco said his agency is working with banking regulators to ensure financial institutions are devoting their resources to the highest-priority national security interests.

[READ ICBA STATEMENT](#)

[SEE MORE ON HEARING](#)

CONGRESS CLOSING IN ON FARM BILL DEAL

Top congressional farm bill negotiators said they have reached an agreement in principle on the 2018 farm bill, which renews farm, crop insurance and food-aid programs. In a joint statement, the Senate and House Agriculture Committee chairmen and ranking members said they are working to finalize report language and receive cost estimates from the Congressional Budget Office. Final details, and possibly a congressional vote, are expected next week.

[READ THE JOINT STATEMENT](#)

ANOTHER RATE HIKE COMING 'FAIRLY SOON': MINUTES

Federal Reserve rate-setters said another bump in benchmark interest rates is likely to be warranted "fairly soon," according to the minutes of this month's Federal Open Market Committee meeting. The minutes suggest another 25-basis-point hike in the federal funds rate is likely at next month's final FOMC meeting of 2018.

[READ THE MINUTES](#)

PENDING HOME SALES CONTINUE DECLINE

The **National Association of Realtors'** index of pending home sales decreased 2.6 percent in October and was down 6.7 percent from a year ago. The index has declined for 10 consecutive months. NAR said the recent rise in mortgage rates has further reduced the number of potential homebuyers, which have already been deterred by low inventories and high prices.

PERSONAL INCOME, SPENDING SOLID IN OCTOBER

Personal income and disposable personal income each increased 0.5 percent in October, the **Commerce Department** said. Personal spending rose 0.6 percent. Adjusted for inflation, disposable income was up 0.3 percent and spending increased 0.4 percent, providing a boost to fourth-quarter growth in the gross domestic product.

AGENCIES PLANNING RESOLUTION REFORM: MCWILLIAMS

The FDIC and Federal Reserve are reviewing resolution-planning regulations for bank holding companies, FDIC Chairman Jelena McWilliams said. McWilliams said that while the largest financial institutions remain an untested resolution challenge, the agencies are looking to make resolution planning more targeted and will release a proposal in the coming months.

[READ THE SPEECH](#)

About ICBA

The Independent Community Bankers of America®, the nation's voice for nearly 5,700 community banks of all sizes and charter types, is dedicated exclusively to representing the interests of the community banking industry and its membership through effective advocacy, best-in-class education and high-quality products and services. For more information, visit ICBA's website at www.icba.org.



Main Street Matters

Subchapter S Sit-down



Catching up on the unresolved tax deduction for pass-through businesses

By Alan Keller and Steve Keen

ICBA has been working with policymakers to ensure the ICBA-advocated Subchapter S tax deduction is workable for all Sub S community banks. Main Street Matters sat down with ICBA's **Alan Keller**, first vice president of legislative policy, and **Steve Keen**, vice president of congressional relations, to check in on the issue.

Let's start from the beginning. What is the issue at hand?

Keller: The tax-reform law that passed at the end of 2017—the Tax Cuts and Jobs Act—includes lower tax rates for shareholders of Subchapter S corporations and other pass-through businesses. The law was a big community bank success and generally provides that Sub S shareholders are eligible for a deduction equal to 20 percent of their qualified business income, subject to certain limitations. How those limitations are interpreted is what is being debated now.

Keen: While most Sub S banks shouldn't have problems using the 20 percent deduction, the law lays out certain "specified services" that are not eligible. ICBA is advocating for a broad interpretation that would ensure all community bank activities are eligible.

What does the law say about these ineligible services?

Keller: Section 199A of the law says income from a "specified service trade or business" is not eligible for the deduction. The specified services include "financial services" but not "banking," so our position is that all permissible banking activities should be eligible for the deduction. Specified services also include "brokerage," "investing or investment management," and "dealing in securities."

Do the regulators implementing the law disagree with ICBA's position?

Keller: In their [proposed rule](#), the Treasury Department and IRS included various financial services that do not qualify for the deduction, such as trust or fiduciary services, wealth management, retirement planning, and income from loans sold to be securitized.

Keen: It also established de minimis thresholds to qualify for the full deduction. Businesses that have \$25 million or less in gross receipts and earn less than 10 percent of those receipts from these services would be eligible for the full deduction. Same for businesses with more than \$25 million in gross receipts that earn less than 5 percent from those services. It's kind of confusing, but basically Treasury is carving out pieces of the banking business that won't qualify for the deduction.

Keller: In a [joint comment letter](#), ICBA and other groups also called on the IRS to raise the de minimis thresholds to a flat 25 percent in addition to allowing all activities permissible for a bank to qualify for the deduction.

That all sounds pretty complicated for Sub S bankers doing their taxes.

Keller: Complicated and costly. The big concern is that this disincentivizes the Subchapter S model and encourages Sub S banks to transition to C-corps.

Keen: Which Congress did not want to do.

Keller: Yes. ICBA and community bankers worked hard during the tax debate to create parity or near parity in the taxation of C banks and S banks. We felt that we ended up in a good place when the law was signed, but now the proposed rule threatens to undo some of our work and, we believe, the intent of Congress.

Continued on next page...



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Continued from previous page.

So where are we now?

Keller: In addition to the comment letter, ICBA has been working with the administration to make our case. We met over the summer with staff from the White House and Office of Management and Budget. There were also four community bankers who testified at an IRS hearing a couple weeks ago. Collectively, we're making the case that a broad interpretation of the law would bolster lending and support economic growth, which was the whole point of tax reform.

Is anyone else weighing in?

Keen: Yes, a group of 12 senators led by Sen. Jerry Moran (R-Kan.) recently called on Treasury to revisit the proposed rule. They said the proposed rule unreasonably limits the deduction, which is important because it conveys congressional intent.

What's next?

Keen: We're going to keep working the issue with Congress and the administration. We made a big grassroots push during the comment period, so expect more of that as well.

Keller: We'll need everyone to weigh in on this issue. Generational tax reform was an important breakthrough that is reaping a lot of benefits, but the Sub S issue is important unfinished business.



ICBA updated its comprehensive matrix on the implementation of S.2155 provisions affecting community banks. The guide, which provides a status report on all relevant provisions of the regulatory relief law, includes newly proposed rules and other recent developments.



IMPLEMENTATION OF S. 2155

THE ECONOMIC GROWTH, REGULATORY RELIEF, AND CONSUMER PROTECTION ACT

| Section/Subject | Summary | Agency | Status |
|--|--|----------------|---|
| Sec. 101 – Minimum Standards for Residential Mortgage Loans | Certain mortgage loans originated and retained in portfolio deemed to be qualified mortgages. | BCFP | In effect (<i>but awaiting guidance</i>). Analysis indicates that banks can take advantage of the provision immediately, yet there are several ambiguities and details that ICBA expects the bureau to address in a forthcoming regulation. ICBA has met with bureau staff to discuss specific facts of the act. ICBA has also submitted comments, urging the bureau to promulgate a regulation soon. |
| Sec. 103 – Exemption from Appraisals of Real Property Located in Rural Areas | Exemption for rural mortgage portfolio loans of less than \$400,000 if unable to find a state-certified/licensed appraiser to perform the appraisal in a timely manner. | FDIC, OCC, Fed | In effect, proposed rule issued. The proposal adds the exemption to the list of exempted transactions in the appraisal regulations by referencing the statutory language of S. 2155. The proposal also would increase the threshold at or below which appraisals would not be required for residential real estate-related transactions from \$250,000 to \$400,000. Comments are due 60 days after publication in the Federal Register. |
| Sec. 104 – Home Mortgage Disclosure Act Adjustment and Study | Exemptions from collecting the new Dodd-Frank Act data fields for banks with “satisfactory” CRA ratings that originate fewer than 500 closed-end mortgage loans or fewer than 500 open-end lines of credit. | BCFP | In effect. The interpretive and procedural rule is available here . At a later date, the bureau anticipates that it will initiate a notice-and-comment rulemaking to incorporate these interpretations and procedures into Regulation C and further implement S. 2155. |
| Sec. 108 – Escrow Requirements Relating to Certain Consumer Credit Transactions | Exemption from TILA escrow requirement for banks that make 1,000 or fewer first lien mortgages on principal dwellings. | BCFP | Banks will not be able to benefit from this provision until the bureau promulgates a regulation. ICBA has already submitted a comment letter to the bureau, asking that it quickly implement this change by issuing an interim final rule. |
| Sec. 109 – No Wait for Lower Mortgage Rates | Removes three-day waiting period required under TILA-RESPA mortgage disclosure when creditor extends a second offer of credit with lower APR. | BCFP | In effect (<i>but awaiting guidance</i>) Banks are already able to take advantage of this relief. The bureau issued guidance that incorporates this provision, which Congress codified in S. 2155. |
| Sec. 201 – Capital Simplification for Qualifying Community Banks | Agencies to establish a community bank leverage ratio (CBLR) between 8-10 percent for institutions with less than \$10 billion in consolidated assets; banks exceeding the ratio meet risk-based capital and leverage requirements and are “well-capitalized.” | FDIC, OCC, Fed | High-priority, proposed rule issued. The proposal would establish a 9 percent community bank leverage ratio. Banks that meet the ratio may opt out of risk-based capital calculations. ICBA is advocating for an 8 percent ratio, as authorized by Congress, which would extend eligibility to 600 additional banks. Comments will be due 60 days after publication in the Federal Register. |

