

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

\_\_\_\_\_  
**In the Matter of:** )  
 )  
 )  
Edward J. McConville )  
Former President )  
First National Bank of Earlville )  
Earlville, Illinois )  
\_\_\_\_\_ )

**STIPULATION AND CONSENT ORDER**

**WHEREAS**, the Comptroller of the Currency of the United States of America (“Comptroller”) intends to initiate civil money penalty proceedings against Edward J. McConville (“Respondent”), the former Director and President of National Bank of Earlville, Earlville, 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, the Comptroller and Respondent desire to enter into this Stipulation and 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 Respondent 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).
- (2) Respondent was the President and Director of the Bank until July 8, 2013 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 enforcement proceedings against institution-affiliated parties. Therefore, Respondent is subject to the authority of the Comptroller to initiate and maintain civil money penalty proceedings against him pursuant to 12 U.S.C. § 1818 (i).

## **ARTICLE II**

### **COMPTROLLER'S FINDINGS**

Pursuant to the authority vested in him by the Federal Deposit Insurance Act, as amended, 12 U.S.C. § 1818, the Comptroller hereby finds, and Respondent neither admits nor denies, that while serving as the Bank's President and Director, Respondent: (1) failed to fully implement and adhere to the written agreement between the Bank and Office of the Comptroller of the Currency ("OCC") dated February 18, 2011 ("Agreement"), and (2) caused, brought about, participated in, counseled, or aided or abetted the Bank's violations of 12 C.F.R. § 34.43(b) .

## **ARTICLE III**

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

- (1) Respondent hereby consents to the payment of a civil money penalty in the amount of five Thousand Dollars (\$ 5,000), which shall be paid upon execution of this Order.
- (2) Respondent shall make payment in full by cashier's 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, Missouri 63197-9000. The docket number of this case [AA-CE-2013-86] shall be entered on the check. Respondent shall provide a photocopy of each check to the Assistant Deputy Comptroller, Office of the Comptroller of the Currency, 2001 Butterfield Road, Suite 400, Esplanade 1, Downers Grove, Illinois 60515-1075.
- (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 (h) and (i) (as amended).

## **ARTICLE IV**

### **WAIVERS**

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

- (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; and
  - (f) All rights to assert a “double jeopardy” claim in the event of a criminal prosecution brought by the Department of Justice for the acts which form the basis for issuance of this Order.
- (2) 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; 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.
  - (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) This Order constitutes a settlement of civil money penalty proceedings arising out of the specific acts, omissions, or violations described in the Comptroller’s Findings (Article II of this Order). 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.
  - (4) 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.
  - (5) 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/  
\_\_\_\_\_  
**Bert A. Otto**  
District Deputy Comptroller  
Comptroller of the Currency

11-8-2013  
\_\_\_\_\_  
Date

/s/  
\_\_\_\_\_  
**Edward J. McConville**

11/2/2013  
\_\_\_\_\_  
Date