Index: OFR 2021-475

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION

IN THE MATTER OF:

LEDGE COMMUNITY CREDIT UNION, a/k/a LEDGE COMMUNITY CREDIT UNION, N.A.	**Administrative Proceeding No.: 108211**

RESPONDENT.
_____/

IMMEDIATE FINAL ORDER

The State of Florida, Office of Financial Regulation ("Office"), being authorized and directed to administer and enforce chapter 655, Florida Statutes, governing financial institutions in the State of Florida, and the Commissioner of the Office having found that an immediate danger to the public health, safety, and welfare requires an immediate final order due to the unlawful activities of Respondent Ledge Community Credit Union ("Respondent" or "Ledge CU"), hereby issues and serves this Immediate Final Order pursuant to sections 655.001, 655.033, 655.922(5), and 120.569(2)(n), Florida Statutes. The Respondent and all persons acting in concert or cooperation with Respondent shall immediately Cease and Desist all continuing violations of chapter 655, Florida Statutes, and take corrective action as detailed herein. This Order is based on the findings of fact and conclusions of law set forth below.

FINDINGS OF FACT

1. The Office is the state agency responsible for the administration and enforcement of chapter 655, Florida Statutes.

2. The Office obtained information prompting an investigation into whether

the Respondent was offering or providing unauthorized banking services, including engaging in the business of soliciting or receiving funds for deposit, issuing certificates of deposit, or paying checks in this state while not being authorized to do business in this state pursuant to the financial institutions codes of any state or federal law, in violation of section 655.922(1), Florida Statutes.

3. The Office has jurisdiction in this matter and over the Respondent as the investigation disclosed that the Respondent has been offering unauthorized banking services in the state of Florida under a name or title that includes the word "credit union," and through the use of an internet website, which indicates or reasonably implies that the business being solicited, conducted, or advertised is the kind or character of business transacted or conducted by a financial institution or which is likely to lead members of the public to believe that such business is that of a financial institution, when in fact Respondent is not authorized to engage in such business in this State.

4. Respondent Ledge CU is an unregistered entity that purports to conduct banking business from a "Head Office" located at 2004 E west pkwy (*sic*), Fleming Island, Fl (*sic*) 32003. Respondent Ledge CU also purports to conduct banking business from two branch offices at the following locations in Florida:

- 1 University of North Florida Dr., Jacksonville, FL 33224;
- 11907 Lem Turner Rd., Jacksonville, FL (*sic*)

5. Respondent Ledge CU is not presently, and has never been, licensed or chartered by the Office to do business in this state as a financial institution, as defined in section 655.005(1)(i), Florida Statutes (*see* attached Affidavit of Division Director Smith, Division of Financial Institutions, attached hereto as Attachment 1).

6. Respondent Ledge CU is not presently, and has never been, registered with the Florida Department of State as a business entity in the state of Florida, lawfully authorized to conduct business in the state (*see* Attachment 1).

7. Respondent Ledge CU is not presently, and has never been, a member of the Federal Deposit Insurance Corporation (FDIC), and any funds deposited with Ledge CU are not insured by the FDIC (*see* Attachment 1).

Unlawful Activities Discovered Indicating Immediate Danger

8. Pursuant to section 655.032, Florida Statutes, the Office conducted an investigation in December 2021 to determine whether Respondent had violated or was about to violate section 655.922, Florida Statutes.

9. The Office discovered on or about December 13, 2021, that the Respondent maintains an internet website (at https://ledgecommunitycu.com) that solicits Florida citizens and other members of the public to establish online personal or business bank accounts with Ledge CU (*see* Affidavit of Financial Investigator Ignatowicz, attached hereto as Attachment 2).

10. The Respondent's website offers various banking services that include: personal banking (including credit cards, current accounts, savings accounts, online banking, mobile banking, SBA loans, commercial loans and residential mortgages); business banking (including "deposit products," business checking, business certificate of deposit (CD), business money market accounts and business savings accounts); other accounts (including non-profit checking, small business checking, and "Attorney Privilege" accounts) and treasury services (including "cash management solutions") (*see* Attachment 2).

11. The Respondent's website touts as one of the entity's "Core Values" that: "We believe in the importance of family and the communities we serve." The website further states:

> Through our community involvement efforts, Ledge Community Credit Union provides meaningful support to organizations that help to make our communities we live and work in stronger and better for all of our citizens. [Click here] to learn more about our corporate culture of giving back to our communites (*sic*) (*see* Attachment 2*).*

12. The Respondent's website solicits the public to contact Ledge CU by email at info@ledgecommunitycu.com. It also lists 2004 E west pkwy (*sic*), Fleming island (*sic*), Fl (*sic*) 32003 as being the address for the entity's purported "HEAD OFFICE" and lists separate street and email addresses for its two purported branch offices in Jacksonville (*see* Attachment 2).

