

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In The Matter Of:

IRVING V. BOBERSKI

Director, Former Chief Executive
Officer, Former President, and
Institution-Affiliated Party of:

Avondale Federal Savings Bank
Chicago, Illinois

Re: Resolution No. CHI-92-30

Dated: July 31, 1992

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

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Central Regional Office ("Regional Director"), and Irving V. Boberski ("Boberski"), director, former chief executive officer, former president and institution-affiliated party of Avondale Federal Savings Bank, Chicago, Illinois ("Avondale"), hereby stipulate and agree as follows:

1. Consideration. The OTS, based upon the exercise of its supervisory, regulatory and enforcement powers, assessed civil monetary penalties pursuant to Section 8(i) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C.A. §1818(i) (West 1989 & Supp. 1992), against Boberski in the cause entitled In the Matter of: Irving V. Boberski, Director, Chief Executive Officer and President of Avondale Federal Savings Bank, Chicago, Illinois, OTS Order No. AP 92-57 dated June 12, 1992 ("Notice of Charges"). The

Notice of Charges is incorporated herein by this reference as if fully set forth.

Boberski desires to settle the administrative proceeding relating to the OTS's assessment of civil monetary penalties and to avoid the time and expense of such administrative litigation. Without admitting the allegations contained in the Notice of Charges, and having previously filed an Answer denying such allegations, Boberski hereby stipulates and agrees to the following terms in consideration of the dismissal with prejudice by the OTS of the Notice of Charges, including the administrative proceeding relating to the civil money penalty assessment. Boberski, without trial or findings of fact pursuant to an administrative hearing, has consented to the terms of this Stipulation and Consent to Entry of an Order of Civil Money Penalty Assessment ("Stipulation"). The OTS has determined that it is appropriate, and in the best interest of the public, to execute this Stipulation and the attached Order of Civil Money Penalty Assessment ("Order").

Boberski acknowledges that the imposition of the civil money penalty in this administrative proceeding by the OTS, and the payment of such civil money penalty, are for the purpose of resolving this administrative civil money penalty assessment proceeding and all other matters concerning Boberski, Lynn A. Boberski, and their children, I. Vincent Boberski, Michael Boberski, David Boberski and John Boberski ("the Boberski

Family"), known or discovered by the OTS during the course of its Formal Investigation of Avondale Federal Savings Bank, Chicago, Illinois, OTS Resolution No. CHI-91-5, up to the date of entry of the Order. This Stipulation and Order are not intended to, nor shall they be construed to have the effect of, limiting the right or authority of any other governmental or administrative agency to initiate or pursue any other action, civil or otherwise, against Boberski or members of the Boberski Family, individually or collectively. Further, this Stipulation and Order are not intended to, nor shall they be construed to have the effect of, limiting the right or authority of the OTS to initiate or pursue any other action, civil or otherwise, against Boberski or members of the Boberski Family for conduct that occurs, or is first disclosed to or discovered by the OTS, after the entry of the Order. To the extent there may be any inconsistency between Section 1 and Section 5(b) of this Stipulation, Section 1 shall control relative to any administrative, civil or other action by the OTS against Boberski or members of the Boberski Family for all matters known or discovered by the OTS during the course of its Formal Investigation of Avondale Federal Savings Bank, Chicago, Illinois, OTS Resolution No. CHI-91-5, up to the date of entry of the Order.

2. Jurisdiction.

(a) The Institution is a "savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C.A. § 1813(b)

(West 1989 & Supp. 1992) and Section 2(4) of the Home Owners' Loan Act, 12 U.S.C.A. § 1462(4) (West Supp. 1992). Accordingly, it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C.A. § 1813(c), as amended.

(b) Until August 9, 1989, the Federal Home Loan Bank Board ("FHLBB") was the regulatory agency with jurisdiction over the Institution and persons participating in the conduct of the affairs thereof, including Boberski, pursuant to Section 5 of the HOLA, 12 U.S.C.A. § 1464.

(c) As of August 9, 1989, pursuant to Section 3(q) of the FDIA, as amended by Section 204 of the FIRREA, 12 U.S.C.A. §1813(q), the OTS succeeded to the interests of the FHLBB with respect to the supervision and regulation of all savings associations, and thus became the "appropriate Federal banking agency" with jurisdiction over the Institution and persons participating in the conduct of the affairs thereof.

(d) Boberski, as a director and the former president and chief executive officer of Avondale is deemed to be an "institution-affiliated party" of Avondale as that term is defined by Section 3(u) of the FDIA, 12 U.S.C.A. §1813(u), having served in such capacities within 6 years of the date hereof.

(e) Pursuant to Section 3 of the FDIA, as amended, the OTS is the "appropriate Federal banking agency" to assess civil money penalties against institution-affiliated parties. Therefore, Boberski is subject to the authority of the OTS to

initiate and maintain civil money penalty proceedings against him pursuant to Section 8(i) of the FDIA, 12 U.S.C.A. § 1818(i).

3. Consent. Without admitting the allegations set forth in Paragraphs 50 through 66 of Section F, Part III, of the Notice of Charges, and having previously filed an Answer denying such allegations, Boberski consents to the issuance by the OTS of the Order, a copy of which is attached hereto. Boberski further agrees to comply with the terms of the Order upon issuance and stipulates that the Order complies with all the requirements of law.

4. Finality. The Order is issued under Section 8(i)(2) of the FDIA, 12 U.S.C.A. §1818(i)(2), as amended. Upon its issuance, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C.A. §1818(i), as amended.

5. Waivers.

(a) Boberski waives his right to an administrative hearing provided by Section 8(i)(2)(H) of the FDIA, 12 U.S.C.A. §1818(i)(2)(H), and further waives any right to seek judicial review of the Order, including any such right provided by Section 8(h) of the FDIA, 12 U.S.C.A. §1818(h), or otherwise to challenge the validity of the Order.

(b) Boberski acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and Boberski's consent to the

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Avondale Federal Savings Bank)
Chicago, Illinois)

Re: Resolution No. CHI-92-30

Dated: July 31, 1992

ORDER OF CIVIL MONEY PENALTY ASSESSMENT

WHEREAS, Irving V. Boberski ("Boberski") has executed a Stipulation and Consent to 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 by and through its Regional Director for the Central Regional Office ("Regional Director"); and

WHEREAS, Boberski has consented and agreed in the Stipulation to the issuance of this Order of Civil Money Penalty Assessment ("Order") pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C.A. § 1818(i)(2) (West 1989 & Supp. 1992);

NOW THEREFORE, IT IS ORDERED that:

1. Within fourteen (14) business days of the effective date of this Order, Boberski shall pay to the OTS the sum of \$225,000.00 by tendering a certified check to the Regional

