

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

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)
In the Matter of)
)
DEAN GACKSTETTER,)
)
President and Director of)
First Federal Savings Bank)
Watertown, South Dakota)
_____)

Re: Resolution No. DM 92-9

Dated: 5/7/92 May 13, 1992

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

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Midwest Regional Office, and Dean Gackstetter ("Gackstetter"), President and Director, First Federal Savings Bank, Watertown, South Dakota ("First Federal"), hereby stipulate and agree as follows:

1. Consideration. The OTS, based upon information reported to it, is of the opinion that Gackstetter, as an officer and director of First Federal, has violated 12 C.F.R. Sections 563.43(b)(2), 563.170(c)(1), 563.37(a), and 563.74(b)(1) (1991), thereby providing grounds to initiate an administrative civil money penalty assessment proceeding against Gackstetter, pursuant to Sections 8(i)(2) and 18(j)(4) of the Federal Deposit Insurance Act ("FDIA"), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), 12 U.S.C. §§ 1818(i)(2) and 1828(j)(4) (1988 and Supp. I 1989).

Gackstetter desires to cooperate with the OTS and to avoid the time and expense of an administrative proceeding. Without admitting or denying the statements, conclusions, or terms herein, Gackstetter hereby stipulates and agrees to the following terms in consideration of the forbearance by the OTS

from initiating administrative civil money penalty assessment proceedings against him with respect to the findings of the Institution's October 3, 1991, Report of Examination.

2. Jurisdiction.

a. First Federal Savings Bank is a "savings association" within the meaning of Section 3 of the FDIA and Section 2 of the Home Owners' Loan Act, as amended by FIRREA. Accordingly, it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1813(c) (1988 and Supp. I 1989).

b. Gackstetter, as an officer and director of First Federal, is an "institution affiliated party" as that term is defined in Section 3(u) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1813(u) (1988 and Supp. I 1989).

c. As an institution-affiliated party, Gackstetter is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to Sections 8(i)(2) and 18(j)(4) of the FDIA, as amended by FIRREA, 12 U.S.C. §§ 1818(i)(2), 1828(j)(4) (1988 and Supp. I 1989).

d. Pursuant to Section 3 of the FDIA, as amended by FIRREA, the OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such an institution affiliated party.

3. Consent. Without admitting or denying the need or basis therefor, Gackstetter consents to the issuance by OTS of the accompanying Order of Civil Money Penalty Assessment ("Order"). He 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 Sections 8(i)(2) and 18(j)(4) of the FDIA, as amended by FIRREA, 12 U.S.C. §§ 1818(i)(2), 1828(j)(4) (1988 and

Supp. I 1989). Upon its issuance by the Regional Director for the Midwest Regional Office, OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Sections 8(i)(1) and (2) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(1), (2) (1988 and Supp. I 1989).

5. Waivers. Gackstetter waives his right to a Notice of Assessment of Civil Money Penalty provided by Section 8(i)(2) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(2) (1988 and Supp. I 1989), and the administrative hearing provided by Sections 8(i)(2)(H) and 18(j)(4)(F) of the FDIA, as amended by FIRREA, 12 U.S.C. §§ 1818(i)(2)(H), 1828(j)(4)(F) (1988 and 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, as amended by FIRREA, 12 U.S.C. § 1818(h) (1988 and Supp. I 1989), or to otherwise challenge the validity of the Order.

This Stipulation and Consent, the Order, and the payment by Gackstetter 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 Gackstetter 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.

Gackstetter acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and Gackstetter'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 has been brought against Gackstetter by the OTS or another governmental entity.

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In the Matter of
DEAN GACKSTETTER,
President and Director of
First Federal Savings Bank
Watertown, South Dakota

Re: Resolution No. DM 92-9

Dated: May 13, 1992

ORDER OF CIVIL MONEY PENALTY ASSESSMENT

WHEREAS, Dean Gackstetter ("Gackstetter") has executed a Stipulation and Consent to the Entry 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 Midwest Regional Office; and,

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

NOW, THEREFORE, IT IS ORDERED that:

1. Within five (5) days after the effective date of this Order, Gackstetter shall pay a civil money penalty assessment to the OTS in the amount of Two Thousand Five Hundred Dollars (\$2,500); and

2. This Order shall be effective May 22, 1992.

OFFICE OF THRIFT SUPERVISION

By: /S/
Billy C. Wood
Regional Director
Midwest Region