13. The Respondent's website includes a webpage that contains a large caption stating: "FDIC INSURED." The webpage further states that:

> Ledge Community Credit Union, N.A. is proud member of the Federal Deposit Insurance Corporation (FDIC). Ledge Community Credit Union wants you to feel confident that your deposits are safe and that we provide the greatest available level of financial security to our customers
>
> ENSURING YOUR DEPOSITS ARE SAFE
>
> The Federal Deposit Insurance Corporation (FDIC) is a federal agency organized in 1933 that insures depositors' accounts up to the insured amount at most commercial banks and savings associations.
>
> For more information about the FDIC, please visit their website at www.fdic.gov

14. On December 13, 2021, the Division Director of the Division of Financial

Institutions reviewed online records from various state and federal bank regulators relating to representations contained on Respondent Ledge CU's website (*see* Attachment 1), and determined that:

a. A search for the Respondent on the Federal Deposit Insurance Corporation's (FDIC) Details and Financials Institutions – Institutions Directory website, at https://www7.fdic.gov/idasp/advSearchLanding.asp, did not locate any record of the entity (Ledge CU) being, or having been, a bank (let alone a member bank insured by the FDIC);

b. A search for the Respondent on the National Credit Union Administration's (NCUA) Research a Credit Union website (FDIC) website, at https://mapping.ncua.gov/ResearchCreditUnion.aspx, did not locate any record of the entity (Ledge CU) being, or having been, a credit union;

c. A search of the NCUA's website at, https://www.ncua.gov/files/publications/guides-manuals/NCUAHowYourAcctInsured.pdf, and the FDIC's website at https://www.fdic.gov/regulations/laws/rules/2000-5400.html, confirmed that the FDIC does not provide insurance to or membership for credit unions, in contravention to the information displayed on the entity's (Ledge CU) website.

d. A search for the Respondent on the Federal Financial Institutions Examination Council (FFIEC) National Information Center (NIC) website, at https://www.ffiec.gov/NPW, did not locate any record of the entity (Ledge CU) being, or having been, an institution; and

e. A search for the Respondent on the FFIEC NIC websites, at https;//www.ffiec.gov/NPW, did not identify any affiliation or relationship currently, or previously, between the entity (Ledge CU) and any financial institution.

15. The Office's investigation further revealed that the street addresses listed on Respondent's website as being the office location for Ledge CU's "head office" (i.e.,

2004 E west parkway (*sic*), Fleming island (*sic*), Fl (*sic*), 32003) does not belong to the entity as represented on their website. Instead, this address belongs to a completely separate and unaffiliated financial institution, which occupies the offices at this location (*see* Attachment 1.)

16. The Office's investigation similarly revealed that the street addresses listed on Respondent's website as being the locations for Ledge CU's other branch offices in Jacksonville were similarly not occupied by Respondent Ledge CU. Instead, the occupant of the offices associated with Respondent's purported branch offices is the same unaffiliated, financial institution referenced in paragraph 15, above (*see* Attachment 1).

17. A review of the Clay County Florida, Property Appraiser website, at https://paopropertysearch.coj.net/Basic/Search.aspx, also reflects that the address/location for Respondent's "Head Office" as represented on its website (i.e., 2004 E west (*sic*) parkway (*sic*), Fleming island (*sic*), Fl (*sic*), 32003) does not belong to Ledge CU (*see* Attachment 1).

18. A review of the Duval County Florida, Property Appraiser website, at https://paopropertysearch.coj.net/Basic/Search.aspx, also reflects that the addresses/locations for Respondent's "Branch Office[s]" as represented on its website (i.e., 1 University of North Florida Drive, Jacksonville, Florida 33224 and 11907 Lem Turner Rd. Jacksonville) do not belong to Ledge CU (*see* Attachment 1).

19. An online search utilizing Google Maps, at www.google.com/maps, was conducted for each of the addresses listed on Respondent's website as being the location of its Head Office and Branch Offices (as set forth in paragraph 4, above). This search did not reveal any observable signage relating to Respondent Ledge CU in or around any

of the locations listed above (*see* Attachment 1).

Protection of the Public Health, Safety, and Welfare

20. Section 655.922, Florida Statutes, was designed to protect the public health, safety, and welfare by prohibiting unauthorized banking activities, including engaging in the business of soliciting or receiving funds for deposit, issuing certificates of deposit, or paying checks in this state, and it states that only an authorized financial institution may establish or maintain a place of business in this state for any of the functions, transactions, or purposes identified in the financial institutions codes.

21. Pursuant to section 655.005(1)(k), Florida Statutes, "financial institution codes" includes, among other things, chapter 655, Florida Statutes, which relates to financial institutions generally.

