

UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION  
DEPARTMENT OF THE TREASURY

In the Matter of	)	
	)	
Ramiro L. Colón,	)	Re: OTS No. 90-1565
Wendell W. Colón,	)	
and	)	
Ponce Federal Bank, F.S.B.,	)	FINAL ORDER ISSUED TO
Ponce, Puerto Rico,	)	WENDELL W. COLÓN
and	)	
the Directors of	)	OTS AP
Ponce Federal Bank, F.S.B.	)	DIRECTOR'S ORDER No. 91-14
	)	dated

WHEREAS, the Director of the Office of Thrift Supervision ("OTS"), on August 23, 1990, commenced the above-captioned administrative enforcement proceeding by issuing and serving a Notice of Charges on the respondents, including Wendell W. Colón ("Wendell Colón"); and

WHEREAS, Wendell Colón has executed a Stipulation, attached hereto as Exhibit A and incorporated herein by this reference (the "Stipulation"), whereby, without admitting or denying the charges set forth in Notice of Charges, he stipulates and consents to the issuance of this Order.

NOW THEREFORE, the Director of the OTS, pursuant to Section 8 of the Federal Deposit Insurance Act ("FDIA"), as amended,<sup>1</sup> HEREBY ORDERS as follows:

1. Section 8 of the FDIA was most recently on August 9, 1989, upon the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Pub. L. No. 101-73, 103 Stat. 183.

1. (a) Except as otherwise provided by this Order or Section 8 of the FDIA, Wendell Colón shall not hold any office at, or otherwise participate in any manner in the conduct of the affairs of, the following institutions (the "(e)(7)(A) institutions"): Ponce Federal Bank, F.S.B. (the "Bank"), Ponce, Puerto Rico; any other insured depository institution within the meaning of section 3(c)(2) of the FDIA, as amended; any institution treated as an insured bank under subsections (b)(3) or (b)(4) of FDIA Section 8, or as a savings association under subsection (b)(8) of FDIA Section 8; any insured credit union under the Federal Credit Union Act; any institution chartered under the Farm Credit Act of 1971; any appropriate Federal depository institution regulatory agency, within the meaning of Section 3(q) of the FDIA; the Federal Housing Finance Board and any Federal home loan bank; and the Resolution Trust Corporation. This Paragraph is issued by the Director pursuant to Section 8(e) of the FDIA, 12 U.S.C.A. § 1818(e) (West 1989). Conduct subject to the limitations of this Order includes, inter alia, the solicitation, transfer, or exercise of any voting rights with respect to any securities issued by any (e)(7)(A) institution. See 12 U.S.C.A. § 1818(e)(6) (West 1989).

(b) Notwithstanding the foregoing limitations, this Order shall not have the effect of prohibiting Wendell Colón from (i) serving as a Notary in accordance with the Puerto Rico Notarial Act, 4 L.P.R.A. § 2001 et seq., in connection with transactions where one of the parties to the transaction is an insured depository institution (other than the Bank), or (ii)

without limiting in any way the authority granted by (i) above, serving as an attorney at law on behalf of third parties, e.g., borrowers and depositors, in connection with transactions involving insured depository institutions (other than the Bank) so long as his representation is consistent with his ethical obligations under the laws of the Commonwealth of Puerto Rico.

2. Upon execution of the Stipulation, Wendell Colón shall make payment to the Bank of Fifty Thousand United States Dollars (\$50,000.00) in cash or its equivalent in immediately available funds. This payment obligation, which is ordered pursuant to Section 8(b) of the FDIA, 12 U.S.C.A. § 1818(b) (West 1989), is the joint and several obligation of Wendell Colón And Ramiro L. Colón, Jr.

3. All technical words or phrases used in this Order, for which meanings are not otherwise specified or otherwise provided by the provisions of this Order, shall insofar as applicable, have the meanings set forth in one or more of the following laws and regulations: the Home Owners' Loan Act, as amended by FIRREA; the FDIA, as amended by FIRREA; and the regulations of the OTS, as codified in the Code of Federal Regulations, Title 12, Chapter V (or currently published in the Federal Register). Any technical words or phrases not subject to definition in the foregoing laws and regulations shall have meanings that accord with the best custom and usage in the savings association industry.

