

From: [Smith, Karen R](#)
To: [Duncan-Smith, Denise](#); [Amsler, Robert W](#); [Utecht, Rhyan](#)
Subject: FW: [External] CRA Protest Complaint
Date: Monday, January 30, 2023 2:36:54 PM
Attachments: [CRA Protest Complaint - FRB \(1\).docx](#)
[Zip Codes Letter \(1\).doc](#)

From: Barry Simmons <rendexes@gmail.com>
Sent: Monday, January 30, 2023 9:40 AM
To: Smith, Karen R <karen.r.smith@dal.frb.org>
Subject: [External] CRA Protest Complaint

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The Renaissance Indexes Group files the CRA Protest Complaint - for full Due Process Rights; for full Agency investigation and to deny Approval for the New Bank Branch Application filed by Vantage Bank for the Houston Location (77056)

In the short term, we need COPY of the New Bank Branch Application and the processing be placed in indefinite suspension.

Thank You

Barry Simmons

Rendexes@gmail.com

(832) 258-3040

Federal Reserve Bank
Karen Smith - Enforcement

January 27, 2023

RE: CRA Protest Complaint / Illegal Discrimination Claims –

This letter is part of the continuing communications between the Federal Reserve Bank (FRB) and the Renaissance Indexes Group (RIG, Claimant) and forms the CRA Protest Complaint filed against **Vantage Bank**. Please find the Illegal Discrimination Claims (IDC) as part of the CRA Protest Complaint to deny the Approval of the New Bank Branch Applications filed by **Vantage Bank** for the 5151 San Felipe Street -Houston, Texas 77056 location

This Petition is to take **Vantage Banks'** New Bank Branch Application out of expedited processing.

The CRA Protest Complaint is filed under the banking laws

-Community Reinvestment Act -Equal Credit Opportunity Act, Fair Housing Act – to include the Final Rule, Home Mortgage Disclosure Act, Fair Lending Laws, FTC Act – Section 5, Regulation B/ C

-under the controlling authority of the applicable Court rulings – US V Chevy Chase FSB, US V Hudson City Savings Bank, US V 1st American Bank, TDHCA V ICP, Inc (Supreme Court case codifying the FHA Final Rule)

-under the Civil Rights laws – Title VIII – 1968 Civil Rights Act

-under the Department rules the HUD Fair Housing Act Final Rule p- and US V Midland States Bancorp

-under the Constitutional laws – Equal Protection Clause – 14th Amendment -United States Constitution

The Claimant petitions that the following rights be honored by the FRB

The Rights to honest investigations to include independent Agency investigations where the FRB findings are independent of the Banks "'addressings" "responses" and "replies" and "representations". The overarching theme in the RIG Complaints states that Vantage Bank has avoided doing Equal business in the black American Neighborhoods in the 21 specified Zip Codes in Dallas.

Rights to comparative analysis of the banking categories – between the two sets of Zip Codes outlined in the Complaint. Neither the FRB nor **Vantage Bank** has the right to

-reframe the Complaint to suit its own purposes and then to offer up an "addressing" to the reframed Claim.

-to bring in outside minority census tracts or other LMI tracts that are all outside of the specified Zip Codes in the Complaint

-to hold the protected class of black Americans to a lowered and lesser standard of full enjoyment of Equal rights secured under the banking laws – US V 1st American Bank- and to use this unequal and unlawful standard to get **Vantage Bank** off on the Claims

The comparative analysis between the two sets of Zip Codes is to be certified for what it is and it is either Equal or it is not. Where the IDC s state that the black American Neighborhoods have been discriminated against by **Vantage Bank** and are denied the Equal bank branches, the equal bank financed developments and the equal community development loans – and where the physical address reality confirms these Claims the truth is what it is.

Where the IDC states that the individuals, businesses and households in the black American Neighborhoods are discriminated against in the Equal lending of **Vantage Bank's** range of lending and credit products – business lending - to include start-up, working capital and bridge loans, mortgages to include perks as in Skip Payment Privileges , Graduated Payment Mortgages, and home equity loans to include full lines of credit and where the geographical dollar amounts in these three lending categories confirms these Claims the truth is to be certified for what it is.

Where the IDC states that **Vantage Bank** has discriminated against the black American Neighborhoods and Media in denial of Equal advertisements, marketing, promotions and outreach of its lending and credit products and where the dollar amounts expenditures verify these Claims the truth of the Claims are what they are and are to be confirmed as such.

