

**#2001-101**

**UNITED STATES OF AMERICA  
DEPARTMENT OF THE TREASURY  
OFFICE OF THE COMPTROLLER OF THE CURRENCY**

In the Matter of: )  
The First National Bank of Germantown )  
Germantown, Ohio )

**CONSENT ORDER**

The Comptroller of the Currency of the United States of America (Comptroller), through his National Bank Examiner, has commenced an examination of The First National Bank of Germantown, Germantown, Ohio (Bank).

The Bank, by and through its duly elected and acting Board of Directors (Board), has executed a “Stipulation and Consent to the Issuance of a Consent Order,” dated November 20, 2001, that is accepted by the Comptroller. By this Stipulation and Consent, that is incorporated by reference, the Bank has consented to the issuance of this Consent Order (Order) by the Comptroller.

Pursuant to the authority vested in him by the Federal Deposit Insurance Act, as amended, 12 U.S.C. § 1818, the Comptroller hereby orders that:

**ARTICLE I**

**BOOKS AND RECORDS**

(1) The Bank shall maintain its books, records and management information systems in a complete and accurate condition, and the Bank’s files shall contain all records and information necessary to allow the Comptroller to determine the details or purposes of each of

the Bank's transactions, including but not limited to, all documentation of outstanding and paid off loans, and documentation of all transactions in all deposit accounts.

(2) Until authorized by the Office of the Comptroller of the Currency (OCC), the Bank shall immediately suspend the operation of any document destruction program it may have. The Bank is expressly prohibited from destroying, altering, or removing any of its records (including, but not limited to, general ledger tickets, proof tapes, all documentation of outstanding and paid off loans, and documentation of all transactions in all deposit accounts), government records, OCC documents or communications in either tangible or electronic form.

(3) The Bank shall produce any and all Bank records requested by the examiners for review immediately upon request.

## ARTICLE II

### RETENTION OF RECORDS

(1) The Bank shall develop and implement policies and procedures governing the retention of documents in the ordinary course of business that shall, at a minimum:

- (a) identify the types of documents or books and records to be retained in the ordinary course of business;
- (b) set forth a time table on which retained documents will be destroyed;
- (c) prohibit the destruction, alteration, or removal of documents or books and records from the Bank's premises outside of the standards set forth in the policy.

(2) The policies and procedures developed for this Article shall be approved by the Board and submitted to the Assistant Deputy Comptroller for no supervisory objection.

(3) Once the Assistant Deputy Comptroller provides no supervisory objection in writing, the Bank shall retain documents, books and records unless the destruction, alteration or removal is completed pursuant to the policies, procedures and schedule implemented pursuant to this Article.

(4) For purposes of this Article, “documents, books and records” shall have the broadest meaning reasonably imaginable and shall include, without limitation, paper and electronic records of all kinds, notes, calendars, phone logs, financial instruments and tapes.

### ARTICLE III

#### CLOSING

(1) Although the Board is by this Order required to submit certain proposed actions and programs for the review or approval of the Assistant Deputy Comptroller, the Board has the ultimate responsibility for proper and sound management of the Bank.

(2) It is expressly and clearly understood that if, at any time, the Comptroller deems it appropriate in fulfilling the responsibilities placed upon him/her by the several laws of the United States of America to undertake any action affecting the Bank, nothing in this Order shall in any way inhibit, estop, bar or otherwise prevent the Comptroller from so doing.

(3) Any time limitations imposed by this Order shall begin to run from the effective date of this Order. Such time limitations may be extended in writing by the Assistant Deputy Comptroller for good cause upon written application by the Board.

(4) The provisions of this Order are effective upon issuance of this Order by the Comptroller, through his/her authorized representative whose hand appears below, and shall remain effective and enforceable, except to the extent that, and until such time as, any provisions

of this Order shall have been amended, suspended, waived, or terminated in writing by the Comptroller.

(5) This Order is intended to be, and shall be construed to be, a final order issued pursuant to 12 U.S.C. § 1818(b), and expressly does not form, and may not be construed to form, a contract binding on the OCC or the United States. Notwithstanding the absence of mutuality of obligation, or of consideration, or of a contract, the OCC may enforce any of the commitments or obligations herein undertaken by the Bank under its supervisory powers, including 12 U.S.C. § 1818(i), and not as a matter of contract law. The Bank expressly acknowledges that neither the Bank nor the OCC has any intention to enter into a contract. The Bank also expressly acknowledges that no OCC officer or employee has statutory or other authority to bind the United States, the U.S. Treasury Department, the OCC, or any other federal bank regulatory agency or entity, or any officer or employee of any of those entities to a contract affecting the OCC's exercise of its supervisory responsibilities. The terms of this Order, including this paragraph, are not subject to amendment or modification by any extraneous expression, prior agreements or arrangements, or negotiations between the parties, whether oral or written.

