

UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION

In the Matter of )  
 )  
Franklin Jones, Jr. )  
 )

Re: Resolution No. DAL-90-07  
Dated: May 29, 1990

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

The Office of Thrift Supervision ("OTS"), by and through the District Director for the Dallas District and Franklin Jones, Jr. 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 Franklin Jones, Jr. pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA") as amended by the Financial Institutions Reform, Recovery and Enforcement Act ("FIRREA"), (to be codified at 12 U.S.C. § 1818(i)(2)). Franklin Jones, Jr. desires to cooperate with 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 Franklin Jones, Jr. with respect to the following

matters:

a. Cited violations of Section 4(a) of the Supervisory Agreement dated May 10, 1989, between Marshall Federal Savings and Loan Association and the Federal Home Loan Bank Board (predecessor to the OTS), and which Franklin Jones, Jr. signed as a director of Marshall Federal Savings Association.

b. Forty-seven violations of the Federal Reserve Board's Regulation Z, 12 C.F.R. Part. 226 as cited in the April 13, 1988, report of examination of Marshall Federal Savings and Loan Association.

c. Fifteen additional violations of the Federal Reserve Board's Regulation Z, 12 C.F.R. Part 226 as cited in the January 2, 1990, Consumer/compliance report of examination of Marshall Federal Savings and Loan Association.

2. Jurisdiction.

(a) Marshall Federal Savings and Loan Association at all times relevant to the allegations set forth herein, was 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 FIRREA. Accordingly it was 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) Franklin Jones, Jr. was at all times relevant to the allegations set forth herein, a director of Marshall Federal Savings and Loan Association and as such was an Institution-affiliated Party within the meaning of Section 3(u) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(u)).

(c) Pursuant to Section 3 of the FDIA, as amended by FIRREA, OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such an Institution-affiliated Party. Therefore, Franklin Jones, Jr. is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to Section 8(i)(2) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)(2)).

3. Consent.

Franklin Jones, Jr. consents to the issuance by 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 Section 8(i)(2) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)(2)). Upon its issuance by the District Director for the Dallas District, it shall be a final order, effective and fully enforceable by OTS under the provisions of Section 8(i)(2) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. §1818(i)(2)).

5. Waivers

Franklin Jones, Jr. 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 (to be codified at 12 U.S.C. § 1818(i)(2)) and the administrative hearing provided by Section 8(i)(2)(H) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1818(i)(2)(H)), 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 to otherwise challenge the validity of the Order.

WHEREFORE, in consideration of the foregoing, the District Director for the Dallas District on behalf of OTS, and Franklin Jones, Jr. execute this Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment.

OFFICE OF THRIFT SUPERVISION

By: 151  
Billy C. Wood  
District Director  
Dallas  
District Office

151  
Franklin Jones, Jr.