| | | | |
|--|--|----------------|--|
| Sec. 202 – Limited Exception for Reciprocal Deposits | Certain reciprocal deposits will not be considered brokered deposits. | FDIC | In effect, proposed rule issued. The FDIC has issued proposed conforming rules . ICBA submitted comments in response . This is the first part of a two-part effort to revisit the brokered deposit rules. The FDIC plans later this year to seek comment on the brokered deposit regulations more generally. |
| Sec. 203 – Community Bank Relief from Volcker Rule | Banks under \$10 billion in assets with total trading assets and liabilities not exceeding 5 percent of total assets exempt from the Volcker rule. | FDIC, OCC, Fed | In effect (but awaiting guidance). The agencies have indicated that they will not enforce the final Volcker Rule in a manner inconsistent with the statutory changes. However, the agencies intend to address the statutory changes through a separate rulemaking process. |
| Sec. 205 – Short-Form Call Reports | Agencies required to reduce reporting requirements for the first and third quarters for banks under \$5 billion in assets and that meet other appropriate criteria. | FDIC, OCC, Fed | High-priority, proposed rule issued. ICBA believes the proposal will not significantly reduce the call report burden for most community banks. Comments are due by Jan. 18, 2019. ICBA will continue to advocate for meaningful relief by limiting short-form reporting to the balance sheet, income statement, and statement of changes in shareholders' equity, without any other supporting schedules. |
| Sec. 206 – Option for Federal Savings Associations to Operate as Covered Savings Associations | Institutions with assets of \$20 billion or less can elect to operate with national bank powers. | OCC | Proposed rule issued. The OCC issued a proposed rule . ICBA submitted comments in response, expressing support for the proposed rule, but noting concern that the proposal limits coverage to federal savings associations that existed as of Dec. 31, 2017, which might discourage the formation of future de novo federal savings associations or mutual institutions. |
| Sec. 207 – Small Bank Holding Company Policy Statement | Raises the Federal Reserve's Small Bank Holding Company Policy Statement's asset limit from \$1 billion to \$3 billion. | Fed | In effect. The interim final rule is available here . ICBA submitted supportive comments in response here . |
| Sec. 210 – Examination Cycle | Well-managed, well-capitalized banks with assets of less than \$3 billion qualify for 18-month exam cycle, up from \$1 billion. | FDIC, OCC, Fed | In effect. The interim final rule is available here . ICBA submitted comments that commended the agencies for issuing the interim final rule, available here . |
| Sec. 214 – Promoting Construction and Development on Main Street | Acquisition, development and construction loans that meet certain criteria will not have higher risk-weights under risk-based capital rules. | FDIC, OCC, Fed | In effect. The agencies issued a statement that this is effective immediately and that banks only need to risk-weight at 150 percent those CRE exposures they believe meet the statutory definition of HVCRE ADC loan. Also, when reporting HVCRE exposures on the call report, banks may use available information to reasonably estimate and report only HVCRE ADC loans. Alternatively, banks may also continue to report and risk-weight HVCRE exposures consistent with the current instructions for the call report until the agencies take further action. The agencies have also proposed to revise the definition of an "HVCRE exposure" to conform to the new statutory definition of "HVCRE ADC loan." |
| Sec. 401 – Enhanced Supervision and Prudential Standards for Certain Bank Holding Companies | Increases the asset threshold at which certain enhanced prudential standards shall apply, from \$50 billion to \$250 billion, while allowing the Fed discretion in determining whether a financial institution with assets of \$100 billion or more must be subject to such standards. It also increases the asset threshold at which company-run stress tests are required, from \$10 billion to \$250 billion, and increases the asset threshold for mandatory risk committees, from \$10 billion to \$50 billion. | FDIC, OCC, Fed | The agencies issued a proposed rule that would remove several prudential standards for certain banks. The proposal places banks into one of four categories , depending on their asset size and risk profile. The lowest risk-category banks (generally firms with \$100B - \$250B in assets) would see the most relief, with biannual (rather than annual) stress testing, and exemptions from countercyclical buffers and the supplementary leverage ratio. The highest risk-category banks (GSIBs) would retain substantially all current supervision and prudential standards. Comments are due Jan. 22, 2019. |
| Sec. 403 – Treatment of Certain Municipal Obligations | Agencies directed to classify investment-grade muni bonds as level 2B liquid assets under the liquidity coverage ratio rule. | FDIC, OCC, Fed | In effect. The interim final rule is available here . |



ICBA TO AGENCIES: EXPAND ON HVCRE RELIEF

ICBA told regulators it appreciates their swift release of a proposed rule to implement S. 2155 reforms to reporting high-volatility commercial real estate exposures. The proposal would simplify the definition of HVCRE exposures to conform to the statutory definition of HVCRE acquisition, development, or construction loans.

In its comment letter, ICBA questioned whether the punitive treatment of AD&C loans is needed for community banks and recommended removing the elevated risk-weight requirement for banks with total consolidated assets of \$50 billion or less.

[READ ICBA COMMENT LETTER](#)

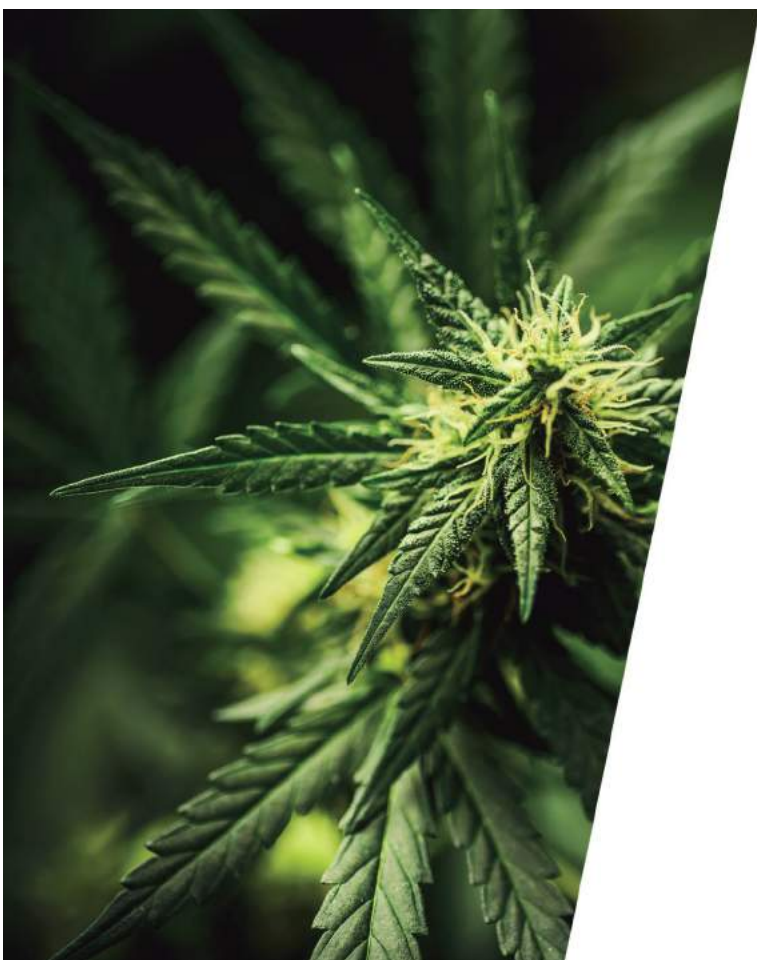
[READ MORE ON PROPOSAL](#)

HOME PRICES, CONSUMER CONFIDENCE SLIP

Gains in home prices continued to slow in September, according to the [Case-Shiller indexes](#). The annual increase in the national index declined to 5.5 percent, the second monthly decline and the lowest rate since January 2017. Separately, the Conference Board's [Consumer Confidence Index](#) dipped in November but remained at a historically strong level.

About ICBA

The Independent Community Bankers of America®, the nation's voice for nearly 5,700 community banks of all sizes and charter types, is dedicated exclusively to representing the interests of the community banking industry and its membership through effective advocacy, best-in-class education and high-quality products and services. For more information, visit ICBA's website at www.icba.org.



BANKING GUIDELINES FOR MARIJUANA-RELATED BUSINESSES

Bank of North Dakota announced updates to its banking guidelines for marijuana-related businesses on October's Your Direct Line call. You can view a recording of the call at bnd.nd.gov/ydl.

Keep informed and don't miss out on another Your Direct Line call. Sign up at bnd.nd.gov/signup to receive a monthly e-newsletter with call information and other updates.





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CONSUMERS WARNED TO BEWARE OF FAKE CHARITIES - Several "look alike" fake charities banned in North Dakota

In the wake of recent national disasters, Attorney General Wayne Stenehjem warns consumers to be aware of phony "look alike" charities. The Consumer Protection division recently received a judgment against several phony charities operating in North Dakota.

Ian Hosang, Rhett McIntosh, and Judith Culzac, of New York, formed nonprofit corporations called American Cancer Society of North Dakota, American Cancer Society of Bismarck, and American Cancer Society for Children of North Dakota. These supposed charities are not affiliated with the actual American Cancer Society, which filed a complaint with the Consumer Protection division.

The Court found that these fake charities engaged in consumer fraud by using names deceptively similar to the real American Cancer Society and that they engaged in solicitation of charitable contributions while unregistered. Donations given to these phony charities did not benefit any charitable purpose connected with the actual American Cancer Society. In addition to ordering the fake charities involuntarily dissolved and banned from engaging in charitable solicitations, the Court also ordered the fake charities to pay civil penalties and fees and costs to the Attorney General.

Attorney General Stenehjem reminds North Dakotans that scam artists often take advantage of natural disasters to set up fake charities and solicit donations, often online. Money donated to these fake charities does not benefit anyone other than the scam artist.

"One way to make sure your generosity counts is to make a donation directly to a reputable charity located in your own community," said Stenehjem.

Parrell Grossman, director of the consumer protection division, reminds the public it is illegal to engage in charitable solicitations without being registered with the Secretary of State, and the Attorney General will take enforcement action for not registering.

North Dakota residents who have questions about a charitable solicitation they have received can review information on the Consumer Rights page, online at www.attorneygeneral.nd.gov or contact the Consumer Protection division at (701) 328-3404.

STENEHJEM JOINS FELLOW ATTORNEYS GENERAL IN CONTINUING FIGHT TO STOP ILLEGAL ROBOCALLS AND SPOOFING

Attorney General Wayne Stenehjem joined a bipartisan coalition of Attorneys General calling on the Federal Communications Commission to create new rules to allow telephone service providers to block more illegal robocalls being made to unsuspecting consumers in North Dakota and across the country.

"Attorneys General have united to continue the fight to protect Americans from these bothersome and illegal robocall scams," Stenehjem said. "As Attorney General, I take seriously my role to protect consumers from scams of all kinds. The FCC should create new rules to let telephone service providers block more types of illegal robocalls."

The formal comment to the FCC explains that scammers using illegal robocalls have found ways to evade a call blocking order entered last year by the FCC following legal action by state attorneys general. Despite the FCC's order, robocalls continue to be a major irritant to consumers in North Dakota and across the United States. Stenehjem said these illegal robocalls were the #1 North Dakota consumer complaint received by his office last year. In 2017, the Federal Trade Commission received 4.5 million illegal robocall complaints – two and a half times more than in 2014.

Following an initial win for American consumers in November 2017, when the FCC granted phone service providers authority to block certain illegal spoofed robocalls, the 35 attorneys general now seek added authority for the providers to work together to detect and block more illegal spoofed robocalls – including "neighbor spoofing."

"Spoofing" allows scammers to disguise their identities, making it difficult for law enforcement to bring them to justice. "Virtually anyone can send millions of illegal robocalls and frustrate law enforcement with just a computer, inexpensive software and an internet connection," the Attorneys General wrote in the formal comment filed with the FCC.

