COLORADO STATE BANKING BOARD

Record of Proceedings - Regular Session

September 18, 2025

The Colorado State Banking Board (Banking Board) meeting was delayed for half an hour due to a fire alarm and building evacuation at 10:00 am.

The Board was called to order by Chair Sarah Auchterlonie (Chair Auchterlonie) at 10:30 am, September 18, 2025, at the DORA conference center, 1560 Broadway, Room 100D. In addition to the Chair, Board member Glen Jammaron was physically present, while other members Scott Applegate, Kim Gardner, Jennifer Payne, Doug Price, and Clay Roberts participated via Zoom webinar. Megan Harmon and Sid Kotwal were absent. A quorum was declared; 10:30 am.

Commissioner Kara Hunter (Commissioner); the Board's legal representatives, Robert Finke, First Assistant Attorney General, and Sarah Donahue, Assistant Attorney General II; Applications Manager Jessica Kowalik; PDPA Administrator Allison Rothermel; and Board Administrator Chas Siler also attended. The Division's Trust Company Team of John Pray, Tracy Green, and Jack Thomas were also participants in the webinar.

- **Record of Proceedings Approval**

Chair Auchterlonie called for a motion to approve the minutes for August 21, 2025. G. Jammaron made a motion to approve the August 21st Record of Proceedings, Regular Session, as presented. Second by S. Applegate. Motion carried unanimously; 10:30 am.

There were no further items for discussion in open session; therefore, Chair Auchterlonie called for a motion that the Banking Board convene in Executive Session to discuss confidential information of – and when appropriate with – the following entities with an application or request on the agenda of today's meeting of the Colorado Banking Board: stating that such matters must be kept confidential as required by the Colorado Banking Code, Sections 11-102-103(10), 11-102-305, and 11-102-306. Authorization for the Executive Session is in the Colorado Banking Code Section 11-102-103(8) and in the Open Meetings Law, Section 24-6-402(3)(a) (III), C.R.S.

1. Use of Name Application: First Bank and Trust of Memphis dba BANK19 (Memphis TX)
2. Branch Purchase & Assumption Application: The Colorado Bank & Trust Company of La Junta (La Junta CO) and InBank (Raton NM)
3. Money Transmitter License Application: Athena Bitcoin, Inc. (Miami FL)
4. Money Transmitter License Application: Inter & Co Payments, Inc. (Miami FL)

Motion by G. Jammaron to convene in Executive Session. Second by K. Gardner. Motion carried unanimously; 10:34 am.

The Banking Board retired to Executive Session, which was digitally recorded only.

Motion by G. Jammaron to adjourn the Executive Session and reconvene the Regular Session of the September 18, 2025, Banking Board meeting. Second by S. Applegate. Motion carried unanimously; 10:48 am.

➢ Applications and Requests

Use of Name Request – First Bank and Trust of Memphis dba BANK19 (Memphis TX)

J. Kowalik stated that First Bank and Trust of Memphis dba BANK19 (BANK19) submitted a Use of Name request to use the name "BANK19". Management has submitted the required documentation, and the name has been posted on the Division's website. The comment period expired July 25, 2025, with no objections received. Based on a review of current financial institutions and branch banking facilities in Colorado, the Division did not find any financial institution names or dbas that were identical or deceptively similar to "BANK19" or would be "[l]ikely to cause the public to be confused, deceived, or mistaken" under C.R.S. 11-104-202(8).

Chair Auchterlonie asked if there were any questions or comments from the Banking Board. Hearing none, the Chair then requested the Division's recommendation. J. Kowalik recommended approving the Use of Name request by First Bank and Trust of Memphis dba BANK19, Memphis, Texas, to use "BANK19" in Colorado. G. Jammaron moved to approve, and J. Payne seconded. The motion passed unanimously, 10:49 am.