The protected class of black Americans in the specified Zip Codes are either entitled to the full enjoyment of Equal rights secured under the CRA, ECOA, FHA – to include the Final Rule, Fair Lending Laws, Title VIII – 1968 Civil Rights Act and secured under the Equal Protection Clause – 14th Amendment – US Constitution – or they are not. Operating under these New Standards to make the determinations is

Has the protected class of black Americans received and are receiving the full enjoyment of Equal rights secured under the above banking laws and other enumerated laws

Where **Vantage Bank** refuses, fails or does not answer the Claim directly and fails to present the legally sufficient justification to prove that the practices challenged in the Complaint – Illegal Discrimination Claims – are necessary to achieve one or more of the Banks' legitimate substantia interests – and that these interest – where legitimate – could not be achieved by another practice with a less discriminatory effect. The Banks legally sufficient justification must be supported with evidence and cannot be speculative or hypothetical – in any attempt to justify the stark disparities in the above

the Claim and where **Vantage Bank's** answers are not consistent with the findings of the independent FRB investigation the Claims are too certified for what they are.

The RIG CRA Protest Complaint outlines the violations of the banking laws: CRA, FHA- to include the Final Rule, ECOA, Regulation B, FTC Act – Section 5 and HMDA –FTC Act – Section 5 and violations of Title VIII – 1968 Civil Rights Act and of the Equal Protection Clause – 14th Amendment – US Constitution. The banking complaint outlines the systemic, pervasive and continuing redlining, illegal discrimination and denial of equal access to capital perpetrated against the protected class of black Americans - as direct result of the entrenched policies, patterns and actions of Frost Bank.

The RIG CRA Protest Complaint outlines illegal discrimination pursuant to the Effects Test which states as follows:

--the party alleging illegal discrimination need only establish a prima facie case by showing that the action in question has a disproportionate discriminate effect on members of the protected class, and is therefore discriminatory in effect -----

Enclosed please find the Illegal Discrimination Claims letter that outlines the policies of **Vantage Bank** and how these policies have the requisite disproportionate discriminate effect on the members of the protected class of black Americans.

Claimant reiterates the earlier Petition to the FRB that the Banks named in the RIG banking complaint be directed to answer the Claims in the RIG banking complaint directly – as in - refute the Claim completely with evidence and that failing a legitimate business necessity reason that the Claim be certified as part of the findings in the investigation report.

The Claimant petitions for and is entitled to honest enforcement and independent FRB investigations – **Vantage Bank** does not get to investigate itself

RE: Vantage Bank

This letter and the enclosed stark and glaring disparities and outright denials of the amounts of capital, number of Bank branches, in-house bank investments, bank financed developments, commercial lending and loan products to include mortgages, home equity and business loans and lines of credit establishes the prima facie case for illegal discrimination, redlining and denial of equal access to capital pursuant to the banking laws, statutes and regulations – against the above-named Bank

The law – pursuant to the New Standards – outlined in the Fair Housing Act – Final Rule (2015), US Supreme Court case – Texas Department of Housing and Community Affairs V Inclusive Communities Properties Inc.(2015)and US V Hudson City Savings

Bank FSB (2015) – pursuant to the Complaint calls for the Bank to provide the legally sufficient justification to prove that the challenge practice – in this case Illegal Discrimination Claims – is necessary to achieve one or more of the Banks’ legitimate, substantial, nondiscriminatory interests – and that these interests – where legitimate – cannot be achieved through another practice or action that has a less discriminatory effect. The legally sufficient justification must be supported by evidence and cannot be hypothetical or speculative.

Where the Bank fails in this 3-tiered test the Illegal Discrimination Claim stands, the Claim is certified as true and the prima facie case for disparate impact, disproportionate discriminate effect on members of a protected class and illegal discrimination is established.

