

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

\_\_\_\_\_  
In the Matter of )  
 )  
Robert S. Caplan )  
 )  
A Former President and )  
Director of Chase Savings )  
and Loan Association, )  
Philadelphia, Pennsylvania )  
\_\_\_\_\_ )

OTS Order No. NE93-38

Date: September 30, 1993

CONSENT TO ORDER OF PROHIBITION AND  
ORDER ASSESSING CIVIL MONEY PENALTY

Robert S. Caplan ("Caplan"), a former President and Director of Chase Savings and Loan Association, Philadelphia, Pennsylvania ("Chase"), hereby submits this Consent to Order of Prohibition and Order Assessing Civil Money Penalty ("Consent") to the Office of Thrift Supervision of the United States Department of the Treasury ("OTS") in consideration of the OTS's not proceeding with an administrative hearing against Caplan on the matters covered in the accompanying Order of Prohibition and Order Assessing Civil Money Penalty ("Order"). The OTS is of the opinion that grounds, as set forth in the Order, exist to pursue an administrative proceeding against Caplan pursuant to Sections 8(e) and 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"),

12 U.S.C. §§ 1818(e) and (i)(2) (Supp. IV 1992). Caplan desires to avoid the time and expense of such an administrative proceeding, and, without either admitting or denying that such grounds exist, except as set forth in paragraph 1 below, which are admitted, or that he has committed any violation of law or rules, hereby consents to the issuance of the accompanying Order pursuant to Sections 8(e) and 8(i)(2) of the FDIA, 12 U.S.C. §§ 1818(e) and (i)(2).

1. Jurisdiction. Caplan admits the jurisdiction of the OTS over him, and over the subject matter of this action, pursuant to Sections 8(e) and 8(i)(2) of the FDIA, 12 U.S.C. §§ 1818(e) and (i)(2). Specifically, Caplan admits that:

(a) Chase was a "savings association" and an "insured depository institution" as defined by 12 U.S.C. §§ 1462 and 1813 (Supp. IV 1992).

(b) Caplan was President and a Director of Chase and for this proceeding is an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u) (Supp. IV 1992).

(d) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. § 1813(q) (Supp. IV 1992), the Director of the OTS is the "appropriate Federal banking agency" to maintain this enforcement proceeding against Caplan.

2. Consent. Caplan consents to the issuance by the OTS of the Order. Caplan further agrees to comply with the terms of the Order upon issuance and stipulates that the Order complies with all applicable requirements of law.

3. Acknowledgment. Caplan acknowledges and states that he enters into this Consent willingly and without any coercion or promises of any kind from, or reliance on any statements made by, the OTS or any officer, attorney, agent or employee thereof.

4. Finality. Caplan stipulates that the Order is issued by the OTS under the authority of Sections 8(e) and 8(i)(2) of the FDIA, 12 U.S.C. §§ 1818(e) and (i)(2), and that, upon issuance of the Order, it is a final order that is effective and fully enforceable by the OTS, its successor(s) or an appropriate Federal banking agency under the provisions of Section 8(i) of the FDIA, 12 U.S.C. § 1818(i) (Supp. IV 1992).

5. Waivers. Caplan waives any right to the administrative hearing procedures provided by 5 U.S.C. §§ 554-557 (1989), 12 U.S.C. § 1818(e), 12 U.S.C. § 1818(h) (Supp. IV 1992), 12 U.S.C. § 1818(i)(2)(H) or any other applicable provisions of law and further waives his right to seek judicial review of the Order, including 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.

6. Cooperation. Caplan agrees to cooperate with the OTS, to the extent consistent with his rights under the Fifth Amendment of the Constitution of the United States, by providing truthful and complete information to the OTS, upon its request, concerning matters relating to Chase or any institution-affiliated party thereof.

