State of West Virginia
Office of the Attorney General

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Attorney General

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July 27, 2026

David B. Becker
CEO
First Internet Bank of Indiana
8701 E. 116th St.
Fishers, IN 46038

Dear Mr. Becker:

It has recently come to our attention that your company, First Internet Bank, may have engaged in behavior that violates West Virginia's Firearms Industry Nondiscrimination (FIND) Act, W. Va. Code § 5A-14-1 *et seq*. This letter serves two purposes. *First*, it is an invitation to immediately stop violating West Virginia law and to take appropriate ameliorative action for any prior or ongoing violations. *Second*, this letter places you on notice of the consequences of continuing to engage in behavior of this sort. We hope the first purpose will render the second superfluous.

Your potential violation of the FIND Act stems from a refusal by one of your business partners, Ramp, to provide payment processing services to Kent Cartridge Company, a West Virginia business whose factory in Kearneysville has produced premium, environmentally friendly ammunition for more than 30 years. According to correspondence between Ramp and Kent Cartridge, Ramp was unable to provide payment processing services due to "restrictions from [Ramp's] partners."[1] Ramp identifies your bank as one of its partners.[2]

A refusal predicated solely and entirely on a business's manufacture, distribution, or other lawful commerce in firearms—which appears to have happened to Kent Cartridge—infringes West Virginia's FIND Act. Section 5A-14-5 makes clear that West Virginia law prohibits financial institutions from "discriminat[ing] against a firearm entity … because th[at] firearm entity … supports or is engaged in the lawful commerce of firearms, firearm accessories, or ammunition products." W. Va. Code § 5A-14-5(a). The Act further permits either an injured private party *or* the Attorney General to "file a civil action" against a financial institution that has engaged in

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[1] Email correspondence *archived at* https://perma.cc/9Y22-5VD3.

[2] *See*, *e.g.*, Business Banking, Ramp.com *archived at* https://perma.cc/WUN3-L9SA (indicating that "checking account deposit services [are] provided by First Internet Bank of Indiana, Member FDIC").

discriminatory behavior and authorizes courts to award appropriate relief. *Id*. at 5A-14-6. Appropriate relief can include compensatory damages, punitive damages, and injunctive or declaratory relief. *Id*. Prevailing private parties are also entitled to attorneys' fees. *Id*. at (a). Furthermore, the Attorney General is obliged to "submit the name of any financial institution that has violated this article to the Governor and request that the state terminate any business relationship with the financial institution in a commercially reasonable manner." *Id*. at (c).

There can be little doubt that First Internet Bank qualifies as a financial institution for purposes of the FIND Act. The statute defines "financial institution" to include "commercial bank[s]." W. Va. Code § 5A-14-2(4)(B). Although not part of the FIND Act itself, other West Virginia banking statutes define "bank" to include any "corporation, limited liability company or association heretofore or hereafter charted to conduct a banking business under the laws of the United States or any state, territory, district or possession thereof." W. Va. Code § 31A-1-2(c). First Internet Bank is chartered under the banking laws of Indiana and is federally insured by the FDIC.[3] It advertises a variety of business banking products, including business checking, commercial checking, and commercial loans.[4] In so doing, it is obvious that First Internet Bank is engaged in the "'substance of the business of a banker.'" *Morris v. Marshall*, 172 W. Va. 405, 410 (1983) (quoting *Warren v. Shook*, 91 U.S. 704, 710 (1875)).

It is also likely that Ramp's refusal to serve Kent Cartridge—to the extent it was predicated on a policy or policies maintained by First Internet Bank—falls within the FIND Act's sweep. The Act expressly provides that "discriminat[ion] against a firearm entity" includes the refusal to "provide or engage in services with [an] entity … based on its status as a firearm entity." W. Va. Code § 5A-14-2(3). Nothing in the correspondence we have reviewed suggests that Ramp or First Internet Bank declined to serve Kent Cartridge for a legitimate business reason, such as financial insolvency or involvement in criminal activity. On the contrary, it is evident that the refusal to provide service was predicated on the nature of the "lawful products and services provided by" Kent Cartridge. *Id*.

Discrimination of this sort is not countenanced by West Virginia law—that is the manifest purpose of the FIND Act. First Internet Bank advertises that it has "customers in all 50 states";[5] if even one of those customers is a West Virginia state government agency or political subdivision, the blatant discrimination against Kent Cartridge with which First Internet Bank is involved is legally actionable. W. Va. Code § 5A-14-5(a). Our Office has contacted the West Virginia State Auditor and State Treasurer to determine if any qualifying contracts or banking relationships with

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[3] *See* Comment Letter of First Internet Bank on FDIC Proposed Rulemaking and Issuance of Risk Management Guidelines for Covered Institutions With Total Consolidated Assets of $10 Billion or More (Feb. 9, 2024) *archived at* https://perma.cc/56MB-7G4D ("First Internet Bank commenced banking operations in 1999 as the first state-chartered, FDIC-insured Internet bank. Headquartered in Fishers, Indiana, we … offer a wide range of commercial, small business, consumer, municipal and novel banking products and services.").