Illegal Discrimination Claims

Bank Branch Disparities the Claim in the banking complaint is that the Zip Codes and neighborhoods of the protected class of black Americans are systematically denied the free-standing edifices of Bank branches from **Vantage Bank** that stabilize the communities, attracts the banks’ own investments, lead to Bank financed developments, attracts outside investments and lays the groundwork for City and municipal investments. These favorable advantages work to the benefit of the neighborhoods that have the bank branches – 95 % of which are in the Anglo Zip Codes – but work to the detriment of the neighborhoods denied the free-standing edifices of Bank branches. This Bank policy that results in the denial of Bank branches to the black American neighborhoods is not one of business necessity – the only argument available to the Banks. This Bank policy of Bank branch placement has a devastating, disproportionate discriminate effect on the black American neighborhoods in that these neighborhoods are denied both the Bank branches and the attendant benefits that come from same. Pursuant to the governing case in US V Chevy Chase FSB this action and policy is redlining.

Home Equity Loans The Claim in the banking complaint is that **Vantage Bank** illegally discriminates against the protected class of black Americans and denies the equal access to capital for home equity loans – the higher rejection rate for this loan product is due to the lending and credit policies of these Banks. These Banks set up obstacles that deny the protected class its rights of equal access to capital for home equity loans – where the homes of black Americans are appraised differently from the homes in the Anglo neighborhoods; where the state of the community is taken into account to determine approval and where the protected class are denied the favorable benefits of banker discretion of counseling and waiver of certain credit marks to get their home equity loans approved. Since these banks have a higher approval rate for home equity loans in the neighborhoods where the bank has placed Bank branches – the

Deliberate policy to deny black American neighborhoods equal (in some cases no Bank branches) has a devastating effect on the approval of home equity loans in the black

American Zip Codes. The few mortgage loans that are made to the protected class of black Americans come saddled with higher interest rates, with higher fees and denial of any of the banker discretionary benefits as in deferments on repayments. This Bank policy is Disparate Treatment of black Americans – which is in violation of the banking laws. This lending and credit policy by these Banks have a disproportionate discriminate effect on the protected class of black Americans – and establishes the prima facie case for illegal discrimination – pursuant to the **ECOA Effects Test**

Business Loans / Lines of Credit The Claim in the banking complaint is that **Vantage Bank** illegally discriminates against the protected class of black Americans are denied the Equal access and approvals for business loans and lines of credit in both the number of business loans and in the amounts - that are needed to stabilize, develop and to revitalize the neighborhoods. The black American businesses are also denied the equal advertising and promotion of business loans as well. This Bank policy -- to refusal to finance the businesses in the black American neighborhoods – both existing and start-ups - is the worst kind of Disparate Treatment and forms the worst kind of redlining and is in violation of the banking laws. The Banks also refuse to seek out black American businesses – as in direct mailings and solicitations- for the loan packages in the same way that it does for the Anglo businesses in the other set of Zip Codes. The black American applicants are denied the wide banker discretion of counseling and waiver of credit marks to get their business loans approved in the same way the banks accommodate the Anglo businesses. The few business loans that these Banks do make to the protected class are piecemeal pittances by comparison and come with higher interest rates, denial of any banker discretion of deferments: more onerous late payment penalties and the black American applicants are required to put up larger amounts of collateral. These Bank policies form the disproportionate discriminate effect on the protected class of black Americans and establish the prima facie case for illegal discrimination – pursuant to the Effects Test. While these Banks are willing to loan black Americans \$50,000 to buy an expensive vehicle it will not loan black Americans the same \$50,000 to go into business or for a credit line for an existing business. This is the very kind of subtle and sophisticated illegal discrimination that The FRB must be on lookout for.

Bank Investment Disparities The Claim in the banking complaint is that the black American neighborhoods are denied the equal in-house investments that **Vantage Bank makes** in the Anglo Zip Codes. The policies that go into the decisions on where to make the Bank investments are not based on any legitimate business necessity. As part of the sophisticated illegal discrimination the Banks make policy decisions that deny the black American neighborhoods the free-standing edifices of Bank branches – then makes further policy decisions to limit its Bank investments to the neighborhoods where the Bank has placed the bank branches – with the net result of the Anglo neighborhoods receiving 95% of the Banks investment – to the detriment of the neighborhoods in the black American Zip Codes that were denied Bank branches.

The net effect of this deliberate bank policy is that the Bank investments enriches, stabilizes and attracts other investments to the neighborhoods in the Anglo Zip Codes – with a reckless disregard for the rights of equal investment in the black American neighborhoods. This Bank policy denies the protected class all of the favorable advantages and benefits that come with Bank investments and is Disparate Treatment. This Bank policy has the disproportionate discriminate effect on the members of the protected class – and is pursuant to the Effects Test – illegal discrimination.