7. Scope. Caplan acknowledges that this Consent, the Order, his payment of any monies pursuant to the Order and his compliance otherwise with the Order and the forbearance of the OTS to maintain administrative proceedings against him fully and finally resolve all potential charges that the OTS could bring against Caplan based upon, or arising from, his involvement in those matters described in the Order and do not resolve, preclude or affect any other civil or criminal claim or proceeding that may be or has been brought against Caplan or any other person by any other governmental entity. By signing this document Caplan agrees that he will not assert the assessment or payment of the civil money 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.

WHEREFORE, intending to legally bound hereby, Robert S. Caplan executes this Consent to Order of Prohibition and Order Assessing Civil Money Penalty.

/S/

Robert S. Caplan

\*\*\*\*  
NOTARIZATION

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF Delaware ) ss.

Robert S. Caplan, being known to me, did subscribe to the foregoing in my presence, this 3rd day of September, 1993.

Carol Jones (SEAL)  
Notary Public

My commission expires: \_\_\_\_\_

NOTARIAL SEAL  
CAROL JONES, Notary Public  
Nether Providence Twp., Delaware Co.  
My Commission Expires Nov. 20, 1993

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

\_\_\_\_\_  
In the Matter of )  
 )  
Robert S. Caplan )  
 )  
A Former President and )  
Director of Chase Savings )  
and Loan Association, )  
Philadelphia, Pennsylvania )  
\_\_\_\_\_ )

OTS Order No. NE93-38

Date: September 30, 1993

ORDER OF PROHIBITION AND  
ORDER ASSESSING CIVIL MONEY PENALTY

WHEREAS, the Office of Thrift Supervision ("OTS"), based on its examination of Chase Savings and Loan Association, Philadelphia, Pennsylvania ("Chase"), has concluded that Chase violated various provisions of a Supervisory Agreement between Chase and the OTS, dated on or about August 27, 1990, and that Robert S. Caplan ("Caplan"), a former President and Director of Chase, failed to assure that Chase complied with provisions of the Supervisory Agreement and applicable rules and regulations for internal loan review, proper asset classification, business planning and submission of accurate reports to the OTS by Chase;

WHEREAS, the OTS is of the opinion that, as a result of the aforementioned actions, the grounds exist for the OTS to seek the issuance of certain agency orders against Caplan, pursuant to Sections 8(e) and 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. §§ 1818(e) and (i)(2) (Supp IV 1992);

WHEREAS, Caplan has, without either admitting or denying the OTS's grounds therefore, agreed and consented to the issuance of this Order of Prohibition and Order Assessing Civil Money Penalty ("Order") by executing the accompanying Consent to Order of Prohibition and Order Assessing Civil Money Penalty;

NOW, THEREFORE, IT IS ORDERED that:

1. Caplan shall not hold any office in or participate in any manner in the conduct of the affairs of any insured depository institution or other entity described in Section 8(e)(7)(A) of the FDIA, 12 U.S.C. § 1818(e)(7)(A) (Supp. IV 1992), or certain of their affiliates described in Section 8(b)(9) of the FDIA, 12 U.S.C. § 1818(b)(9) (Supp. IV 1992), without the prior written approval of the Director of the OTS or his designee, and any other appropriate Federal banking agency for the depository institution or entity that is involved. Pursuant to Section 8(e)(6) of the FDIA, 12 U.S.C. § 1818(e)(6) (Supp. IV 1992), conduct prohibited by this Order includes, inter alia, the solicitation, transfer, or exercise of any voting right with respect to any security issued by any insured depository

institution or voting for a director of such depository institution or acting as an institution-affiliated party.

2. Caplan shall pay, on or before September 30, 1993, a Civil Money Penalty in the amount of Twenty-five Thousand Dollars (\$25,000.00) by delivering that amount in one or more cashier's checks, made payable to the Treasurer of the United States and delivered to the OTS's Enforcement Counsel in Washington, D.C.

3. This Order is subject to the provisions of Sections 8(i) and 8(j) of the FDIA, 12 U.S.C. §§ 1818(i) and (j) (Supp. IV 1992), and shall become effective on the date it is issued.

THE OFFICE OF THRIFT SUPERVISION

/S/

By:

ANGELO A. VIGNA  
Regional Director  
Northeast Regional Office