22. Section 655.001, Florida Statutes, provides that the financial institutions codes apply to the enforcement of all laws relating to state-authorized or state-chartered financial institutions, and that the financial institutions codes, are to provide for and promote the "protection of the interests of the public in the safety and soundness, and the preservation, of the financial institution system in this state and the protection of the interests of the depositors and creditors of financial institutions."

23. Chapter 655, Florida Statutes, is designed to protect the public welfare by requiring that each entity engaged in offering banking services to the public or holding itself out to the public as being a financial institution is authorized to do business in this state. None of these protections to the public health, safety, and welfare are provided when an individual or an entity engages in the business of a financial institution in this state without in fact being authorized to do business as a financial institution pursuant to state

or federal law.

24. Entities and individuals that falsely hold themselves out to the public as authorized and qualified to operate as a financial institution, pose an immediate danger to the public health, safety, and welfare and particularly to those depositors or creditors who rely upon those false representations.

CONCLUSIONS OF LAW

25. The Office is responsible for the administration and enforcement of chapter 655, Florida Statutes, and has jurisdiction over Respondent and this matter pursuant to section 655.012, Florida Statutes.

26. Section 655.005(1)(i), Florida Statutes, defines the term "Financial Institution" to mean:

> a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.

27. Section 655.922(1), Florida Statutes, provides in pertinent part:

> Only a financial institution authorized to do business in this state pursuant to the financial institutions codes of any state or federal law may engage in the business of soliciting or receiving funds for deposit, issuing certificates of deposit, or paying checks in this state; and only such financial institution may establish or maintain a place of business in this state for any of the functions, transactions, or purposes identified in this subsection. A person who violates this subsection commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.

28. Likewise, section 655.922(2), Florida Statutes, provides in pertinent part:

> Only a financial institution authorized to do business in this state as provided under subsection (1) may:
> (a) Transact or solicit business under any name or title that contains the words "bank," "banc," "banco," "banque," "banker," "banking," "trust company," "savings and loan association," "savings bank," or "credit union," or words of similar import, in any context or in any manner;
> (b) Use any name, word, trademark, service mark, trade name, Internet address, logo, sign, symbol, or device in any context or in any manner; or
> (c) Circulate or use any letterhead, billhead, circular, paper, electronic media, Internet website or posting, or writing of any kind or otherwise advertise or represent in any manner, which indicates or reasonably implies that the business being solicited, conducted, or advertised is the kind or character of business transacted or conducted by a financial institution or which is likely to lead any person to believe that such business is that of a financial institution…

29. By soliciting or receiving funds from the public through its internet website and offering to establish business and personal bank accounts and to perform other related banking services while not being authorized to do business in this state, Respondent is in violation of section 655.922(1), Florida Statutes.

30. Likewise, Respondent has transacted or solicited business under the name "Ledge CU" and has posted information on an internet website that indicates or reasonably implies that the type of business being solicited, conducted, or advertised is the kind or character of business transacted or conducted by a financial institution, and is likely to lead a person (or persons) to believe that the business is a financial institution. Accordingly, Respondent is in violation of section 655.922(2), Florida Statutes.

31. Section 655.922(5), Florida Statutes, specifically provides in pertinent part:

> The Office may also issue and serve upon any person who violates any provision of this section an emergency cease

> and desist order or a complaint seeking a cease and desist order in accordance with section 655.033, Florida Statutes. The Office is not required to make any finding or determination that a violation of this section is likely to result in insolvency, substantial dissipation of assets or earnings, or substantial prejudice to any person in association with the issuance of an emergency cease and desist order under this section.

32. Such an emergency cease and desist order may require the state financial institution, subsidiary, service corporation, or financial institution-affiliated party to immediately cease and desist from engaging in the prohibited conduct complained of and to take corrective action. *See* section 655.033(6), Florida Statutes. The emergency order is effective immediately upon service of a copy of the order upon the state financial institution, subsidiary, service corporation, or financial institution-affiliated party and remains effective for 90 days, provided however, that if the Office begins nonemergency cease and desist proceedings under subsection (1), the emergency order remains effective until the conclusion of the proceedings under sections 120.569 and 120.57, Florida Statutes.

33. Section 655.033(1)(b), Florida Statutes, provides:

> The Office may issue and serve a complaint (to initiate an administrative proceeding and impose an order to cease and desist) whenever the Office has reason to believe that a state financial institution, subsidiary, service corporation, financial institution-affiliated party, or individual named therein is engaging in or has engaged in conduct that is a violation of any law relating to the operation of a financial institution.

