



consideration of the forbearance of OTS from initiating such administrative prohibition litigation against Pena.

2. JURISDICTION

- (a) Amigo at all times relevant to the allegations set forth herein, was a "savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C. § 1813(b) and Section 2(4) of the Home Owners' Loan Act of 1933, as amended by Section 301 of FIRREA at 12 U.S.C. § 1462(4). Accordingly, it was an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, as amended by Section 204 of the FIRREA, at 12 U.S.C. § 1813(c)(2).
- (b) Pursuant to Section 3(q) of the FDIA, as amended by Section 204 of the FIRREA at 12 U.S.C. § 1813(q) (1988 & Supp. I 1989), the OTS is the "appropriate Federal banking agency" to maintain an enforcement proceeding against such a savings association or its institution-affiliated parties.
- (c) Pena was employed by Amigo from approximately 1985 to 1990. During the course of her employment, Pena served as Assistant Vice President.
  - (i) From 1985 to 1990, Pena made unauthorized withdrawals and transferred funds from various accountholders' individual retirement accounts ("IRA") at Amigo. The unauthorized withdrawals and transfers involved 18 Amigo accountholders and 74

IRAs. Said accountholders included Glen Balch, Phyliss Balch, Jovita Chase, Louis Ralph Coven, Guadalupe R. Garcia, Frank Lasseigne, Harris Lasseigne, Jr., Kathryn Lasseigne, Sidney Lasseigne, Sylvia Longoria, Antonio Rodriguez, Gerald R. Schoendorf, David Sommer, Guadalupe Sommer, Pat Stanford, Catherine Jo Young, John J. Young III, and Joe Zayas. In addition, Pena created and issued numerous checks in the amounts of the unauthorized withdrawals. These checks were drawn on Amigo's account at International Bank, N.A., ("International") Brownsville, Texas, Account No. 0005487, and were made payable to the various Amigo IRA accountholders from whose accounts the unauthorized withdrawals were made. Pena forged the signatures of some of the Amigo IRA accountholders named above, thereby endorsing the checks, and subsequently cashed the checks at International. Amigo suffered a loss of \$297,626 plus interest as a result of Pena's actions.

- (ii) Pena has violated 12 C.F.R. § 563.17-1 (now 12 C.F.R. § 563.170(c)), engaged in unsafe and unsound practices, and breached her fiduciary duty as an officer of Amigo within the meaning of 12 U.S.C. §§ 1818(e)(1)(A)(i)(I), 1818(e)(1)(A)(ii) and (iii).

- (iii) By reason of Pena's actions, Amigo suffered a financial loss of \$297,626 plus interest and Pena received a financial benefit within the meaning of 12 U.S.C. §§ 1818(e)(1)(B)(i) and (iii).
  - (iv) Pena's actions involved personal dishonesty and demonstrated a willful and continuing disregard for the safety and soundness of Amigo within the meaning of 12 U.S.C. §§ 1818(e)(1)(C)(i) and (ii).
- (d) Pena was at all times relevant to the allegations set forth herein, an Assistant Vice President of Amigo, 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. § 1813(u). Therefore, Pena is subject to the authority of the OTS to initiate and maintain a prohibition proceeding against her pursuant to Section 8(e) of the FDIA, 12 U.S.C. § 1818(e) (1988 & Supp. I 1989).

3. CONSENT

Pena consents to the issuance by the OTS of the accompanying Order of Prohibition ("Order"). She further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of law.



UNITED STATES OF AMERICA  
BEFORE THE  
OFFICE OF THRIFT SUPERVISION

FHLBB  
OFFICE OF  
ENFORCEMENT

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In the Matter of )

Raquel A. Pena )  
Former Assistant Vice President )  
Amigo Savings and Loan )  
Association )  
Brownsville, Texas )

Re: Resolution No. DAL-91-225

Dated: December 10, 1991

ORDER OF PROHIBITION

WHEREAS, Raquel A. Pena has executed a Stipulation and Consent to the Entry of a Prohibition Order ("Stipulation"), which is accepted and approved by the Office of Thrift Supervision ("OTS") acting through its Regional Director for the Midwest Regional Office, Dallas, Texas; and

WHEREAS, Raquel A. Pena, in the Stipulation has consented and agreed to the issuance of this Order of Prohibition ("Order"), pursuant to Section 8(e) 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.

NOW THEREFORE, IT IS ORDERED that:

1. Raquel A. Pena is prohibited from further participation, in any manner, in the conduct of the affairs of Amigo Savings and Loan Association, Brownsville, Texas, and its service corporations.
2. Without the prior written approval of the Regional Director for the Midwest Regional Office and, if appropriate, another Federal

financial institutions regulatory agency, Raquel A. Pena may not hold any office in, or participate in any manner in the conduct of the affairs of any institution(s) or other entity as set forth in Section 8(e)(7)(a) of the FDIA, as amended by FIRREA 12 U.S.C. § 1818(e)(7)(a) (1988 & Supp. I 1989). Pursuant to Section 8(e)(6) of the FDIA, 12 U.S.C. § 1818(E)(6) (1988 & Supp. I 1989), conduct prohibited by this Order includes, inter alia, the solicitation, the transfer or the exercise of any voting rights with respect to any securities issued by any insured depository institution.

3. The Stipulation is made a part hereof and is incorporated herein by this reference.
4. This Order is subject to the provisions of Section 8(j) of the FDIA, 12 U.S.C. § 1818(j) (1988 & Supp. I 1989), and shall become effective on the date it is issued.

OFFICE OF THRIFT SUPERVISION

BY: \_\_\_\_\_ /S/  
BILLY C. GOOD  
REGIONAL DIRECTOR  
MIDWEST REGIONAL OFFICE  
DALLAS, TEXAS