One tactic on the rise is "neighbor spoofing," a technique that allows calls -

no matter where they originate - to appear on a consumer's caller ID as being made from a phone number that has the same local area code as the consumer. This manipulation of caller ID information increases the likelihood that the consumer will answer the call. The added authority sought by the attorneys general will allow service providers to use new technology to detect and block illegal spoofed calls – even those coming from what are otherwise legitimate phone numbers. Service providers will be ready to launch this new authentication method in 2019.

The comment letter was submitted by Stenehjem, the Attorneys General of Arizona, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Virginia, Washington, and Wisconsin, and the Hawaii Office of Consumer Protection.

STATEMENT OF ATTORNEY GENERAL WAYNE STENEHJEM ON THE CONFIRMATION OF DALLAS CARLSON AS US MARSHAL FOR THE STATE OF NORTH DAKOTA

"I was proud to appoint Dallas as the director of the BCI in 2010. It has been my honor to work with him for the past 18 years and I look forward to continuing to work with Dallas in his new role as US Marshal."

Wayne Stenehjem

NEW DIRECTOR APPOINTED TO HEAD THE BUREAU OF CRIMINAL INVESTIGATIONS

Attorney General Wayne Stenehjem has appointed Deputy Director Lonnie Grabowska as the new Director of the North Dakota Bureau of Criminal Investigation (BCI). The BCI is a division of the Attorney General's office. Grabowska takes over from Dallas Carlson, who was confirmed as US Marshal for North Dakota earlier this month.

"When Dallas was confirmed as US Marshal, filling the position of BCI Director was a priority. With over twenty years of law enforcement experience, including ten years as a supervisor and the past five years as Deputy Director at BCI, Lonnie was an obvious choice. After talking with state and local law enforcement officials and prosecutors, Lonnie became the best person to step into the Director's position," said Stenehjem. "I have worked closely with Lonnie for years, and am confident he will be an outstanding Director."

Grabowska has served BCI for more than 15 years, beginning as a special agent in 2003 assigned to the Drug Task Force, before being promoted to Chief Agent in 2007, and to Deputy Director in August 2012.

"I am truly honored to take over the role of Director of BCI from Dallas Carlson. Dallas' reputation for integrity and professionalism is something I will continue to strive for. I feel privileged to work with all the highly specialized and professionally trained personnel at BCI, and I am very thankful to have been given the opportunity to lead BCI as we work to meet the challenges of the ever-changing field of criminal investigations," said Grabowska.

Grabowska served four years in the United States Navy before embarking on a career in law enforcement. He was employed with the Morton County Sheriff's office and the Mandan Police Department before beginning with BCI in 2003. As a criminal investigator, he served as Coordinator of the Metro Area Narcotics Task Force and was also a firearms/tactical instructor. Lonnie was promoted to Chief Agent in October 2007, supervising field agents and administrative personnel in locations across western North Dakota, as well as the Concealed Weapons and Sex Offender Registration sections and the 24/7 Sobriety Program and Prescription Drug Take Back program. As Deputy Director, he managed day-to-day administrative and personnel operations, supervised the Chief Agents, and represented the Attorney General on High Intensity Drug Trafficking Areas (HIDTA) and Mid-States Organized Crime Information Center (MOCIC) boards.

Grabowska is active with the ND Peace Officers Association (POA) and the 2016 recipient of the ND POA Lone Eagle Award. Lonnie is an ordained Deacon for the Diocese of Bismarck and was a volunteer Chaplain with the Crisis Care Chaplaincy providing faith-based crisis counseling for emergency service agencies in the Bismarck area. He is married and lives in Bismarck.



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ICBA: FDIC CAPITAL RELIEF FALLS SHORT

The FDIC issued a proposal to exempt community banks from risk-based capital requirements that ICBA said will needlessly leave out many institutions. The agency's proposed community bank leverage ratio of 9 percent unnecessarily leaves out more than 600 community banks that would be eligible if it were set at 8 percent, as authorized by Congress, ICBA said.

The S. 2155 regulatory relief law signed this year requires the banking agencies to develop a community bank leverage ratio of between 8 and 10 percent. Banks with less than \$10 billion in assets that meet the leverage ratio will be considered well capitalized and exempt from all risk-based capital requirements, including the Basel III capital rules.

In a news release featured in [Politico Pro](#), ICBA advocated an 8 percent threshold. That would be well over the 5 percent leverage ratio requirement currently required of all well-capitalized banks and significantly higher than next year's requirement of 7 percent common equity over total risk-based assets, which includes the capital buffer.

ICBA will continue working with policymakers on the issue. The comment period will end 60 days following publication in the Federal Register.

[READ ICBA RELEASE](#)

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Re-Instated Iran Sanctions

What Do They Mean For Your Bank?

by Amber Goodrich



On May 8, 2018, President Trump announced his decision to withdraw the United States from the Iran Deal, also known as the Joint Comprehensive Plan of Action (JCPOA), a treaty implemented on Jan. 16, 2016. Joined by Iran, China, France, Germany, Russia, the United Kingdom and the United States, the JCPOA allowed sanctions relief to Iran in exchange for curbing its nuclear-related programs.

In conjunction with Trump's decision, the U.S. reinstated nuclear sanctions on Iran at the conclusion of two wind-down periods, the second of which ended Nov. 4. The wind-down allowed U.S. organizations time to wrap up all soon-to-be sanctioned transactions with Iran.

According to the [Treasury Department](#), "Persons engaging in activity undertaken pursuant to the U.S. sanctions relief provided for in the JCPOA should take the steps necessary to wind down those activities ... to avoid exposure to sanctions or an enforcement action under U.S. law."

The re-instated sanctions cover various types of transactions with Iran in the energy, shipping and banking sectors, including the purchase or acquisition of U.S. dollar banknotes by the Government of Iran; sanctions on petroleum-related transactions, including the purchase of petroleum, petroleum products or petrochemical products from Iran; the provision of underwriting services, insurance or reinsurance; and transactions by foreign financial institutions with the Central Bank of Iran and other designated Iranian financial institutions.

According to an Op-Ed in the Financial Times by U.S. Treasury Secretary Steven Mnuchin, "These actions are an important step towards holding the world's largest state sponsor of terror accountable for its malign behaviour, human rights abuses, ballistic missiles development, and systematic efforts to exploit the global financial system to fund its revolutionary ambitions."

What Does This Actually Mean?

Perhaps the biggest and most significant aspect of our country's Iran Deal withdrawal is the re-instatement of a substantial subset of Iranian names and entities to OFAC's Specially Designated Nationals (SDN) list, those whose assets are blocked and with whom U.S. persons are prohibited from engaging in activities or transactions.

What this signifies is an enormous update, all at once, to OFAC's SDN list. By now, all U.S. financial institutions and organizations should have—or must immediately—perform a customer database re-screen to ensure they're not conducting business with re-instated SDNs. For organizations that do not [employ automated watch list screening](#), this task can seem practically insurmountable from a cost and time standpoint.

What Should Institutions Do Now?

Conducting sanctioned transactions or certain activities with SDNs can mean business-crushing fines by OFAC. In fact, the number of million-dollar civil money penalties has grown exponentially over the last few years. U.S. financial institutions—and all other organizations, for that matter—should:

- If not already doing so, strongly consider implementing automated watch list screening. Trying to manually handle such an enormous update workload can easily overwhelm compliance staff and leave too much room for human error
- If there's no doubt your institution has recently conducted transactions with Iranian companies or individuals, ensure you cease any further transactions and re-screen your customer database
- Review policies and procedures, particularly those that might have allowed the types of transactions in question
- For non-U.S. subsidiaries of U.S. institutions, terminate any transactions with Iran
- Maintain an overall awareness that these actions by the Trump administration might just be the tipping off point for further events that may greatly affect the country as a whole—well beyond financial transactions

Secondary Sanctions

Currently, the U.S. is the only country to withdraw from the Iran Deal, a fact that potentially complicates our relations with the remaining countries involved in the JCPOA, due to what's called secondary sanctions. Secondary sanctions come into play for cases in which the U.S., another country, and Iran were involved in business dealings prior to our withdrawal from the deal—and the other country continues those dealings with Iran.

For example, if the U.S. conducted transactions with France and Iran involving goods and services used in the Iranian automotive industry—and France continues those transactions that the U.S. has now sanctioned—France could be subject to secondary sanctions. These sanctions can lead to commercial and legal risks.

What's Next?

That's the million-dollar question. Unfortunately, the answer is "wait and see." However, if this presidential administration continues on its current course, Iran sanctions could be just the beginning. In fact, relations with a huge petroleum supplier, Saudi Arabia, appear less than solid following the death of journalist Jamal Khashoggi.

For now, it's vital that financial institutions and all other American businesses remain solidly aware of how this action plays out. And of course, screen and re-screen all customers. For much more on this topic, listen to the Iran Sanctions episode of CSI's podcast, [Fintech Focus](#).

Amber Goodrich, compliance strategist for CSI Regulatory Compliance, has more than 10 years of financial industry experience. She is a Certified Regulatory Compliance Manager (CRCM) and Certified Bank Secrecy Act (BSA) Professional (CBAP).



JUST ANNOUNCED! SOCIAL SECURITY'S 2019 COST-OF-LIVING ADJUSTMENT (COLA)

Social Security announced that Social Security and Supplemental Security Income benefits for more than 67 million Americans will increase 2.8 percent in 2019.

Visit SSA [blog](#) for details about the cost-of-living adjustment and other important news.

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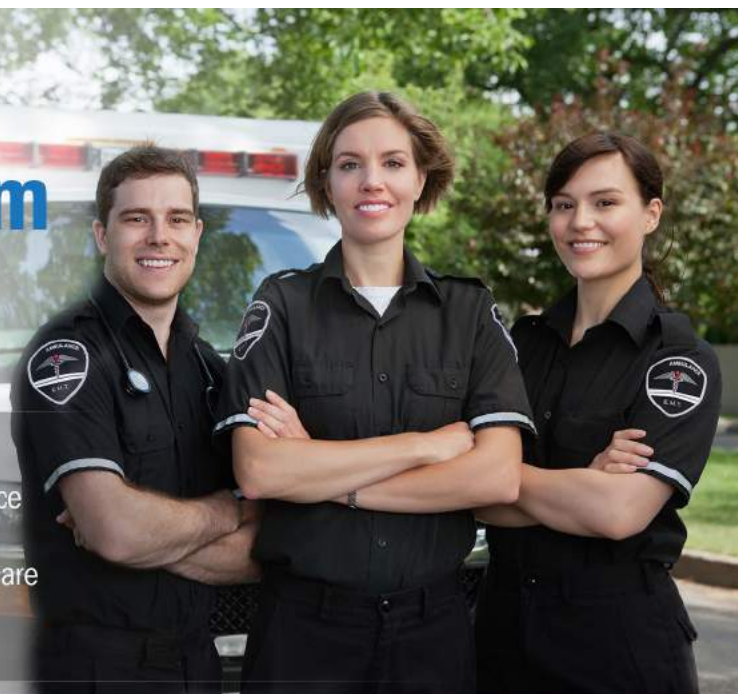


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To no one's surprise, health savings accounts (HSAs) continued to experience major growth throughout 2017. According to Devenir, there were over 22 million HSAs open at the end of 2017, an increase of 1.2 million from the end of 2016. HSAs also held assets worth roughly \$45.2 billion, an increase of 22 percent over year-end 2016. These numbers continue a trend that the market has seen for many years, but what are some of the transitional factors behind this sustained growth?