34. Absent the need for an "Immediate Final Order," the Office typically issues a "Final Order" following the filing of an administrative complaint, the issuance of notice to affected parties, the opportunity for pre-hearing discovery and the completion of a

hearing, each pursuant to timeframes identified in the Administrative Procedures Act, chapter 120, Florida Statutes.

35. The Commissioner of the Office of Financial Regulation finds that in this instance an administrative complaint seeking the imposition of administrative fines to be imposed at a future date is insufficient to halt the Respondent's continuing unauthorized activities.

36. Section 120.569(2)(n), Florida Statutes, provides:

> If an agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such findings in the final order, which shall be appealable or enjoinable from the date entered.

37. Pursuant to section 120.569(2)(n), Florida Statutes, the Commissioner as Agency Head of the Office, in accordance with section 20.121(3)(a)2, Florida Statutes, finds that the ongoing violations that arise by and through the Respondent's continued unauthorized solicitation of customers via its website constitutes a continuing and immediate danger to the public health, safety, and welfare for the reasons described in Paragraphs 1 through 24 above.

38. Pursuant to section 120.569(2)(n), Florida Statutes, the Commissioner also finds that the Respondent's continued unauthorized solicitation of business using a business name ("Ledge CU") that contains the term "credit union," without actually having been authorized to conduct business as a financial institution in this state also constitutes a continuing and immediate danger to the public health, safety, and welfare.

39. As indicated above, section 655.922(1), Florida Statutes, provides that a person who violates this section, by engaging in unauthorized banking activities, is guilty

of a third-degree felony.

40. When the Legislature enacts penal statutes, it does so under the State's police power, which is limited to protection of the public's health, safety and welfare. Pursuant to section 120.569(2)(n), Florida Statutes, the Commissioner finds the Respondent's ongoing felonious activity constitutes a continuing and immediate danger to the public health, safety, and welfare.

41. Having found the existence of an immediate danger, the Commissioner finds that it is necessary to immediately prevent the Respondent from soliciting or receiving funds for deposit, opening business or personal bank accounts, issuing certificates of deposit, or paying checks in this state.

42. The Commissioner finds that it is necessary to prevent the Respondent from receiving payments, charges or fees from new customers and from receiving additional payments, charges or fees from customers who have already established a contractual relationship with the Respondent for any unlawful banking services.

43. The Commissioner finds that it is necessary to immediately require the Respondent to refund all payments, deposits, charges or fees unlawfully obtained from customers seeking any banking services, and Respondent has no entitlement to such payments, deposits, charges or fees.

44. The Commissioner finds that it is necessary to immediately require Respondent to account for the status of all pending accounts and deposits received, and to identify all refunds made pursuant to this Order. Such accounting serves to allow the Office to immediately identify ongoing violations that continue to threaten the public health, safety or welfare, and to allow the Office to expeditiously determine compliance with this

Order.

45. The issuance of this Order and the procedural safeguards set forth detailed in the attached Notice of Rights are concluded to be fair under the circumstances due to the ongoing danger to the public health, safety or welfare caused by Respondent's continuing unauthorized and unlawful solicitation of funds for deposit, the use of a noncompliant business name, the possession of customers' moneys without entitlement, and the apparent violation of a criminal statute. As indicated in the Notice of Rights, the Respondent is afforded the opportunity to appeal this Order or to enjoin this Order pursuant to section 120.569(2)(n), Florida Statutes. Additionally, to the extent the Respondent disagrees with the Findings of Fact, the Respondent is entitled to an emergency administrative hearing pursuant to section 120.57, Florida Statutes. Pursuant to the provisions of section 120.68, Florida Statutes, the Respondent is free to seek a stay of this Order from the Office or from a District Court of Appeal.

Accordingly, **IT IS HEREBY ORDERED:**

A. The Respondent, Ledge Community Credit Union, a/k/a Ledge Community Credit Union, N.A., and all persons acting in concert or cooperation with Respondent shall immediately **CEASE AND DESIST** from performing, directly or indirectly, any and all banking services, including engaging in the business of soliciting or receiving funds for deposit, opening business or personal bank accounts, issuing certificates of deposit, or paying checks in this state until Respondent is properly authorized to do business as a financial institution in this state pursuant to the financial institutions codes of any state or federal law, including chapter 655, Florida Statutes;

B. The Respondent, Ledge Community Credit Union, a/k/a Ledge Community

Credit Union, N.A., and all persons acting in concert or cooperation with Respondent shall immediately **CEASE AND DESIST** from soliciting or accepting deposits, soliciting or opening customer accounts, providing any other banking services, or otherwise contracting with new customers, and from accepting any payments, deposits, charges or fees to perform, directly or indirectly, for any banking services until Respondent is properly authorized to do business as a financial institution in this state pursuant to the financial institutions codes of any state or federal law, including chapter 655, Florida Statutes;