5. This Order shall be and is effective and enforceable upon service on counsel of record for Wendell Colón.

IT IS SO ORDERED on this 4<sup>th</sup> day of March 1990.

OFFICE OF THRIFT SUPERVISION  
By:

- TSJ  
\_\_\_\_\_  
Timothy Ryan, Director

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In the Matter of )  
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Ramiro L. Colón, Jr., )  
Wendell W. Colón, )  
Ponce Federal Bank, F.S.B., )  
Ponce, Puerto Rico, )  
and )  
the Directors of )  
Ponce Federal Bank, F.S.B )

Re: OTS No. 90-1565

STIPULATION TO ORDER  
TO WENDELL W. COLÓN

This Stipulation (the "Stipulation") is made as of this 7th day of March, 1990, by and between the Director (the "Director") of the Office of Thrift Supervision ("OTS") and Wendell W. Colón ("Wendell Colón").

RECITALS AND CONSIDERATION

WHEREAS, on August 23, 1990, the Director, in the exercise of authority conferred on him by Section 8 of the Federal Deposit Insurance Act ("FDIA"), as amended, commenced the above-captioned administrative enforcement proceeding by issuing a Notice of Charges dated August 23, 1990 (the "Notice of Charges"), and serving a copy thereof on Wendell Colón; and

WHEREAS, in settlement of the aforesaid administrative enforcement proceeding against him, Wendell Colón, without admitting or denying the charges set forth in the Notice of Charges or otherwise admitting any culpability, is willing to stipulate and consent to the issuance of the attached Final Order (the "Order") by the OTS;

(11/2/90)

NOW, THEREFORE, in consideration of the foregoing premises, the parties hereto hereby enter into the Stipulation.

1. Jurisdiction. Wendell Colón acknowledges that the OTS, the appropriate Federal banking agency with respect to Ponce Federal Bank, F.S.B. (the "Bank"), Ponce, Puerto Rico, is issuing the Order to him pursuant to Section 8 of the Federal Deposit Insurance Act ("FDIA"), as amended, 12 U.S.C.A. § 1818 (West 1989).

2. Consent. Without admitting or denying that the OTS is empowered to seek the relief contained in the Order and without the Stipulation constituting an admission of any allegations made or implied in the Notice of Charges, Wendell Colón hereby agrees to comply with the terms of the Order. The Stipulation and consent by Wendell Colón is in consideration for the agreement by the OTS to refrain from seeking the issuance of additional enforcement orders and/or assessments against Wendell Colón with respect to any matters (i) reported in the OTS Reports of Examination of the Bank for the examinations commenced on April 18, 1989, and February 21, 1990, or (ii) discovered by the OTS as a result of its investigative proceeding, commenced pursuant to Federal Home Loan Bank Board Res. No. ERC-89-95, dated August 4, 1989.

3. Finality. The Order is issued by the OTS under the authority of Section 8 of the FDIA, as amended, 12 U.S.C.A. § 1818 (West 1989). Upon issuance of the Order, it shall be a final order that is effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, as amended, 12 U.S.C.A. §

(11/2/90)

1818(i) (West 1989).

4. Waivers. Wendell Colón, following consultation with counsel, hereby consents to issuance of the Order and waives the following legal rights:

(i) the right to an administrative hearing of the OTS's charges against him; and

(ii) the right to seek judicial review of the Order, including (but not limited to) any such right provided by Section 8(h) of the FDIA, as amended, 12 U.S.C.A. § 1818(h) (West 1989), or otherwise to challenge the validity of the Order.

WHEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the parties hereto hereby execute this Stipulation.

OFFICE OF THRIFT SUPERVISION  
By:

151

151

~~Wendell W. Colón~~

(11/2/90)