Key Growth Factors

When looking at last year's strong asset growth, 2017 was affected by three key factors.

Invested Amounts – Credit needs to be given where it is due. At the end of 2016, the Dow Jones Industrial Average closed at 19,975. On December 31, 2017, that same index closed at 24,719. This 25 percent market gain accounts for only part of the growth as invested assets grew by 53 percent year over year. HSA owners who were already invested in the market realized strong growth based on the market's success. They had already made the transition from spender, to saver, to investor, and reaped the benefits. The increased asset size also illustrates that a number of new HSA owners made the transition into long-term investing.

Carry-Forward Balances – Devenir's research shows that for the fourth year in a row, contributions exceeded distributions by more than \$5 billion. This continual carry-forward balance is a key driver in asset growth, but more importantly, it illustrates that a significant percentage of HSA owners are building HSA balances versus spending or, at times, being forced to spend their flexible savings account balances.

Payroll Deduction – According to Devenir, the percentage of employee contributions made through payroll deduction increased from 46 percent of the total in 2016 to 63 percent in 2017. In addition, the average contribution increased from \$1,786 to \$1,921.

The last factor is helping to create a macro shift in long-term savings through the use of payroll deduction.

Planning for the Future

Thinking beyond immediate health expenses, a greater number of consumers are looking at HSAs as vehicles for their future health care needs. According to a report released by ConnectYourCare, this trend increased from 40.5 percent in early 2017 to 44.9 percent in early 2018.

Time and experience are shifting how individuals look at HSAs. They continue to evolve along the model of spender, to saver, to investor. But individuals are further evolving by looking at HSAs as a key supplement to future health care expenses in retirement. Remember, estimated health care spending during retirement ranges from \$250,000 to \$400,000 (depending on which article you read).

When saving for retirement, an historically accepted principle has been to contribute (or work up to contributing) the minimum amount necessary to obtain full employer matching dollars in a retirement plan. Hence the phrase "it's free money". But as consumers begin incurring major health care expenses, they'll start connecting the dots between these unexpected expenses and their overall retirement needs. They'll quickly realize that their need for more substantial retirement savings is critical. They'll also start thinking of where to place their payroll deferrals, which could create a possible competition between retirement plan deferrals and HSA deferrals. "Where should I invest my money?" is a question that more employees will be asking of their employers and of their advisors.

Consumer Habits

A study conducted by Alegeus outlined that what consumers believe and what they do can be vastly different when it comes to understanding how to cover expenses for current and future healthcare needs. According to Alegeus' research, 51 percent of the respondents fear unexpected healthcare expenses near-term. In addition, 68 percent believe themselves to be in the saver category (described earlier) where they focus on carrying forward HSA assets year after year. The reality is that only 23 percent of consumers save anything beyond the current year and more than 50 percent underfund their healthcare savings. What is perhaps the most disheartening statistic from the Alegeus survey is that 70 percent of the participants could not pass a basic HSA knowledge test.

The New Challenge

Those of us who assist employers and their employees through retirement and health care planning are facing a new challenge. A recent article published by the Journal of Financial Planning⁴ indicates that most employees are better off deferring to their HSA first in order to cover the current year's potential expenses.

Employees should then begin deferring in their 401(k) plan and work toward maximizing the employer match. The study emphasizes that deferred dollars used for qualified medical expenses are tax-exempt and can provide an immediate benefit if needed. After the employer match is achieved, then employees should begin planning where the next dollars deferred are best served.

Remaining Competitive

Whether you work in a bank or credit union serving local employers or employees, or you're an advisor seeking to strengthen your role with an employer, it is critical to understand that the environment is requiring a stronger knowledge of the role in health care—both near- and long-term—when employees are seeking answers on where to place those precious deferral dollars. You and your teams will need to understand this new balance in order to remain competitive.

Devenir Research – "2017 Year-End HSA Market Statistics & Trends", February 22, 2018. <http://www.devenir.com/wp-content/uploads/2017-Year-End-Devenir-HSA-Market-Research-Report-Executive-Summary.pdf>

ConnectYourCare – "2018 Trends Report Reveals HSA, FSA, and HRA analytics", February 20, 2018. <https://www.connectyourcare.com/news-post/employees-concern-covering-health-care-costs-retirement-intensifying/>

2017 Alegeus Healthcare; State of Denial <https://www.alegeus.com/insights/research-reports/2017-alegeus-state-of-denial-research-report>

⁴Greg Geisler, "Could a Health Savings Account Be Better than an Employer-Matched 401(k)?" Journal of Financial Planning, <https://www.onefpa.org/Journal/Pages/JAN16-Could-a-Health-Savings-Account-Be-Better-than-an-Employer-Matched-401k28k29.aspx>



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CONSUMER COMPLIANCE AND THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

Although the [Electronic Signatures in Global and National Commerce \(E-Sign\) Act](#) has not changed considerably since its October 1, 2000, effective date, products and services offered since that time have changed significantly. Electronic banking and smart phone technology allow consumers to access account information, apply for new products and services, and communicate with financial institutions all over the world. Many institutions have been using online banking and complying with the E-Sign Act for some time. As our communication channels continue to evolve, examiners have seen an increase in violations of the E-Sign Act.

In general, the E-Sign Act allows financial institutions to substitute electronic disclosures for any statute or regulation that requires written disclosures and to obtain electronically signed acknowledgement of having received the disclosures, as long as the institution first obtains the consumer's affirmative consent. Before receiving such consent, the institution must provide the consumer with an E-Sign disclosure that contains certain information. The E-Sign Act also requires that the consumer consents electronically, or confirms that consent electronically, in a manner that reasonably demonstrates their ability to access information in the electronic form the institution will use to provide the disclosures.

To stay competitive and meet customer demands, many financial institutions now offer mobile banking. Examiners have identified instances where consumers have not been provided an accurate E-Sign disclosure when mobile banking is added. Often, the existing E-Sign disclosure only reflects the receipt of electronic statements and no other required disclosures, such as Regulation E – Electronic Funds Transfer Act (EFTA) disclosures that contain requirements for making electronic transfers, fees, and limitations for mobile banking. Management should ensure the E-Sign disclosure reflects the types of services offered through mobile banking that would necessitate an E-Sign disclosure. Additionally, financial institution personnel should ensure existing customers have accepted the E-Sign disclosure and consented to receive any required disclosures through this medium prior to gaining access to mobile banking.

In other instances, financial institution personnel have responded to consumers' e-mail requests for information by sending electronic copies of required disclosures, such as a Closing Disclosure or an appraisal. Because the customer requested the disclosure through e-mail, financial institution personnel mistakenly believed E-Sign did not apply in these circumstances. This is not the case and can result in a violation. Financial institution personnel may provide disclosures through e-mail, but only if they have previously complied with the E-Sign Act.

Another part of the E-Sign Act's rule involves confirming the consumer's consent in a manner that "demonstrates" they can access the required information electronically. Some institutions allow consumers to view transactions within a web portal for deposit and loan transactions. One common issue examiners are seeing is where specific disclosures required by consumer protection regulations (e.g., Truth in Lending, Truth in Savings, or EFTA) were provided in .pdf formatted documents. In this scenario, Section 101(c)(1)(C)(ii) requires that financial institution personnel receive demonstrative consent that account holders can actually view .pdf formatted documents and not just that the consumers can access the web portal. In addition, providing links to download the required software does not demonstrate consumers can access the files as presented. The verification process should take place prior to providing the documents to the consumer.

Section 101(c)(1)(C)(i) of the E-Sign Act requires financial institutions to provide consumers with a statement detailing the hardware and software requirements to access and retain electronic records. While financial institutions generally disclose this information accurately when the account is established, some financial institutions fail to revise the E-Sign disclosure after updating or converting core systems or processor and provide the consumer with the revised disclosure as required by Section 101(c)(1)(D). Management should ensure that they provide consumers with a statement detailing any revised hardware and software requirements for access to and retention of electronic records if changes to delivery systems affect the presentment of or types of electronic records. As mentioned previously, this section also requires reasonable demonstration that customers can access information again after a change in the hardware or software requirements. This process will ensure that consumers still have the ability to access electronic records.

Not obtaining proper consumer consent can significantly affect a financial institution's compliance with consumer laws and regulations. For example, under Regulation E's error resolution procedures, the customer generally has 60 days from receiving a periodic statement to claim an error has occurred. If customer statements are sent electronically because the consumer opted out of receiving paper statements and the financial institution failed to meet all applicable requirements under the E-Sign Act, the error period could be extended until a paper statement that includes the error is provided.

As technology advancements are made, providing financial institution information electronically has become increasingly popular. It is important for financial institutions to ensure compliance with the requirements of the E-Sign Act when substituting electronic records for hard copies.


SMALL BUSINESS

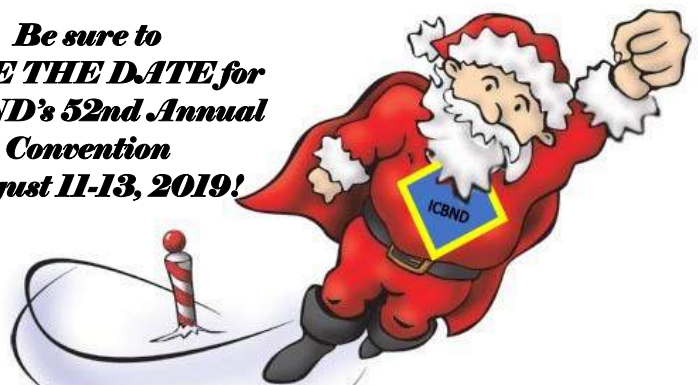
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FINANCIAL WELLNESS

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Your Credit Report

If you've ever applied for a credit card, a personal loan or insurance, there's a file about you. This file is known as your credit report. It's full of information on where you live, how you pay your bills, and whether you have been sued, arrested or have filed for bankruptcy. Consumer reporting companies sell the information in your report to creditors, insurers, employers and other businesses with a legitimate need for it. They use the information to evaluate your applications for credit, insurance, employment or a lease. Having a good credit report means it will be easier for you to get loans and lower interest rates; lower interest rates usually translate into smaller monthly payments.

The Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness and privacy of information in the files of the nation's consumer reporting companies. The Consumer Financial Protection Bureau (CFPB) enforces the FCRA with respect to these companies. Newspapers, radio, TV and the internet are filled with ads for companies and services that promise to erase accurate negative information in your credit report in exchange for a fee. These are scams. It is not possible to simply erase negative information from your credit report; you have to work to get it back into good standing through a deliberate plan.

You have a right to know what is in your report, but you have to ask for the information. The consumer reporting company must tell you everything in your report, as well as give you a listing of everyone who has requested your report in the past year (or two years if the requests were related to employment).

Common Questions About Credit Reporting

What kinds of information does a consumer reporting company collect and sell?

Four basic types of information are collected and sold:

- **Identification and employment information.** Name, birth date, Social Security number, employer and spouse's name are noted. The reporting company may also provide information about employment history, home ownership, income and previous address, if a creditor asks.
- **Payment history.** Accounts with different creditors are listed in the report, showing how much credit has been extended and whether the payments have been on time. Related events, such as the referral of an overdue account to a collection agency, may also be noted.
- **Inquiries.** Consumer reporting companies must maintain a record of all creditors who have asked for the credit report within the past year, and a record of individuals or businesses that have asked for it for employment purposes in the past two years.
- **Public record information.** Events that are a matter of public record, such as bankruptcies, foreclosures or tax liens may appear in the report.

Is there a charge for the report?

Under the Free File Disclosure Rule of the Fair and Accurate Credit Transactions Act (FAST Act), each of the nationwide consumer reporting companies is required to provide you a free copy of your credit report once every 12 months if you ask for it.

How can I receive a copy of the report?

All three nationwide consumer reporting companies use one website: www.annualcreditreport.com.

The previous website provided is the ONLY way to receive an authorized free credit report. The website or the companies will never contact you first to ask for personal information – so if you get a call or e-mail, it is likely a scam. Also, be aware of imposter sites. Many websites will deliberately misspell a deviation of the above site, hoping that you will mistype and end up at their site – where they will attempt to collect personal information and/or sell you products. Remember, “free” should mean FREE.

What if I believe the information in my credit report is inaccurate?

Tell the consumer reporting company, in writing, what information you think is incorrect. Include copies—not originals—of documents that support your position. Your letter should clearly identify each item in the report that you dispute as well as why you dispute it. You should request that the items be deleted or corrected. Send the letter by certified mail, with a return receipt requested.

Consumer reporting companies must investigate the items in question (usually within 30 days) unless they consider your dispute frivolous. When the investigation is complete, the company must give you the written results and a free copy of your report if the dispute results in a change. If you request, the consumer reporting company must send notices of any correction to anyone who received your report within the past six months.

Your Credit Score

Credit scoring is a system creditors use to help determine whether to give you credit and how much to charge you for it. Information about you and your credit experiences (like your bill-paying history, the number and types of accounts you have, late payments, etc.) is collected from your credit application and your credit report. Using a statistical formula, creditors compare this information to the credit performance of consumers with similar profiles. A credit scoring system awards points for each factor. The total number of points—or the credit score—helps predict how creditworthy you are; that is, how likely you are to repay a loan and make the payments on time. Credit scores range from 300 (worst) to 850 (best). Generally, anything below 620 is considered “Poor,” a range of 620 to 720 is “Good,” and anything above 720 is “Excellent.”

Improving Your Financial Situation—and Your Credit Score

If you have negative information in your report, only the passage of time can remove it. A consumer reporting company can report most accurate

negative information for seven years and bankruptcy information for 10 years. Whether you find yourself in a financial bind or not, here are some ways to improve your credit score and avoid increasing your debt.

Make Payments on Time. Payment history is a significant portion of your credit report. If you are having trouble making your payments, call your creditors and explain. You will likely be able to work out a modified payment plan that reduces your payments to a more manageable level. Don't wait until your accounts have been turned over to a debt collector.

Don't “Max Out” Your Credit Cards. Many scoring systems evaluate the amount of debt you have compared to your credit limits. If the amount you owe is close to your credit limit, it's likely to have a negative effect on your score. For example, someone with \$10,000 charged on a credit card with a \$20,000 limit is going to be looked upon more favorably than someone with \$900 charged on a card with a \$1,000 limit, even though it's a much lower amount.

Watch Your Credit Applications. Have you applied for new credit lately? When you apply for credit, it shows up as an “inquiry” on your credit report. Too many inquiries in a short period of time cast a negative light on your credit history. On the other hand, if you do not have a significant credit history (for example, you do not own a credit card), this can also affect your score negatively.

Pay Down Your Debt. While it seems obvious, this is the fastest way to improve your credit score. Instead of going out to the movies or on vacation, why not take that extra bit of money and apply it to what you owe your creditors?

Develop a Budget. The first step in taking control of a messy financial situation is to develop a budget. Do a realistic assessment of how much money you take in and how much you spend. Start by listing your income from all sources. Then list your “fixed” expenses—those that are the same each month—like mortgage payments, rent, car payments, etc. Next, list the expenses that will vary, such as entertainment, clothing and recreation. From this information, you will be able to see what expenses you can trim down or eliminate completely. If you are not used to sticking to a budget, it might be a good idea to get a book or computer software to help you budget successfully—or try contacting a credit counselor from a nonprofit agency.

Article adapted in part from “Building a Better Credit Report” by the Federal Trade Commission. www.consumer.ftc.gov/articles/pdf-0032-building-a-better-credit-report.pdf. ■

2019



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Testimony

I can truly say the Emerging Leaders program is a journey of discovery, not only for me personally, but a discovery of my professional potential as well. It allows me to focus on achievement, not only as "flat numbers on a page" but as an indicator that I am getting better- making progress toward being the best that I can be.

There is no denying the camaraderie of my fellow Emerging Leader peers. We are like a group of soldiers at war who keep each other informed and upbeat despite the sometimes difficult circumstances known as banking regulation. It's often said that power comes naturally to a leader, but power is not the only tool of a leader. As a result of my experience with this group, I can confidently say I am more engaged and more devoted in my role as Vice President for Peoples State Bank of Velva.

Rest assured, this group continues to engage the next generation of bankers by marching with forward momentum taking community banking to new heights. A special thanks goes out to each and every community bank who continues to believe in this amazing program by being a part of it. To the novice or seasoned bankers considering joining this group- I promise you won't regret it. Cheers!

Missy Feist-Erickson
Vice President
Peoples State Bank of Velva



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HOW TO ACHIEVE THE CAREER AND LIFE YOU DESIRE

New OnCourse Learning e-book offers tips on using lifelong learning for a lifetime

By Robert Watters, Vice President of e-Learning for OnCourse Learning, an IBC Preferred Provider



Taking the first step in a job search process can be difficult. Unsure of where to begin, people opt to stay where they are versus taking simple steps to find a better-paying job or a new career.

Even people who enjoy learning second guess whether they should pursue a new career or further their education. When I was 32 years old and working as an education coordinator, I grappled with my desire for a master's degree and the demands of working full time while being the best husband and father possible.

I eventually went for my master's degree, learned I could manage all of life's demands and advanced my career thanks to my new base of knowledge.

At OnCourse Learning, the focus every day is helping people get started and succeed in their chosen professions. Because it's difficult for people to know where to start, OnCourse Learning published a free, easy-to-review resource, "[How to use lifelong learning for a lifetime of success.](#)"

The goal of the e-book is to inspire individuals to begin their professional or personal learning journey by providing the following food for thought:

1. Leading research, statistics and articles on continued learning for career and personal development, including:
 - Why lifelong learning in short spurts is the latest trend from the article, "The Third Education Revolution," published by the Atlantic.com.
 - The benefits of education for professional and personal learners from a Pew Research Center study on lifelong learning.
2. Personal lifelong learning stories and insight from internal and external OnCourse Learning thought leaders, such as:
 - How being a lifelong learner can make you popular at parties by Chris Chirafisi, senior technical trainer with American Home Inspectors Training by OnCourse Learning.
 - Why it pays to lead the charge in professional learning trends, according to Julie Hakman, president of AmericanChecked, an OnCourse Learning partner.
3. Cost-effective, time-saving tips to help everyone make learning part of a regular routine, which includes:
 - Lifelong learners suggest books to read for a lifetime of success.
 - OnCourse Learning real estate book author Dan Hamilton on prioritizing the learning process.

[Download the OnCourse Learning e-book](#), "How to use lifelong learning for a lifetime of success," to get started or continue your learning journey.

OnCourse Learning Financial Services is a full-service education and regulatory compliance provider in the banking, credit union, MSB, mortgage, insurance and gaming industries. To learn more about how OnCourse Learning can help your organization remain compliant, please email [Craig Johnson](#) or call 803-238-1010.

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ICBND Educational Opportunities

2019 LIVE EDUCATION OPPORTUNITIES LINE-UP

JANUARY 25, 2019 EMERGING LEADERS DEVELOPMENT GROUP WINTER SESSION, CHOICE FINANCIAL GROUP, GRAND FORKS, ND
APRIL 9–10, 2019 COMMUNITY BANKERS FOR COMPLIANCE, RAMKOTA, BISMARCK, ND
APRIL 11, 2019 ACH AUDIT WORKSHOP WITH UMACHA, ICBND OFFICE, BISMARCK, ND
APRIL 15, 2019 FINTECH WORKSHOP, DCN OFFICE, BISMARCK, ND
MAY 8-9, 2019 WOMEN IN COMMUNITY BANKING SUMMIT, RAMKOTA, BISMARCK, ND
MAY 22, 2019 AFTERNOON: DOCUMENTATION/TITLING FOR PERSONAL AND BUSINESS ACCOUNTS, RAMKOTA, BISMARCK, ND
MAY 23, 2019 MORNING: DOCUMENTATION/TITLING FOR PERSONAL AND BUSINESS ACCOUNTS, RAMKOTA, BISMARCK, ND
JUNE 6-7, 2019 EMERGING LEADERS DEVELOPMENT GROUP SUMMER CONFERENCE, FIRESIDE INN, DEVILS LAKE, ND
JUNE 17-21, 2019 SCHOOL OF AGRICULTURAL LENDING, BSC, BISMARCK, ND
SEPTEMBER 10-12, 2019 FRONTLINE TWILIGHT SERIES, RAMKOTA-BISMARCK; GRAND HOTEL-MINOT; HILTON GARDEN-GRAND FORKS, ND
SEPTEMBER 27, 2019 EMERGING LEADERS DEVELOPMENT GROUP FALL SESSION, WATFORD CITY, ND
OCTOBER 2-3, 2019 COMMUNITY BANKERS FOR COMPLIANCE, RAMKOTA, BISMARCK, ND

WATCH FOR UPDATES ON OUR WEBSITE EDUCATION CALENDAR



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|  | 491722 | 300 pack | Staples® Medium-Weight Plastic Cutlery, Assorted, White, | \$14.69 | \$8.19 |
|  | 827446 | 1 count | First Aid Only™ OSHA Hard Plastic First Aid Kit with Dividers for up to 25 People | \$20.59 | \$16.99 |
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DAKOTA BUSINESS LENDING

Dakota Business Lending is pleased to welcome **Preston Braathen** to the team as commercial loan officer. He will be in the forefront of lending operations for the Fargo/Moorhead region and beyond, working to develop and foster relationships with lenders, small businesses, economic development professionals, and other partners.