C. The Respondent, Ledge Community Credit Union, a/k/a Ledge Community Credit Union, N.A., and all persons acting in concert or cooperation with Respondent shall immediately **CEASE AND DESIST** from soliciting, offering or advertising, directly or indirectly, the Respondent's availability to provide banking services to customers, including but not limited to, the use of any advertising, sign, brochure or internet website to solicit banking customers, until Respondent is properly authorized to do business as a financial institution in this state pursuant to the financial institutions codes of any state or federal law, including chapter 655, Florida Statutes;

D. The Respondent, Ledge Community Credit Union, a/k/a Ledge Community Credit Union, N.A., shall refund any payments, deposits, charges or fees collected from each customer for banking services while Ledge Community Credit Union, a/k/a Ledge Community Credit Union, N.A.,, was not authorized to do business as a financial institution in this state pursuant to chapter 655, Florida Statutes;

E. The Respondent, Ledge Community Credit Union, a/k/a Ledge Community Credit Union, N.A., shall not collect any payments, charges or fees from any borrower who had contracted with Ledge CU for banking services until Respondent is properly authorized

to do business as a financial institution in this state pursuant to the financial institutions codes of any state or federal law, including chapter 655, Florida Statutes;

F. The Respondent, Ledge Community Credit Union, a/k/a Ledge Community Credit Union, N.A., shall provide a written report to the Office within fifteen (15) days of this Order. The report shall be provided to Joaquin Alvarez, Esq., Assistant General Counsel, State of Florida, Office of Financial Regulation, Office of General Counsel, 200 E. Gaines Street, Tallahassee, Florida 32399-0379. The report shall identify the following:

1. The name, address, and phone number of all customers that the Respondent has provided any banking services to, and

   i. a narrative description of the service provided to each customer;

   ii. a statement of the cumulative amount of funds received from each customer, including all payments, deposits, charges or fees collected; and,

2. A statement of the amount of payments, deposits, charges or fees that have been refunded pursuant to this Order and proof of each refund transaction.

DONE and ORDERED at Tallahassee, Leon County, Florida, this 17th day of December, 2021.

Russell C. Weigel, III
Commissioner

NOTICE OF RIGHTS

NOTICE IS HEREBY given that the foregoing Immediate Final Order is entered pursuant to section 120.569(2)(n), Florida Statutes, which provides that the Order is appealable or enjoinable from the date rendered.

Section 120.68, Florida Statutes, further provides that any party to these proceedings who is adversely affected by this final agency action is entitled to judicial review. Section 120.68, Florida Statutes, and Rule 9.110, Florida Rules of Appellate Procedure, provide that judicial review must be instituted by filing a petition or notice of appeal with the Agency Clerk, Office of Financial Regulation, Office of General Counsel, Suite 526, Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0379, and a copy accompanied by filing fees prescribed by section 35.22, Florida Statutes, with the District Court of Appeal, First District, 2000 Drayton Drive, Tallahassee, Florida, 32399-0950, or with the District Court of Appeal in the appellate district where the party resides. All review proceedings must be instituted within thirty (30) days after the rendition of this Order. Respondent may also apply to District Court of Appeal or to the Office for a stay of this Order or request supersedeas, pursuant to section 120.68(3), Florida Statutes. Notice is provided, however, that the Office will oppose a stay and supersedeas.

Respondent is also advised that Respondent may request an expedited administrative hearing to be conducted in accordance with the provisions of sections 120.569 and 120.57, Florida Statutes. Requests for such a hearing must specifically state that the Respondent is seeking an expedited hearing and must comply with the provisions of Rules 28-107.005, 28-106.104(2), and either Rule 28-106.201 or Rule 28-106.301, Florida Administrative Code.

A request for hearing must be filed as follows:

By Mail or Email	**OR**	**By Hand Delivery**
Office of Financial Regulation P.O. Box 8050 Tallahassee, FL 32314-8050 Phone: (850) 410-9889 Agency.Clerk@flofr.gov		Office of Financial Regulation General Counsel's Office The Fletcher Building 101 East Gaines Street Tallahassee, FL 32399 Phone: (850) 410-9889

TO PRESERVE THE RIGHT TO A HEARING, A WRITTEN RESPONSE MUST BE FILED WITH THE OFFICE OF FINANCIAL REGULATION WITHIN TWENTY-ONE (21) DAYS AFTER THE RECEIPT OF THE IMMEDIATE FINAL ORDER. SAID RESPONSE MUST BE RECEIVED BY THE OFFICE NO LATER THAN 5:00 P.M. ON THE TWENTY-FIRST DAY AFTER THE RECEIPT OF THE IMMEDIATE FINAL ORDER. A FAILURE TO TIMELY RESPOND IN WRITING WILL CONSTITUTE A WAIVER OF RESPONDENT'S RIGHT TO REQUEST A HEARING.

