

UNITED STATES OF AMERICA
Before the
OFFICE OF THRIFT SUPERVISION

In the Matter of) Re: Resolution No. CHI-92-17
) Dated: April 27, 1992
John P. Dailey)
a Director and Officer)
of Heart of Illinois)
Bank, FSB,)
Spring Valley, Illinois)

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

The Office of Thrift Supervision ("OTS"), by and through the Regional Director for the Central Region and John P. Dailey 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 John P. Dailey pursuant to 12 U.S.C. §§ 1818(i)(2) and 1828(j)(4). John P. Dailey 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 John P. Dailey with respect to the following matters:

Violations of 12 U.S.C. § 371c, pertaining to transactions with affiliates; paragraphs 4 and 5 of the Conditional Approval Letter issued by the OTS dated September 25, 1989; and articles 1 through 3 of the Supervisory Agreement dated June 19, 1991.

2. Jurisdiction.

(a) Heart of Illinois Bank, FSB, is a "savings association" within the meaning of Section 3(b) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1813(b) and Section 2(4) of the Home Owners' Loan Act of 1933, 12 U.S.C. § 1462(4). 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) John P. Dailey is an institution-affiliated party within the meaning of 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 OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such an institution-affiliated party. Therefore, John P. Dailey 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) and 1828(j)(4).

3. Consent.

John P. Dailey consents to the issuance by the 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) and 1828(j)(4). Upon its issuance by the Regional Director for the Central Region, it shall be a final order, effective and fully enforceable by OTS under the provisions of Sections 8(i) and 18(j) of the FDIA, 12 U.S.C. §§ 1818(i) and 1828(j).

5. Waivers.

John P. Dailey waives the right to a Notice of Assessment of Civil Money Penalty provided by Sections 8(i) and 18(j) of the FDIA, 12 U.S.C. §§ 1818(i) and 1828(j) and the administrative hearing provided by 12 U.S.C. §§ 1818(i)(2)(H) and 1828(j)(4)(F), 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 to otherwise challenge the validity of the Order.

WHEREFORE, in consideration of the foregoing, the Regional Director for the Central Region on behalf of OTS, and John P. Dailey execute this Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment.

OFFICE OF THRIFT SUPERVISION

By:

/S/

Stuart M. Brafman
Regional Director
Central Region

/S/

John P. Dailey

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Re: Resolution No. CHI-92-17
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ORDER OF CIVIL MONEY PENALTY ASSESSMENT

WHEREAS, John P. Dailey 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 Central Region; and

WHEREAS, John P. Dailey has consented to the issuance of this Order of Civil Money Penalty Assessment pursuant to 12 U.S.C. §§ 1818(i)(2) and 1828(j)(4).

NOW THEREFORE, IT IS ORDERED that within thirty (30) days of the effective date of this Order, John P. Dailey shall pay to the OTS a sum of \$7,500, by tendering a check to the OTS in that amount made payable to the Treasurer of the United States.

OFFICE OF THRIFT SUPERVISION

By: /s/
Ronald N. Karr
Central Regional Director