



Ohio Revised Code

Section 1125.09 Conditions necessary for appointment of conservator.

Effective: January 1, 1997

Legislation: House Bill 538 - 121st General Assembly

The superintendent of financial institutions may appoint a conservator to take possession of the property and business of a bank and to retain possession until the bank resumes business or a receiver is appointed, as provided for in this chapter, if the superintendent finds any one or more of the following conditions:

- (A) The bank is in an unsafe or unsound condition to continue the business of banking.
- (B) The bank is insolvent, in that it has ceased to pay its debts in the ordinary course of business, it is incapable of paying its debts as they mature, or it has liabilities in excess of its assets.
- (C) The bank has committed a violation of law that has caused or that threatens substantial injury to any of the public, the banking industry, or the bank's depositors or other creditors.
- (D) The bank has refused to submit its records of account, papers, or affairs to the inspection or examination of any federal agency or the superintendent.
- (E) The bank has failed to pay its deposits or obligations in accordance with the terms under which the deposits were taken or the obligations were incurred.
- (F) A majority of the board of directors of the bank or a majority of its shareholders has requested the superintendent to appoint a conservator to take possession of the bank.
- (G) Either all positions on the board of directors of the bank are vacant or all of the directors then in office are incapacitated or otherwise unable to perform their responsibilities.
- (H) The bank has violated any court order, statute, rule, or regulation, or its articles of incorporation, and the superintendent determines the continued control of its own affairs threatens injury to any of the public, the banking industry, or the bank's depositors or other creditors.



(I) The bank's status as an insured institution has been terminated by the federal deposit insurance corporation.