Bank Financed Developments the Claim in the banking complaint is that the black American neighborhoods in the 21 Zip Codes that are redlined by **Vantage Bank** are denied the equal bank financed developments investments that **Vantage Bank** makes in the Anglo Zip Codes. This sophisticated form of (illegal) discrimination follows the same patterns and is formed by the same Bank policy that places the Bank financed developments – stores, hotels, restaurants, retail outlets, mixed use luxury complexes – only where the Bank has made earlier policy decisions to place the Bank branches and where the Bank has made its own in-house investments i. e. the Anglo neighborhoods. The Bank policy decisions on where to place the Bank financed developments are not based on any legitimate business necessity argument. As part of the sophisticated illegal discrimination the Banks make policy decisions that deny the black American neighborhoods the free-standing Bank branch edifices and the Banks' own in-house investments and then make further Bank policy decisions to limit the placement of the Bank financed developments in the Zip Codes where the Bank has Bank branches and Bank in-house investments.

The net result of this Bank policy is that 95% of the bank financed developments are placed in the Anglo Zip Codes – this Bank policy displays a reckless disregard for the equal rights of the protected class of black Americans and is Disparate Treatment of same.

Beyond this the Bank financed developments supports the businesses and properties in the Anglo Zip Codes with no corresponding bank financed developments to support the businesses and properties in the black American Zip Codes. As a direct result of this Bank policy these neighborhoods are denied the equal investments of capital of bank financed developments, are denied the stabilizing effects and are aggrieved by the wreckage of neighborhoods that are denied Bank financed developments.

Commercial Building Loans Disparities The Claim in the banking complaint is that the black American neighborhoods are denied the equal access to capital and equal capital outlays in the form of commercial building loans. The vast majority – 95% - of the **Vantage Bank** commercial building loans are made in the Anglo Zip Codes and go to support the businesses and properties in the Anglo Zip Codes with no corresponding commercial building loan support for the businesses and properties located in the 21 Zip Codes of the protected class. The banks' lending and credit policy on this matter is such that it provides the capital for the commercial building loans in those neighborhoods and Zip Codes with “higher demand”.

The fatal defect of this argument is that the Banks' earlier lending and credit policies are what caused the "higher demand" in the Anglo Zip Codes in the first place. The Banks' earlier and initial policies to deliberately place the vast majority 95% of all of its Bank branches, in-house investments and bank financed developments in the Anglo Zip Codes is what caused the "higher demand" now for commercial building loans. The bank now hides behind this policy of "higher demand" to deny the protected class of black Americans in the redlined Zip Codes their rights of equal access to capital and to continue to enrich and to stabilize the neighborhoods in the Anglo Zip Codes.

This bank policy is not one of business necessity – the bank would not go out of business where it made the same equal access to capital and the same Equal capital outlays for commercial building loans in the 21 Zip Codes of the protected class of black Americans. This policy greatly benefits the citizens, businesses and property owners in the Anglo Zip Codes. This lending and credit policy, however, has a devastatingly disproportionate discriminate effect on the protected class of black Americans.

Advertingis/Marketing Disparities The Claim in the banking complaint is that the black American Media and the black American citizens are aggrieved by the denial of equal investments in the advertising and marketing of the **Vantage Bank's** loan products and banking services, from the denial of direct mailings and of solicitations by these Banks – both in the dollar amounts and in the number of advertisements. This disparity is part and parcel of the overall denial of equal access to capital and denies the protected class the equal knowledge and the equal benefits of the loan products.

This Bank policy – to place 99% of the Bank advertisements in the Anglo general media and in the Anglo business and community newspapers – is not based on any legitimate business necessity on the part of the Banks. The supporting evidence for the redlining charge against these Banks is manifested in the Bank advertising policy and in the fact that the black American Media is excluded from the Bank advertising campaigns. The bank named in the RIG banking complaints have never signed full advertising contracts with the black American owned and operated Media – to include newspapers, radio, TV or Internet.