You may not make an oral request for an administrative hearing. With regard to a written request, if you fail to follow the outlined procedure, your request may be dismissed. Any request for an administrative proceeding received prior to the date of this notice is deemed abandoned and to be considered, must be timely renewed in compliance with the procedure set forth above.

Mediation of this matter pursuant to section 120.573, Florida Statutes, is not available.

NOTICE TO RESPONDENT

In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodation to participate in this proceeding should contact the Agency Clerk no later than seven (7) days prior to the filing deadline or proceeding, at the Office of Financial Regulation, by Phone: (850) 410-9889, or by Email: Agency.Clerk@flofr.gov.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by Certified U.S. Mail and Electronic Mail to all parties on the attached service list, on this 17th day of December 2021.

Agency Clerk
Office of Financial Regulation
Post Office Box 8050
Tallahassee, Florida 32314-8050
Email: Agency.Clerk@flofr.gov
Tel: (850) 410-9889

Service List

Ledge Community Credit Union, a/k/a Ledge Community Credit Union, N.A.,
info@ledgecommunitycu.com
(Electronic Mail)

Namecheap Inc.
4600 East Washington Street, Suite 305
Phoenix, AZ 85034
legal@namecheap.com
(Certified mail and email)

Name Cheap Inc.
c/o Registered Agent:
Harvard Business Services, Inc.
16192 Coastal Hwy.
Lewes, DE 19958
legal@namecheap.com
(Certified mail and email)

9l 7l99 9991 7039 5465 3550

9l 7l99 9991 7039 5465 3574

AFFIDAVIT

STATE OF FLORIDA)
) s.s.
COUNTY OF LEON)

Before me personally appeared **Jeremy W. Smith**,

who, being first duly sworn, deposes and says:

1. I am Jeremy W. Smith, Director of the Division of Financial Institutions (DFI) for the Florida Office of Financial Regulation (OFR).

2. I have been employed in various roles with the DFI for the past ten years and 11 months.

3. On December 13, 2021, I was alerted by Bureau of Financial Investigations Bureau Chief, Howard Dargan, of information reflecting the online presence of an unchartered/unlicensed financial institution operating as "Ledge Community Credit Union" a/k/a "Ledge Community Credit Union, N. A.", representing operations at the following locations in Florida
    a. Head Office: 2004 E West Parkway, Fleming Island, Florida, 32003
    b. Branch Office: 1 University of North Florida Drive, Jacksonville, Florida 33224.
    c. Branch Office: 11907 Lem Turner Road, Jacksonville, Florida

4. The information centered on representations made via the entity's website with a URL of "https://ledgecommunitycu.com/index.html."

5. The website indicated that Ledge Community Credit Union a/k/a Ledge Community Credit Union, N.A., offers banking services that include business banking (including deposit services, business cash management, online banking, business advisors, attorney privilege accounts, and treasury services); personal banking (including online banking, deposit services, credit cards, home loans, and mobile banking); and loans (including United States Small Business Administration (SBA) loans, United States Department of Agriculture Business and Industry Loans (USDA B&I), commercial loans, VA mortgage loans, and residential mortgages).

6. On December 15th, 2021, I reviewed the Clay County Florida, Property Appraiser website at https://paopropertysearch.coj.net/Basic/Search.aspx to confirm the address/location listed below do not belong to the entity as represented on their website;
    a. Head Office: 2004 E West Parkway, Fleming Island, Florida, 32003

7. On December 15th, 2021, I reviewed the Duval County Florida, Property Appraiser website at https://paopropertysearch.coj.net/Basic/Search.aspx to confirm the addresses/locations listed below does not belong to the entity as represented on their website;
    a. Branch Office: 1 University of North Florida Drive, Jacksonville, Florida 33224
    b. Branch Office: 11907 Lem Turner Road, Jacksonville, Florida

8. On December 15th, 2021, I reviewed the Florida Department of State website to confirm the entity is not a registered business entity in the state of Florida, lawfully authorized to conduct business in the state.

9. On December 15th, 2021, I reviewed DFI and OFR records and confirmed the entity has never been chartered or licensed by the State of Florida as a financial institution as defined by Section 655.005(1)(i), Florida Statutes.

ATTACHMENT
Exhibit
1

10. On December 15th, 2021, I reviewed the Federal Deposit Insurance Corporation's (FDIC) Details and Financials Institutions – Institutions Directory website at https://www7.fdic.gov/idasp/advSearchLanding.asp and I did not locate any record of the entity being, or having been, a bank.

