

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

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<b>In the Matter of:</b>	)	
	)	
Scott R. Prusia	)	
Former president, director, and senior loan officer	)	AA-EC-10-103
	)	
First National Bank, Torrington	)	
Torrington, Wyoming	)	
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**CONSENT ORDER**

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) intends to initiate prohibition and civil money penalty proceedings against Scott R. Prusia (“Respondent”) pursuant to 12 U.S.C. § 1818(e) and (i) on the basis of Respondent’s activities during the period October 2003 through March 2005, while serving as president, director, and senior loan officer at First National Bank, Torrington, Torrington, Wyoming (“Bank”); 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, consents to the issuance of this Consent Order (“Order”);

NOW, THEREFORE, it is stipulated by and between the Comptroller, through his duly authorized representative, and Respondent that:

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## Article I

### JURISDICTION

(1) First National Bank, Torrington, Wyoming (“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 was president, director, and senior 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 prohibition and civil money penalty proceedings against him pursuant to 12 U.S.C. § 1818(e) and (i).

Article II

COMPTROLLER'S FINDINGS

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

(1) During the period from October 2003 through March 2005, Respondent failed to provide effective management of the Bank, and Respondent's misconduct

included, but is not limited to, the following:

- (a) Failure to ensure that credit administration and credit risk management procedures at the Bank were commensurate with the size and increasing risks in the Bank's credit portfolio;
- (b) Failure to provide adequate supervision to the Bank's loan officers; and
- (c) Failure to ensure that the Bank's board of directors ("Board") received timely and accurate material information affecting the Board's supervision of the Bank.

(2) During the period from October 2003 through March 2005, Respondent engaged in a pattern of self-dealing and failed to mitigate the risks associated with the conflicts created when he approved lines of credit to fund a business venture in which he and another Bank officer had financial interests, from which misconduct Respondent benefited.

(3) By reason of the foregoing conduct, Respondent violated the law; engaged in unsafe or unsound banking practices, many of which were recklessly unsafe or

unsound; and breached his fiduciary duty to the Bank. In addition, Respondent's misconduct evidenced personal dishonesty and willful and continuing disregard for the safety and soundness of the Bank, and resulted in gain to himself and loss to the Bank.

### Article III

#### ORDER OF PROHIBITION

Respondent consents to, and it is ORDERED that:

(1) With respect to the institutions and agencies set forth in 12 U.S.C.

§ 1818(e)(7)(A), Respondent shall not:

- (a) participate in any manner in the conduct of their affairs;
- (b) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights;
- (c) violate any voting agreement previously approved by the “appropriate Federal banking agency,” as defined in 12 U.S.C. § 1813(q) (as amended); or
- (d) vote for a director, or serve or act as an “institution-affiliated party,” as defined in 12 U.S.C. § 1813(u) (as amended).

(2) The prohibitions in Paragraph 1 of this Article shall cease to apply with respect to a particular institution if Respondent obtains the prior written consent of both

the Comptroller and the institution's "appropriate Federal financial institutions regulatory agency," as defined in 12 U.S.C. § 1818(e)(7)(D).

(3) This Order of prohibition 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.

#### Article IV

#### ORDER FOR CIVIL MONEY PENALTY

Respondent consents to, and it is ORDERED that:

(1) Respondent shall pay a civil money penalty in the amount of ten thousand dollars (\$10,000) upon Respondent's execution of this Order.

(2) Respondent shall make payment in full by certified check or money order 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, MO 63197-9000. The docket number of this case (AA-EC-10-103) shall be entered on the check or money order.

(3) Respondent shall deliver a copy of the check or money order to the Director of Enforcement and Compliance ("Director"), Office of the Comptroller, 250 E Street S.W., Washington, DC 20219, along with the original signed Order.

(4) The amount of the civil money penalty has been reduced or mitigated based on Respondent's submission of a personal financial statement, dated September 27, 2010, disclosing his current financial condition and submitted subject to penalties for false

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statements provided by 18 U.S.C. § 1001. If the Comptroller subsequently learns that the Respondent's personal financial statement is materially incorrect or misleading, the Comptroller may consider imposition of a greater civil money penalty up to and including a total amount of one hundred thousand dollars (\$100,000).

(5) 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.

## Article V

### OTHER PROVISIONS

- (1) By consenting to the issuance of this Order, Respondent waives:
- (a) the right to the issuance of Notice of Charges for Prohibition and Notice of Civil Money Penalty Assessment pursuant to 12 U.S.C. § 1818(e) and (i);
  - (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(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.

(2) Respondent acknowledges that:

(a) Respondent shall not cause, participate in, or authorize the Bank (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) with respect to such amounts except as permitted by 12 C.F.R. § 7.2014 and Part 359.

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

(3) This Order constitutes a settlement of prohibition and civil money penalty proceedings arising out of the specific acts, omissions, or violations described in the

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Comptroller's Findings (Article II of this Order). However, the specific acts, omissions or violations described in Article II may be used by the Comptroller in future enforcement actions to establish a pattern or practice of misconduct or the continuation of a pattern or practice of misconduct.

(4) This Order shall not be construed as an adjudication on the merits and, except as set forth above in Paragraph 3 of this Article, 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.

(5) Respondent shall not take any action or 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 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.

(6) Respondent shall provide the information requested in the form attached hereto as Appendix A, by completing the form and returning it with this Order.

(7) Any correspondence with the Enforcement Director shall be sent to Director, Enforcement and Compliance Division, OCC, 250 E St. S.W., Washington, DC 20219.



(8) Nothing herein shall preclude any proceedings brought by the Comptroller to enforce the terms of this Order, and 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 has hereunto set his hand.

/signed/Scott R. Prusia  
Scott R. Prusia

9/30/10  
Date

**IT IS SO ORDERED.**

/signed/Henry Fleming  
Henry Fleming  
Director  
Special Supervision Division

10/05/10  
Date