BANK OF NORTH DAKOTA

Rob Pfennig joined **BND** as the controller and trust manager. Pfennig came to BND from Evoco Partner, LTD where he was a partner.



Janae Geiger joined **BND** as a processing specialist in student loans. Geiger came to BND from the ND Department of Transportation where she worked as a licensing specialist and office assistant since 2013.



WIDMER ROEL PC

Rachel Myhre has joined **Widmer Roel**, a public accounting and business advisory firm with offices in Fargo, Bismarck and Hazen. Myhre, is SHRM-CP certified and provides numerous human resource services as an HR Generalist and is



located in Fargo.



Jarrett Galbreath has joined the audit department of **Widmer Roel**, a public accounting and business advisory firm with offices in Fargo, Bismarck and Hazen. Galbreath, as a senior accountant, provides audit and accounting services.

STARION BANK

Starion Bank has promoted **Barbara**



Mothershead to business banking officer at the bank's Rolla location. In this position, she partners with business and agriculture customers to find proper financing, leasing and other banking products to fit their needs. Mothershead maintains customer relationships

and loan portfolios as well as develops new customer relationships. She joined Starion in December 2016 as a business banking representative and worked with many of the customers she will continue to serve. Mothershead has several years of insurance and customer service experience.



Starion Bank President **Arnie Strebe** has graduated from the Executive Development Institute for Community Bankers® (EDI), a rigorous 19-month leadership development program for up-and-coming executive officers of

community banks. It is a program of the Graduate School of Banking at Colorado (GSBC). Strebe was one of 11 community bank executives from around the U.S. to be recognized for completing the program, which combines hands-on leadership development training with sophisticated bank management strategies to position community bank executives for long-term success. EDI participants received expert coaching and mentoring by experienced bank CEOs, and completed a series of projects designed to improve their banks' overall performance. Strebe joined Starion Bank in 2015 as chief human resources officer and in 2017 assumed the position of president.

WESTERN STATE BANK



Dean Froslic recently joined **Western State Bank** as senior vice president of marketing and communications. His duties include overseeing the Marketing & Communications department including marketing, brand, digital, social media, product training, communications and public relations activities. He has more than 20 years of marketing experience in corporate and agency settings.

FEDERAL HOME LOAN BANK OF DES MOINES

Federal Home Loan Bank of Des Moines is pleased to announce that **Mr. Karl Bollingberg** was recently elected as a director to the Bank's board. Mr. Bollingberg will begin serving his first term on the board on January 1, 2019.

Mr. Bollingberg has served in various roles including director of banking services, market manager, and director of new business development for Alerus Financial since 1987. Prior to his current role, Mr. Bollingberg served



as a management trainee at U.S. Bank, National Association from 1985 to 1987. Mr. Bollingberg currently serves as a board member and was the former chair for the Regional Economic Development Corporation, an advisory board

member for the Bank of North Dakota, and was the campaign chairperson for the Community Violence and Intervention Center Shelter Project.

AMERICAN BANK CENTER



American Bank Center is proud to have ag business banker **Don Weidner**, serving our McClusky community. Weidner understands that farming and ranching is not just a business, it's a way of life. With his experience he can discuss financing for farm and ranch operations.



American Bank Center

AMERICAN BANK CENTER PROMOTES SENIOR FINANCIAL EXPERT TO ADMINISTER BANK TO BANK LOANS

In order to help banks, especially those in rural communities, grow and better serve their customers, American Bank Center offers bank-to-bank loans. To show its commitment to this service, American now has a full-time, dedicated financial expert to facilitate these loans. Jonn Knecht has been promoted to senior vice president of Correspondent Banking and brings more than 20 years of experience to this position.

Knecht joined American in 2012 and has served as market president, regional president and senior vice president of business development. Knecht is responsible for correspondent bank lending and bank-wide sales training. "I enjoy connecting my clients with the right resources and solutions to take care of their financial needs through ongoing communication and follow-up," Knecht shared. "The resources American can bring to the table to help expand opportunities for businesses and individuals in North Dakota is exciting and fills a need in the region."



Correspondent banking involves American Bank Center engaging in participation loans for banks as well as business and personal loans for bankers, including Regulation O needs. American seeks to partner with other community banks to reduce risk of significant loan amounts, enhance loan yields by retaining a service fee and allow for bank liquidity by selling a portion of the loan. These loans are available for agricultural production, agricultural real estate, commercial, commercial real estate and lease purchases.

By providing this service, American aims to help bank partners, bankers and their customers succeed. For more information on these bank-to-bank loan options, contact Knecht at 701-441-1442.

Starion Bank

LOCAL BANKS COLLECT 62,000 ITEMS FOR EMERGENCY FOOD PANTRY

October 16 was World Food Day which was perfect timing for delivering items from the fifth annual "Banking for the Food Bank." A total of 62,057 items were collected, exceeding last year's collection by nearly 17,000 items.

Eight banks participated in the project: BNC National Bank, Choice Financial, Dakota Community Bank and Trust, First International Bank and Trust, First Western Bank and Trust, Gate City Bank, Security First Bank and Starion Bank.

The banks collected donations from Oct. 1-15. When they arrived for delivery, each bank turned in a sealed envelope to Sandi Crimmins, co-chair for the food pantry. In the envelope was each bank's official count of how much they collected. After the food items were unloaded, Crimmins thanked participants who had gathered and announced the winner was First International Bank and Trust.

"This is always an incredible food drive," she said. "This is our biggest drive every year. We can't tell you how much this means to us and, more importantly, our clients."

"This is about the banks teaming up to help the community," says Heather Heinle, coordinator of the food drive and a Starion Bank employee. "In the five years we have been holding Banking for the Food Bank, we have collected more than 160,000 items! This is another example of how the Bismarck-Mandan community always steps up to help their neighbors in need."

The Bismarck Emergency Food Pantry, located at 725 Memorial Highway, receives no government support and has an all-volunteer staff. The pantry provides food to people in Burleigh and Morton counties and is currently giving out more than \$11,000 in items each month.



Pictured: Sandi Crimmins, far left, of the Bismarck Emergency Food Pantry thanking participants and announcing the top three as pantry volunteers and bank participants look on.

Starion Insurance

STARION DONATES TURKEYS

Starion Insurance donated 22 turkeys to the Bismarck Emergency Food Pantry, just in time for Thanksgiving.

The Starion Insurance team in Bismarck-Mandan earned the turkeys based on new business production with one of the companies they work with, North Star Mutual Insurance. The turkeys weigh about 10 pounds each.

"When we realized how many turkeys we had earned we knew we had to put them to good use," explained Tonja Iverson, Starion insurance agent. "We know how important the Bismarck Emergency Food Pantry is to the community and have donated turkeys to the pantry in the past. We hope the turkeys can help make the holidays a little more special for some area families."

The Bismarck Emergency Food Pantry serves families in Burleigh and Morton counties and is currently giving out more than 35,000 items a month.



Choice Bank

CHOICE BANK TO RECEIVE CORPORATE LEADERSHIP IN PHILANTHROPY AWARD FOR CHAMPIONING COMMUNITY CAUSES THROUGH THEIR PEOPLE FIRST PHILOSOPHY

As part of their National Philanthropy Day celebration on November 15, 2018, The Association of Fundraising Professionals (AFP) Northern Plains Chapter presented the Corporate Leadership in Philanthropy Award to Choice Bank, a community bank with over 20 locations across North Dakota and Minnesota.

Founded in 1960, the AFP has grown into one of the largest organizations of professional fundraisers with over 244 chapters and 33,000 members worldwide.

Their award for Corporate Leadership in Philanthropy recognizes and celebrates excellence in corporate citizenship. Only those organizations that have made significant contributions towards meeting a community need are considered for nomination.

Taking their People First philosophy beyond the bank, Choice and its employees dedicate much of their time to volunteering within their communities. "Through People First, Choice continually tries to find ways to inspire and bring people together in our communities to better the places we live," said Brian L. Johnson, President, Choice Bank. "We do this by listening to community needs and creating opportunities to support local causes."

In one year, Choice helped raise \$176,092 for hospice care, over \$40,000 for local food banks, and donated 5,288 hours volunteering their time and talent to their communities.

"Choice Bank's reputation of being a people-first, mission driven company is known throughout the region," said Karen H. Crane, CFRE; President, Association of Fundraising Professionals, Northern Plains Chapter. "Their leadership in promoting and hosting *Go Hawaiian for Hospice* in Fargo, and similar events for hospice organizations across Bismarck, Grand Forks, and Dickinson has resulted in over \$1 million in donations. We are honored to recognize them and their generosity."

Full details about National Philanthropy Day in Fargo, ND can be found at <https://afpnorthernplains.org/>.



Pictured: Brian L. Johnson, Choice Bank President receiving Corporate Leadership in Philanthropy Award. Presented by Deb Gemar, The Association of Fundraising Professionals Northern Plains Chapter.

First National Bank & Trust of Williston

First National Bank & Trust of Williston celebrated with Steve Slocum by presenting him with a personalized black iron firepit for his retirement after 16 years with the bank. Our very own Marilou Voegelé (retired as well) and Lacey Kuhn, ICB Marketing Solutions attended the party. We wish Steve the very best in his new adventures!



Choice Bank

BREATHING NEW LIFE BACK INTO DOWNTOWN MOORHEAD: CHOICE BANK SET TO OPEN BRAND NEW LOCATION

Choice Bank (a division of Choice Financial Group) is pleased to announce the launch of a new branch in the heart of downtown Moorhead. Working in close conjunction with development and property management firm Epic Companies, and Downtown Moorhead Inc., a non-profit committed to the revitalization of downtown Moorhead, Choice Bank is set to open its doors to the public in Q1 2019.