Branch Purchase & Assumption Application – The Colorado Bank & Trust Company of La Junta (La Junta CO) and InBank (Raton NM)

Ernie Panasci with the applicant was on the call. J. Kowalik stated that The Colorado Bank & Trust Company of La Junta, La Junta, Colorado (CBTC La Junta, Applicant) has filed a Branch Purchase and Assumption Interagency Bank Merger Act Application wherein CBTC La Junta seeks to acquire certain assets and assume certain liabilities of three (3) branches of InBank, Raton, New Mexico (InBank). Upon completion of this transaction, CBTC La Junta requests approval to convert the acquired InBank branches located in Buena Vista, Wiley and Lamar, Colorado into branches of CBTC La Junta.

Chair Auchterlonie asked if there were any questions or comments from the Banking Board. Hearing none, the Chair then requested the Division's recommendations. First, J. Kowalik recommended approving the the Branch Purchase and Assumption Interagency Bank Merger Act Application between The Colorado Bank & Trust Company of La Junta, La Junta, Colorado and InBank, Raton, New Mexico. S. Applegate moved to approve, and G. Jammaron seconded. The motion passed unanimously, 10:51 am.

Second, J. Kowalik recommended approving the Branch Purchase and Assumption Agreements between The Colorado Bank & Trust Company of La Junta and InBank. G. Jammaron so moved, and S. Applegate seconded. The motion passed unanimously, 10:51 am.

Lastly, J. Kowalik recommended approving the conversion of three (3) existing banking facilities of InBank located in Buena Vista, Wiley and Lamar, Colorado into branches of The Colorado Bank & Trust Company of La Junta. G. Jammaron moved to approve, and J. Payne seconded. The motion carried unanimously, 10:52 am.

Money Transmitter License Application – Athena Bitcoin, Inc. (Miami FL)

Sam Nazzaro and Hans Telge with the applicant were on the call. J. Kowalik stated that Athena Bitcoin, Inc., Miami, Florida (Athena) has filed an application to be licensed as a Money Transmitter under the Colorado Money Transmitters Act. Athena has complied with all statutory requirements, and all documentation provided by the applicant, including biographical and financial information, was reviewed by the Division and no items of concern were found.

Chair Auchterlonie asked if there were any questions or comments from the Banking Board. Hearing none, the Chair then requested the Division's recommendation.

The Division recommended approving the application of Athena Bitcoin, Inc., Miami, Florida, to be licensed as a Colorado money transmitter under the Colorado Money Transmitters Act. The applicant must comply with the requirements of Section 11-110-109 C.R.S. G. Jammaron moved to approve the Money Transmitter application as stated in the Division's recommendation, and S. Applegate seconded. The motion carried unanimously at 10:53 am.

Money Transmitter License Application – Inter & Co Payments, Inc. (Miami FL)

J. Kowalik stated that Inter & Co Payments, Inc., Miami, Florida (Inter) has filed an application to be licensed as a Money Transmitter under the Colorado Money Transmitters Act and has requested a reduction in the surety bond to $250,000. Inter has complied with all statutory requirements, and all documentation provided by the applicant, including biographical and financial information, was reviewed by the Division and no items of concern were found.

Chair Auchterlonie asked if there were any questions or comments from the Banking Board. Hearing none, the Chair then requested the Division's recommendations.

First the Division recommended approving the application of Inter & Co Payments, Inc., Miami, Florida, to be licensed as a Colorado money transmitter under the Colorado Money Transmitters Act. The applicant must comply with the requirements of Section 11-110-109 C.R.S. G. Jammaron moved to approve the Money Transmitter application as stated in the Division's recommendation, and K. Gardner seconded. The motion carried unanimously at 10:54 am. Next J. Kowalik recommended approving the Applicant's request to reduce the surety bond to $250,000. G. Jammaron so moved, and J. Payne seconded. The motion carried unanimously, 10:54 am.

➢ Division of Banking/Commissioner's Report

1) Delegated Authority Report. Acting Commissioner Hunter presented for ratification the delegated items processed during the month of August.

   - Two items were presented, and Chair Auchterlonie called for a motion to ratify the delegated items. Motion made by G. Jammaron, and second by S. Applegate. The motion carried unanimously; 10:55 am.

2) Activities & Outreach Report.

   - August 25 to 28, 2025 – CSBS Board Meeting and Strategic Planning, Baltimore MD.
   - The Acting Commissioner and Division staff continue to attend periodic meetings regarding money transmitters, trust companies, cryptocurrency firms, and other companies with significant regulatory issues.

