

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

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

ORDER OF PROHIBITION

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, 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(e) of the Federal Deposit Insurance Act, 12 U.S.C. § 1818(e):

1. With respect to the institutions and agencies set forth in paragraph (2), Respondents 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 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 prohibitions in paragraph (1) apply to the following institutions and agencies:
 - a. Any insured depository institution, as defined in 12 U.S.C. § 1813(c);
 - b. Any institution treated as an insured depository institution under 12 U.S.C. §§ 1818(b)(3), (b)(4) or (b)(5), including, but not limited to, any subsidiary of such institution, or treated as a savings and loan holding company or subsidiary under 12 U.S.C. § 1818(b)(9);
 - c. Any insured credit union under the Federal Credit Union Act;
 - d. Any institution chartered under the Farm Credit Act of 1971;
 - e. Any appropriate Federal depository institution regulatory agency;

AND

 - f. The Federal Housing Finance Agency and any Federal home loan bank.
3. The prohibitions of paragraphs (1) and (2) shall cease to apply with respect to a particular

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

4. If, at any time, the Comptroller deems it appropriate in fulfilling the responsibilities placed upon him by the several laws of the United States of America to undertake any action affecting Respondents, nothing in this Order shall in any way inhibit, estop, bar, or otherwise prevent the Comptroller from so doing.
5. The provisions of this Order are effective upon issuance of this Order by the Comptroller and shall remain effective and enforceable, except to the extent that, and until such time as, any provision of this Order shall have been amended, suspended, waived, or terminated in writing by the Comptroller.

IT IS SO ORDERED.

Dated at Washington, D.C., this 23rd day of March, 2016

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