

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)

Phillip Holman, President)
and Director of)
Sun World Savings Bank, FSB)
El Paso, Texas)

Re: Resolution No.: DAL-92-06

Dated: January 27, 1992

STIPULATION AND CONSENT TO THE ENTRY OF AN
ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

The Office of Thrift Supervision ("OTS"), by and through the Regional Director for the Midwest Regional Office, and Phillip Holman, president of Sun World Savings Bank, El Paso, Texas, (Association) stipulate and agree as follows:

1. CONSIDERATION.

The OTS, based upon information reported to it, is of the opinion that grounds exist to initiate an administrative civil money penalty assessment proceeding against Holman pursuant to Sections 8(1)(2) and 18(j)(4) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. §§ 1818(1)(2) and 1828(j)(4) (1988 & Supp. I 1989). Holman 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 in consideration of the forbearance by the OTS from initiating such administrative civil money penalty assessment proceeding against Holman with respect to Holman's actions which resulted in repeated violations of Section 11(b) of HOLA, § 1468(b) (Supp. I 1989), Section 22(h) of the Federal Reserve Act, 12 U.S.C. § 375b and its implementing regulation at 12 C.F.R. § 215.4.

Jan 21 3 00 PM '92
FHLBB
OFFICE OF
THRIFT SUPERVISION

2. JURISDICTION.

- (a) Sun World Savings Bank, El Paso, Texas, is a "savings association" within the meaning of Section 3(b) of the Federal Deposit Insurance Act ("FDIA") and Section 2(4) of the Home Owners' Loan Act of 1933, as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Pub. L. No. 101-73, 103 Stat. 183. Accordingly it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813 (c)).
- (b) Holman is an institution-affiliated party of Sun World Savings Bank within the meaning of Section 3(u) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(u)), in that he serves as a director and president of Sun World Savings Bank.
- (c) Pursuant to Section 3 of the FDIA, as amended by FIRREA, OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such institution-affiliated party. Therefore, Holman is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to Section 8(i)(2) and 18(j)(4) of the FDIA, 12 U.S.C. §§ 1818(i)(2) and 1828(j)(4) (1988 & Supp. I 1989)

3. CONSENT.

- (a) Holman 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.

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

4. FINALITY.

The Order is issued under Sections 8(i)(2) and 18(j)(4) of the FDIA, 12 U.S.C. §§ 1818(i)(2) and 1828(j)(4) (1988 & Supp. I 1989). Upon its issuance by the Regional Director for the Midwest Region, it shall be a final order, effective and fully enforceable by OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. §1818(i) (1988 & Supp. I 1989).

5. WAIVERS.

(a) Holman waives the right to a Notice of Assessment of Civil Money Penalty provided by Section 8(i) of the FDIA, 12 U.S.C § 1818(i) (1988 & Supp. I 1989), and the administrative hearing provided by Section 18(j)(4)(F) of the FDIA, 12 U.S.C. § 1828(j)(4)(F) (1988 & Supp. I 1989), 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) (1988 & Supp. I 1989), or to otherwise challenge the validity of the Order.

(b) Holman acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and Holman's consent to the entry of the 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 Holman by the OTS or another governmental entity.

- (c) By signing this document Holman 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.

WHEREFORE, in consideration of the foregoing, the Regional Director for the Midwest Region, on behalf of OTS, and Phillip Holman execute this Stipulation and Consent to the Entry of an Order of Assessment of Civil Money Penalties.

OFFICE OF THRIFT SUPERVISION

By:

/s/

Billy C. Wood
Regional Director
Midwest Regional Office

/S/

Phillip Holman

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)
)
Phillip Holman, President and)
Director of)
Sun World Savings Bank, FSB)
El Paso, Texas)

Re: Resolution No.: DAL-92-06

Dated: January 27, 1992

ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

WHEREAS, Phillip Holman ("Holman") has executed a Stipulation and Consent to the Entry of an Order of Assessment of Civil Money Penalties, 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 Region in Dallas, Texas; and,

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

NOW THEREFORE, IT IS ORDERED that:

1. Holman shall pay to the OTS the sum of \$1,000 within 10 days of the effective date of this Order;
2. Holman shall comply with Paragraph (1) of this Order, by sending a certified or cashier's check for said amount to the Regional Director, OTS Midwest Regional Office, Dallas, Texas, made payable to the Treasurer of the United States.

OFFICE OF THRIFT SUPERVISION

By: /S/
Billy C. Wood
Regional Director
Midwest Regional Office
Office of Thrift Supervision