The Bank does not have a single full advertising contract with any black American owned and operated newspaper, radio station or TV in Dallas. The result of this policy of exclusion of equal marketing and advertising dollars and number of advertisements in the black American Media is that the black Americans are not made aware of the loan products and banking services that the Banks offers or of any Bank promotions – and are in effect denied the equal treatment by these Banks. The vast and glaring disparities in advertising between these two sets of Zip Codes reveals that the Banks prefers one (Anglo Zip Codes) over the other (black American Zip Codes). Since the differences in the amounts of investments in advertising between these two racially distinct areas of Houston is so stark and glaring this in and of itself is redlining and illegal discrimination as pursuant to the holdings in the governing case of US V Chevy Chase FSB. This advertising disparity also results in the disproportionate discriminate effect on the

protected class of black Americans and establishes the case for illegal discrimination pursuant to the Effects Test. There is no legitimate “business necessity” argument to legally justify this brand of discriminatory actions.

Community Development Loans. The Claim in the banking complaint is that the protected class of black Americans in the neighborhoods of the 21 Zip Codes in Dallas are denied the equal investments in community development loans by Frost Bank. That 90% of these Banks’ community development dollars are placed in the Anglo Zip Codes – to the detriment of the 21 Zip Codes of the protected class – is the very kind of disproportionate discriminate effect that forms the prima facie case for illegal discrimination pursuant to the Effects Test. What meager efforts **Vantage Bank** makes in this regard are based on different standards for what constitutes community development – while these Banks is willing to make community development loans available for rehab cesspools, detoxification sewer holes and “affordable housing” in the neighborhoods of the protected class of black Americans it will not and has made any community development loans or investments for high-tech Centers; apprenticeship Academies to train machinists or welders or for gleaming Neighborhood Centers for neighborhood improvements.

Bridge Loans The Claim in the banking complaint is that the protected class of black Americans - both businesses and homeowners - is aggrieved by the denial of equal access to Bridge Loans from **Vantage Bank**– both in the dollar amounts and in the number of Bridge Loans applications and approvals. This disparity is part and parcel of the overall denial of equal access to capital and denies the protected class the equal benefits of the credit and loan products that the banks freely make available to the Anglo neighborhoods in the Anglo Zip Codes. That 90% or better of the Bank bridge loans are made in the Anglo neighborhoods – to the detriment and reckless disregard for the equal rights of the neighborhoods of the protected class of black Americans. This is the very kind of disproportionate discriminate effect on members of a protected class that forms the prima facie case for illegal discrimination pursuant to the Effects Test; that is violation of the ECOA and is violation of the holding in US V Chevy Chase FSB

Working Capital Loans, The Claim in the banking complaint **is** that **the** businesses in the neighborhoods of the protected class of black Americans are denied equal Working Capital Loans that **Vantage Bank** freely make available to the businesses in the Anglo neighborhoods – to the tune of a 95% ratio. This denial – like the other denials – has devastating consequences for the survival – much less the thriving – of the businesses in the black American neighborhoods. The negative impact on the whole community leaves in its wake closed businesses and abandoned shops – a situation not suited to attracting the very kind of private investment needed for a thriving neighborhood. This situation also affects the appraisal of home and property values in the community and makes for an unlivable environment. Beyond this the deliberate denial of Working Capital Loans to the protected class of black Americans is the worst kind of redlining

and illegal discrimination and is in violation of the banking laws: CRA, ECOA, Regulation B and of the ruling in US V Chevy Chase FSB

Bank Discretionary Accommodations The Claim in the banking complaint is that the protected class of black Americans in the neighborhoods of the specified Zip Codes in Dallas presently redlined by **Vantage Banks** aggrieved by the blanket denial of any of the discretionary accommodations to get their loans and credit lines approved. Yet these same Banks freely extends all of the discretionary accommodations to the individual applicants and businesses in the Anglo neighborhoods. This policy and practice by these Banks has the requisite disproportionate discriminate effect on the protected class of black Americans most egregious kind of illegal discrimination and has devastating effects on the communities and neighborhoods in the 21 Zip Codes of the protected class of black Americans. The denials of the discretionary banker accommodations include: waivers of credit marks, counseling and overrides.

Informational Banking Services – The Claim in the banking complaint is that the protected classes of black Americans in the 21 Zip Codes that are presently redlined by **Vantage Bank** are aggrieved by the blanket denial of the direct mailings, solicitations and pre-approved credit cards that these Banks freely makes available to the Anglo Zip Codes. It is the Banks' policy to limit the direct mailings and solicitations for the loan products to the neighborhoods where it has placed Bank branches. As these Banks discriminates against the neighborhoods of this class for placement of Bank branches the individuals and businesses are also denied the equal Bank informational services in the same way that **Vantage Bank** accommodates the individuals and businesses in the Anglo Zip Codes.