Choice Bank will be one of several commercial tenants that will be moving onto floors one and two in the distinctive Block E building complex at the intersection of 8th Street and Main Avenue directly across from the iconic Moorhead Dairy Queen. They will be joined by Usher's House, Edward Jones Financial Advisors, Eventide Corporate Headquarters, and a Herbalife Nutrition Club.

As a multipurpose building, Epic Companies is pre-leasing 12 residential units on floors three and four just above the commercial space in Block E.

"We are so fortunate to have Choice Bank choose Block E as their first location in Moorhead. They fit into our vision of developing the downtown area in our community, and we look forward to seeing the continued partnership as their space evolves and opens in 2019," says McKenzy Olson, Marketing Director, Epic Companies.

Mayor of the City of Moorhead, Del Rae Williams, also comments, "We welcome Choice Bank to downtown Moorhead and are pleased they will become part of Moorhead's growing business base! It's really exciting to see the Block E Building on Main nearly complete, allowing a variety of services and housing to move to our downtown and creating momentum that is good for the whole community."

"We are very excited to be able to serve Moorhead and surrounding communities. We're looking forward to the opportunity to better serve our existing customers and get to know this wonderful community one person, one business at a time" says Steve Jesme, who will serve as Location President for the Moorhead location.

As a community bank with over 20 locations spread across North Dakota and Minnesota, Choice Bank has made it a priority to commit to improving the communities they serve. Partnered with Downtown Moorhead Inc., Choice Bank shares the same vision of growing and strengthening the downtown Moorhead community. As part of that initiative, the new location will be a full-service bank that will offer additional services from their Home Loans, Insurance, and Wealth Management divisions.

"The fact that another established financial institution such as Choice Bank, wants to have a presence in downtown Moorhead speaks to the growing reputation of Moorhead as a place people want to do business," says Sheri Larson, Executive Director, Moorhead Business Association.



Pictured: The Block E Building that is nearing completion on the corner of 8th Street and Main Avenue.

CHOICE FINANCIAL NAMED ONE OF BEST BANKS TO WORK FOR IN 2018

Choice Financial was named as one of the Best Banks to Work For by *American Banker* for the fourth year in a row.

Some highlights featured by American Banker include how Choice Financial values career development and training for employees, how employees enjoy flexible schedules for family activities and events, and convenient and forward-thinking technology like video phones.



"Choice has a culture that is second to none. Everyone I work with is incredible, willing to help others, and I am happy to call them family," said Amy Ebensteiner, Virtual Banker. "We are encouraged and empowered to make a positive difference in our customer's lives as well as the communities we live in. Having the feeling that your employer is invested in its employees is a wonderful feeling, and I am proud to tell people I work at Choice Financial."

The **Best Banks to Work For** program, which was initiated in 2013 by *American Banker* and Best Companies Group, identifies, recognizes and honors U.S. banks for outstanding employee satisfaction. Full results of this year's program are available at [American Banker](http://AmericanBanker.com) and in the September issue of American Banker Magazine.

Determining the **Best Banks to Work For** involves a two-step process. The first step involves an evaluation of participating companies' workplace policies, practices, and demographics. In the second step, employee surveys are conducted to directly assess the experiences and attitudes of individual employees with respect to their workplace. The combined scores determine the top banks and the final ranking.

Best Companies Group managed the overall registration and survey process and also analyzed the data and used their expertise to determine the final ranking.

Choice Financial is a people first financial services organization that remains locally owned and built around long-term customer relationships, well-rounded products and services, and authentic community banking.



North Dakota Housing Finance Agency

INCREASE IN HOMEOWNERSHIP PROGRAM INCOME LIMITS APPROVED

The North Dakota Industrial Commission has approved an increase of the income limits for North Dakota Roots, a program that provides affordable financing, and down payment and closing cost assistance to households who may have previously owned a home and first-time buyers whose income exceeds the limits of North Dakota Housing Finance Agency's (NDHFA) FirstHome™ program.

"Almost 43,000 households have successfully achieved homeownership with North Dakota Housing Finance Agency's assistance," said members of the Industrial Commission in a joint statement. "By increasing the North Dakota Roots program's income limits, we hope more households will be able to attain that goal and establish themselves and their families in North Dakota."

The commission, consisting of Gov. Doug Burgum as chairman, Attorney General Wayne Stenehjem and Agriculture Commissioner Doug Goehring, oversees NDHFA.

With the Commission's approval, the Roots program's maximum income limits were set at 200 percent of area median income, \$167,800 to \$193,200. The limits vary depending on the county in which the financed home is located.

"During discussions with community leaders and our lending partners, they cited the difficulty of finding a secondary market for loans that don't qualify for conventional financing," said Jolene Kline, NDHFA's executive director. "By offering this financing option, NDHFA can partner more effectively with our lenders. Without a market for these loans, community growth is hindered particularly in rural areas."

NDHFA's homeownership program funding is provided by secondary-market capital. A network of private-sector lenders originate loans on behalf of the agency and sell the loans to NDHFA when they are closed. All of the servicing is retained in state.

Through Roots, NDHFA provides financing to approximately 230 households annually. So far this year, the average program user's household income is \$84,170 and the average loan is \$212,300.

Known primarily for the financing it offers first-time homebuyers, NDHFA expanded its capacity to new and returning North Dakotans in 2002 dubbing the program "North Dakota Roots." In 2014, citing the struggle of households whose income exceeds FirstHome's program limits to afford the down payment requirements associated with conventional financing, the agency expanded Roots to any qualifying household earning up to 140 percent of the area median income. The maximum Roots loan amount must comply with the current Fannie Mae/Freddie Mac conforming loan amount or the limits of the applicable loan insurer/guarantor. All of NDHFA's borrowers are expected to meet normal credit underwriting standards and occupy the property as their principal residence.

NDHFA is a self-supporting state agency dedicated to making housing affordable for all North Dakotans. More information on the agency's homeownership programs is available online at www.ndhfa.org.

SUPPORTIVE SENIOR HOUSING PROJECTS AWARDED DEVELOPMENT ASSISTANCE

North Dakota Housing Finance Agency (NDHFA) has awarded development assistance to four affordable housing projects that will offer supportive services to help their senior tenants age in place.

NDHFA awarded a total of \$3.39 million in federal tax credit authority to the projects through the Low Income Housing Tax Credit (LIHTC) program which will generate more than \$30 million in equity. The Agency also awarded \$2.8 million from the National Housing Trust Fund (HTF) and \$1.6 million from the state's Housing Incentive Fund (HIF).

"North Dakota's seniors are one of the most housing insecure and cost-burdened sectors of our population," said Jolene Kline, NDHFA's executive director. "Focusing our development resources on supportive housing for these households allows seniors of limited means to live safely and comfortably, and reduces the burden placed on the state if the other alternative is a costly long-term care facility."

About the Projects

Century Cottages, a CommunityWorks North Dakota project that will be located on Century Ave. in Bismarck, ND, received \$788,000 in LIHTCs. NDHFA also made a commitment of \$300,000 from the HTF and \$408,047 through HIF. The project will create 35 new one- and two-bedroom apartments. Twenty percent of the units will be reserved for households that require assistance to live independently. The cost of construction is estimated to be \$8.5 million.

The Schuett Companies was awarded \$899,000 in LIHTCs to support acquisition and renovation of Patterson Place Apartments in downtown Bismarck, ND. The project will also receive \$2.5 million from the HTF. The 117-unit property will continue to be operated as housing for seniors and individuals with disabilities. In addition to supportive services, 24/7 staffing will be added. The total project cost is more than \$17.2 million.

The Housing Authority of Cass County was awarded \$850,000 in LIHTCs to develop The Monterey, the first phase of a planned replacement of its ND1-1 and ND1-2 properties, commonly known as the West Fargo low-rise. The project was also awarded \$600,000 through HIF. The Monterey will consist of 42 one-bedroom and three two-bedroom apartments. Twenty percent of the units will be reserved for households that require assistance to live independently. Separate financing will support the development of office space in the property for the housing authority. The total cost of construction is estimated to be \$11 million.

Phase two of the Housing Authority of Cass County's planned replacement of the ND1-1 and ND1-2 properties, known as The Bridges, was also awarded \$850,000 in LIHTCs and \$600,000 through HIF. The Bridges will consist of 36 one-bedroom and three two-bedroom units. Twenty percent of its units will also be reserved for households that require assistance to live independently. The estimated cost of construction is \$9.6 million.

About the Programs

LIHTC provides an indirect federal subsidy used to finance the construction or rehabilitation of rental housing for lower-income households. The purpose of the HTF is to increase and preserve the supply of housing for extremely low-income households including homeless families. HIF strengthens communities by supporting the development or preservation of rental housing for low- to moderate-income households.

"North Dakota Housing Finance Agency received 25 total applications for development assistance from 12 different projects during our fall 2018 funding rounds," said Kline. "All of our programs received requests for more than twice the funding available. The greatest demand was for Housing Trust Fund assistance, more than four times what was available."

The development programs administered by NDHFA have allocation plans that are reviewed annually to ensure that the projects that receive financial awards address the state's greatest housing needs. The application process for each program is competitive with the top scoring projects receiving the awards. Each applicant must provide evidence that there is a need for the type of housing proposed, that the community supports the development, and that construction costs are reasonable. The period of affordability for the projects receiving federal funds is 30 years, HIF's minimum period of affordability is 15 years.

Bank of North Dakota

INTERNAL AUDITOR II

Internal Auditor II- Bank of North Dakota

Job ID 3011949

Bismarck ND

Hiring Range:

Auditor II - \$51,500 - \$62,376

Auditor I* - \$43,032 - \$51,500

***If unable to find qualified candidates, the hiring authority will consider filling this position with an Auditor I, which requires the degree but no auditing experience. Current students graduating at the end of Fall semester are welcome to apply.**

Duties and Tasks

- Conduct preliminary audit research and planning.
- Research industry guidelines and regulations.
- Conduct audits of a routine nature or a segment of a moderately complex audit.
- Identify weakness of systems and controls and present recommendations for change.
- Conduct pre- and post-audit conferences.
- Prepare reports for less complex audits or assist in the preparation of reports for audits with increased complexity.
- Communicate audit findings/recommendations to management and Advisory Board.
- Perform general audit related duties, special requests, cash counts, employee account reviews, follow up on outstanding audit issues, assisting others, etc.
- Review work activities of other audit personnel and staff and provide training and coaching as appropriate.
- Coordinate external audit activities, such as the preparation of audit confirmations, scheduling external reviews, and coordinating the completion of request lists.
- Assist external audit personnel and monitor the status of engagements.
- Attend training to maintain professional certifications, attend training relevant to banking industry, attend meetings for training purposes and to exchange ideas with audit peers.

