

COLORADO STATE BANKING BOARD
Record of Proceedings - Regular Session
December 18, 2025

The Board was called to order by Chair Sarah Auchterlonie (Chair Auchterlonie) at 10:03 am, December 18, 2025, at the DORA conference center, 1560 Broadway, Room 100D. The Chair was physically present, while Board members Megan Harmon, Glen Jammaron, Doug Price, and Clay Roberts all participated via Zoom webinar. Scott Applegate, Kim Gardner, and Jennifer Payne were absent. A quorum was declared; 10:03 am.

Commissioner Kara Hunter (Commissioner); the Board's legal representative, Robert Finke, First Assistant Attorney General; Applications Manager Jessica Kowalik; Robert Spell, Director of Money Transmitters; and Board Administrator Chas Siler also attended.

➤ **Record of Proceedings Approval**

Chair Auchterlonie called for a motion to approve the minutes for November 6 and 20, 2025. G. Jammaron made a motion to approve the November 6th Record of Proceedings, Special Session. C. Roberts seconded; the motion carried unanimously, 10:04 am. M. Harmon moved to approve the November 20th Record of Proceedings, Regular Session, as presented. Second by G. Jammaron; the motion carried unanimously; 10:04 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 Request: Sunwest Bank (Sandy UT)
2. Money Transmitter License Application: Payment Progress LLC (Red Bank NJ)

Motion by C. Roberts to convene in Executive Session. Second by G. Jammaron. Motion carried unanimously; 10:06 am.

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

Motion by C. Roberts to adjourn the Executive Session and reconvene the Regular Session of the December 18, 2025, Banking Board meeting. Second by M. Harmon. Motion carried unanimously; 10:43 am.

➤ **Applications and Requests**

Use of Name Application – Sunwest Bank, Sandy, UT to use “Sunwest Bank”

Bo Anderson and Carson Lappetito with Sunwest Bank participated in the discussion, as did Leslie Shepard with SunWest Credit Union. J. Kowalik stated that On September 26, 2025, Sunwest Bank re-filed with the Division a Notice of Intent to Establish a Branch and was advised their name would need Banking Board approval. Management has submitted the required documentation, and the name has been posted on the Division’s website. The comment period expired October 16, 2025; one objection was 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 “Sunwest Bank” under C.R.S. 11-104-202(8)(a). However, there is a credit union named Sunwest Credit Union with locations in Pueblo and Canon City, Colorado. While Sunwest Credit Union is not a financial institution under C.R.S. 11-101-401(36), the objection may possibly fall under C.R.S. 11-104-202(8)(b): “[I]ikely to cause the public to be confused, deceived, or mistaken”.

Chair Auchterlonie asked if there were any questions or comments from the Banking Board. M. Harmon stated that her institution, The Eastern Colorado Bank, has been represented by Otteson Shapiro but does not believe this presents a conflict. The appeal period for the Board’s previous denial in June has lapsed. M. Harmon commented that consumer confusion is likely due to the credit union name. B. Anderson stated that Sunwest Bank was unclear on appealing the previous denial so he was brought in to provide further info. He does not believe there is confusion between credit unions & banks. Leslie Shepard from SunWest Credit Union feels consumer confusion does exist; bank contacted her to state that they only do business loans, not consumer services, but the bank’s website indicates otherwise. Bank’s tone was confrontational. Carson Lappetito with Sunwest Bank said his institution has coexisted with a credit union in Arizona with no confusion. Also, they were surprised by the denial and were advised by counsel to reapply instead of appeal. 95% of the bank’s portfolio is business accounts; their consumer business is largely the result of an Idaho bank purchased, although they do life insurance and some personal accounts for business customers. C. Lappetito attempted to resolve with the credit union; wouldn’t categorize the exchange as confrontational but provided some context. When the credit union would not express a position, he suggested the bank would procure counsel for legal action. Lastly pointed out the legal restrictions on credit unions marketing as banks, but they are marketing themselves using the verb “bank” anyway. He feels it is not appropriate for the Board to deny a bank the business in Colorado. Founded in CA then expanded into other states & wants to serve entrepreneurs in Colorado.

Chair Auchterlonie pointed out that the application is regarding Use of Name and not approval to do business; these are two different issues. The Board has experience in these matters, and the primary concern is consumer confusion.