Ascertainment of Credit Needs The Claim in the banking complaint is that the neighborhoods of the protected class of black Americans are denied the equal rights under the CRA – for **Vantage Bank** to take the equal affirmative steps and the equal continuing actions to assess and to meet the credit needs of the individuals; businesses and non-profits. **Vantage Bank** has not formed any viable and visible working relations and CRA Partners in the black American neighborhoods; has not sponsored any “Meet Your Banker” Galas and has not sponsored any real Financial Literacy Seminars at any Hotels or any University Halls to accommodate the black Americans in the same way that the Bank does for the Anglo neighborhoods.

Promotion of Loan / Credit Products The Claim in the banking complaint is that **Vantage Bank** has failed to promote the loan and credit products in the neighborhoods of the protected class of black Americans in the same way it does in the neighborhoods in the Anglo Zip Codes. The businesses in the first set of neighborhoods are denied even the basic business loan products – much less the “expanded suite of specialty commercial loan products” and “wider array of credit products” that **Vantage Bank** presently provides for the businesses in the Anglo neighborhoods in Dallas and beyond.

Overrides/ The Claim in the banking complaint is that the individuals and businesses in the neighborhoods and Zip Codes of the protected class of black Americans are aggrieved by the outright denial of the equal granting of overrides and exceptions to the credit underwriting and pricing policies that **Vantage Bank** freely grants to the individuals and businesses in the Anglo neighborhoods and Zip Codes in Houston (and in Dallas).

Factoring The Claim in the banking complaint is that the small businesses owned and operated by the protected class of black Americans are denied and are aggrieved by illegal discrimination in the banking service of factoring (Asset based lending). This is an important banking service offered by **Vantage Bank**. It is one where the outstanding invoices of a business are purchased by the Bank with the Bank making available immediate working capital for the business – and can make the difference between a business thriving and a business failure. **Vantage Bank** does not promote or advertise this banking service to the protected class of black Americans nor does the Claimant find anywhere in the specified Zip Codes where these Banks has made this service available to any of the black American small businesses.

Loan Product Disparate Treatment

The Claim in the banking complaint is that the individuals and businesses in the neighborhoods of the protected class of black Americans – even where approved for loans – are aggrieved by the unequal and discriminatory actions of **Vantage Bank**:

--are charged higher rates of interest for the same loans and credit products as similarly situated Anglo applicants in the second set of Zip Codes

--are required to put up larger amounts and sizes of collateral to secure same loans products as similarly situated Anglo applicants and businesses in the second set of Zip Codes

--are denied the equal favorable treatment of deferments on repayments on the loan products as similarly situated Anglo applicants

These actions, practices and policies of the Banks are violations of the banking laws: CRA, ECOA, FHA – to include the Final Rule, Regulation B, FTC Act – Section 5 and HMDA form the prima facie case for illegal discrimination pursuant to the Effects Test and is redlining and denial of equal access to capital pursuant of the holdings in US V Hudson City Savings Bank and US V B/A Countywide US V Chevy Chase FSB

Reverse Redlining

The Claim in the banking complaint is that the individuals and businesses in the neighborhoods and Zip Codes of the protected class of black Americans are aggrieved by the Banks policies, practices, actions (and non-actions) that target this class for “approval” of only the most toxic, exploitative and high cost loan and credit products –

this includes everything from business, home equity, mortgages, auto, construction and personal loans and lines of credit.

The actions and policies of **Vantage Banks** Disparate Treatment with Disparate Impact on the protected class of black Americans and are illegal discrimination pursuant to the Effects Test and redlining pursuant to the holdings in US V Chevy Chase FSB.

These actions, practices and patterns of these Banks are systemic, pervasive and continuing and will only be corrected by the deep, wide, Color of Money investigation and full prosecution and imposition Fines, Penalties, Sanctions, Monitoring and capital Fund.

