



FDIC

Federal Deposit Insurance Corporation
Division of Supervision and Consumer Protection
2345 Grand Boulevard, Suite 100
Kansas City, MO 64108

Consumer Response Center
1-800-378-9581
Fax number 703-812-1020

October 16, 2009
Ref. No.: SCC2009W-011178-0

Mr. Darin J. Grey
442 Sunset Drive
Hallandale, Florida 33009

Re: Community Bank of Broward (Bank)
Dania Beach, Florida

Dear Mr. Grey:

This is in response to your correspondence received in this office on August 28, 2009, regarding your business checking account relationships with the Bank. After reviewing your correspondence, we request that the Bank investigate your concerns and report its findings to this office. A copy of the Bank's response is enclosed for your review.

The Bank states that your concerns are the subject of pending litigation, which is scheduled for a hearing in January 2010. As such, it would be inappropriate for the FDIC to comment on your concerns. You may wish to seek advice from a private attorney regarding any rights or remedies that are available to you in this regard.

Please be assured that the FDIC takes the concerns of consumers very seriously and frequently uses consumer information in fulfilling its supervisory responsibilities. We will retain a copy of your correspondence in our files, which will be made available to FDIC staff prior to the next scheduled examination of this Bank. Thank you for contacting the FDIC.

Sincerely,

Glenda Freeman
Consumer Affairs Specialist

Enclosure

Cc: Community Bank of Broward

THE LA
FRANK • WEINBERG • BLACK, P. L.

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**MEMBER D. C. BAR
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October 5, 2009

Glenda Freeman
FDIC
Division of Supervision and Consumer Protection
2345 Grand Boulevard, Suite 100
Kansas City, MO 64108

REF NO: **SCC2009W-011178-0**
Our File: CBB/Darin Grey 7923.155

Dear Ms. Freeman:

By way of introduction, the undersigned law firm represents Community Bank of Broward. We were handling the dispute with Darin Grey on behalf of the Bank, and have been asked to respond on its behalf.

Please understand that this matter is presently in litigation, and accordingly, our response will be tempered by the fact that we cannot discuss certain strategies or information of which we may be aware that will be used. This litigation commenced May, 2007, has been vigorously defended by the Bank, and is scheduled for trial in January, 2010.

The litigation was brought by 3 companies, controlled by Darin Grey, against the Bank. However, the Bank maintains that all of these transfers were authorized by Darin Grey, and based thereupon, his complaint to you is without merit. Please note that the transfers were made to 2 different corporations, which were controlled by Darin Grey and his brother-in-law, Robert Smoley.

By way of further background, you need to be aware that Mr. Grey first notified the Bank regarding these transfers on April 1, 2005, as indicated in his complaint. However, at no time did he make a demand for any return of monies from the Bank, until a letter from his attorney 21 months later in January, 2007, and at that time only demanded return of \$118,000.00. This is inconsistent with what he has represented to the FDIC.

Specifically, the basis for his demand of \$118,000.00, incorporated the fact he acknowledged that he had been repaid \$30,000.00 by the party to whom the transfers were made. He also confirmed this in writing to the Bank. He has subsequently recanted that position in sworn testimony.

REPLY
621 N.W. 53RD STREET • SUITE 420 • BOCA RATON, FL 33487
TELEPHONE (561) 886-5570 • FAX (561) 886-5571

REPLY
7805 S.W. 6TH COURT • PLANTATION, FL 33324
BROWARD (954) 474-8000 • FAX (954) 474-9850

Glenda Freeman

FDIC

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Further, he acknowledged, in writing, to the Bank on 2 separate occasions, that he admittedly had authorized one of the transfers, for \$50,000.00. He admitted that in April, 2005 and again in September, 2005. However, he has subsequently recanted that position, under oath, and now maintains that he did not authorize the \$50,000.00 to be transferred.

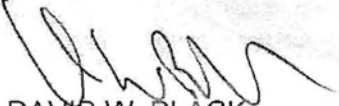
Accordingly, the Bank has been and intends to vigorously defend the claim brought by Mr. Grey's companies. The Branch Manager maintains that he was given specific authorization directly by Darin Grey to make transfers from his account to the other companies. Further, Mr. Grey's brother-in-law, Robert Smoley, has testified that at the very least there was authorization by Darin Grey for the \$50,000.00 transfer, which is supportive of the Bank's position, and refutes Mr. Grey's testimony in its entirety.

This matter is a civil dispute, it will require resolution by the legal system. The Bank has conducted a full investigation of this matter, at this time, believes that Mr. Grey has filed this complaint with the FDIC, 4-1/2 years after initially discovering this matter, solely because he is disappointed with the litigation he is pursuing, and in an attempt to pressure the Bank to achieve the civil resolution that he has been unable to accomplish.

We hope and trust this adequately responds to your inquiry. Should you need anything further, please let me know.

Very truly yours,

FRANK, WEINBERG & BLACK, P. L.



DAVID W. BLACK

For the Firm

DWB/bls

cc. Community Bank of Broward (w/enc.)