**Section 370.40 Special Examinations or Investigations**

a) Applications and notices submitted to the Director are subject to a special investigation or examination as considered necessary, in the Director's discretion, in order to make an informed decision regarding the application or notice.

b) The cost for a special examination or investigation performed in connection with the review of an application or notice is $900 per day, per examiner.

c) The Director may consider the following factors in determining whether to require an investigation or examination of one or more of the entities to the transaction:

1) A question exists regarding the solvency or potential solvency of the applicant or one or more of the financial institutions or other entities involved in the transaction;

2) A financial institution involved in the transaction has not been examined by a state, federal or foreign regulatory agency within the 18-month period immediately preceding the date of submission of the application or notice;

3) A financial institution involved in the proposed transaction had substantive violations cited in its most recent examination report, or has a less than satisfactory regulatory rating;

4) A question exists regarding the experience, ability, standing, trustworthiness, or integrity of the existing or proposed officers, directors, managers or managing participants of a party involved in the proposed transaction;

5) A question exists as to whether the resulting institution will operate in compliance with the law;

6) A question exists as to whether the resulting institution will be free from improper or unlawful influence or interference from its principal shareholders with respect to operation in compliance with the law;

7) A question exists as to whether the resulting institution will have adequate capitalization;

8) One or more of the entities to the transaction is under a regulatory restriction or subject to an enforcement action or supervisory agreement;

9) Such other factors as determined in the discretion of the Director.