IT IS SO ORDERED, this 20th day of November, 2001.

-SIGNED-

\_\_\_\_\_  
Larry K. Cole  
Assistant Deputy Comptroller  
Central Ohio Field Office

11/20/01

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Date

**UNITED STATES OF AMERICA  
DEPARTMENT OF THE TREASURY  
OFFICE OF THE COMPTROLLER OF THE CURRENCY**

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**In the Matter of:** )  
The First National Bank of Germantown )  
Germantown, Ohio )

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**STIPULATION AND CONSENT TO THE ISSUANCE  
OF A CONSENT ORDER**

The Comptroller of the Currency of the United States of America (Comptroller) has initiated cease and desist proceedings against The First National Bank of Germantown, Germantown, Ohio (Bank) pursuant to 12 U.S.C. § 1818(b).

The Bank, in the interest of compliance and cooperation, consents to the issuance of a Consent Order, dated November 20, 2001 (Order);

In consideration of the above premises, the Comptroller, through his/her authorized representative, and the Bank, through its duly elected and acting Board of Directors, hereby stipulate and agree to the following:

**ARTICLE I**

**Jurisdiction**

(1) The Bank is a national banking association chartered and examined by the Comptroller pursuant to the National Bank Act of 1864, as amended, 12 U.S.C. § 1 *et seq.*

(2) The Comptroller is “the appropriate Federal banking agency” regarding the Bank pursuant to 12 U.S.C. §§ 1813(q) and 1818(b).

(3) The Bank is an “insured depository institution” within the meaning of 12 U.S.C. § 1818(b)(1).

## ARTICLE II

### Agreement

(1) The Bank, without admitting or denying any wrongdoing, hereby consents and agrees to the issuance of the Order by the Comptroller. The Bank further agrees that said Order shall be deemed an “order issued with the consent of the depository institution” as defined in 12 U.S.C. § 1818(h)(2), and consents and agrees that said Order shall become effective upon its issuance and shall be fully enforceable by the Comptroller under the provisions of 12 U.S.C. § 1818(i).

## ARTICLE III

### Waivers

- (1) The Bank, by signing this Stipulation and Consent, hereby waives:
- (a) the issuance of a Notice of Charges pursuant to 12 U.S.C. § 1818(b);
  - (b) any and all procedural rights available in connection with the issuance of the Order;
  - (c) all rights to seek any type of administrative or judicial review of the Order; and
  - (d) any and all rights to challenge or contest the validity of the Order.

## ARTICLE IV

### Other Action

(1) The Bank agrees that the provisions of this Stipulation and Consent shall not inhibit, estop, bar, or otherwise prevent the Comptroller from taking any other action affecting

the Bank if, at any time, he/she deems it appropriate to do so to fulfill the responsibilities placed upon him/her by the several laws of the United States of America.

IN TESTIMONY WHEREOF, the undersigned, authorized by the Comptroller as his/her representative, has hereunto set his/her hand on behalf of the Comptroller.

-SIGNED-

\_\_\_\_\_  
Larry K. Cole  
Assistant Deputy Comptroller  
Central Ohio Field Office

11/20/01

\_\_\_\_\_  
Date

IN TESTIMONY WHEREOF, the undersigned, as the duly elected and acting Board of Directors of the Bank, have hereunto set their hands on behalf of the Bank.

-SIGNED-

\_\_\_\_\_  
Marvin Achtermann

11.20.2001

\_\_\_\_\_  
Date

-SIGNED-

\_\_\_\_\_  
John Dupps, Jr.

11/20/01

\_\_\_\_\_  
Date

-SIGNED-

\_\_\_\_\_  
Nelda Judy Lane

Nov 20, 2001

\_\_\_\_\_  
Date

\_\_\_\_\_  
Doug Lewis

\_\_\_\_\_  
Date

-SIGNED-

\_\_\_\_\_  
Robert Reason

11/20/2001

\_\_\_\_\_  
Date

-SIGNED-

\_\_\_\_\_  
Timothy Stueve

11/20/2001

\_\_\_\_\_  
Date

-SIGNED-

11-20-01

\_\_\_\_\_  
Date

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Kuhn Vera

-SIGNED-

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Merle F. Wilberding

-SIGNED-

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James Witt

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Date

November 20, 2001

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Date

Nov. 20, 2001

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Date

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