

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of:)	
)	AA-SO-10-129
The Bank, National Association)	
McAlester, Oklahoma)	

ORDER FOR A CIVIL MONEY PENALTY

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) intends to initiate a civil money penalty proceeding against The Bank, National Association, McAlester, Oklahoma (“Bank”), pursuant to 42 U.S.C. § 4012a(f) for a pattern or practice of:

- making, increasing, extending or renewing loans in a special flood hazard area in which flood insurance is available under the National Flood Insurance Act without requiring the property securing the loans to be covered by the requisite flood insurance.

WHEREAS, in the interest of cooperation and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter, the Bank, without admitting or denying any wrongdoing, desires to enter into this Consent Order (“Order”);

NOW, THEREFORE, in consideration of the above premises, it is stipulated by and between the Comptroller, through his duly authorized representative, and the Bank that:

Article I

JURISDICTION

(1) The Bank is a national banking association, chartered and examined by the Comptroller, pursuant to the National Bank Act of 1864, as amended, 12 U.S.C. § 1 *et seq.* Accordingly, the Bank is an “insured depository institution” as that term is defined in 12 U.S.C. § 1813(c)(2) and is a “regulated lending institution” as that term is defined at 42 U.S.C. § 4003(a)(10).

(2) Pursuant to 42 U.S.C. §§ 4003(a)(5) and 4012a(f), the Comptroller is the “appropriate Federal entity for lending regulation” to maintain an enforcement proceeding against the Bank.

Article II

ORDER FOR CIVIL MONEY PENALTY

(1) The Bank hereby consents to the payment of a civil money penalty in the amount of one thousand two hundred dollars (\$ 1200.00), which shall be paid upon execution of this Order.

(2) The Bank shall make payment in full by check made payable to the National Flood Insurance Program and shall deliver the payment to: National Flood Insurance Program, Federal Emergency Management Agency, 1800 South Bell Street, Room 510, Arlington, Virginia 20598.

(3) The Bank shall submit a copy of the check to Attorney, Demitri L. Benson, Office of the Comptroller of the Currency, Southern District, 500 North Akard Street, Suite 1600, Dallas, Texas 75201.

(4) This Order shall be enforceable to the same extent and in the same manner as an effective and outstanding order that has been issued and has become final pursuant to 12 U.S.C. §§ 1818(h) and (i) and 42 U.S.C. § 4012a.

Article III

WAIVERS

- (1) By executing this Order, the Bank waives:
- (a) the right to the issuance of a Notice under 12 U.S.C. § 1818(i) and 42 U.S.C. § 4012a(f)(4) and recognizes that the letter dated December 23, 2010 from Gilbert Barker, the Deputy Comptroller for the Southern District, constitutes a valid substitute notice;
 - (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(i), 12 C.F.R. Part 19, and 42 U.S.C. § 4012a(f)(4);
 - (c) all rights to seek judicial review of this Order;
 - (d) all rights in any way to contest the validity of this Order; and
 - (e) any and all claims for fees, costs or expenses against the Comptroller, or any of his agents or employees, related in any way to this enforcement matter or this Order, whether arising under common law or under the terms of any statute, including, but not limited to, the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
- (2) The Bank declares that no separate promise or inducement of any kind has been made by the Comptroller, his agents or employees to cause or induce the Bank to agree to consent to the issuance of this Order and/or to execute this Order.

IN TESTIMONY WHEREOF, the undersigned, as the duly elected and acting Board of Directors of the Bank, have hereunto set their hands on behalf of the Bank.

<u>/S/</u> Kenneth Alexander	<u>1/24/11</u> Date
<u>/S/</u> Steve Brock	<u>1/24/11</u> Date
<u>/S/</u> Gregory Brown	<u>1/20/11</u> Date
<u>/S/</u> Tim Diehl	<u>1/24/11</u> Date
<u>/S/</u> Matt McGowan	<u>1/24/11</u> Date
<u>/S/</u> Michelle Tompkins	<u>1/24/11</u> Date

