

UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION

In the Matter of )  
 ) Re: No. CHI-93-18  
 ) Dated: December 29, 1993  
Mary Beth Stull )  
Managing Officer )  
Damen Federal Bank for Savings )  
Chicago, Illinois )

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

WHEREAS, the Office of Thrift Supervision ("OTS"), based upon information derived from the exercise of its regulatory responsibilities, has informed Mary Beth Stull ("Stull"), Managing Officer of Damen Federal Savings Bank, 5100 South Damen Avenue, Chicago, Illinois 60609, OTS No. 03004, that OTS is of the opinion that grounds exist to initiate an administrative civil money penalty assessment proceeding against Stull pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. 1818(i)(2).

WHEREAS, the Director of the OTS has delegated to the Regional Directors of the OTS the authority to issue Order of Assessments of Civil Money Penalties where the respondent has consented to the issuance of the Order;

WHEREAS, Stull desires to cooperate with OTS and to avoid the time and expense of such administrative litigation and, without

admitting or denying that such grounds exist hereby stipulates and agrees to the following terms:

1. Jurisdiction. (a) Damen Federal Bank for Savings is a "federal savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C. § 1813(b) and Section 2(5) of the Home Owners' Loan Act, 12 U.S.C. § 1462(5). 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) Stull is an officer 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 for a civil money penalty against persons participating in the conduct of the affairs of the Institution and institution affiliated parties pursuant to Section 8(i)(2) of the FDIA, 12 U.S.C. 1818(i)(2).

(e) Stull is subject to the authority of OTS to initiate and maintain administrative proceedings pursuant to Section 8(i)(2) of the FDIA, 12 U.S.C. 1818(i)(2).

2. OTS Findings of Fact. The OTS finds that:

The Report of Compliance Examination of Damen Federal Bank for Savings, Chicago, Illinois, dated September 16, 1991, disclosed cash transactions exceeding \$10,000 that were conducted by Stull on the same calendar day for which a Currency Transaction Report was required but not timely filed or filed at all.

3. Consent. Stull consents to the issuance by the OTS of the accompanying Order. Stull further agrees to comply with the terms of the Order 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, 12 U.S.C. 1818(i)(2). Upon its issuance by the Regional Director or designee for the Central 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. (a) Stull waives her 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 the administrative hearing provided by Section 8(i)(2)(H) of the FDIA, 12 U.S.C. 1818(i)(2)(H) and further waives any 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.

6. Indemnification. Stull shall neither cause or permit Damen Federal Bank for Savings to incur, directly or indirectly, any expense for the amount of the civil money penalties assessed under the Order or any legal (or other professional expenses) incurred relative to the negotiation and issuance of the Order subsequent to August 3, 1993, nor obtain any indemnification (or other reimbursement) from Damen Federal Bank for Savings with respect to such amounts. Any payments received by or on behalf of Stull in connection with her action shall be returned to Damen Federal Bank for Savings.

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, Stull acknowledges and agrees explicitly to the following provisions:

a. Stull acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and Stull's consent to the entry of the Order are for the purposes of resolving this OTS enforcement matter only. By signing this document Stull agrees that she 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.

The OTS and Stull acknowledge and agree that the imposition of the civil money penalty by the OTS, and the payment of such civil money penalty, are for the purpose of resolving the administrative civil money penalty assessment proceeding and all other potential administrative actions within the jurisdiction of OTS concerning Stull relating to matters known or discovered by OTS concerning the Report of Compliance Examination dated November 15, 1991, up to the date of entry of the Order.

b. This Stipulation, the Order and the payment by Stull of any monies or providing any other financial relief as contemplated by the Order, does not release discharge, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of Stull that arise pursuant to this action or otherwise, and that may be or have been brought by any other governmental entity other than the OTS.

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

By:

Accepted by:

Office of Thrift Supervision

/S/

/S/

Mary Beth Stull

Ronald N. Karr  
REGIONAL DIRECTOR  
Central Region

Date:

12/27/93

Date:

12-29-93

UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION

In the Matter of )  
 ) Re: No. CHI-93-18  
 ) Dated: December 29, 1993  
Mary Beth Stull )  
Managing Officer )  
Damen Federal Bank for Savings )  
Chicago, Illinois )

ORDER OF ASSESSMENT OF CIVIL MONEY PENALTY

WHEREAS, Mary Beth Stull ("Stull") has executed a Stipulation and Consent to Issuance of an Order of Assessment of Civil Money Penalty ("Stipulation"); and,

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

NOW THEREFORE, IT IS ORDERED that within ten days of the effective date of this Order, Stull shall pay to the Office of Thrift Supervision ("OTS") the sum of \$5,000 by tendering a certified check to the OTS in that amount made 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 resolution number, and a copy of the Order, to the following

