

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of) DONA ANA SAVINGS AND LOAN) ASSOCIATION) Las Cruces, New Mexico)	Re: Resolution No.: <u>DAL-91-64</u>
	Dated: <u>June 20, 1991</u>

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

The Office of Thrift Supervision ("OTS"), by and through the Regional Director for the Midwest Region and Dona Ana Savings and Loan Association, Las Cruces, New Mexico ("Dona Ana"), by and through a majority of its directors, 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 Dona Ana pursuant to 12 U.S.C. § 1818(i)(2). Dona Ana desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, without admitting or denying that such grounds exist, hereby stipulates and agrees to the following terms in consideration of the forbearance by the OTS from initiating such administrative civil money penalty assessment proceeding against Dona Ana with respect to violations, cited in an examination report for the examination dated August 21, 1990, of the following provisions on or before August 21, 1990:

- (a) 12 C.F.R. § 202.9;
- (b) 12 C.F.R. § 226.17;

- (c) 12 C.F.R. § 226.22;
- (d) 12 C.F.R. § 563.48; and
- (e) 31 C.F.R. Part 103.

2. JURISDICTION.

- (a) Dona Ana is a "savings association" within the meaning of Section 3 of the Federal Deposit Insurance Act ("FDIA") and Section 2 of the Home Owners' Loan Act of 1933, as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Pub. L. No. 101-73, 103 Stat. 183. Accordingly it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(c)).
- (b) 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 savings association. Therefore, Dona Ana is subject to the authority of the OTS to initiate and maintain the assessment of a civil money penalty pursuant to 12 U.S.C. § 1818(i)(2).

3. CONSENT.

Dona Ana, by and through a majority of its directors, consents to the issuance by the OTS of the accompanying Order and 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 12 U.S.C. § 1818(i)(2). Upon its issuance by the Regional Director for the Midwest Region, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)).

5. WAIVERS.

Dona Ana waives the right to a Notice of Assessment of Civil Money Penalty provided by Section 8(i) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)) and the administrative hearing provided by 12 U.S.C. § 1818(i)(2)(H), and further waives its right to seek judicial review of the Order, including any such right provided by Section 8(h) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(h)) or to otherwise challenge the validity of the Order.

WHEREFORE, in consideration of the foregoing, the Regional Director for the Midwest Region on behalf of the OTS, and Dona Ana, through a majority of its directors, execute this Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment.

OFFICE OF THRIFT SUPERVISION

DONA ANA SAVINGS AND LOAN ASSOCIATION
Las Cruces, New Mexico

By:

By Its Directors:

/S/

Billy C. Wood
Regional Director
Midwest Regional Office

/S/

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/S/

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