

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

FHLBB
OFFICE OF
ASSESSMENT

JAN 10 1991

In the Matter of)
)
Maria Antonieta Silva de Pimienta,)
Controlling Shareholder and)
Director of)
VSFSB Holding Corporation of)
First Federal Savings Bank)
San Antonio, Texas)

Resolution No. DAL-91-239

Dated: December 31, 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 Region, and Maria Antonieta Silva de Pimienta ("Respondent") 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 the Respondent pursuant to Section 10(i)(2) of the Home Owners' Loan Act ("HOLA"), 12 U.S.C. § 1467(a)(i)(2) (Supp. I 1989), and Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 ("FIRREA"). The Respondent desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, without entering an admission or denial that such grounds exist, hereby stipulates and agrees to

the following terms of the Order of Assessment providing for assessment of two thousand (\$2,000) dollars in consideration of the forbearance by the OTS from initiating such administrative civil money penalty assessment proceeding against the Respondent with respect to the findings in the April 2, 1991, OTS examination report of the VBFSB Holding Company ("VBFSB") that the Respondent, a controlling shareholder and director of VBFSB, caused VBFSB to violate 12 U.S.C. § 1467a(b) and 12 C.F.R. § 584.1 and thereby engaged in unsafe and unsound practices.

2. JURISDICTION.

- (a) VBFSB is a "savings and loan holding company" within the meaning of Section 10(a)(1)(D) of the HOLA, 12 U.S.C. § 1467a(a)(1)(D), as amended by FIRREA.
- (b) Respondent was, at all times relevant to the allegations set forth herein, a controlling shareholder and director of VBFSB.
- (c) Pursuant to Section 3(q) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(q)), the OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against Respondent. Therefore, the Respondent is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty

pursuant to Section 10(i)(2) of HOLA, 12 U.S.C. § 1467a(i)(2) (Supp. I 1989) and Section 8(i)(2) of the FDIA, 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989).

3. CONSENT.

Respondent consents to the issuance by the OTS of the accompanying Order of Civil Money Penalty Assessment ("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 Section 8(i)(2) of the FDIA, 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989). 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, 12 U.S.C. § 1818(i) (1988 & Supp. I 1989).

5. WAIVERS.

(a) Respondent waives the right to a Notice of Assessment of Civil Money Penalty provided by Section 8(i) of the FDIA, 12 U.S.C. § 1818(i) (1988 & Supp. I 1989) and the administrative hearing provided by Section 8(i)(2)(H) of the FDIA, 12 U.S.C. § 1818(i)(2)(H) (1988 & Supp. I 1989), and further waives the right to seek judicial review of the Order, including any such right provided by Section 8(h) of the FDIA, 12 U.S.C. § 1818(h) (1988 & Supp. I 1989) or to otherwise challenge the validity of the Order.

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ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

WHEREAS, Maria Antonieta Silva de Pimienta has executed a Stipulation and Consent to the Entry of 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 Region; and

WHEREAS, Maria Antonieta Silva de Pimienta, in the Stipulation, has consented to the entry of this Order of Assessment of Civil Money Penalties pursuant to Section (10)(i)(2) of the Home Owners' Loan Act ("HOLA"), 12 U.S.C. § 1467a(i)(2) (Supp. I 1989), and Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 ("FIRREA");

NOW THEREFORE, IT IS ORDERED that:

- (1) Maria Antonieta Silva de Pimienta shall pay to the OTS the sum of two thousand (\$2,000) dollars to settle and compromise matters relating to Maria Antonieta Silva de Pimienta, a controlling shareholder and director of VBFSB Holding Corporation, causing

