

UNITED STATES OF AMERICA  
BEFORE THE  
OFFICE OF THRIFT SUPERVISION

In the Matter of )  
 )  
Melvin Kist )  
 )  
Director of )  
First Ohio Savings Bank, F.S.B. )  
Cincinnati, Ohio )  
 )

Resolution No.: CIN 92-4  
Dated: May 27, 1992

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

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Central Region, and Melvin Kist, a Director of First Ohio Savings Bank, F.S.B., Cincinnati, Ohio, stipulate and agree as follows:

1. Consideration. The OTS, based upon information reported to it, is of the opinion that the grounds exist to initiate an administrative action for assessment of civil money penalties against Melvin Kist pursuant to § 8(i) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i) (Supp. I 1989). Melvin Kist, desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, while neither admitting nor denying that such grounds exist, hereby stipulates and agrees to the following terms in consideration of the forbearance of OTS from initiating such administrative civil money penalty assessment proceeding against

Melvin Kist with respect to the following matters:

Breaches of fiduciary duty in failing to provide adequate oversight and direction to management.

2. Jurisdiction

(a) First Ohio Savings Bank, F.S.B. is a "savings association" and an "insured depository institution" as defined by § 3 of the FDIA and § 2 of the Home Owners' Loan Act, 12 U.S.C. §§ 1813 and 1462 (Supp. I 1989).

(b) Melvin Kist, as a Director of First Ohio Savings Bank, F.S.B., is an "institution-affiliated party" as defined by § 3(u) of the FDIA, 12 U.S.C. § 1813(u) (Supp. I 1989).

(c) Pursuant to Section 3 of the FDIA, 12 U.S.C. § 1813(q) (Supp. I 1989), the OTS is the "appropriate Federal banking agency" to maintain enforcement proceedings against such a savings association and its institution-affiliated parties. Therefore, Melvin Kist is subject to the authority of the OTS to assess civil money penalties against him pursuant to § 8(i) of the FDIA, 12 U.S.C. § 1818(i) (Supp. I 1989).

3. Consent. Melvin Kist, consents to the issuance by the OTS of the accompanying Order of Assessment of Civil Money Penalties ("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 § 8(i) of the FDIA, 12 U.S.C. § 1818(i) (Supp. I 1989). Upon its issuance by the Regional



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ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

WHEREAS, Melvin Kist, Director of First Ohio Savings Bank, F.S.B., Cincinnati, Ohio, has executed a Stipulation and Consent to Issuance of Order of Assessment of Civil Money Penalties ("Stipulation") which is accepted and approved by the Office of Thrift Supervision ("OTS"), acting through its Regional Director for the Central Region, and is incorporated herein by reference; and

WHEREAS, Melvin Kist, in the Stipulation, has consented and agreed to the issuance of this Order of Assessment of Civil Money Penalties ("Order") pursuant to the Federal Deposit Insurance Act, § 8(i), 12 U.S.C. § 1818(i) (Supp. I 1989).

NOV, THEREFORE, IT IS ORDERED that Melvin Kist, shall pay to OTS a sum of \$1,000 plus any cost of administrative litigation. Payment shall be made by tendering to the OTS a check made payable to

the Treasurer of the United States in the sum of \$1,000 (plus any cost of administrative litigation) within ten days of the effective date of this Order.

OFFICE OF THRIFT SUPERVISION

/S/

Ronald N. Kay  
Regional Director  
Central Region