

189—4.9(17A) Variance between adopted rule and rule proposed in Notice of Intended Action. The credit union division shall not adopt a rule that differs from the rule proposed in the Notice of Intended Action upon which the rule is based unless:

1. The differences are within the scope of the subject matter announced in the Notice of Intended Action and are in character with the issues raised in that notice; and
2. The differences are a logical outgrowth of the contents of that Notice of Intended Action and the comments submitted in response thereto; and
3. The Notice of Intended Action provided fair warning that the outcome of that rule-making proceeding could be the rule in question.