

**#2009-009**

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

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<b>In the Matter of:</b>	)	
Gregory Bobb	)	
Former Loan Officer	)	AA-EC-08-09
Union Planters Bank, N.A.	)	
Memphis, Tennessee	)	

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**CONSENT ORDER**

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) has initiated a proceeding against Gregory Bobb (“Respondent”) pursuant to 12 U.S.C. § 1818(b) on the basis of Respondent’s activities as a former loan officer at Union Planters Bank, N.A., Memphis, Tennessee (“Bank”) by filing and serving on April 9, 2008 a Notice of Charges for Issuance of an Order to Cease and Desist;

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 Consent Order (“Order”) issued pursuant to 12 U.S.C. § 1818(b);

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

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Article I

JURISDICTION

(1) Union Planters Bank, N.A., Memphis, Tennessee (“Bank”) was 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).

(2) Respondent is a former loan officer of the Bank and is an “institution-affiliated party” of the Bank as that term is defined in 12 U.S.C. § 1813(u), having served in such capacity 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 this cease and desist proceeding against him pursuant to 12 U.S.C. § 1818(b).

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Article II

COMPTROLLER'S FINDINGS

The Comptroller finds, and Respondent neither admits nor denies, the following:

(1) Respondent was a loan officer at the Bank during 1998 through 2000. His duties included interviewing loan applicants and accepting for processing their loan applications.

(2) During the period of 1998 through 2000, Respondent was the loan officer on five Bank loans for which he failed to disclose to the Bank that he had arranged private second mortgage financing ("piggy-back") loans through a Bank customer. Respondent knew that the loan applications for the five Bank loans falsely stated that they did not involve subordinate financing because Respondent arranged the "piggy-back" second mortgages for the five Bank loans. Moreover, when Respondent accepted for processing the loan applications for the five piggy-back loans he knew that the loan applications did not accurately and fully disclose the loan applicants' financial condition.

(3) In addition, at least two of the five Bank loans for which Respondent was the loan officer were nominee loans that benefited Respondent. The loans were made in the names of a co-worker and Respondent's sister. The two nominee loans benefited Respondent because the proceeds were used to purchase properties from Guy America, Respondent's company. Further, Respondent received the sale proceeds while

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

simultaneously retaining ownership interests in the properties through undisclosed arrangements with his co-worker and his sister.

(4) By reason of the foregoing conduct, Respondent engaged in, or caused the Bank to engage in, unsafe or unsound banking practices.

### Article III

#### PERSONAL CEASE AND DESIST ORDER

(1) 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, effective immediately, whenever Respondent becomes 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) provide the Chief Executive Officer of any such insured depository institution with a copy of this Order prior to accepting any position that would cause Respondent to become an institution affiliated party, or if Respondent is currently employed by any such insured depository institution, provide a copy of this Order to the Chief Executive Office within ten (10) days of the effective date of this Order;
- (b) provide a written certification of his compliance with paragraph (a) to the Director of the Enforcement and Compliance Division

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

(“Enforcement Director”) within ten (10) days of Respondent’s compliance; and

- (c) provide written notice to the Enforcement Director with ten (10) days of Respondent’s acceptance of an offer of employment at any insured depository institution.
- (d) All such written certifications required by this Order shall be sent to: Director, Enforcement and Compliance Division, 250 E Street, SW, Washington, DC 20219.

(2) The Comptroller further orders that, effectively immediately, Respondent shall:

- (a) Comply fully with all laws, rules, 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 and shall, at all times, avoid placing his own interests above those of the institution.
- (d) Adhere to the written policies and procedures of any insured depository institution or agency to which he may become affiliated,

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

or seek and receive written permission from appropriate authorized individuals to do otherwise.

- (e) Disclose to his immediate supervisor all outside employment that involves mortgage transactions, including but not limited to, brokering of mortgages, purchasing of real estate, acting as a settlement agent, or acting a realtor.

(3) The Comptroller further orders that, effective immediately, Respondent shall:

- (a) not accept for processing any loan application that he knows or has reason to believe contains material omissions or misrepresentations or that otherwise does not provide a complete and accurate description of the loan applicant's financial condition;
- (b) not act as a mortgage broker, realtor and/or seller on a mortgage transaction for which he is the loan officer;
- (c) not act as a loan officer on any mortgage loan sought by a relative or co-worker;
- (d) not act as a loan officer on any mortgage loan for which the loan proceeds are used to purchase a property previously owned by Respondent or his family, or any company affiliated with Respondent or his family; and

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

(e) obtain his immediate supervisor's review and written certification that any loan application or any loan presentation on which Respondent acts as a loan officer or loan processor is complete and accurate and does not involve any self-dealing by Respondent.

(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(b).

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Article IV

WAIVERS

- (1) By executing this Order, Respondent waives:
  - (a) the right to the issuance of Notice(s) 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) 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.
  
- (2) Respondent shall not cause, participate in or authorize the Bank (or any subsidiary or affiliate thereof) to incur, directly or indirectly, 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

Initials: \_\_\_\_\_

Date: \_\_\_\_\_



(or any subsidiary or affiliate thereof) with respect to such amounts except as permitted by 12 C.F.R. § 7.2014 and Part 359.

(3) 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.

(4) It is hereby agreed that the provisions of this Order constitute a settlement of this cease and desist proceeding arising out of the specific acts, omissions, or violations described in the Comptroller's Findings (Article II). However, the specific acts, omissions, or violations described in Article II may be used by the OCC in future enforcement actions to establish a pattern or practice of misconduct or the continuation of a pattern or practice of misconduct.

(5) 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 (4), 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 several laws of the United States of America.

(6) Respondent further agrees not to take any action or to make or permit to be made any public statement denying, directly or indirectly, the specific acts, omissions, or violations referenced in this Order, or otherwise creating the impression that this Order is

Initials: \_\_\_\_\_

Date: \_\_\_\_\_

without factual basis. If Respondent violates this provision, the OCC may set aside this settlement and commence administrative proceedings on the actions alleged herein.

Nothing in this paragraph shall affect Respondent's testimonial obligations.

(7) 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 any right, power, or authority of any other representatives of the United States or agencies thereof, including the Department of Justice, to bring other actions deemed appropriate.

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands.

/s/ Ronald G. Schneck  
Ronald G. Schneck  
Director for Special Supervision

2/4/2009  
Date

/s/ Gregory Bobb  
Gregory Bobb

1/30/2009  
Date

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Date: \_\_\_\_\_