

UNITED STATES OF AMERICA
BEFORE THE
OFFICE OF THRIFT SUPERVISION

In the Matter of:)

CHARLES E. HALEY,)
Institution-Affiliated)
Party of:)

Davy Crockett Federal Savings)
Bank, Crockett, Texas)
_____)

RE: Resolution No. DAL-91-158

DATED: September 18, 1991

STIPULATION AND CONSENT TO
ISSUANCE OF ORDER OF PROHIBITION

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Midwest Regional Office, and Charles E. Haley ("Haley") stipulate and agree as follows:

1. Consideration. The OTS is of the opinion that the grounds exist to initiate an administrative prohibition proceeding against Haley 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"), now codified at 12 U.S.C. § 1818(e). Haley desires to avoid any litigation involved in such a prohibition proceeding, and he consents to the following terms in consideration of the forbearance of OTS from initiating such litigation against him.

2 Jurisdiction.

(a) The Institution Davy Crockett Federal Savings Bank is 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, 12 U.S.C. § 1462(4). Accordingly, it is 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).

(b) Until August 9, 1989, the accounts of the Institution were insured by the Federal Savings and Loan Insurance Corporation ("FSLIC") pursuant to Section 403(b) of the National Housing Act of 1934 ("NHA"), 12 U.S.C. § 1726(b), by reason of which it was an "insured institution" within the meaning of the NHA.

(c) As of August 9, 1989, pursuant to the provisions of FIRREA, the insurance of the accounts of the Institution was transferred to the Federal Deposit Insurance Corporation.

(d) Until August 9, 1989, the Federal Home Loan Bank Board ("FHLBB"), as operating head of the FSLIC, was the regulatory agency with jurisdiction over the Institution and persons participating in the conduct of the affairs thereof, including Haley, pursuant to Section 5 of the HOLA, 12 U.S.C. § 1464.

(e) As of August 9, 1989, pursuant to Section 3(q) of the FDIA, as amended by Section 204 of the FIRREA, 12 U.S.C. § 1813(q), the OTS succeeded to the interests of the FHLBB with

respect to the supervision and regulation of all savings associations, and thus became the "appropriate Federal banking agency" with jurisdiction over the Institution and persons participating in the conduct of the affairs thereof.

(f) The Director of the OTS has the authority to bring an administrative removal and prohibition proceedings against Haley pursuant to Section 5(d)(1)(A) of the HOLA, as amended by Section 301 of the FIRREA, 12 U.S.C. § 1464(d)(1)(A), and Section 8 of the FDIA, as amended by the FIRREA, 12 U.S.C. § 1818.

(g) Haley was an employee of the Institution from January, 1989, through May, 1990, so as to be an "institution-affiliated party" as defined by 12 U.S.C. § 1813(u).

3 Consent. Without admitting or denying that the grounds exist therefor, Haley consents to the issuance by the OTS of the accompanying Order of Prohibition ("Order"). He further agrees to comply with its terms upon issuance.

4. Finality. The Order, upon its issuance by the Regional Director for the Midwest Regional Office of OTS, 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, 12 U.S.C. § 1818(i).

5 Waivers. Haley waives his right to a notice of intention to prohibit and to any administrative hearing provided by Section

UNITED STATES OF AMERICA
BEFORE THE
OFFICE OF THRIFT SUPERVISION

In the Matter of:)

CHARLES E. HALEY)
Institution-Affiliated)
Party of:)

Davy Crockett Federal Savings)
Bank, Crockett, Texas)

RE: Resolution No. DAL-91-158

DATED: September 18, 1991

ORDER OF PROHIBITION

WHEREAS, Charles E. Haley ("Haley") has executed a Stipulation and Consent to Order of Prohibition ("Consent"), which is accepted and approved by the Office of Thrift Supervision ("OTS") acting through its Regional Director for the Midwest Regional Office; and

WHEREAS, Haley in the Consent has consented and agreed to the issuance of this Order of Prohibition ("Order"); and

WHEREAS, the OTS, acting through its Regional Director for the Midwest Region, has authority to execute this Order of Prohibition 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"), now codified at 12 U.S.C. § 1818(e), and pursuant to prior administrative delegation of authority to OTS Regional Directors.

THEREFORE, IT IS ORDERED AS FOLLOWS:

1. Haley is prohibited from further participation, in any manner, in the conduct of the affairs of Davy Crockett Federal Savings Bank, Crockett, Texas, and any of its service corporations.

2. Haley shall not hold any office in, or participate in any manner in the conduct of the affairs of any insured depository institution or any institution or other entity as set forth in Section 8(e)(7)(A) of the FDIA, as amended by FIRREA, now codified at 12 U.S.C. § 1818(e)(7)(A), without the prior written approval of the Office of Thrift Supervision and any other appropriate Federal financial institutions regulatory agency of any institution with respect to which Haley may propose to become an institution-affiliated party. Pursuant to Section 8(e)(6) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1818(e)(6), conduct prohibited by this Order includes the solicitation, the transfer or the exercise of any voting rights with respect to any securities issued by any insured depository institution, as well as all other conduct prohibited by 12 U.S.C. § 1818(e)(6).

3. Haley shall not be prohibited from the following activities:

(a) being a customer, as a depositor or borrower, of an insured depository institution; or

(b) owning stock in an insured depository institution.

Activities outlined in this Paragraph 3 may not be performed in a manner that would make Haley an "institution-affiliated party" as that term is defined at Section 3(u) of the FDIA, as amended by FIRREA, 12 U.S.C. § 1813(u).

4. The Consent is made a part hereof and is incorporated herein by this reference.

