

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

FHLBB
OFFICE OF
ENFORCEMENT

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IN THE MATTER OF:

CURTIS A. HENNESY, FORMER
DIRECTOR, PRESIDENT, AND
MANAGING OFFICER
OF
DRYADES SAVINGS AND LOAN
ASSOCIATION
NEW ORLEANS, LOUISIANA

Resolution No. DAL-91-224

Dated: December 9, 1991

STIPULATION AND CONSENT TO THE ENTRY OF
ASSESSMENT OF CIVIL MONEY PENALTIES

The Office of Thrift Supervision ("OTS"), by and through the Regional Director for the Midwest Regional Office in Dallas, Texas, and Curtis A. Hennesy ("Hennesy"), former Director, President, and Managing Officer of Dryades Savings and Loan Association, New Orleans, Louisiana ("Institution"), 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 Hennesy, pursuant to 12 U.S.C. § 1818(1)(2) (1988 & Supp. I 1989). Hennesy desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, for purposes of settlement of this matter, 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 Hennesy with respect to violations of 12 C.F.R. § 563.172(c) and any other regulatory violation that may have occurred as a result of actions or inactions or recordkeeping in conjunction with the valuation of real estate and classification of assets by the

Institution that occurred while Hennesy was Director, President, and Managing Officer of the Institution.

2. JURISDICTION

- (a) Dryades Savings and Loan Association, New Orleans, Louisiana was a "savings association" within the meaning of Section 3(b) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1813(b) (1988 & Supp. I 1989), and Section 2(4) of the Home Owners' Loan Act of 1933 ("HOLA"), 12 U.S.C. § 1462(4) (Supp. I 1989), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Pub. L. No. 101-73, 103 Stat. 183. Accordingly it was 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 & Supp. I 1989).
- (b) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. § 1813(q) (1988 & Supp. I 1989), as amended by FIRREA, the OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such a savings association and persons participating in the conduct of the affairs thereof.
- (c) Hennesy was a director and/or officer and/or person participating in the affairs of the Institution at all times relevant to the allegations set forth herein, and as such, was an "institution-affiliated

party" as that term is defined in Section 3(u) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(u) (1988 & Supp. I 1989).

- (d) As an institution-affiliated party, Hennesy is subject to the OTS's authority to initiate and maintain the assessment of a civil money penalty pursuant to 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989). Hennesy has relied on the representation of the OTS with respect to jurisdiction.

3. CONSENT

- (a) Hennesy consents to the issuance by OTS of the accompanying Order and further agrees to comply with its terms upon issuance. Hennesy has relied on the representation of the OTS with respect to the Order's compliance with all requirements of law.
- (b) Hennesy acknowledges that the debt owed pursuant to the Order is not dischargeable under the Bankruptcy Code, in accordance with 11 U.S.C. § 523(a)(11) and (12), as amended by Section 2522 of the Comprehensive Thrift and Bank Fraud Protection and Taxpayer Recovery Act of 1990, Pub. L. No. 101-647, November 29, 1990.

4. FINALITY

The Order is issued under 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989). Upon its issuance by the Regional Director for the Midwest Regional Office, Dallas, Texas, it shall be a final order, effective and fully enforceable by the OTS under the

provisions of Section 8(i)(2) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989).

5. WAIVERS

- (a) Hennesy waives the 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 & Supp. I 1989) and the administrative hearing provided by 12 U.S.C. § 1818(i)(2)(H) (1988 & 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 & Supp. I 1989).
- (b) Hennesy acknowledges and agrees that this proceeding, and his consent to the entry of the Order are for the purposes of resolving all OTS civil proceedings and administrative civil money penalty assessment proceedings only, against Hennesy as well as the Directors with whom he served at the Institution, and do not resolve, affect or preclude any other proceeding which may be brought against Hennesy by any other governmental agency.

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DRYADES SAVINGS AND LOAN)
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NEW ORLEANS, LOUISIANA)

Resolution No. DAL-91-224

Dated: December 9, 1991

ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

WHEREAS, Curtis A. Hennesy ("Hennesy"), a former Director, President, and Managing Officer of Dryades Savings and Loan Association, New Orleans, Louisiana has executed a Stipulation and Consent to the Assessment of Civil Money Penalties, which is incorporated herein by reference ("Stipulation") and is accepted and approved by the Office of Thrift Supervision ("OTS") acting through the Regional Director for the Midwest Regional Office; and

WHEREAS, Hennesy, in the Stipulation, has consented to the issuance of this Order of Civil Money Penalty Assessment pursuant to 12 U.S.C. § 1818(i)(2) (1988 & Supp. 1 1989).

NOW THEREFORE, IT IS ORDERED that:

1. Hennesy shall pay to the OTS the sum of \$10,000;
2. Hennesy shall comply with Paragraph (2) of this Order by making an initial One Thousand Dollar (\$1,000) payment within 5 days of the execution date of this Order, and thereafter monthly installments of One Thousand Dollars (\$1,000) commencing on January 5, 1992, which shall be due and payable on the fifth day of each calendar month until the entire amount assessed has been paid;

