

Written Comments

All written comments received from the public in the current calendar year and/or previous two years that specifically relate to assessment area needs and opportunities, and any response to the comments by the bank are listed below. Any comment or response that reflects adversely on the good name or reputation of a specific person, excluding the bank, will be removed from this document under specific provisions of law.

OCC

ATTN: Barry Wides

November 1, 2021

The **Renaissance Indexes Group** submits this Cover letter as part of the Complaint filed against **Trustmark Bank** for the full-blown Agency investigations into the Illegal Discrimination Claims outlined in the Complaint. The RIG – as chief Complainant – is due full Due Process Rights and honest investigations.

The honest investigations pursuant of the **OCC's** sworn duties commands for the Agency to enforce all of the banking laws in the laws' entirety and in the laws' full and final perfection in both the letter and the spirit of the law – to include the Fair Housing Act Final Rule and all of the Rules' burden shifting components

-the OCC is also bound by the controlling authority of the applicable Court rulings – which includes **US V Chevy Chase**, US V Hudson City Savings, US V Midland States Bancorp, US V Guardian Savings Bank, TDHCA V ICP, Inc.

-the OCC is also bound by the Department Rules – HUD FHA Final Rule

This is the Rule of Law that forms the bedrock of our democracy – the OCC personnel was well aware of their sworn duties when they signed up for the OCC. To date the OCC has deliberately failed to enforce the Fair Housing Act Final Rule in any of the RIG Complaints – indeed, the words “Fair Housing Act Final Rule” appear nowhere in any of the letters from the OCC or in any of the OCC Orders.

The OCC does not get to pick and choose which of the banking laws, Court rulings and Department rules that it is going to enforce and which it is going to ignores. The OCC does not get to substitute its subjective and inconsistent judgment for the clearly articulated language of the banking laws.

The OCC is engaged in the sleight of hand of substituting “substantial compliance”, vague statements such as “nothing in the findings to preclude approval of the Banks applications” and “the Bank represents that it has “procedures in place to prevent illegal discrimination” – this failure of execution of sworn duties ends with the RIG Complaints. The banking laws, Court rulings and Department rules are clear – and all call for the Banks to be in **full compliance** of the banking laws and Court rulings and Department rules

These impotent actions of substitution are not part of the OCC's sworn duties and are outside the scope of the OCCs' mission: to aggressively investigate the Complaint and to Enforce the banking laws in the laws' entirety and to impose the effective Agency enforcement actions to end the Bank practices that result in illegal discrimination,

redlining and denial of full enjoyment of the rights secured under the banking laws and make whole the aggrieved parties – protected class of black Americans.

Where the OCC fails or refuse to enforce the FHA Final Rule -it is to send the Complaint back with a Letter of Refusal to faithfully execute its sworn duties to enforce the banking laws in the laws' entirety and in the laws full and final perfection

The legal standards to determine the ruling on the Bank Applications are clear: -

-Whether the Bank answered the Claims as framed by the Complainant – in this case specific to the individuals, businesses, households and Neighborhoods of the protected class of black Americans in the specified Zip Codes in Houston and in Dallas.

-Whether the Bank has answered the Illegal Discrimination Claims – as the Claims are framed – directly, truthfully and in accordance with the burden shifting duties of the Fair Housing Act Final Rule

-Whether any of the Banks' practices, policies, actions (and non-actions) result in the Disparate Impact (ECOA) on the protected class of black Americans

-Whether the Bank has marketed, promoted and made the full range of all of its lending and credit products– to include financing to create wealth Real Estate Investment Trusts) and the full range of banking services to the protected class of black Americans

-Whether the Bank has delivered the full enjoyment of all of the advantages of credit and convenience to the protected class of black Americans pursuant to the banking laws, the controlling authority of the oft-cited Court cases

-Whether the Bank has made available the full range of all of the Discretionary Accommodations – banker counseling, waivers of credit marks, overrides – available to all of the black American applicants, homeowners and business owners

-Whether the Bank has made available any product development in any of the black American Neighborhoods in Houston or in Dallas pursuant to the Banks Community Outreach duties

-Whether the Bank has provided the Consumer Financial Education Seminars, Events inside of the black American Neighborhoods in the specified Zip Codes in Houston and in Dallas

Where **Trustmark Bank** continues to place its Bank branches outside of the black American Neighborhoods – to include the last 8 New Branches – it is not in full compliance with the banking laws - CRA and ECOA -. **Trustmark Bank** has made it

clear by its actions that it has no intention of placing any New Bank Branches inside of the black American Neighborhoods at the same pace it places New Bank Branches inside of the Anglo Neighborhoods – as long as the Bank is convinced it is under the full protection of the Federal Reserve Bank in these practices -its violation of the banking laws notwithstanding.

Trustmark Bank is either in full compliance with all of the above, with all of the banking laws, with all of the controlling authority of all of the oft cited Court rulings and with all of the Department Rules – in the laws and rules entirety or it is not.

Trustmark Bank can either provide the legally sufficient justification (per Claim) to prove that the practices challenged in the Complaint are necessary to achieve one or more of the Banks' legitimate substantial nondiscriminatory interests – and can provide the supporting evidence pursuant to the Banks duties under the Fair Housing Act or **Trustmark Bank** cannot.