Charitable Contributions The Claim in the banking complaint is that the Charities and non-profits in the neighborhoods of the protected class of black Americans are denied the charitable contributions; Bank employee assistance and the Capital Campaigns that **Vantage Bank** freely makes available for the Non-Profit Corporations in the Anglo Zip Codes. Beyond this outright denial **Vantage Bank** sets different standards for the pittance that it does make to the black Americans Charities – it is limited to the homeless services; rehabilitation cesspools and detoxification sewer holes for a class of degenerates that does not revitalize the community. In the Anglo Zip Codes these Banks makes much larger donations to Charities that actually stabilize the neighborhoods.

As all three parties to this action are bound by the laws and in pursuit of the whole truth the Bank must not be allowed to “address” or otherwise dance around the Claim in the banking complaint. To this end Claimant petitions that **Vantage Banks** to be directed to answer the Claim directly – as in YES or NO – as in refute completely with evidence and with legitimate business necessity argument. The Claim is either true or it is not.

Disparate Treatment – the protected class of black Americans are denied the equal rights of equal treatment by **Vantage Bank**. AS the individual bankers within these Banks have wide discretion and the granting – or denial – of this discretion makes all of the difference in the granting or denial of credit. The black Americans are denied the counseling by these Banks and are denied any waivers of credit marks; denied the banker discretion to get their loans approved; denied the opportunity for signature loans; denied the equal knowledge of the loan products or of any special promotions due to the Banks policy to not advertise in the black American Media; denied the direct mailings and solicitations. This is failure to provide equal information services. AS there is no legitimate “business necessity” argument for these policies and actions that deny equal rights to black Americans and as these policies have a disproportionate discriminate effect on the protected class this establishes the case for illegal discrimination – pursuant to the Effects **Test**. These policies are all the more egregious in that the courts have ruled that this action – Disparate Treatment – is intentional discrimination because the difference in treatment on this prohibited basis has no credible non-discriminatory explanation.

Redlining The black Americans in the 21 Zip Codes in Dallas are aggrieved by the policies and actions of these banks and suffer redlining where the Banks practices make for unequal access to capital and credit; unequal access to the information services; unequal access to banking services and deliberately deny the protected class the same favorable treatment that the Bank freely extends to the Anglo population in the second set of Zip Codes. The black American neighborhoods are also aggrieved by reverse redlining – where the Bank only makes available the high cost toxic loan and credit products.

Disparate Impact the black Americans are further aggrieved by **Vantage Bank's** seemingly neutral lending and credit policies because these Bank policies disproportionately excludes and places undue burdens on the protected class – as in minimum home mortgage amounts which places the purchase of a home out of reach of the black Americans; as in years long relations with the local Banks to get approved for loan products – the black Americans could not have had the same years' long relations with the Banks as the Anglo applicants because the black neighborhoods are denied the bank branches; as in requiring years of experience in owning and operating wealth creating entities – stock brokerage houses, trading companies and private equity groups – black Americans could not have had the years of experience in these entities because black Americans have historically been denied the equal access to the relatively large amounts of capital needed to own and operate the wealth creating entities in the first place.

Vantage Bank has no credible legally sufficient justification argument to justify the present practices, actions (and non-actions) and policies and actions that result in disparate treatment and have the disproportionate discriminate effect on the protected class of black Americans because a “legally sufficient justification” argument is disallowed in the case of

Disparate Treatment on a prohibited basis. The “substantial, legitimate non-discriminatory” argument is further disallowed to justify discriminatory Bank policies because the argument is routinely dismissed as a pretext for illegal discrimination and

redlining. The prima facie case for illegal discrimination is further established due to the disparate impact and disproportionate discriminate effect that the Bank policies have on the members of the protected class – in this case black Americans – pursuant to the **Effects Test**.

The RIG petitions that the **Vantage Bank**

--New Bank Branch Applications be **taken out of expedited processing** and be placed in indefinite suspension pending full resolution of the CRA Protest Complaint proceedings

--New Bank Branch Application be denied with no possibility of any new expansionary activities Applications until the Bank is in full compliance with the banking pursuant to the FHA Final Rule and the above outlined Supreme Court case on disparate impact

-that enforcement actions at the Agency level be imposed – to include

Fines - \$500 Million Dollars , Penalties, Sanctions, Commitment Orders that bar Plains Capital Bank from submitting any Applications – expansionary or otherwise and includes any **Bank Application** until such time as Vantage Bank has corrected , fixed and ended the practice, actions (and non-actions), policies that are the direct result of the disparate impact – in violation of the FHA – Final Rule and that result in the disproportionate discriminate effect on members of a protected class – in this case black Americans in the specified Zip Codes of Dallas Illegal Discrimination Claims

--that **Vantage Banks'** FDIC insurance be canceled, Cease and Desist Orders be imposed and that Removal Orders be executed against the entire Board to include the chairman and of the senior management.