➢ Permanent Rulemaking Hearing: Money Transmitters

The Chair stated that the next item on the agenda is a regular Rulemaking hearing. Division Staff will present the rules and the Chair will then ask if there are any public comments. If there are no comments the Board will go directly into discussion and vote. If there are comments, the Board Secretary will go over the guidelines and the floor will be open. Each rule will be addressed and voted on separately.

A. Rothermel presented the proposed amendments and repeals to the Banking Board Rule 3 CCR 701-7 Money Transmitters. On July 17, 2025, the Banking Board approved Emergency Rulemaking to 3 CCR 701-7 Money Transmitters due to the repeal and reenactment, with amendments, Title 11, Article 110 of the Colorado Revised Statutes the "Money Transmission Modernization Act" (MTMA), effective August 6, 2025. The emergency rules took effect August 6, 2025. This regular rulemaking is to make permanent the emergency rules, including a noticed amendment to Rule MO3 and a noticed correction to Rule MO5. Amendments to Rules MO0.5, MO1, MO2, MO3, MO5, and MO7 are to align Rule requirements with the MTMA, remove sections that are no longer applicable, or are codified in the MTMA, and update statutory references. In its request to move forward with regular rulemaking and filings with the Secretary of State, Rule MO3 includes a proposed amendment to require a licensee to notify the Division, via NMLS filing, of an administrative or legal action taken by a regulatory action or licensing authority. Regarding Rule MO5, the Division notified stakeholders on Monday, September 9, 2025, of typographical errors of statutory citations in the Rule. The correction notice was included in the Secretary of State's September 10, 2025 Colorado Register. The notice and corrected rule redline are included and proposed in this rulemaking hearing. Lastly, the repeal of Rules MO4, MO6, and MO8 is due to Rule requirements being addressed in

Federal regulations, and rule language being codified in the MTMA and a duplicative rule being unnecessary.

The Chair asked if there were any public comments on the amendment of Rule MO0.5 Definitions. Hearing none, the rulemaking hearing portion on this rule concluded and no further comments accepted. The Chair called for discussion; there was none, so the Chair called for a motion that the Banking Board adopt the proposed AMENDMENT to MO0.5 as presented. G. Jammaron so moved, and S. Applegate seconded. Motion carried unanimously, 11:02 a.m.

The Chair asked if there were any public comments on the amendment of Rule MO1 Surety Bond. Hearing none, the rulemaking hearing portion on this rule concluded and no further comments accepted. The Chair called for discussion; there was none, so the Chair called for a motion that the Banking Board adopt the proposed AMENDMENT to MO1 as presented. G. Jammaron so moved, and S. Applegate seconded. Motion carried unanimously, 11:03 a.m.

The Chair asked if there were any public comments on the amendment of Rule MO2 Permissible Investments. A. Rothermel stated that a late public comment was received and the Division would suggest this amendment be tabled. The Chair called for a motion that the Banking Board table the proposed AMENDMENT to MO2 as presented. G. Jammaron moved to TABLE, and J. Payne seconded. Motion carried unanimously, 11:04 a.m.

The Chair asked if there were any public comments on the amendment of Rule MO3 Records. Hearing none, the rulemaking hearing portion on this rule concluded and no further comments accepted. The Chair called for discussion; there was none, so the Chair called for a motion that the Banking Board adopt the proposed AMENDMENT to MO3 as presented. G. Jammaron so moved, and K. Gardner seconded. Motion carried unanimously, 11:04 a.m.

The Chair asked if there were any public comments on the repeal of Rule MO4 Qualification of License Applicant. Hearing none, the rulemaking hearing portion on this rule concluded and no further comments accepted. The Chair called for discussion; there was none, so the Chair called for a motion that the Banking Board adopt the proposed REPEAL of MO4 as presented. G. Jammaron so moved, and J. Payne seconded. Motion carried unanimously, 11:05 a.m.