Where **Trustmark Bank** fails – fails to provide the legally sufficient justification to prove that the practices challenged in the Complaint are necessary to achieve one or more of the Banks' legitimate substantial nondiscriminatory interests with the supporting evidence – the Illegal Discrimination Claims stands.

Where the **OCC** cannot vouch for the Banks full compliance with all of the components of the banking laws, Court Rulings and Department Rules – with signed statements and with supporting evidence – the Illegal Discrimination Claims stands.

EXAMPLE – Where the Illegal Discrimination Claim states -and illustrates with geographical distribution and with physical address reality that **Trustmark Bank is** engaged in practices of illegal discrimination in placing its Bank branches – bricks and mortar free standing edifices – outside of the black American Neighborhoods in Houston (and in Dallas) – that the last eight New Bank branches - are placed outside of the black American Neighborhoods – this practice is violation of the Community Reinvestment Act and of the Equal Credit Opportunity Act. Such practices are in violation of the controlling authority of the Court ruling in the critical case of US V Hudson City Savings Bank “that such practices deny members of the protected class the equal opportunity to secure credit transactions”

The Agency statements such as “examiners found the retail delivery operations to be in reasonable proximity to LMI communities” do not justify the illegal discrimination practice of **Trustmark Bank** consistently placing its Bank branches outside of the black American Neighborhoods in Houston, Dallas and other markets.

Where **Trustmark Bank** fails or otherwise cannot fulfill its burden shifting duties under the Fair Housing Act Final Rule – the Illegal Discrimination Claims stands The **OCC** is to CC the US Congress offices of Lizzie Fletcher at Shirley. Marinez@mail.house.gov and Maxine Waters at Twuan.Samuel@mail.house.gov.

OCC
Barry Wides

November 1, 2021

RE: CRA Protest Complaint / Illegal Discrimination Claims – Trustmark Bank

This letter is part of the continuing communications between the Office of Comptroller of the Currency (OCC) and the **Renaissance Indexes Group** (RIG, Claimant) and forms the CRA Protest Complaint filed against **Trustmark Bank** for full Agency investigations. Please find the **Illegal Discrimination Claims** (IDC) s.as part of the Complaint against **Trustmark Bank**

The **Renaissance Indexes Group** respectfully petitions that the Office of Comptroller of the Currency (OCC) issue the Agency Directive to **Trustmark Bank** to answer the **Illegal Discrimination Claims** directly, completely, truthfully and honestly – and that the OCC execute its sworn duty and issues the Agency Directive to **Trustmark Bank** to abide by the **FHA Final Rule** – to provide the legally sufficient justification to prove that the practices challenged in the Complaint are necessary to achieve one or more of the Banks' legitimate, substantial nondiscriminatory interests. Where the Bank fails in this burden shifting duty the **Illegal Discrimination Claim(s) stands.**

Even where the Bank meets this burden the Claimant can still prevail by proving that the legitimate substantial nondiscriminatory interest that the Bank is bound by can be achieved by another practice with a less discriminatory effect on the protected class of black Americans.

Neither the OCC nor **Trustmark Bank** has the right to **ignore** the FHA Final Rule – or any of the banking laws in this CRA Protest Proceeding.

Where **Trustmark Bank** fails in this duty – for whatever reason – the Illegal Discrimination Claims stands – and the Agency is duty bound to certify the Claim and to impose the Agency enforcement actions on **Cadence Bank.**

Where the OCC **fails or refuses** to impose and to enforce the **FHA Final Rule** – and the other banking laws – in this Complaint – please send the Complaint back and do not go forward with it- as there would be no point in going forward without the full Agency enforcement of all of the components of the FHA Final Rule in the laws' entirety and in the laws' full and final perfection. This continued failing and refusal of the OCC to enforce the FHA Final Rule in the law's entirety denies the full Due Process of the

honest enforcement that the Claimant is entitled to – and worse, enables the Bank to continue its practices, patterns, policies, actions (and non-actions) that result in the illegal discrimination perpetrated against the protected class of black American and the continued redlining of whole black American Neighborhoods in the specified Zip Codes in Houston.

The **Renaissance Indexes Group** will need the petition to enforce the FHA Final Rule answered before sending the Complaint to **Trustmark Bank**. **Trustmark Bank** is legally bound by the duties under the FHA Final Rule to provide the legally sufficient justification per Illegal Discrimination Claim.

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, US V Midland States Bancorp and 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

Pursuant to the **FHA Final Rule** the prima facie case for illegal discrimination is established. The Complainant and the Complaint establishes that the Bank practices, policies and actions (and non-actions) of **Trustmark Bank** results in the disparate impact on members of the protected class of black Americans.

The burden shifting duty of **Trustmark Bank** is such that must provide the legally sufficient justification to prove that the Bank practices challenged in the Complaint are necessary to achieve one or more of the Banks' substantial legitimate nondiscriminatory interests and that these interests and that these interests – where proven legitimate – could not be served by another practice with a less discriminatory effect.

