§ 308.147 Investigations confidential.

Investigations conducted pursuant to section 10(c) shall be confidential. Information and documents obtained by the FDIC in the course of such investigations shall not be disclosed, except as provided in part 309 of this chapter and as otherwise required by law.

§ 308.148 Rights of witnesses.

In an investigation pursuant to section 10(c):
(a) Any person compelled or requested to furnish testimony, documentary evidence, or other information, shall upon request be shown and provided with a copy of the order initiating the proceeding;
(b) Any person compelled or requested to provide testimony as a witness or to furnish documentary evidence may be represented by a counsel who meets the requirements of §308.6 of the Uniform Rules. That counsel may be present and may:
  (1) Advise the witness before, during, and after such testimony;
  (2) Briefly question the witness at the conclusion of such testimony for clarification purposes; and
  (3) Make summary notes during such testimony solely for the use and benefit of the witness;
(c) All persons testifying shall be sequestered. Such persons and their counsel shall not be present during the testimony of any other person, unless permitted in the discretion of the person conducting the investigation;
(d) In cases of a perceived or actual conflict of interest arising out of an attorney’s or law firm’s representation of multiple witnesses, the person conducting the investigation may require the attorney to comply with the provisions of §308.8 of the Uniform Rules; and
(e) Witness fees shall be paid in accordance with §308.14 of the Uniform Rules.

[56 FR 37975, Aug. 9, 1991, as amended at 64 FR 62100, Nov. 16, 1999]