



1. Jurisdiction.

(a) Gateway Bank, a F.S.B. ("GATEWAY" or "Institution") was a "savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C. § 1813(b) and Section 2(4) of the Home Owners' Loan Act, 12 U.S.C. § 1462(4). Accordingly, it was an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c).

(b) CHAN is a director of the Institution and is an "institution-affiliated party" of the Institution as that term is defined in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u).

(c) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. § 1813(q), the Director of the OTS is the "appropriate Federal Banking agency" with jurisdiction over the Institution and persons participating in the conduct of the affairs thereof.

(d) The Director of the OTS has the authority to bring an administrative proceeding to assess a civil money penalty against persons participating in the conduct of the affairs of the Institution and institution-affiliated parties pursuant to 12 U.S.C. § 1818(i)(2).

(e) CHAN is subject to the authority of OTS to initiate and maintain administrative proceedings pursuant to 12 U.S.C. § 1818(i)(2).

2. OTS Findings of Fact.

The OTS finds that CHAN engaged in unsafe and unsound practices and failed to fulfill his duties and responsibilities as

a director by failing to ensure GATEWAY's compliance with the Amendment to Order to Cease and Desist - Compliance, OTS No. SF-93-023A, dated July 21, 1994.

3. Consent.

CHAN consents to the issuance by the OTS of the accompanying Order of Assessment of Civil Money Penalty ("Order"). CHAN further agrees to comply with the terms of the Order upon issuance and stipulates that the Order complies with all requirements of the law.

4. Finality.

The Order is issued under 12 U.S.C. § 1818(i)(2). Upon its issuance by the Regional Director or designee for the West Region, OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. § 1818(i).

5. Waivers.

CHAN waives his right to a notice of Assessment of Civil Money Penalty provided by Section 8(i)(2) of the FDIA, 12 U.S.C. § 1818(i)(2), and further waives any right to seek judicial review of the Order, including, within limitation, any such right provided by Section 8(h) of the FDIC, 12 U.S.C. § 1818(h), or otherwise to challenge the validity of the Order;

6. Indemnification.

CHAN shall neither cause or permit GATEWAY or any successor-in-interest to incur, directly or indirectly, any expense for the

amount of the civil money penalties assessed under the CMP Order or any legal (or other professional expenses) incurred relative to the negotiation and issuance of the CMP Order, nor obtain any indemnification (or other reimbursement) from GATEWAY, or any successor in interest thereof. Any payments received by or on behalf of CHAN in connection with this action shall be returned to GATEWAY, or its successor in interest.

7. Other Actions, Proceedings and Parties.

This Stipulation and the accompanying Order are issued solely to settle this proceeding. By entering into this Stipulation and Consent, CHAN acknowledges and agrees explicitly to the following provisions:

(a) CHAN acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the order thereof, and Respondent's consent to the entry of the Order are for the purposes of resolving this OTS enforcement matter only. By signing this document, CHAN agrees that he will not assert the assessment or payment of this penalty as the basis for a claim of double jeopardy in any pending or future proceeding brought by the United States Department of Justice or any other governmental entity;

(b) This Stipulation, the Order and the payment by CHAN of any monies or providing any other financial relief as contemplated by the Order, does not discharge, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of CHAN

that arise pursuant to this action or otherwise, and that may be or have been brought by the RTC or any other governmental entity other than the OTS; and

(c) Respondent's obligation to pay civil money penalties pursuant to this Stipulation and Consent and the Order shall not be dischargeable in bankruptcy under any circumstances.

WHEREFORE, CHAN executes this Stipulation and Consent to Issuance of an Order of Assessment of Civil Money Penalty, intending to be legally bound hereby.

By:

Accepted by:

OFFICE OF THRIFT SUPERVISION

  
\_\_\_\_\_  
Arthur Chan

  
\_\_\_\_\_  
John F. Robinson  
Regional Director  
West Region

UNITED STATES OF AMERICA  
Before the  
OFFICE OF THRIFT SUPERVISION  
DEPARTMENT OF THE TREASURY

In the Matter of:	)	Re: Order No. <u>SF-95-006</u>
Arthur Chan,	)	Dated: <u>April 7, 1995</u>
a Director of	)	
GATEWAY BANK, a F.S.B.	)	
San Francisco, California	)	

ORDER OF ASSESSMENT OF CIVIL MONEY PENALTY

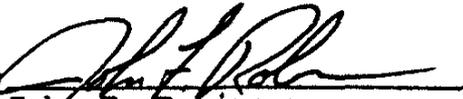
WHEREAS, Arthur Chan ("CHAN") has executed a Stipulation and Consent to Issuance of an Order of Assessment ("Stipulation"), the terms of which are incorporated by reference herein; and

WHEREAS, CHAN, in the Stipulation, has consented to the issuance of this Order ("Order") of Civil Money Penalty pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2).

NOW, THEREFORE, IT IS ORDERED that CHAN shall pay to the OTS the sum of \$1,000.00, payable immediately. The payments are to be made by tendering a certified check payable to the Treasurer of the United States. The check shall be sent, together with a cover letter stating the name of the association and the order number, and a copy of the Order, to the following address: Controller's Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C., 20552. A copy of the cover letter to the

Controller's Division, and a photocopy of the check shall be sent to Suzanne Burwasser, Office of Thrift Supervision, Pacific Telesis Tower, One Montgomery Street, Suite 400, San Francisco, California, 94104.

OFFICE OF THRIFT SUPERVISION

By:   
John F. Robinson  
Regional Director  
West Region