(d) Management fee means any payment of money or provision of any other thing of value to a company or individual for the provision of management services or advice to the State savings association or related overhead expenses, including payments related to supervisory, executive, managerial or policymaking functions, other than compensation to an individual in the individual’s capacity as an officer or employee of the State savings association.

(e) Risk-weighted assets means total risk-weighted assets, as calculated in accordance with subpart Z.

(f) Tangible equity means the amount of a State savings association’s core capital as computed in subpart Z plus the amount of its outstanding cumulative perpetual preferred stock (including related surplus), minus intangible assets as defined in §390.461, except mortgage servicing assets to the extent they are includable under §390.471. Non-mortgage servicing assets that have not been previously deducted in calculating core capital are deducted.

(g) Tier 1 capital means the amount of core capital as defined in subpart Z.

(h) Tier 1 risk-based capital ratio means the ratio of Tier 1 capital to risk-weighted assets, as calculated in accordance with subpart Z.

(i) Total assets, for purposes of §390.453(b)(5), means adjusted total assets as calculated in accordance with subpart Z, minus intangible assets as provided in the definition of tangible equity.

(j) Total risk-based capital ratio means the ratio of total capital to risk-weighted assets, as calculated in accordance with subpart Z.

§ 390.453 Capital measures and capital category definitions.

(a) Capital measures. For purposes of section 38 and this subpart, the relevant capital measures shall be:

(1) The total risk-based capital ratio;

(2) The Tier 1 risk-based capital ratio; and

(3) The leverage ratio.

(b) Capital categories. For purposes of section 38 and this subpart, a State savings association shall be deemed to have been assigned its capital category for purposes of section 38 of the FDI Act and this subpart or that the State savings association’s capital category has changed as provided in paragraph (c) of this section or §390.453(c).

(c) Adjustments to reported capital levels and category—(1) Notice of adjustment by State savings association. A State savings association shall provide the FDIC with written notice that an adjustment to the State savings association’s capital category may have occurred no later than 15 calendar days following the date that any material event has occurred that would cause the State savings association to be placed in a lower capital category from the category assigned to the State savings association for purposes of section 38 and this section on the basis of the State savings association’s most recent report of examination.

(2) Determination by the FDIC to change capital category. After receiving notice pursuant to paragraph (c)(1) of this section, the FDIC shall determine whether to change the capital category of the State savings association and shall notify the State savings association of the FDIC’s determination.