

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of)
)
BENJAMIN DEE WINSTON,)
Director of)
Lufkin Federal Savings and Loan)
Association,)
Lufkin, Texas)
_____)

Re: Resolution No.: DAL-92-31

Dated: March 20, 1992

STIPULATION AND CONSENT TO ISSUANCE OF
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 Benjamin Dee Winston ("Respondent") 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 Respondent pursuant to 12 U.S.C. § 1818(i)(2). Respondent 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 Respondent with respect to violations on or before May 13, 1991, of:

(a) 12 C.F.R. § 202.9;

(b) 12 C.F.R. § 215.4;

- (c) 12 C.F.R. Part 226;
- (d) 12 C.F.R. § 528.6;
- (e) 12 C.F.R. § 563.43;
- (f) 12 C.F.R. § 563.48(e);
- (g) 12 C.F.R. § 563.99;
- (h) 12 C.F.R. § 563.177;
- (i) 12 C.F.R. § 563.180;
- (j) 24 C.F.R. § 3500.7; and
- (k) 31 C.F.R. § 103.27.

2. Jurisdiction.

(a) Lufkin Federal Savings and Loan Association, Lufkin, Texas is a "savings association" within the meaning of Section 3 of the Federal Deposit Insurance Act ("FDIA") and Section 2 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) Respondent is an institution-affiliated party within the meaning of 12 U.S.C. § 1813(u).

(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 an institution-affiliated party. Therefore, Respondent is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to 12 U.S.C. § 1818(i)(2).

3. Consent.

Respondent 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.

4. Finality.

The Order is issued under 12 U.S.C. § 1818(i)(2). 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, as amended by FIRREA (to be codified at 12 U.S.C. §1818(i)).

5. Waivers.

Respondent waives the right to a Notice of Assessment of Civil Money Penalty provided by Section 8(i) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)) and the administrative hearing provided by 12 U.S.C. § 1818(i)(2)(H), and further waives his right to seek judicial review of the Order, including any such right provided by Section 8(h) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(h)) or to otherwise challenge the validity of the Order.

6. General Provisions.

(a) This Stipulation and Consent, the Order and the payment by the Respondent 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 the Respondent 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.

(b) Respondent acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution

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WHEREAS, Benjamin Dee Winston ("Respondent") has executed a Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment, 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; and,

WHEREAS, Respondent, in the Stipulation, has consented to the issuance of this Order of Civil Money Penalty Assessment pursuant to 12 U.S.C. § 1818(i)(2);

NOW THEREFORE, IT IS ORDERED that within ten days of the effective date of this Order, Respondent shall pay to OTS a sum of \$1,000, by tendering a check to OTS in that amount made payable to the Treasurer of the United States.

OFFICE OF THRIFT SUPERVISION

/S/

By:

Billy C. Wood
Regional Director
Midwest Regional Office
Office of Thrift Supervision