

INTERPRETIVE LETTER 88-8 (DECEMBER 28, 1988)

Use of the terms "bancorp, bancorporation or bancshares" does not violate prohibition against use of the terms "bank, banker or banking."

This is to confirm our Agency's position that we would not object to the use of the terms "bancorp," "bancorporation" or "bancshares" being used by corporations organized under the Business Corporation Act. We do not view these names to be violations of Section 46 of the Illinois Banking Act (Ch. 17, par. 357, Ill. Rev. Stat.), which is quite literal in its prohibition. Likewise, we do not view such a name as a violation of Section 4.05(a)(2) of the Business Corporation Act.

As we have stated, we have a number of bank holding companies which have already adopted such names without objection on our part and, in our view, the proscriptions of Sections 46 of the Illinois Banking Act and 4.05 of the Business Corporation Act were intended to be literal proscriptions. We would anticipate wishing to continue to review those who use the term "bank," "banker," or "banking" and would anticipate our Agency otherwise enforcing the prohibition against someone engaging in a general banking business.