11. On December 15th, 2021, I reviewed the National Credit Union Administration's (NCUA) Research a Credit Union website (FDIC) website at https://mapping.ncua.gov/ResearchCreditUnion.aspx and I did not locate any record of the entity being, or having been, a credit union.

12. On December 15th, 2021, I reviewed the Federal Financial Institutions Examination Council (FFIEC) National Information Center (NIC) website at https://www.ffiec.gov/NPW and I did not locate any record of the entity being, or having been, an institution.

    The FFIEC was established on March 10, 1979, pursuant to title X of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (FIRA), Public Law 95-630. In 1989, title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) established The Appraisal Subcommittee (ASC) within the Examination Council.

    The Council is a formal interagency body empowered to prescribe uniform principles, standards, and report forms for the federal examination of financial institutions by the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC), and the Consumer Financial Protection Bureau (CFPB) and to make recommendations to promote uniformity in the supervision of financial institutions. To encourage the application of uniform examination principles and standards by the state and federal supervisory authorities, the Council established, in accordance with the requirement of the statute, the State Liaison Committee composed of five representatives of state supervisory agencies. In accordance with the Financial Services Regulatory Relief Act of 2006, a representative state regulator was added as a voting member of the Council in October 2006.

    The Council is responsible for developing uniform reporting systems for federally supervised financial institutions, their holding companies, and the nonfinancial institution subsidiaries of those institutions and holding companies. It conducts schools for examiners employed by the five federal member agencies represented on the Council and makes those schools available to employees of state agencies that supervise financial institutions.

    The Council was given additional statutory responsibilities by section 340 of the Housing and Community Development Act of 1980 to facilitate public access to data that depository institutions must disclose under the Home Mortgage Disclosure Act of 1975 (HMDA) and the aggregation of annual HMDA data, by census tract, for each metropolitan statistical area (MSA).

    The NIC provides comprehensive financial and structure information on banks and other institutions for which the Federal Reserve has a supervisory, regulatory, or research interest including both domestic and foreign banking organizations that operate in the U.S.

13. On December 15th, 2021, I reviewed the FFIEC NIC websites at https;//www.ffiec.gov/NPW and I did not identify any affiliation or relationship currently, or previously, between the entity and any financial institution.

14. On December 15th, 2021, I utilized Google Maps at www.google.com/maps and did not observe any signage in or around any of the locations listed below, and found on the entity's website, which would lead me to believe that they belong to the entity.
    a. Head Office: 2004 E West Parkway, Fleming Island, Florida, 32003
    b. Branch Office: 1 University of North Florida Drive, Jacksonville, Florida 33224
    c. Branch Office: 11907 Lem Turner Road, Jacksonville, Florida

15. On December 15th, 2021, I confirmed during my review of the information from the NCUA and google maps that the locations listed below belong to another financial institutions and not Ledge Community Credit Union.
    a. Head Office: 2004 E West Parkway, Fleming Island, Florida, 32003
    b. Branch Office: 1 University of North Florida Drive, Jacksonville, Florida 33224
    c. Branch Office: 11907 Lem Turner Road, Jacksonville, Florida

16. On December 15th, 2021, I reviewed the NCUA's website at https://www.ncua.gov/files/publications/guides-manuals/NCUAHowYourAcctInsured.pdf and the FDIC's website at https://www.fdic.gov/regulations/laws/rules/2000-5400.html and confirmed that the FDIC does not provide insurance to or membership for credit unions, in contravention to the information displayed on the entity's website.

CERTIFICATION OF RECORDS

I, Jeremy W. Smith, Director, Division of Financial Institutions, Office of Financial Regulation, Tallahassee, Florida, do hereby certify:

THAT, pursuant to the laws of Florida, the Office of Financial Regulation receives all applications and issues all approvals for financial institutions chartered and licensed by the State of Florida,

THAT, this office has custody of all such records pertaining to such applications and the issuance of such charters or licenses,

THAT, this office has no record of Ledge Community Credit Union a/k/a Ledge Community Credit Union, N. A., having ever been chartered or licensed by the State of Florida as a financial institution as defined by Section 655.005(1)(i), Florida Statutes.

FURTHER AFFIANT SAYETH NAUGHT

(Signature of Affiant)

Sworn to and subscribed before me by means of ✓ (check) physical presence or _____ (check) online notarization this 16th day of December, 2021, by Jeremy Smith, who ✓ (check) is personally known to me or _____ (check) has produced

_____

as identification and did certify and declare the above certification and declaration under oath.

Notary Stamp:

Notary Public State of Florida
Tammy Lynn Thomas
My Commission HH 089681
Expires 02/21/2025

Notary Signature: _____

Notary Printed Name: Tammy L Thomas

AFFIDAVIT

STATE OF FLORIDA)
) s.s.
COUNTY OF ORANGE)

Before me personally appeared **Kris Ignatowicz**,

who, being first duly sworn, deposes and says:

1. I am Kris Ignatowicz, Financial Investigator – Criminal Enforcement of the Bureau of Financial Investigations (BFI) for the Florida Office of Financial Regulation (OFR).