--that the case be referred to the Department of Justice Civil Rights Division for civil actions to be filed against **Vantage Bank**

-that the case be referred to the Department of Housing and Urban Development for civil actions to be filed against **Vantage Bank**

The Rules that the FRB and the Board and this proceeding are bound by are clear: the Bank named in the Complaint – **Vantage Bank**- is either in full compliance with all of the components of all of the banking laws; in full compliance with all of the components of the Civil Rights laws; in full compliance with all of the components of the Constitutional laws -Equal Protection Clause – 14th Amendment -and in full compliance with all of the

components of the controlling authority of the applicable Court rulings – (as cited above) or the Bank is not in full compliance with all of the above.

Where **Vantage Banks** not in full compliance with all of the components of al of the above– and cannot provide the supporting evidence – the Banks' New Application cannot be approved and must be denied until such time that Vantage Banks in full compliance with all of the components of all of the above

In The Relentless Pursuit of Justice,

Barry Simmons (832) 258-3040-

Chairman / RIG

Rendexes@gmail.com

AUGUST 15, 2015

This letter is part of the **RIG Complaint** File that outlines the racial and Zip Codes divisions in Houston. The banking complaints highlight the entrenched systemic, pervasive and continuing illegal discrimination, redlining and denial of equal access to capital – as a direct result of the **Bank lending and credit policies** – of whole neighborhoods of the protected class of black Americans by the Banks named in the **RIG** banking complaints.

The specific neighborhoods that are aggrieved by the **Bank lending and credit policies** that deny the equal access to capital and credit and result in the disproportionate discriminate effect perpetrated against the protected class of black Americans in **Houston** are:

77004,77003,77076,77074,77020,77035,77013,77029,77026,77023,77054,77016,77093,77033,77009,77022,77018,77043,77006,77093 and 77021.

These neighborhoods suffer from the discriminatory effect of the bank policies that **denies equal access to Capital** – the very capital that is needed to make these neighborhoods whole. The black Americans in these **Zip Codes** are further aggrieved by the Banks deliberate refusal to solicit business and refusal to advertise the loan products and to provide the banking services in these neighborhoods – the way it does for the Anglo Zip Codes. Beyond this these neighborhoods are denied the equal **Bank branches – free-standing edifices- and** bank financed developments that stabilize neighborhoods. The citizens in these Zip Codes also are aggrieved by the unequal availability of mortgages, home equity loans and business loans and by the **Disparate Treatment** from these Banks.

The comparative neighborhoods – Anglo Zip Codes – that benefit not only from a disproportionate number of Bank branches – free-standing edifices – but also from the Bank officers actively seeking out the citizens and businesses in these Zip Codes to make sure all of their capital and credit needs are met. The Zip Codes favored by these Banks are:

77024,77063,77380,77098,77087,77057,77007,77019, 77024, 77025, 77090.77027,77009,77042,77494,77076,77077, 77377, 77065, 75521 77002,77041,77008,77056,77478,77058,77046,77062,77067,77030,77092,77304,77384,77546 , 77079 77401,77060,77065,77345 77339, 77345, 77346, 77388, 77505 and 77055. In these neighborhoods' developers have received millions of dollars in signature loans and lines of credit with little or no collateral- similarly situated black American developers are denied same and prospective Anglo home-owners are not relegated to more costly loans the way similarly situated black Americans are

Where the homebuyers in the Anglo neighborhoods request home equity loans to maintain their property values the banks not only immediately grant these loans but have waived whatever credit marks to guarantee loan approval. Where business owners in the Anglo Zip Codes apply for loans and lines of credit the Banks counsel the applicants and waive credit marks to get the business loans approved. As no such counseling or waiver by the Banks is granted to the black American applicants the first set of Zip Codes suffer disproportionately as a result of the Bank policies. Negative credit marks are not a “**death sentence**” for the Anglo Zip Codes the way the same credit marks are for the protected class of black Americans in the first set of Zip Codes.