L. Shepard believes there is consumer confusion in regard to banks and credit unions. No objection to the bank doing business in Colorado, only the name. SA asked for examples, such as mistaken routing numbers. L. Shepard believes that will be an issue if the name Sunwest Bank is approved.

Chair Auchterlonie set a time limit of five more minutes. C. Lappetito addressed L. Shepard comment, offered to use Southwest Commercial Bank instead. Did not get a strong response. If the fundamental issue is confusion, it is self-induced by credit union marketing and provided examples.

Chair Auchterlonie clarified that a different name would require a new application.

D. Price requested that the Division of Banking consult with the Division of Financial Services to develop a consistent process of name approval for both banks and credit unions. R. Finke will address, and Commissioner agrees, they will consult with that Division and try to simplify the process.

The Chair asked for a motion. D. Price moved to deny the Use of Name application for both timeliness and consumer confusion, and M. Harmon seconded. The motion carried unanimously at 11:13 am.

Money Transmitter License Application – Payment Progress LLC (Red Bank NJ)

J. Kowalik stated that Payment Progress LLC, Red Bank, New Jersey, (Payment Progress) has filed an application to be licensed as a Money Transmitter under the Colorado Money Transmitters Act. Payment Progress 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 Payment Progress LLC, Red Bank, New Jersey, 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. M. Harmon moved to approve the Money Transmitter application as stated in the Division's recommendation, and C. Roberts seconded. The motion carried unanimously at 11:17 am.

➤ **Division of Banking/Commissioner's Report**

1) Delegated Authority Report. Commissioner Hunter presented for ratification the delegated item processed during the month of November.

- One item was presented, and Chair Auchterlonie called for a motion to ratify the delegated item. Motion made by C. Roberts, and second by G. Jammarron. The motion carried unanimously; 11:18 am.

2) Activities & Outreach Report.

- **November 4, 2025** – Quarterly meeting with FDIC’s Jeff McDonald and Mark Taylor
- **November 7, 2025** – CSBS Educational Foundation Board of Trustees Meeting
- **November 17 -19** – CSBS Trust Forum
- **November 19, 2025** – Joint Board Meeting – 2026 CSBS Budget
- **November 19, 2025** – CSBS hosted Interagency Coordination Call with the FDIC/FRB/States
- **November 20, 2025** – Met with Representative Taggart and DORA’s Matt Gorenc to discuss Crypto ATM’s
- **November 25, 2025** – Met with Federal Reserve Kansas City – Denver to discuss October 29, 2025 Statement of Supervisory Operating Principles
- **November 2025** – Continue to meet with bankers – attend commercial bank management and board exit meetings
- The Commissioner and Division staff continue to attend periodic meetings regarding money transmitters, trust companies, cryptocurrency firms, and other companies with significant regulatory issues.

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, and
- 5) Etana Custody Inc. Stipulated Order of Consent to Involuntary Dissolution and Liquidation; and
- 6) Interim Regulatory Guidance: Virtual Currency and the Colorado Money Transmission Modernization Act.

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. Jammarron to reconvene the Executive Session of the December 18, 2025, Board meeting, and C. Roberts seconded. Motion carried unanimously; 11:21 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 December 18, 2025, Banking Board meeting. Motion by G. Jammaron to reconvene, and second by C. Roberts. Motion carried unanimously; 11:56 am.

➤ **Other Items for Discussion**

The Division requested the authority to release the document, Interim Regulatory Guidance: Virtual Currency and the Colorado Money Transmission Modernization Act. M. Harmon moved to grant that authority, and C. Roberts seconded. The motion carried unanimously, 11:58 am.

Commissioner Hunter addressed the passing of Robert Young of Alpine Bank. She described him as instrumental to Colorado banking and shared a story of visiting the offices when they were in Aspen, where Mr. Young expressed the view that, “The most valuable thing you can provide to another is caring.” G. Jammaron concurred and remarked that it was an honor and a privilege to work with Bob.

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 December 18, 2025, Banking Board meeting. Second by M. Harmon. Motion carried unanimously; 12:01 pm. Meeting adjourned.

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

CERSIL

December 18, 2025

Chas Siler, Board Administrator
Colorado State Banking Board

Date