2. I have been employed in various roles with the BFI for the past five years and five months.

3. On Thursday, December 9, 2021 at 7:45pm, I received a response to OFR subpoena # 2021-59 from NameCheap, Inc., a web hosting and internet domain name registrar. The response materials were delivered to me via e-mail at Kris.Ignatowicz@flofr.gov.

4. On Friday, December 10, 2021, I reviewed the production from NameCheap, Inc., which entailed five (5) portable document format (PDF) files and 18 Excel files. The PDF files included identification information for the FlyGateFinancial.com website, among other websites requested in the original subpoena. It also listed other domains owned by the subject(s) in question.

5. The PDF files included information for domain owners:
   a. b******* - Nov_19_2021.pdf
   b. e********* - Nov_19_2021.pdf
   c. m******* - Nov_19_2021.pdf
   d. t***** - Nov_19_2021.pdf
   e. t****** – Nov_19_2021.pdf

6. These PDF files showed multiple identifiers, such as Username, Account Name, Signup Date, IP Address, Phone Number, Email, and Last Login with IP. Three (3) of the five (5) domain accounts list Person of Interest ("POI") #1 as the controlling person. The remaining two accounts are listed as controlled by POI #2 and POI #3. The b******* PDF shows owner POI #1 with an email address of p**********@gmail.com. Furthermore, POI #3 and POI #1 have both recently logged into their domains from the same Region Internet Registry (RIR), AFRINIC, which is the provider for Africa.

7. On Monday, December 13, 2021, using the NameCheap production, I identified an additional Florida credit union, "Ledge Community Credit Union", linked to POI #1.

8. The website for this purported credit union shows multiple Florida addresses that correspond to a legitimate Florida Chartered financial institution: C********** Credit Union ("****"). The addresses include:

   a. Ledge Community Credit Union
   www.ledgecommunitycu.com
   2004 E. West Parkway, Fleming Island, FL 32003
   1 University of North FL Drive, Jacksonville, FL 33224
   11907 Le Turner Road, Jacksonville, FL*

   *Actual address is 11907 Lem Turner Road, Jacksonville, FL 32218. "Le Turner Road" does not exist in Jacksonville, FL.

9. Ledge Community Credit Union claimed it is located at the locations associated with ****.

10. On Monday, December 13, 2021, I made an anonymous call to **** and spoke with Customer Care Specialist, S********. ******* stated **** has multiple Florida locations. ******* confirmed **** is located at three (3) locations:

ATTACHMENT 2

a. 2004 E. West Parkway, Fleming Island, FL 32003
b. 1 University of North Florida Drive, Jacksonville, FL 33224
c. 11907 Lem Turner Road, Jacksonville, FL 32218

11. On Wednesday, December 15, 2021, I conducted additional research on the remaining domain owner, POI #2. This individual is the owner of a purported UK bank, F**********, with a website address of f**********.com, which resembles websites owned by POI #1. Using WHOIS via urlscan.io, I discovered that POI #2 has two (2) emails, j**********@gmail.com and s**********@hotmail.com. Neither email could be linked back to POI #1 at this time.

12. The NameCheap production indicated that the owner of the original website, FlyGateFinancial.com, is POI #1 with an e-mail address of p**********@gmail.com, a physical address of 121 Franklin Street, Montgomery, AL, and a phone number of (608) 579-3344. On Wednesday, December 15, 2021, using Montgomery County, AL tax records, I found that 121 Franklin Street, Montgomery, AL does not exist.

13. On Thursday, December 16, 2021, using the NameCheap production and a paid subscription data service of the OFR, I researched the only known domestic phone number included in the production ((608) 579-3344) and all email addresses: p**********@gmail.com, j**********@gmail.com, m********@gmail.com, a**********@gmail.com, and a**********@gmail.com. The phone number and email address searches did not produce any results.

FURTHER AFFIANT SAYETH NAUGHT

Kris H. Ignatowicz
(Signature of Affiant)

Sworn to and subscribed before me by means of ✓ (check) physical presence or _____ (check) online notarization this 17 day of DECEMBER, 2021, by Kris Ignatowicz, who _____ (check) is personally known to me or ✓ (check) has produced Florida Drivers License as identification and did certify and declare the above certification and declaration under oath.

Notary Stamp:

Notary Signature: Paula A Wachter

Notary Printed Name: _____

Paula A. Wachter
State of Florida
My Commission Expires 07/04/2023
Commission No. GG 335191