[4] *See* Business Checking, FirstIB.com, *archived at* https://perma.cc/4LSL-Y5J6; Commercial Banking, FirstIB.com *archived at* https://perma.cc/4JR9-QWBY.

[5] *See* First Internet Bank Named a Top Workplace for Second Consecutive Year, FirstIB.com (May 7, 2015) *archived at* https://perma.cc/NAH3-KVKN.

First Internet Bank are in force; if so, this Office is prepared, absent corrective action, to initiate legal proceedings. And even if First Internet Bank currently has no West Virginia government clients or depositors, its discriminatory treatment of Kent Cartridge—unless and until remedied—forecloses any *future* business relationship between First Internet Bank and the State or its political subdivisions. *Id*.

That discrimination also jeopardizes First Internet Bank's ability to enter into business relationships in, and may expose First Internet Bank to liability under the laws of, the twelve other States that have (to date) enacted statutes prohibiting discrimination of this sort.[6] Several other States have recently considered or are currently considering enactment of a FIND Act or similar legislation.[7] And at least two bills that would enact a federal version quite similar to West Virginia's law have recently been proposed in Congress.[8]

Finally, it is important to note that the remedies provided by the FIND Act are not exclusive. We are thoroughly investigating this situation (and those like it) and will not hesitate to pursue other potential causes of action (e.g., violations of the West Virginia Consumer Credit and Protection Act and/or West Virginia's Antitrust Act) that may be uncovered during our investigation. Coordinated action or deceptive trade practices intended to hinder West Virginians' ability to exercise their right to bear arms will not be tolerated by this Office.

Of course, it would not be difficult for First Internet Bank to reduce its potential legal exposure; the need to pursue proactive legal remedies against an entity is significantly reduced once that entity has ceased engaging in discriminatory behavior. All First Internet Bank need do is stop discriminating against businesses lawfully engaged in the manufacture of, or commerce, in firearms. That is not an onerous ask.

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The bottom-line takeaway here should be crystal clear. West Virginians cherish the right to bear arms. And their elected representatives have enshrined into law protection against discrimination aimed at firearms manufacturers, distributors, and retailers by banks and other financial institutions. Accordingly, this Office will zealously investigate—and, when warranted, pursue legal action—to effectuate that protection and vindicate the policy choice West Virginians have made. That choice reflects an obvious desire that their fundamental right to bear arms not be unduly burdened or inhibited.

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[6] *See* Ala. Code § 41-16-160 *et seq*.; Ark. Code Ann. § 25-1-1102; Fla. Stat. §§ 560.1115(2)(d)(4), 655.0323(2)(d)(4); O.C.G.A. § 10-1-439 *et seq.*; Idaho Code Ann. § 67-2347A(1)(b); La. R.S. §§ 38:2216.1, 39:1602.2; Mont. Code Ann. § 30-20-301; 21 O.S. § 1289.31; Tenn. Code Ann. § 45-1-128(c)(4)(D); Tex. Gov't Code Ann. § 2274.001 *et seq.*; Utah Code §§ 13-66-101, 201; Wyo. Stat. Ann. § 13-10-301 *et seq*.

[7] *See*, *e.g.*, SCR 1007, 2nd Reg. Sess. (Ariz. 2024); S.B. 2741, Reg. Sess. (Miss. 2026); L.B. 687, 109th Leg., 1st Sess. (Neb. 2025); H.B. 359, Reg. Sess. (N.H. 2025); H.R. 919, Reg. Sess. (N.C. 2025); H. 4466, Reg. Sess. (S.C. 2025); H.D. 2073, Reg. Sess. (Va. 2025).

[8] *See* Firearm Industry Non-Discrimination Act, H.R. 45, 119th Congress (2025); Firearm Industry Non-Discrimination Act, S. 137, 119th Congress (2025).

We hope legal action is not necessary here; it need not be. First Internet Bank can obviate the need for any action by modifying any of its policies that exclude businesses engaged in lawful manufacture, distribution, or commerce in firearms and ammunition from its banking services. It would also behoove First Internet Bank to work with its partners, like Ramp, to make things right with Kent Cartridge. That said, if First Internet Bank continues to discriminate against West Virginia firearm manufacturers protected by the FIND Act (or any other aspect of West Virginia law), we will pursue appropriate action.

Sincerely,

John B. McCuskey
Attorney General

Zachary A. Viglianco
Director of Strategic Litigation

cc: Dustin DeNeal, First Vice President/Counsel