

UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION

\_\_\_\_\_  
In the Matter of: )  
 )  
Donald H. Bell, an )  
Institution-Affiliated Party )  
 )  
of Security Savings and Loan )  
Association of Garden City )  
Garden City, Kansas )  
\_\_\_\_\_ )

Resolution No. DAL-91-21  
Dated: May 14, 1991

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

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Midwest Regional Office, and Donald H. Bell, hereby stipulate and agree as follows:

1. Consideration. The OTS, based upon information reported to it, is of the opinion that grounds exist to initiate an administrative civil money penalty assessment proceeding against Donald H. Bell pursuant to Section 8(i)(2) 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.S. §1818(i)(2) (Law. Co-op. Supp. 1990). Donald H. Bell desires to cooperate with the OTS to avoid the time and expense of such administrative litigation, and without admitting or denying that grounds for such proceeding exist, hereby stipulates and agrees to the following terms in consideration of the forbearance by the OTS from initiating such

*[Handwritten initials]*

administrative civil money penalty assessment proceeding against Donald H. Bell with respect to his participation in Security Saving and Loan Association of Garden City's violations of 12 C.F.R. Section 563.37(c), 12 C.F.R. Section 563.41(c)(1), 12 C.F.R. Section 563.43(c)(5), 12 C.F.R. Section 571.7, 12 C.F.R. Section 571.21, Section 23A(c)(1)(D) of the Federal Reserve Act, and Section 23B(a)(1)(A) of the Federal Reserve Act, respectively.

2. Jurisdiction.

(a) Security Savings and Loan Association of Garden City, Garden City, Kansas ("Security Savings"), 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.S. § 1813(c) (Law. Co-op. Supp. 1990).

(b) Donald H. Bell, as an officer and director of Security Savings, 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.S. § 1813(u) (Law. Co-op. Supp. 1990).

(c) As an institution-affiliated party, Donald H. Bell is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to Section 8(i)(2) of the FDIA, as amended by FIRREA, 12 U.S.C.S. § 1818(i)(2) (Law. Co-op. Supp. 1990).

(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. Donald H. Bell consents to the issuance by OTS of the accompanying 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 Section 8(i)(2) of the FDIA, as amended by FIRREA, 12 U.S.C.S. § 1818(i)(2) (Law. Co-op. Supp. 1990). 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 Section 8(i)(1) and (2) of the FDIA, as amended by FIRREA, 12 U.S.C.S. § 1818(i)(1) and (2) (Law. Co-op. Supp. 1990).

5. Waivers. Donald H. Bell 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.S. § 1818(i)(2) (Law. Co-op. Supp. 1990), and the administrative hearing provided by Section 8(i)(2)(H) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(2)(H) (Law. Co-op. Supp. 1990), 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.S. § 1818(h) (Law. Co-op. Supp. 1990), or to otherwise challenge the validity of the Order.



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ORDER OF CIVIL MONEY PENALTY ASSESSMENT

WHEREAS, Donald H. Bell has executed a Stipulation and Consent to Issuance of 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, Donald H. Bell 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"), 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.S. § 1818(i)(2) (Law. Co-op. Supp. 1990);

