



overdrafts to executive officers and directors) and repeated violations of paragraph number 2 of the Supervisory Agreement entered into between OTS and Talladega on February 20, 1991, not by Clark.

Clark desires to cooperate with the OTS and to avoid the time and expense of such administrative proceeding. Without admitting or denying the statements, conclusions or terms herein, Clark hereby stipulates and agrees to the following terms in consideration of the forbearance by the OTS from initiating such proceeding against him for so long as he is in compliance with the provisions of the accompanying Order of Civil Money Penalty Assessment ("Order").

This Stipulation and the attached Order are issued solely to settle this proceeding. Clark acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and Clark's consent to the entry of the Order are for the purposes of resolving this OTS enforcement matter only, and does not resolve, affect or preclude any other civil or criminal proceeding which may be brought against Clark by the OTS or another government entity.

By signing this document Clark agrees that he will not assert the assessment or payment of this penalty as the basis for a claim of double jeopardy in any future proceeding brought by another government entity, not the OTS. Further, 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.

## 2. Jurisdiction

(a) Talladega is a "savings association" within the meaning of Section 3(b)(1) of the FDIA, 12 U.S.C. § 1813(b)(1), and Section 2(4) of the Home Owners' Loan Act of 1933 ("HOLA"), 12 U.S.C. § 1462(4). The Institution is an "insured depository institution" as that term is defined in Section 3(c)(2) of the FDIA, 12 U.S.C. § 1813(c)(2).

(b) Clark is an "institution-affiliated party" of an insured depository institution within the meaning of Section 3(u)(1) of the FDIA, 12 U.S.C. §1813(u)(1).

(c) Pursuant to Section 3(q)(4) of the FDIA, 12 U.S.C. § 1813(q)(4), the Director of the OTS is the "appropriate Federal



UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION

In the Matter of )  
 )  
HAROLD E. CLARK, )  
Director of )  
 )  
Talladega Federal Savings and )  
Loan Association )  
 )  
Talladega, Alabama )

Resolution No.: ATL-92-39

Dated: May 12, 1992

ORDER OF CIVIL MONEY PENALTY ASSESSMENT

WHEREAS, Harold E. Clark, Director of Talladega Federal Savings and Loan Association, Talladega, Alabama, OTS Docket No. 7344, has executed a Stipulation and Consent to the Issuance of an 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 Southeast Region; and,

WHEREAS, Mr. Clark, in the Stipulation, has consented to the issuance of this Order of Civil Money Penalty Assessment, pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2) (1988 and Supp. I 1989), and Section 18(j)(4) of the FDIA, 12 U.S.C. § 1828(j)(4).

NOW THEREFORE, IT IS ORDERED that Mr. Clark submit to the OTS a check for the sum of \$1,000 made payable to the Treasurer of the United States, within 15 business days of the effective date of this Order.

OFFICE OF THRIFT SUPERVISION

By: <sup>/S/</sup>  
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John E. Ryan  
Regional Director  
Southeast Region