The Chair asked if there were any public comments on the amendment of Rule MO5 Change of Control. Hearing none, the rulemaking hearing portion on this rule concluded and no further comments accepted. The Chair called for discussion; there was none, so the Chair called for a motion that the Banking Board adopt the proposed AMENDMENT to MO5 as presented. G. Jammaron so moved, and S. Applegate seconded. Motion carried unanimously, 11:06 a.m.

The Chair asked if there were any public comments on the repeal of Rule MO6 Compliance with Federal Regulations. Hearing none, the rulemaking hearing portion on this rule concluded and no further comments accepted. The Chair called for discussion; there was none, so the Chair called for a motion that the Banking Board adopt the proposed REPEAL to MO6 as presented. G. Jammaron so moved, and S. Applegate seconded. Motion carried unanimously, 11:07 a.m.

The Chair asked if there were any public comments on the amendment of Rule MO7 Customer Notice. Hearing none, the rulemaking hearing portion on this rule concluded and no further comments accepted. The Chair called for discussion; there was none, so the Chair called for a motion that the Banking Board adopt the proposed AMENDMENT to MO7 as presented. G. Jammaron so moved, and S. Applegate seconded. Motion carried unanimously, 11:08 a.m.

The Chair asked if there were any public comments on the repeal of Rule MO8 Employee Money Laundering Affirmation. Hearing none, the rulemaking hearing portion on this rule concluded and no further comments accepted. The Chair called for discussion; there was none, so the Chair called for a motion that the Banking Board adopt the proposed REPEAL to MO8 as presented. G. Jammaron so moved, and J. Payne seconded. Motion carried unanimously, 11:08 a.m.

There were no further items for discussion in open session; therefore, Chair Auchterlonie called for a motion to reconvene in Executive Session to discuss:

1) aggregate statistical data summarizing: processing of examinations, applications, PDPA, examination results and outstanding enforcement actions;
2) confidential information of - and when appropriate with – financial service providers that are or may be the subject of formal or informal enforcement action or have recently been examined;
3) the current status of applications approved by the Board at prior meetings; and
4) applications, requests, or consent orders submitted to the Division of Banking, in particular the Cease & Desist Order regarding Etana Trust Company.

Stating that such matters must be kept confidential as required by the Colorado Banking Code, Sections 11-102-103 (10), 11-102-305, and 11-102-306, and Authorization for the Executive Session is in the Colorado Banking Code, Sections 11-102-103 (8) and the Open Meetings Law, Section 24-6-402 (3) (a) (II) and (III), and (3.5) C.R.S.

Motion by G. Jammaron to reconvene the Executive Session of the September 18, 2025, Board meeting, and S. Applegate seconded. Motion carried unanimously; 11:12 am.

The Banking Board retired to Executive Session, which was digitally recorded only.

Chair Auchterlonie called for a motion to adjourn from the Executive Session and reconvene the Regular Session of the September 18, 2025, Banking Board meeting. Motion by G. Jammaron to reconvene, and second by D. Price. Motion carried unanimously; 12:20 pm.

- **Update on Cease & Desist Order regarding Etana Custody Inc.**

Commissioner Hunter provided an update on the actions of Etana Custody Inc. since the August Board Meeting. Based on the current facts and circumstances, the Division requests the Banking Board authorize the Commissioner to enter into a Stipulated Order of Suspension with Etana Custody, Inc. to protect customers, preserve regulatory flexibility, and provide a structured path for the Etana Custody, Inc. to address its deficiencies.

The Chair asked for a motion to enter into a stipulation with Etana Trust Company to include regulatory matters consistent with the Division's statutory authority, to suspend the company's activities, and to monitor and enforce and defend the stipulation as necessary. G. Jammaron so moved, and K. Gardner seconded. The motion carried unanimously, 12:22 pm.

- **Other Items for Discussion**

There were no other items for discussion; therefore, Chair Auchterlonie asked for a motion to adjourn. Motion made by G. Jammaron to adjourn the Regular Session of the September 18, 2025, Banking Board meeting. Second by D. Price. Motion carried unanimously; 12:22 pm. Meeting adjourned.

I certify that the foregoing information substantially reflects the substance of the discussions as transcribed from my notes.

CeRSil September 18, 2025

Chas Siler, Board Administrator Date
Colorado State Banking Board