

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

**In the Matter of:**

West Texas National Bank  
Midland, Texas

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AA-SO-07-81

**ORDER FOR A CIVIL MONEY PENALTY**

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) intends to initiate a civil money penalty proceeding against West Texas National Bank, Midland, Texas (“Bank”), pursuant to 42 U.S.C. § 4012a(f) for a pattern or practice of:

- making, increasing, extending or renewing loans in a special flood hazard area in which flood insurance is available under the National Flood Insurance Act without requiring the property securing the loans to be covered by the requisite flood insurance;
- making, increasing, extending or renewing loans secured by property in a special flood hazard area without providing the required notices that the properties are located in a special flood hazard area and that flood insurance is available under the National Flood Insurance Act; and
- failing to provide notice to borrowers that they must obtain flood insurance because the properties securing the designated loans are not covered by flood insurance or are covered by flood insurance in an amount less than is required, or failing to purchase insurance on the borrowers’ behalf as required;

WHEREAS, in the interest of cooperation and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter, the Bank, without admitting or denying any wrongdoing, desires to enter into this Consent Order (“Order”);

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

#### 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.* Accordingly, the Bank is an “insured depository institution” as that term is defined in 12 U.S.C. § 1813(c)(2) and is a “regulated lending institution” as that term is defined at 42 U.S.C. § 4003(a)(10).

(2) Pursuant to 42 U.S.C. §§ 4003(a)(5) and 4012a(f), the Comptroller is the “appropriate Federal entity for lending regulation” to maintain an enforcement proceeding against the Bank.

#### Article II

### **ORDER FOR CIVIL MONEY PENALTY**

(1) The Bank hereby consents to the payment of a civil money penalty in the amount of three thousand, six hundred dollars (\$3600.00), which shall be paid upon execution of this Order.

(2) The Bank shall make payment in full by check made payable to the National Flood Insurance Program and shall deliver the payment to: National Flood Insurance Program, Federal Emergency Management Agency, 7700 Hubble Drive, Lanham, Maryland 20706.

(3) The Bank shall submit a copy of the check to Javier A. Maymir, Senior Counsel, OCC Southern District, 500 North Akard Road, Suite 1600, Dallas, Texas 75214.

(4) 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) and 42 U.S.C. § 4012a.

### Article III

#### **WAIVERS**

- (1) By executing this Order, the Bank waives:
  - (a) the right to the issuance of a Notice under 12 U.S.C. § 1818(i) and 42 U.S.C. § 4012a(f)(4) and recognizes that the letter dated December 18, 2007 from Debra Garland, Assistant Deputy Comptroller for the Southern District, constitutes a valid substitute notice;
  - (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(i), 12 C.F.R. Part 19, and 42 U.S.C. § 4012a(f)(4);
  - (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



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

/S/  
\_\_\_\_\_  
David Davis

12/20/2007  
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Date

/S/  
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Nancy Davis

12/20/2007  
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Date

/S/  
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J. L. Davis

12/20/2007  
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Date

/S/  
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Mark Mann

12/20/2007  
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Date

/S/  
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David A. Moore

12/20/2007  
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Date

/S/  
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R. Keith Moore

12/20/2007  
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Date

/S/  
\_\_\_\_\_  
Richard Watts

12/20/2007  
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Date

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