

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

In the Matter of:)
Elaine J. Hopkins)
Former head teller)
Algonquin State Bank, N.A.)
Algonquin, Illinois)

AA-EC-10-96

CONSENT ORDER

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) intends to initiate this prohibition proceeding against Elaine J. Hopkins (“Respondent”) pursuant to 12 U.S.C. § 1818(e) on the basis of Respondent’s activities during 2008 while serving as head teller at Algonquin State Bank, N.A., Algonquin, Illinois (“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:

Initials: EH
Date: 11/1/10

Article I

JURISDICTION

(1) Algonquin State Bank, N.A., Algonquin, Illinois (“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).

(2) Respondent was head teller 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 prohibition proceeding against her pursuant to 12 U.S.C. § 1818(e).

Article II

COMPTROLLER’S FINDINGS

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

(1) Respondent was employed as head teller at the Bank during the period 2003 through October 30, 2008. Her duties and responsibilities included the following:

(a) Perform all the duties of a teller;

- (b) Balance the currency and coin vaults at the Bank's main location daily;
- (c) Supervise all teller work at the Bank's branch locations to ensure adherence to the Bank's operations policies and procedures;
- (d) Perform periodic cash audits on all teller drawers; and
- (e) Assist with the annual cash audits at the branch locations.

(2) During the period from May 2008 through October 2008, Respondent misappropriated Bank funds from her teller drawer, the teller drawers of other tellers at the Bank, and the Bank vault, in an amount totaling \$25,000. Respondent attempted to conceal the cash shortages by moving Bank funds among her own and other teller drawers and the Bank vault, in anticipation of audits and balance reviews.

(3) Respondent completed payment of full restitution to the Bank in the amount of \$25,000 on November 6, 2008.

(4) By reason of the foregoing conduct, Respondent violated the law and engaged in unsafe or unsound practices, caused loss to the Bank and gain to herself in the amount of \$25,000, and demonstrated personal dishonesty and a willful and continuing disregard for the safety and soundness of the Bank.

Article III

ORDER OF PROHIBITION

Respondent consents, 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 in any such institution;
- (c) violate any voting agreement previously approved by the “appropriate Federal banking agency,” as defined in 12 U.S.C. § 1813(q); or
- (d) vote for a director, or serve or act as an “institution-affiliated party,” as defined in 12 U.S.C. § 1813(u).

(2) The prohibition 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 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

OTHER PROVISIONS

(1) By consenting to the issuance of this Order, Respondent waives:

- (a) the right to the issuance of a Notice under 12 U.S.C. § 1818(e);
 - (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(e) 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 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 this prohibition proceeding arising out of the specific acts, omissions, or violations described in Article II. However, the specific acts, omissions, or violations described herein 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 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 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, 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 her hand.

/s/Elaine J. Hopkins
Elaine J. Hopkins

11-1-10
Date

IT IS SO ORDERED.

/s/Henry Fleming
Henry Fleming
Director
Special Supervision Division

11-15-10
Date