Where **Trustmark Bank** fails in the burden shifting duty the **Illegal Discrimination Claims** stands – and Agency enforcement action is to be imposed – and since the Complaint is filed, inter alia, under the Fair Housing Act the Agency enforcement action must be remedial and robust and places the aggrieved parties -protected class of black Americans – in the position they would have been in if not for the continuing Bank practices of illegal discrimination perpetrated against the protected class of black Americans.

The prima facie case for illegal discrimination is further established pursuant to the **Equal Credit Opportunity Act** Effects Test – which is the method of assessing the discriminatory impact of supposedly neutral credit policies and states clearly

“That the party alleging illegal discrimination need only establish that the action in question has a disproportionately discriminate effect on members of a protected class. And I therefore discriminatory in effect”.

These are the legal standards by which the Agency investigation is supposed to be conducted by – not lobbying softball questions at the named Bank and accepting whatever “answer” the Bank sends back.

As stated in other Letters written at other times the OCC does not have to conduct the investigation – just send the RIG a letter of refusal and I will move my case on.

Where the OCC chooses to conduct the investigation, we petition that the Agency send the **Agency Directive to Trustmark Bank** to answer the Illegal Discrimination Claims directly, completely, honestly and in accordance with the faithful execution of sworn duties under the banking laws and in accordance with the above prima facie case standards

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

The Rights to honest Investigations to include independent Agency investigations where the OCC findings are independent of the Banks’ “response”. “addressing”, “replies” and “representations”. The overarching theme in the RIG Complaints outlines where **Trustmark Bank** has structured its business in such a way as to avoid the credit needs of the individuals, households and businesses of the protected class of black Americans in the black American Neighborhoods in Houston MSA.

Rights to comparative analysis of the banking categories – between the two sets of Zip Codes outlined in the Complaint. Neither the **OCC** nor **Trustmark 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 **Trustmark 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 **Trustmark 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 **Trustmark Banks'** 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 **Trustmark 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 **Trustmark 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 **Trustmark Banks’** answers are not consistent with the findings of the independent OCC 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 **Trustmark 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 **Trustmark 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 **OCC** 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 **OCC investigations – Trustmark Bank does not get to investigate itself**

RE: Trustmark 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 **Trustmark 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.

Mortgage Loans the **Claim** in the banking complaint is that **Trustmark Bank** illegally discriminates against the protected class of black Americans and denies the equal access to capital for mortgage 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 has a disproportionate discriminate effect on the protected class of black Americans – and establishes the prima facie case for illegal discrimination – pursuant to the **Effects Test Trustmark 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 pittance 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 OCC** 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 **Trustmark 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 **Trustmark Bank** are denied the equal bank financed developments investments that **Trustmark 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 clear majority – 95% - of the **Trustmark 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.

Advertising/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 **Trustmark 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 RCG 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 Houston. 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 **Houston** are denied the equal investments in community development loans by **Trustmark 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 the forms the prima facie case for illegal discrimination pursuant to the **Effects Test**. What meager efforts

Trustmark 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 **Trustmark 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 **Trustmark 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 21 Zip Codes in **Houston** presently redlined by **Trustmark Bank** is 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** have 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 **Trustmark Bank** are aggrieved by the blanket denial of the direct mailings, solicitations and pre-approved credit cards that **Trustmark Bank** 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 **Trustmark 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 **Trustmark 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. **Trustmark 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 ay 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 **Trustmark 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 **Trustmark Bank** presently provides for the businesses in the Anglo neighborhoods in Houston 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 **Trustmark Bank** freely grants to the individuals and businesses in the Anglo neighborhoods and Zip Codes in Houston.

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 **Trustmark Bank** and makes the difference between a thriving business and business failures. **Trustmark Bank** does not promote or advertise this banking service to the protected class of black Americans nor does the Claimant find anywhere in the 21 Zip Codes where **Trustmark Bank** 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 – **Trustmark 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 **Trustmark Bank** is **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 **Trustmark Bank** 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; **Trustmark Bank** employee assistance and the Capital Campaigns that **Trustmark Bank** freely makes available for the Non-Profit Corporations in the Anglo Zip Codes. Beyond this outright denial **Trustmark 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 **Trustmark Bank** is 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 **Trustmark 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 **Houston** and the in the 26 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 revers redlining – where the Bank only makes available the high cost toxic loan and credit products.

1. **Disparate Impact** the black Americans are further aggrieved by **Trustmark 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.

Trustmark 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 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 **OCC** impose the following against **Trustmark Bank**

--The CRA Rating remains downgraded and be in **indefinite suspension** pending full resolution of the Illegal Discrimination Claims outlined in the RIG CRA Protest Complaint proceedings

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

Fines - **\$500 Million** Dollars , Penalties, Sanctions, Commitment Orders that bar **Trustmark Bank** from submitting any Applications – expansionary or otherwise and includes any Main Office Relocation until such time as **Trustmark 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 Houston (and of Dallas) Illegal Discrimination Claims

--that **Trustmark 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 **Trustmark Bank**

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

In The Relentless Pursuit of Justice,

Barry Simmons

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