

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

_____)
In the Matter of)

Joseph T. Sims)

A Former Employee of)

Schenectady Federal Savings)
and Loan Association)
Schenectady, New York)

(OTS Docket No. 5161))
_____)

Re: OTS Order No. NE93-35

Dated: August 27, 1993

STIPULATION AND CONSENT TO
ENTRY OF AN ORDER OF PROHIBITION

WHEREAS, the Office of Thrift Supervision ("OTS"), based upon information derived from the exercise of its regulatory responsibilities, has informed Joseph T. Sims, former employee of Schenectady Federal Savings and Loan Association, Schenectady, New York, OTS Docket No. 5161 ("the Association"), that the OTS is of the opinion that the grounds exist to initiate an administrative prohibition proceeding against Joseph T. Sims pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e)¹; and

WHEREAS, Joseph T. Sims desires to cooperate with the OTS to avoid the time and expense of such administrative litigation and hereby stipulates and agrees to the following terms:

1. All references in this Stipulation and Consent and the Order of Prohibition to the U.S.C. are as amended.

1. Jurisdiction & Facts.

(a) The Association is 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 is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c).

(b) Joseph T. Sims, a former employee of the Association, having served in such capacity within 6 years of the date hereof (see 12 U.S.C. § 1818(i)(3)), is deemed to be an "institution-affiliated party" 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 OTS is the "appropriate Federal banking agency" to maintain an enforcement proceeding against such a savings association and/or its institution-affiliated parties. Therefore, Joseph T. Sims is subject to the authority of the OTS to initiate and maintain a prohibition proceeding against him pursuant to Section 8(e) of the FDIA, 12 U.S.C. § 1818(e).

2. OTS Findings of Fact. The OTS is of the opinion that Joseph T. Sims embezzled \$4,000 from the Association while employed by the Association.

3. Consent. Joseph T. Sims consents to the issuance by the OTS of the accompanying Order of Prohibition ("Order"). He 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 by the OTS under the authority of Section 8(e) of the FDIA, 12 U.S.C. § 1818(e). Upon its issuance by the Regional Director or designee for the Northeast 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. Joseph T. Sims waives the following:

(a) the right to be served with a written notice of the OTS's charges against him (referred to as a Notice of Intention to Prohibit) (see Section 8(e) of the FDIA);

(b) the right to an administrative hearing of the OTS's charges against him (see Section 8(e) of the FDIA); and

(c) the right to seek judicial review of the Order, including, without limitation, any such right provided by Section 8(h) of the FDIA, 12 U.S.C. § 1818(h), or otherwise to challenge the validity of the Order.

(d) any and all claims for the award of fees, costs or expenses related to this OTS enforcement matter and/or the Order, whether arising under common law or under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

6. Indemnification. Joseph T. Sims shall neither cause or permit the Association (or any subsidiary thereof) to incur, directly or indirectly, any expense for any legal (or other professional expenses) incurred relative to the negotiation and issuance of the Order of Prohibition, nor obtain any indemnification (or other reimbursement) from the Association (or

any subsidiary thereof) with respect to such amounts. Any such payments received by or on behalf of the Respondent in connection with this action shall be returned to the Association.

7. Other Government Actions Not Affected. Joseph T. Sims acknowledges and agrees that the consent to the entry of the Order are for the purposes of resolving this OTS enforcement matter only, and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of Joseph T. Sims that arise pursuant to this action or otherwise, and that may be or have been brought by any other government entity other than the OTS.

8. Acknowledgment of Criminal Sanctions. Joseph T. Sims acknowledges that Section 8(j) of the FDIA, 12 U.S.C. 1818(j), sets forth criminal penalties for knowing violations of this Order.

WHEREFORE, Joseph T. Sims executes this Stipulation and Consent to Entry of an Order of Prohibition, intending to be legally bound hereby.

By:

Accepted by:

Office of Thrift Supervision

/S/

/S/

Joseph T. Sims

Angelo A. Vigna
REGIONAL DIRECTOR
Northeast Region

Date: 8/19/93

Date: 8/27/93

JOHN L. SORRIENTO
Notary Public, State of New York
No. 4998847
Qualified in Rensselaer County
Term Expires July 13, 94

John Sorriento
Sims Stipulation

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)
Joseph T. Sims)
A Former Employee of)
Schenectady Federal Savings)
and Loan Association)
Schenectady, New York)
(OTS Docket No. 5161))

Re: OTS Order No. NE93-35

Dated: August 27, 1993

ORDER OF PROHIBITION

WHEREAS, Joseph T. Sims has executed a Stipulation and Consent to Entry of an Order of Prohibition ("Stipulation") on August 19, 1993; and

WHEREAS, Joseph T. Sims, by his execution of the Stipulation, has consented and agreed to the issuance of this Order of Prohibition ("Order") by the Office of Thrift Supervision ("OTS"), pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e).

NOW THEREFORE, IT IS ORDERED that:

1. Joseph T. Sims is prohibited from further participation, in any manner, in the conduct of the affairs of Schenectady Federal Savings and Loan Association, Schenectady, New York ("the Association") and any holding company, subsidiary, and/or service corporation thereof.

2. Joseph T. Sims shall not hold any office in, or participate in any manner in the conduct of the affairs of any Federally regulated depository institution or the other entities that are described in Section 8(e)(7)(A) of the FDIA, 12 U.S.C. § 1818(e)(7)(A), without the prior written approval of OTS (acting through its Director or an authorized representative thereof) and, the "appropriate Federal banking agency" for the Federally regulated depository institution which is involved. Due to the operation of Section 8(e)(6) of the FDIA, 12 U.S.C. § 1818(e)(6), conduct prohibited by this Order, without the said prior written approval of the OTS and of the "appropriate Federal banking agency", also includes, without limitation: (1) the soliciting, procuring, transferring, attempting to transfer, voting, or the attempting to vote any proxy, consent, or authorization with respect to any voting rights in any institution described in Section 8(e)(7)(A) of the FDIA, 12 U.S.C. § 1818(e)(7)(A); and (2) voting for a director, or serving or acting as an institution-affiliated party.

3. The Stipulation is made a part hereof and is incorporated herein by this reference.

4. This Order is subject to the provisions of Section 8(j) of the FDIA, 12 U.S.C. § 1818(j), and shall become effective on the date it is issued, as shown in the caption above.

5. Joseph T. Sims shall promptly respond to any request from the
OTS for documents that the OTS reasonably requests to demonstrate
compliance with this Order.

THE OFFICE OF THRIFT SUPERVISION
By:

/S/

Angelo A. Vigna
Regional Director
Northeast Regional Office