Minimum Qualifications

Requires a bachelor's degree in accounting, business, finance, economics or related field and two years of auditing experience in a financial environment, financial auditing, information technology auditing, or other related field. *Hiring authority may also consider underfilling this position with an Auditor I, which requires the degree but no auditing experience.

Preferred Qualifications

- Financial Institution or state government experience is desirable.
- Desired professional certifications include:
- Certified Public Accountant.
- Certified Internal Auditor.
- Certified Information Systems Auditor.
- Other certifications relevant to the areas of responsibility will be considered by the hiring committee.

For more information and application procedures [CLICK HERE](#)



Farmers & Merchants State Bank

FARMERS & MERCHANTS STATE BANK MAKES \$50,000 GIFT COMMITMENT TO FIRE UP FROST FIRE CAMPAIGN

The opening of Frost Fire Park's Outdoor Recreation Programs is moving closer to reality thanks to Farmers & Merchants State Bank \$50,000 gift and partnership commitment to the "Fire up Frost Fire's" Capital Campaign through the Pembina Gorge Foundation.

"From the beginning, Farmers and Merchants State Bank has been extremely excited and supportive of us and committed to the Foundation's work to purchase Frost Fire and raise funds to bring it back up to par, said Kristi Wilfahrt, Interim Director, Pembina Gorge Foundation. "When you have partners and people –like the staff and board of directors of Farmers & Merchants-- who constantly encourage and remind us that Frost Fire's recreation programs and summer theatre are so important for community well-being, that is when you're able to find success and keep working to make a difference in the quality of life for people who live in the region. We know Frost Fire will benefit the lives of so many kids and their families, our seniors, tourists and guests. In addition, it's good for the economy."

"We're proud to partner with the Pembina Gorge Foundation on the Frost Fire Park Project. We feel Frost Fire Park is vitally important for tourism in our local area, as well as northeastern North Dakota, and the entire state" commented Chalmer Dettler, President of Farmers and Merchants.

ABOUT PEMBINA GORGE FOUNDATION and FROST FIRE Park

The mission of the Pembina Gorge Foundation is to preserve and enhance the experience of the Pembina Gorge while connecting people to positive, life changing experiences. The Foundation develops and supports historical, cultural, education, natural, interpretive and recreational opportunities in the Gorge.

Pembina Gorge Foundation incorporated as a nonprofit in the State of North Dakota in January 2017, immediately launching the quiet phase of a capital campaign to raise resources for the purchase and restoration to Fire up Frost Fire. The Mountain Outdoor Recreation goal is \$2.3 million, of which \$900,000 has been generously committed through local individuals and business.



Farmers and Merchants State Bank of Langdon President Chalmer Dettler is pictured presenting the first installment of a \$50,000 commitment for the Frost Fire Park Project. Accepting for the Pembina Gorge Foundation is interim director Kristi Wilfahrt.



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Bank of North Dakota

LEADER OF PROCESSING, STUDENT LOANS

Leader of Processing, Student Loans - Bank of North Dakota

Job ID 3011956

Bismarck ND

Hiring Range: \$53,000 - \$62,376; Grade K

State Job Classification: Admin Staff Officer II

Summary of Work

The Leader of Processing is a managerial position, this individual is responsible for the leadership of the processing team in Student Loans within Bank of North Dakota's Education Market. They must have the ability to lead, inspire, mentor and develop staff. They must have the innovation and analytical skills to identify processing areas for improvement. This individual will also serve as part of the Education Market leadership team.

This goal-driven leader will plan, organize and coordinate activities associated with processing of student loan originations and servicing; develop policies and procedures; develop team/staff goals and establish standards for performance of work by team members. Other duties consist of evaluating work volumes while monitoring and evaluating standards for processing activity to ensure compliance with policies, procedures and statutes. They will oversee hiring, training and reviews for the area, while building and maintaining a positive work environment.

This result-driven professional will be highly motivated, have a strong work ethic and be committed to excellence. They must be able to handle high pressure/difficult situations and conversations. Additional responsibilities include making recommendations affecting organizational goals and objectives.

Minimum Qualifications

Requires a bachelor's degree in business administration, banking, accounting, economics or closely related field with a minimum of three years in areas such as leadership, customer service, data analytics, communication and employee supervision. Additional work experience as described may substitute for the education requirement on a year-for-year basis.

Preferred Qualifications:

- Leadership experience in (Coaching, Collaboration, Curiosity, and/or Empowerment)
- Data mining and analysis

For more information and application procedures [CLICK HERE](#)

*Christmas is a time for cherishing those
who bring so many blessings to our
lives. May your heart feel that love
this Christmas and throughout the
New Year ahead.*

Merry Christmas

From ICBND Staff and Board

Barry, Wendy and Nanci



ICBND Educational Opportunities

ICBND Webinars

| | | | |
|-----------------------|---|---------------------|--|
| | | 1/14/2019 Monday | FFIEC Exam Procedures for Business Continuity Molly Stull, Brode Consulting Services, Inc. |
| | | 1/15/2019 | 2018 HMDA Submission Due March 1, 2019 Part 1: Identifying Reportable Loans, Data Integrity & FIG Analysis Susan Costonis, Compliance Consulting and Training for Financial Institutions |
| 12/4/2018 | Improving Teller Performance: Head Teller Development Molly Stull, Brode Consulting Services, Inc. | | |
| 12/5/2018 | Cyber Series: Compliance Questions & Issues in Deploying Mobile Remote Deposit Capture Michele L. Barlow, PAR/WACHA | 1/16/2019 | Call Reports 2019 Update Michael Gordon & Kris Trainor, Mauldin & Jenkins, LLC |
| 12/6/2018 | Auditing for HMDA Compliance, Including New Data Collection Rules Susan Costonis, Compliance Consulting and Training for Financial Institutions | 1/17/2019 | IRA & HSA 2019 Update, Including Tax Reform Considerations Frank J. LaLoggia, LaLoggia Consulting, Inc. |
| 12/11/2018 | Call Report Series: Improving Efficiency in Call Report Preparation: Documentation, Accuracy & Common Errors Michael Gordon & Kris Trainor, Mauldin & Jenkins, LLC | 1/23/2019 | 2018 HMDA Submission Due March 1, 2019, Part 2: Requirements, Clearing Edits, Exempt Fields & More Susan Costonis, Compliance Consulting and Training for Financial Institutions |
| 12/12/2018 | Your Depositor Has Died: Actions to Take, Mistakes to Avoid Elizabeth Fast, Spencer Fane LLP | 1/24/2019 | Determining Cash Flow from Personal Tax Returns After 2018 Tax Reform Part 1: Schedules A, B & C Tim Harrington, TEAM Resources |
| 12/13/2018 | Dealing with Joint Signers in Consumer & Real Estate Lending Bill Elliott, Young & Associates, Inc. | 1/28/2019 | Real Estate Loan Collection Rules for Lenders & Mortgage Servicers Elizabeth Fast, Spencer Fane LLP |
| 12/14/2018 Morning | SPECIAL EDITION Commercial Appraisal Review: Income & Sales Approach Heidi C. Lee, Appraisal Review & Consultation | Monday 1/29/2019 | Credit Analysis & Underwriting Series: Analyzing Financial Statements for the Credit Analyst S. Wayne Linder, Young & Associates, Inc. |
| 12/17/2018 Monday | SPECIAL EDITION Managing the Force-Placed Insurance Process Bill Elliott, Young & Associates, Inc. | 1/30/2019 | Teller Training Series: Frontline Fraud Prevention: Stopping Fraud at the Teller Line Mary-Lou Heighes, Compliance Plus, Inc. |
| 12/18/2018 | Handling Government ACH Payment Returns & Reclamations Michele L. Barlow, PAR/WACHA | 1/31/2019 | SBA Lending 2019 Update: Guidance on the Latest Changes to Policies, Procedures & Documentation Kimberly A. Rayer, Starfield & Smith, PC |
| 12/19/2018 | Closing or Changing Deposit Accounts for Consumers & Businesses Susan Costonis, Compliance Consulting and Training for Financial Institutions | 2/4/2019 Monday | Flood Insurance Compliance Update & FAQs Ann Brode-Harner, Brode Consulting Services, Inc. |
| 12/20/2018 | BSA Officer Reports to the Board Molly Stull, Brode Consulting Services, Inc. | 2/5/2019 | ACH Specialist Series: ACH Tax Refund Exceptions, Posting & Liabilities Michele L. Barlow, PAR/WACHA |
| 1/8/2019 | Record Retention & Destruction Rules: Paper & Electronic Elizabeth Fast, Spencer Fane LLP | 2/6/2019 | Right of Setoff on Deposit Accounts & Loans: Legal Issues Elizabeth Fast, Spencer Fane LLP |
| 1/9/2019 | Credit Analysis & Underwriting Series: Regulator Issues & Update for the Credit Analyst S. Wayne Linder, Young & Associates, Inc. | 2/7/2019 | C-Suite Series: CAMELS Rating for Executives Ann Brode-Harner, Brode Consulting Services, Inc. |
| 1/10/2019 | Teller Training Series: Compliance Training for the Frontline Dawn Kincaid, Brode Consulting Services, Inc. | 2/12/2019 | Board Reporting Series: Board Secretary Procedural & Compliance Responsibilities Dawn Kincaid, Brode Consulting Services, Inc. |

ICBND Educational Opportunities

| | |
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| 2/13/2019 | Prepaid Cards: Your Bank's Responsibilities Under the New Rules, Effective April 1, 2019 Elizabeth Fast, Spencer Fane LLP |
| 2/20/2019 | Teller Training Series: Risks & Precautions for Endorsements & Other Negotiable Instruments Mary-Lou Heighes, Compliance Plus, Inc. |
| 2/21/2019 | Credit Analysis & Underwriting Series: Debt Service Coverage Calculations in Underwriting S. Wayne Linder, Young & Associates, Inc. |
| 2/25/2019 | Determining Cash Flow from Personal Tax Returns After 2018 Tax Reform Part 2: Schedules D, E & F Tim Harrington, TEAM Resources |
| 2/26/2019 | ACH Specialist Series: ACH Dispute Resolution Michele L. Barlow, PAR/WACHA |
| 2/27/2019 | The New NIST Digital Identity Guidelines: Impact on Passwords, Security Questions & Account Lockouts Chad Killingsworth, Jack Henry & Associates, Inc.® |
| 2/28/2019 | Debit Card Chargebacks Part 1: Understanding Visa Rule Changes Diana Kern, SHAZAM, Inc. |

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Director Series webinars are scheduled from 10:00-11:30 AM Central Time

Please check the brochure copy to confirm the time.

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