

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

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
**Jono Anzalone** )  
Former Assistant Vice President )  
American National Bank )  
Omaha, Nebraska )

AA-EC-07-15

**STIPULATION AND CONSENT ORDER**

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) initiated prohibition and civil money penalty proceedings against Jono Anzalone (“Respondent”) pursuant to 12 U.S.C. § 1818(e) and (i) through the issuance of a Notice of Intention to Prohibit Further Participation and Notice of Assessment of a Civil Money Penalty dated April 13, 2007 (“Notice”) alleging that Respondent misappropriated nonpublic personal information of customers of American National Bank, Omaha, Nebraska; and

WHEREAS, in the interest of cooperation and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter, Respondent, without admitting or denying any wrongdoing, desires to enter into this Stipulation and Consent Order (“Order”) issued pursuant to 12 U.S.C. § 1818(b) and (i); and

NOW, THEREFORE, in consideration of the above premises, it is stipulated by and between the Comptroller, through his duly authorized representative, and Respondent that:

## ARTICLE I

### JURISDICTION

(1) American National Bank, Omaha, Nebraska (“Bank”) and TeamBank, N.A., Paola, KS (“TeamBank”), are national banking associations, chartered and examined by the Comptroller, pursuant to the National Bank Act of 1864, as amended, 12 U.S.C. § 1 et seq. Accordingly, the Bank and TeamBank are “insured depository institutions” as that term is defined in 12 U.S.C. § 1813(c)(2).

(2) Respondent was an Assistant Vice President of the Bank and was a Market Leader at TeamBank and is an “institution-affiliated party” of the Bank and TeamBank as that term is defined in 12 U.S.C. § 1813(u), having served in such capacities within six (6) years from the date hereof (see 12 U.S.C. § 1818(i)(3)).

(3) Pursuant to 12 U.S.C. § 1813(q), the Comptroller is the “appropriate Federal banking agency” to maintain an enforcement proceeding against institution-affiliated parties. Therefore, Respondent is subject to the authority of the Comptroller to initiate and maintain cease and desist, prohibition, and civil money penalty proceedings against him pursuant to 12 U.S.C. § 1818(b), (e), and (i).

## ARTICLE II

### PERSONAL CEASE AND DESIST ORDER

(4) 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, whenever Respondent is employed by, or is offered employment at, an insured depository

institution or otherwise becomes an institution-affiliated party within the meaning of 12 U.S.C. § 1813(u), Respondent shall:

- (a) Comply fully with all laws, regulations, and policies applicable to any insured depository institution which employs him.
- (b) Avoid engaging in any unsafe or unsound practices, as that term is used in Title 12 of the United States Code.
- (c) Not breach the fiduciary duties of loyalty or care owed to any insured depository institution with which he is or may become affiliated.
- (d) Adhere to any lawful written policies and procedures of any insured depository institution or agency with which he may become affiliated, or seek written advice from appropriate authorized individuals if other action is contemplated.
- (e) Utilize and process nonpublic personal information of customers or proprietary information of insured depository institutions only as permitted by the provider or owner of such information, and in accordance with safe and sound practices, fiduciary duties, applicable laws and regulations, and the policies and procedures of the institution.
- (f) Carefully review all electronic communications sent outside any insured depository institution so as to ensure the proper treatment of nonpublic personal information of customers or proprietary information of the institution in accordance with safe and sound practices, fiduciary duties, applicable laws and regulations, and the policies and procedures of the institution.

(g) Prior to accepting any offer of a position that causes Respondent to become an institution-affiliated party of an insured depository institution, provide the chief executive officer and the board of directors of the insured depository institution with a copy of this Order. Respondent shall provide written notice of such acceptance to the Director, Enforcement and Compliance, Office of the Comptroller of the Currency, 250 E St., SW, Washington, D.C. 20219, along with a written affidavit of his compliance with this paragraph (4)(g) within ten (10) days after acceptance of such position.

(h) Familiarize himself with, and adhere to, the written policies and procedures of any insured depository institution or agency with which he is or may become affiliated. In the event that the Respondent is affiliated with an insured depository institution or agency with written policies and procedures that are more stringent than the provisions of this Order, the Respondent shall adhere to the written policies and procedures of such insured depository institution or agency.

(5) If, at any time, Respondent is uncertain whether a situation implicates paragraph (4) of this Article, or if Respondent is uncertain about his duties arising from these or any other requirements of this Order, he shall obtain, at his own expense, and abide by, the written advice of counsel regarding his duties and responsibilities with respect to the matter. To comply with this paragraph, Respondent shall engage counsel who is in no way affiliated with the institution; and who has never been subject to any

formal sanctions by any Federal banking agency, either by agency order or consent, as disclosed on the banking agencies' web sites.

(6) This Order shall be enforceable to the same extent and in the same manner as an effective and outstanding order that has been issued and has become final pursuant to 12 U.S.C. § 1818(b).

### ARTICLE III

#### ORDER FOR CIVIL MONEY PENALTY

(7) Respondent hereby consents to the payment of a civil money penalty in the amount of seven thousand five hundred dollars (\$7,500), which shall be paid according to the following schedule: \$2,500 shall be paid upon execution of the order and \$5,000 shall be paid within sixty (60) days of the execution of the order.

