

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

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In the Matter of)
)
GEORGE I. HAIGLER,)
Director of)
)
Fidelity Federal Savings Bank)
)
Dalton, Georgia)

Resolution No.: ATL 102) LEGAL DEPT.
) OTS-ATLANTA
Dated: May 12, 1992

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

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Southeast Region ("Regional Director"), and George I. Haigler, ("Haigler") Director of Fidelity Federal Savings Bank, Dalton, Georgia, OTS No. 7112 ("Fidelity or "Institution"), stipulate and agree as follows:

1. Consideration

The OTS is of the opinion that Fidelity and its directors have violated the notice provisions of 12 C.F.R § 563.134. The OTS acknowledges recent efforts of Fidelity's board, including Haigler, to (1) take corrective action with regard to past practices and (2) conduct Fidelity's activities in compliance with all regulatory requirements; however, based upon the past violations, the OTS is of the opinion that grounds exist to initiate an administrative civil money penalty assessment proceeding against Haigler pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989) and pursuant to Section 18(j)(4) of the FDIA, 12 U.S.C. § 1828(j)(4).

Haigler 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, Haigler 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. Haigler acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and Haigler's consent to the entry of the Order are for the purposes of resolving this OTS enforcement matter, and do not preclude, affect or resolve any other proceeding that may be brought by OTS or other Government entity. By signing this document, Haigler 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.

2. Jurisdiction

(a) Fidelity 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(b). 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) Haigler 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 banking agency" in the case of any savings association. Therefore, Haigler is subject to the authority of the OTS to initiate and enforce an Order of Civil Money Penalty Assessment pursuant to Section 8(i) of the FDIA, 12 U.S.C. § 1818(i) and Section 18(j) of the FDIA, 12 U.S.C. § 1828(j).

3. Consent

Haigler consents to the issuance by OTS of the accompanying Order and further agrees to comply with its terms upon issuance without admitting that grounds for such action exist.

4. Finality

The Order is issued under Section 8(i) of the FDIA, 12 U.S.C. § 1818(i) and Section 18(j) of the FDIA, 12 U.S.C. § 1828(j). Upon its issuance by the Regional Director, it

