

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

EA#99-21

In the Matter of:)	
Jeffrey P. Dahlman,)	
Former Chief Executive Officer and Director)	AA-EC-98-25
and)	
Dawn M. Dahlman,)	
Former Director and Vice-President)	
Evergreen Bank, N.A., Poy Sippi, Wisconsin)	

STIPULATION AND CONSENT ORDER

WHEREAS, the Comptroller of the Currency of the United States of America (Comptroller) has initiated a Cease and Desist and Civil Money Penalty proceeding against Jeffrey P. Dahlman and Dawn M. Dahlman (Respondents), former directors and officers of Evergreen Bank, N.A., Poy Sippi, Wisconsin (Bank), pursuant to 12 U.S.C. § 1818(e) (as amended), through the issuance of a Notice of Charges for Restitution and Assessment of a Civil Money Penalty (“Notice”), dated December 9, 1998; and

WHEREAS, in the interest of cooperation and to avoid the costs associated with future administrative and judicial proceedings with respect to this matter, the Comptroller and Respondents agree to enter into this Stipulation and Consent Order;

NOW, THEREFORE, in consideration of the above premises, it is stipulated by and between the Comptroller, through his duly authorized representative, and Respondents that:

Article I

Jurisdiction

(1) Evergreen Bank, Poy Sippi, Wisconsin (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) Respondents were directors and officers of the Bank and are “institution-affiliated parties” 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, Respondents are subject to the authority of the Comptroller to initiate and maintain cease and desist and civil money penalty proceedings against Respondents pursuant to 12 U.S.C. §§ 1818(b)(6), (e), and (i)(2).

Article II

Cease and Desist Order for Restitution

Respondents shall pay restitution to the Bank or its successor in interest in accordance with the terms of the Plea Agreement between Respondents and the United States of America, by its attorneys, Thomas P. Schneider, United States Attorney for the Eastern District of Wisconsin, and Joseph R. Wall, Assistant United States Attorney in

the case of United States of America v. Jeffrey Dahlman and Dawn Dahlman, Case No. 99-CR-3 in the United States District Court for the Eastern District of Wisconsin.

Article III

Civil Money Penalty

(1) Without admitting or denying any wrongdoing and solely for the purpose of resolving this proceeding, Respondents hereby consent to the payment of a civil money penalty in the amount of one million dollars (\$1,000,000). Due to Respondents' financial condition, the Comptroller suspends payment of the civil money penalty. Such suspension shall be permanent so long as Respondents comply with the terms and conditions of this Stipulation and Consent Order and of the Plea Agreement referenced in Article II.

(2) This Stipulation and Consent 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 Stipulation and Consent Order, Respondents waive:
- (a) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(b), (e) and/or (i) and 12 C.F.R. Part 19;
 - (b) all rights to seek judicial review of this Order;
 - (c) all rights in any way to contest the validity of this Order;

(d) 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 and/or the 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

(2) Respondents 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 restitution or civil money penalty under this Order, or any legal (or other professional) expense relative to the negotiation and issuance of this Order; and, in accordance with 12 C.F.R. § 7.2014, Respondents 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.

Article V

Closing

(1) It is hereby agreed that the provisions of this Stipulation and Consent constitute a full and final settlement of the Notice, this Cease and Desist action, and this civil money penalty action contemplated by the Comptroller.

(2) It is further agreed that the provisions of this Stipulation and Consent shall not be construed as an adjudication on the merits and, except with respect to the acts, violations and/or omissions currently known to the Comptroller which form the basis for the issuance of this Stipulation and Consent Order, shall not inhibit, estop, bar, or

otherwise prevent the Comptroller from taking any action affecting the Respondents 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.

(3) Respondents understand that nothing herein shall preclude any proceedings brought by the Comptroller to enforce the terms of this Stipulation and Consent Order, and that nothing herein constitutes, nor shall Respondents 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.

Leann G. Britton
Senior Deputy Comptroller
for Bank Supervision Operations

April 20, 1999
Date

Jeffrey P. Dahlman

April 13, 1999
Date

Dawn M. Dahlman

April 13, 1999
Date

**APPENDIX A TO
STIPULATION AND CONSENT ORDER**

I, Todd Doherty, certify to the Office of the Comptroller of the Currency that my social security number is:

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I, Todd Doherty, certify to the Office of the Comptroller of the Currency that my present address is:

I understand that I must file this form within seven (7) days of the execution of the Order and that, within seven (7) days of the date upon which I move to any new address, I must notify the Director, Enforcement & Compliance Division, 250 E. Street S.W., Washington, D.C. 20219 of each change.

I certify that the above information is true and correct. I acknowledge that the penalties for false statements provided by 18 U.S.C. § 1001 (\$10,000 fine and/or five years' imprisonment) and acknowledge that this form is submitted by me to affect action by the Office of the Comptroller of the Currency.

Date

Other stuff to do:

- the Communications & Financial Services form
- the EARS form
- the SMS entry

(The completed date is the date that the OCC signature official signed because that is the usually the latest signature date)