(8) Respondent shall make payments by cashier's or certified check made payable to the Treasurer of the United States and shall deliver the payment to: Comptroller of the Currency, P.O. Box 979012, St. Louis, Missouri 63197-9000. The docket number of this case shall be entered on all checks. Respondent shall send a copy of the check to the Director, Enforcement and Compliance Division, 250 E St., SW, Washington, DC 20219.

(a) Within seven (7) days from the issuance of this Order, Respondent shall notify the Director of the Enforcement & Compliance Division ("Enforcement Director") of the address of his current place of residence, by completing the form attached hereto as Appendix A.

(b) Until the civil money penalty amount is paid in full, upon each and every subsequent change in place of residence, if any, Respondent shall notify the Enforcement Director of his new address within seven (7) days of such change in address.

(9) This Order shall be enforceable to the same extent and in the same manner as an effective and outstanding order that has been issued and has become final pursuant to 12 U.S.C. §§ 1818(h) and (i) (as amended).

#### ARTICLE IV

#### BANKRUPTCY

(10) If Respondent files for bankruptcy protection prior to making payment in full of the civil money penalty required by this Order, Respondent shall notify the Director, Enforcement and Compliance Division, 250 E St., SW, Washington, DC 20219, within ten (10) days of the filing and shall provide a copy of the filing to the Director.

(11) In any bankruptcy proceeding in which it is or may be contended that Respondent's obligation to pay the civil money penalty pursuant to this Order is subject to discharge, Respondent will in no manner contest the assertion of the Comptroller or any agent, officer or representative of the United States, pursuant to 11 U.S.C. § 523(a) or otherwise, that the civil money penalty obligation in the Order arises out of acts which result in claims not dischargeable in bankruptcy.

## ARTICLE V

### WAIVERS

- (12) By executing this Order, Respondent waives:
- (a) the right to the issuance of a Notice of Charges for Issuance of an Order to Cease and Desist under 12 U.S.C. § 1818(b);
  - (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(b), (e) and (i) and 12 C.F.R. Part 19;
  - (c) all rights to seek judicial review of this Order;
  - (d) all rights in any way to contest the validity of this Order; and
  - (e) any and all claims for fees, costs or expenses against the Comptroller, or any of his agents or employees, related in any way to this enforcement matter or this Order, whether arising under common law or under the terms of any statute, including, but not limited to, the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
- (13) Respondent shall not cause, participate in or authorize the Bank (or any subsidiary or affiliate thereof) or TeamBank, (or any subsidiary or affiliate thereof) to incur, directly or indirectly, any expense for the payment of the civil money penalty under this Order, or any legal (or other professional) expense relative to the negotiation and issuance of this Order except as permitted by 12 C.F.R. § 7.2014 and Part 359; and Respondent shall not, directly or indirectly, obtain or accept any indemnification (or other reimbursement) from the Bank (or any subsidiary or affiliate thereof) or TeamBank (or any subsidiary or affiliate thereof) with respect to such amounts except as permitted by 12 C.F.R. § 7.2014 and Part 359.

(14) Any failure by Respondent to comply with this Order shall be subject to enforcement for the longer of (a) the period allowed by the applicable statute of limitations, or (b) five (5) years following the failure to comply.

(15) Respondent acknowledges that he has read and understands the premises and obligations of this Order and declares that no separate promise or inducement of any kind has been made by the Comptroller, his agents or employees to cause or induce Respondent to agree to consent to the issuance of this Order and/or to execute this Order.

(16) It is hereby agreed that the provisions of this Order constitute a settlement of the prohibition and civil money penalty proceedings initiated by the Comptroller through the filing of the Notice. It is also hereby agreed that the provisions of this Order constitute a settlement of any cease and desist proceedings contemplated by the Comptroller based on conduct alleged in the Notice. The Comptroller agrees not to institute proceedings for the specific acts, omissions, or violations referenced in the Notice, or any acts associated therewith, unless such acts, omissions, or violations reoccur.

(17) It is further agreed that the provisions of this Order shall not be construed as an adjudication on the merits and, except as set forth above in paragraph (16), shall not inhibit, estop, bar, or otherwise prevent the Comptroller from taking any action affecting Respondent if, at any time, he deems it appropriate to do so to fulfill the responsibilities placed upon him by the laws of the United States of America.

(18) Respondent understands that nothing herein shall preclude any proceedings brought by the Comptroller to enforce the terms of this Order, and that nothing herein constitutes, nor shall Respondent contend that it constitutes, a waiver of





**APPENDIX A TO  
STIPULATION AND CONSENT ORDER**

I, Jono Anzalone, certify to the Office of the Comptroller of the Currency that my social security number is:

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I, Jono Anzalone, certify to the Office of the Comptroller of the Currency that my present residential address is (no post office boxes):

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I understand that I must file this form within seven (7) days of the execution of the Order and that, within seven (7) days of the date upon which I move to any new address, I must notify the Director, Enforcement & Compliance Division, 250 E. Street S.W., Washington, D.C. 20219 of each change.

I certify that the above information is true and correct. I acknowledge that there are penalties for false statements, pursuant to 18 U.S.C. § 1001 (\$10,000 fine and/or five years' imprisonment), and acknowledge that this form is submitted by me to affect action by the Office of the Comptroller of the Currency.

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Jono Anzalone

November 26, 2007