

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of:

THOMAS A. SCATIZZI

President and Director of
Central West End Bank, A
Federal Savings Bank
St. Louis, Missouri

Re: Resolution No. DM-92-05

Dated: January 23, 1992

STIPULATION AND CONSENT TO THE ENTRY OF A
ORDER OF CIVIL MONEY PENALTY ASSESSMENT

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Midwest Regional Office, and Thomas A. Scatizzi ("Scatizzi"), President and Director, Central West End Bank, A Federal Savings Bank, St. Louis, Missouri ("Central West End" or the "Institution"), hereby stipulate and agree as follows:

1. Consideration. The OTS, based upon information reported to it, is of the opinion that Scatizzi, as an officer and director of Central West End, has violated Section 11(b) of the Home Owners Loan Act ("HOLA"), 12 U.S.C.S. § 1468(b) (Supp. I 1989), Section 22(h)(4) of the Federal Reserve Act, 12 U.S.C.S. § 375b(4) (1988 and Supp. I 1989, 12 C.F.R. Section 215.4 (1991), and 12 C.F.R. Sections 563.43, 563.93 and 563.233 (1991), thereby providing grounds to initiate an administrative civil money penalty assessment proceeding against Scatizzi, pursuant to Sections

8(i)(2) and 18(j)(4) of the Federal Deposit Insurance Act ("FDIA"), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), 12 U.S.C. §§ 1818(i)(2) and 1828(j)(4) (1988 and Supp. I 1989).

Scatizzi desires to cooperate with the OTS and to avoid the time and expense of an administrative proceeding. Without admitting or denying the statements, conclusions, or terms herein, Scatizzi hereby stipulates and agrees to the following terms in consideration of the forbearance by the OTS from initiating administrative civil money penalty assessment proceedings against him with respect to the findings of the Institution's May 22, 1991 Report of Examination.

2. Jurisdiction.

(a) The Central West End is a "savings association" within the meaning of Section 3 of the FDIA and Section 2 of the Home Owners' Loan Act, as amended by FIRREA. 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) (1988 and Supp. I 1989).

(b) Scatizzi, as an officer and director of Central West End, is 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) (1988 and Supp. I 1989).

(c) As an institution-affiliated party, Scatizzi is subject to the authority of OTS to initiate and maintain the assessment of

a civil money penalty pursuant to Sections 8(i)(2) and 18(j)(4) of the FDIA, as amended by FIRREA, 12 U.S.C. §§ 1818(i)(2), 1828(j)(4) (1988 and Supp. I 1989).

(d) Pursuant to Section 3 of the FDIA, as amended by FIRREA, the OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such an institution-affiliated party.

3. Consent. Without admitting or denying the need or basis therefor, Scatizzi consents to the issuance by OTS of the accompanying Order of Civil Money Penalty Assessment ("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 under Sections 8(i)(2) and 18(j)(4) of the FDIA, as amended by FIRREA, 12 U.S.C. §§ 1818(i)(2), 1828(j)(4) (1988 and Supp. I 1989). Upon its issuance by the Regional Director for the Midwest Regional Office, OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i)(1) and (2) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(1), (2) (1988 and Supp. I 1989).

5. Waivers. Scatizzi waives his 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) (1988 and Supp. I 1989), and the administrative hearing provided by Sections 8(i)(2)(H) and 18(j)(4)(F) of the FDIA, as amended by FIRREA, 12 U.S.C.S. §§ 1818(i)(2)(H), 1828(j)(4)(F) (1988 and Supp. I 1989), and further waives his right to seek judicial review of the Order,

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

WHEREAS, Scatizzi has consented and agreed in the Stipulation to the issuance of this Order of Civil Money Penalty Assessment ("Order"), pursuant to Sections 8(i)(2) and 18(j)(4) of the Federal Deposit Insurance Act ("FDIA"), as amended by the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), Pub. L. No. 101-73, 103 Stat. 183, 12 U.S.C. §§ 1818(i)(2), 1828(j)(4) (1988 and Supp. I 1989);

