

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

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<b>In the Matter of</b>	)	
	)	
<b>Steven J. Ellsworth</b>	)	
Former Director and Chief Credit Officer	)	
	)	
<b>Kevin W. Stevenson</b>	)	OCC AA-EC-11-41
Former Director and Chief Operations Officer	)	OCC AA-EC-11-42
	)	
Valley Capital Bank, N.A.	)	
Mesa, Arizona	)	
_____	)	

**PERSONAL CEASE AND DESIST  
ORDER OF RESTITUTION**

On July 7, 2011, the Office of the Comptroller of the Currency ("OCC") issued a Notice of Charges for Prohibition and Restitution and Notice of Assessment of a Civil Money Penalty against Respondents, Steven J. Ellsworth and Kevin W. Stevenson (collectively "Respondents"), institution-affiliated parties of Valley Capital Bank, N.A., Mesa, Arizona. Respondents each timely filed Answers to the Notice.

A hearing was held from February 13 – 16, 2012 in Phoenix, Arizona to determine whether orders should issue against Respondents: (1) prohibiting them from participating in any manner in the conduct of the affairs of any federally insured depository institution or any other institution, credit union, agency, or entity referred to in 12 U.S.C. § 1818(e); (2) requiring them to pay restitution to the Federal Deposit Insurance Corporation, as Receiver of Valley Capital Bank, N.A., Mesa, Arizona ("FDIC"), pursuant to 12 U.S.C. § 1818(b)(6), for which Respondents will be jointly and severally liable; and (3) requiring

them to pay a civil monetary penalty in the amount of \$100,000, pursuant to 12 U.S.C. § 1818(i), payable to the Treasury of the United States. Respondents were given a full opportunity to appear, present evidence, examine and cross-examine witnesses, file proposed findings of fact and conclusions of law, and file post-hearing and reply briefs.

Having considered the evidence presented at said hearing and the record as a whole, the arguments of both parties, and the Recommended Decision issued by the presiding administrative law judge,

Pursuant to the authority vested in the Comptroller of the Currency by section 8(b)(6) of the Federal Deposit Insurance Act, 12 U.S.C. § 1818(b)(6):

IT IS HEREBY ORDERED that Respondents, Steven J. Ellsworth and Kevin W. Stevenson, pay restitution to the FDIC in the amount of Six-Hundred Eighty-Two Thousand Six-Hundred and Eleven Dollars (\$682,611), or such other amount as justice may require, representing the unjust enrichment to Respondents and the Bank's and the FDIC's losses attributable to Respondents' reckless disregard for the law and applicable regulations.

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The amount of restitution owed is based on the following transactions that are the source of Respondents' restitution obligation:

Misconduct	Financial Loss
Balance of loans to Sims	\$220,187
Capital surplus account disbursement to fund interest payment on Gossling loan	\$50,000
Capital surplus account disbursement to fund interest payment on Crump loan	\$22,000
Johnston payments waived	\$7,470
Balance of loan to Ortwine (former balance owed by Johnston)	\$546,674
Farrell's bonus	\$8,900
Sims' bonuses and overpayment	\$27,380
Ortwine's Golden Parachute payments	<u>\$20,000</u>
Total	\$902,611

The total restitution amount of Nine-Hundred Two Thousand Six-Hundred and Eleven Dollars (\$902,611) is reduced by Two-Hundred Twenty Thousand Dollars (\$220,000), the amount Ryan Sims has paid to settle his obligation on the balance of the Sims loan.

Remittance of the restitution owed by Respondents shall be payable to the FDIC, as Receiver of Valley Capital Bank, N.A., Mesa, Arizona and shall be delivered to the Director, Enforcement & Compliance Division ("Director of E&C"), OCC, 400 7th Street, SW, Washington D.C. 20219, or to any subsequent address the OCC may occupy. The docket numbers in this case (OCC AA-EC-11-41 and OCC AA-EC-11-42) shall be included with your correspondence.

Upon execution of this Order, Respondents shall notify the Director of E&C of their current residential addresses, by returning proof of such addresses with this Order. Until the total amount of restitution is paid in full, upon each subsequent change in residential address, if any, Respondents shall notify the Director of E&C of the new address within seven (7) days of such change in any residential address.

IT IS FURTHER ORDERED that the amount of restitution owed by Respondents may be reduced dollar-for-dollar by amounts paid to the FDIC for judgments in satisfaction of the principal debt owed the FDIC that are assessed against participants in this matter.

IT IS FURTHER ORDERED that Respondents are jointly and severally liable for the payment of the restitution.

The provisions of this ORDER will remain effective and in force except in the event that, and until such time as, any provision of this ORDER shall have been modified, terminated, suspended, or set aside by the Office of the Comptroller of the Currency.

IT IS SO ORDERED.

Dated at Washington, D.C., this 23<sup>rd</sup> day of March, 2016

S// Thomas J. Curry  
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Thomas J. Curry  
Comptroller of the Currency  
Office of the Comptroller of the Currency