

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of:

JOE PARRIS, JR., Former
Officer, Director and
Institution-Affiliated
Party of:

Texas Commercial Savings
Association,
Sulphur Springs, Texas

RE: Resolution No. DAL-93-02

DATED: January 29, 1993

STIPULATION AND CONSENT TO ISSUANCE OF
ORDER OF CIVIL MONEY PENALTY ASSESSMENT

The Office of Thrift Supervision ("OTS"), by and through the Regional Director for the Midwest Regional Office of the OTS ("Regional Director"), and Joe Parris, Jr. ("Parris") stipulate and agree as follows:

1. Consideration. The OTS is of the opinion that grounds exist to initiate an administrative civil money penalty assessment proceeding against Parris pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), as amended by Section 907(a)(2)(A) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), 12 U.S.C. § 1818(i)(2). Parris desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation. Without admitting or denying the statements, conclusions or terms herein, Parris

hereby stipulates and agrees to the following terms of this Stipulation in consideration of: (a) the forbearance by the OTS from initiating such administrative cease and desist litigation; and (b) the agreement by the OTS to refrain from seeking the issuance of additional enforcement orders against Parris with respect to any matters discovered by the OTS as a result of the formal examination of Texas Commercial Savings Association, Sulphur Springs, Texas (the "Institution"), conducted pursuant to OTS Resolution No. DAL-91-142.

The OTS has determined that it is appropriate, and in the best interest of the public to execute this Stipulation and the attached Order of Civil Money Penalty Assessment ("Order"). Parris acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and Parris's consent to the entry of the attached Order are for the purposes of resolving this OTS enforcement matter only, and do not resolve, affect or preclude any other civil or criminal proceeding which may be or have been brought against Parris by the OTS or another governmental entity.

2. Jurisdiction. The OTS is of the opinion that:

(a) The Institution, at all times relevant to the allegations set forth herein, 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 of 1933, as amended by FIRREA, 12 U.S.C. § 1813(c). Accordingly it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1813(c).

(b) Until August 9, 1989, the accounts of the Institution were insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") pursuant to Section 403(b) of the National Housing Act of 1934 ("NHA"), 12 U.S.C. § 1726(b), by reason of which it was an "insured institution" within the meaning of the NHA.

(c) As of August 9, 1989, pursuant to the provisions of FIRREA, the insurance of the accounts of the Institution was transferred to the Federal Deposit Insurance Corporation.

(d) Until August 9, 1989, the Federal Home Loan Bank Board ("FHLBB"), as operating head of the FSLIC, was the regulatory agency with jurisdiction over the Institution and its directors and officers, including Parris, pursuant to Section 5 of the HOLA, 12 U.S.C. § 1464.

(e) As of August 9, 1989, pursuant to Section 3(q) of the FDIA, as amended by Section 204 of the FIRREA, 12 U.S.C. § 1813(q), the OTS succeeded to the interests of the FHLBB with respect to the supervision and regulation of all savings associations, and thus became the "appropriate Federal banking agency" with jurisdiction over the Institution and institution-affiliated parties of the Institution.

(f) The Director of the OTS has the authority to bring administrative proceedings to assess civil money penalties against institution-affiliated parties pursuant to Section 8(i)(2) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(2).

(g) Parris was at all times relevant to the allegations set forth herein, an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, as amended by FIRREA, 12

U.S.C. § 1813(u), and therefore is subject to the OTS's authority to maintain proceedings for the Assessment of Civil Money Penalties.

3. Consent. Parris consents to the issuance by OTS of the accompanying Order and further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of law.

4. Finality. The Order is issued under Section 8(i)(2) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(2). Upon its issuance by the Regional Director for the Midwest Regional Office of OTS, it shall be a final order, effective and fully enforceable by OTS under the provisions of Section 8(i)(2) of the FDIA, as amended by FIRREA, 12 U.S.C. §1818(i)(2).

5. Waivers. Parris waives the right to a Notice of Assessment of Civil Money Penalty provided by Section 8(i)(2) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(2), and the administrative hearing provided by Section 8(i)(2)(H) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(2)(H), and further waives his right to seek judicial review of the Order, including any such right provided by Section 8(h) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(h), or to otherwise challenge the validity of the Order. By signing this document, Parris 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.

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ORDER OF CIVIL MONEY PENALTY ASSESSMENT

WHEREAS, Joe Parris, Jr. ("Parris") has executed a Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment, which is incorporated herein by reference ("Stipulation") and is accepted and approved by the Office of Thrift Supervision ("OTS") acting through the Regional Director for the Midwest Regional Office of the OTS; and,

WHEREAS, Parris has consented in the Stipulation, to the issuance of this Order of Civil Money Penalty Assessment, pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), as amended by Section 907(a)(2)(A) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), 12 U.S.C. § 1818(i)(2) (1988 and Supp. I. 1989);

NOW THEREFORE, IT IS ORDERED that within five (5) days of the effective date of this Order, Parris shall pay to OTS a sum of \$5,000.00 by tendering a check to OTS in that amount made payable to the Treasurer of the United States.

OFFICE OF THRIFT SUPERVISION

By: _____ /s/
Frederick R. Casteel
Midwest Regional Director