

UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION

In the Matter of	)	
	)	
Theodore J. Ehney, Jr.	)	Re: Enforcement Review Committee
	)	Resolution No. ERC 90-15
	)	dated January 17, 1990
	)	
First Savings Bank	)	
and Trust, F.S.B.,	)	
	)	
Kansas City, Missouri	)	

STIPULATION AND CONSENT TO ISSUANCE  
OF ORDER OF REMOVAL AND PROHIBITION

The Office of Thrift Supervision ("OTS"), by and through its Enforcement Review Committee ("ERC"), and Theodore J. Ehney, Jr., hereby stipulate and agree as follows:

1. Consideration. The OTS, based upon information reported to it, is of the opinion that the grounds exist to initiate an administrative removal and prohibition proceeding against Theodore J. Ehney, Jr., 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, Pub. L. No. 101-73, 103 Stat. 183 ("FIRREA") (to be codified at 12 U.S.C. § 1818(e)). Theodore J. Ehney, Jr., desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, while denying that such grounds exist, hereby stipulates and agrees to the following terms in consideration of the forbearance of OTS from initiating such administrative removal and

prohibition litigation against him.

2. Jurisdiction.

(a) First Savings Bank and Trust, F.S.B. ("First Savings") is a "savings association" within the meaning of Section 3 of the FDIA and Section 2 of the Home Owners' Loan Act of 1933, 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 (to be codified at 12 U.S.C. § 1813(c)).

(b) OTS contends that Theodore J. Ehney, Jr., is an "institution-affiliated party" of First Savings, as that term is defined in Section 3(u) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(u)). Theodore J. Ehney would not assert a lack of jurisdiction in any subsequent action to enforce the Order of Removal and Prohibition ("Order").

(c) Pursuant to Section 3 of the FDIA as amended by FIRREA, the OTS is the "appropriate Federal banking agency" to maintain enforcement proceedings against such a savings association or its institution-affiliated parties. Therefore, OTS contends that Theodore J. Ehney, Jr., is subject to the authority of the OTS to initiate and maintain a removal and prohibition proceeding against him pursuant to Section 8(e) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(e)).

3. Consent. Though Theodore J. Ehney, Jr., denies that he is an "institution-affiliated party" of First Savings, and further denies that any grounds exist upon which to initiate an administrative removal and prohibition proceeding against him, he nonetheless consents to the issuance by the OTS of the accompanying Order. He further agrees to comply with its terms upon issuance.

4. Finality. The Order is issued under Section 8(e) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(e)). Upon its issuance by the ERC, 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)). Neither this Stipulation nor the accompanying Order shall be admissible in any proceeding, except a proceeding to enforce such Order.

5. Waivers. Theodore J. Ehney, Jr., waives his right to a notice of intention to remove and prohibit and the administrative hearing provided by Section 8(e) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(e)), 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 (to be codified at 12 U.S.C. § 1818(h)), or otherwise to challenge the validity of the Order.

WHEREFORE, in consideration of the foregoing, the ERC, on behalf of the OTS, and Theodore J. Ehney, Jr., execute this Stipulation and Consent to Issuance of Order of Removal and Prohibition.

OFFICE OF THRIFT SUPERVISION

By:

15/  
Rosemary Stewart  
Secretary, Enforcement Review  
Committee and  
Director of Enforcement

15/  
Theodore J. Ehney, Jr.

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ORDER OF REMOVAL AND PROHIBITION

WHEREAS, Theodore J. Ehney, Jr., has executed a Stipulation and Consent to Issuance of Order of Removal and Prohibition ("Stipulation"), which is accepted and approved by the Office of Thrift Supervision ("OTS") acting through its Enforcement Review Committee; and

WHEREAS, Theodore J. Ehney, Jr., in the Stipulation has consented and agreed to the issuance of this Order of Removal and 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. Theodore J. Ehney, Jr., is prohibited from being an institution-affiliated party of First Savings Bank and Trust, F.S.B., Kansas City, Missouri ("First Savings"), its holding company(ies), subsidiary(ies), or service corporation(s).

2. Without the prior written approval of the OTS (and, if appropriate, another Federal financial institutions regulatory agency), Theodore J. Ehney, Jr. 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 (to be codified at 12 U.S.C. § 1818(e)(7)(A)). Pursuant to Section 8(e)(6) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(e)(6)), conduct prohibited by this Order includes, inter alia, the solicitation, transfer, or 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, as amended by FIRREA (to be condified at § 1818(j)), and shall become effective on the date it is issued.

THE OFFICE OF THRIFT SUPERVISION

By:

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\_\_\_\_\_  
Rosemary Stewart  
Secretary, Enforcement Review  
Committee and  
Director of Enforcement