



## ARTICLE I

### COMPTROLLER'S FINDINGS

The Comptroller finds, and the Bank neither admits nor denies, the following:

(1) In the May 5, 2010 Report of Examination, examiners concluded the Bank had an ineffective BSA/AML Compliance Program, resulting in violations of 31 U.S.C. § 5311 et seq., 12 C.F.R. §§ 163.177<sup>1</sup> and 163.180.

(2) On October 15, 2010, the Bank entered into the 2010 Order, which required the Bank to revise its policies, procedures, and systems related to the BSA/AML laws and regulations (“BSA/AML Compliance Program”) and, among other things, address weaknesses with the Bank’s BSA/AML Compliance Program, including a lack of internal controls necessary to ensure effective and timely customer identification, risk assessment, monitoring, validation, and suspicious activity reports (“SARs”).

(3) On July 21, 2011, as a result of the OTS and OCC integration pursuant to Title III of the Dodd-Frank Wall Street Reform and Consumer Protection Act, all functions of the OTS related to federal savings associations were transferred to the OCC.

(4) During the 2011, 2012 and 2013 examinations of the Bank, examiners assessed the Bank’s progress in obtaining compliance with the 2010 Order and determined that the Bank failed to achieve compliance with its requirements. During the 2013 examination, examiners also determined that the Bank had a repeat violation of 12 C.F.R. § 163.180 for failure to ensure timely SAR filings.

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<sup>1</sup> As of June 16, 2014, 12 C.F.R. § 163.177 has been integrated into 12 C.F.R. § 21.21. *See* Fed. Reg. 28393 (May 16, 2014).

## ARTICLE II

### ORDER FOR A CIVIL MONEY PENALTY

Pursuant to the authority vested in him by the Federal Deposit Insurance Act, 12 U.S.C. § 1818(i), the Comptroller orders, and the Bank consents to, the following:

(1) The Bank shall make payment of a civil money penalty in the total amount of two million five hundred thousand dollars (\$2,500,000), which shall be paid upon the execution of this Consent Order:

- (a) If a check is the selected method of payment, the check shall be made payable to the Treasurer of the United States and shall be delivered to: Comptroller of the Currency, P.O. Box 979012, St. Louis, Missouri 63197-9000.
- (b) If a wire transfer is the selected method of payment, it shall be sent in accordance with instructions provided by the Comptroller.
- (c) The docket number of this case (AA-EC-2015-104) shall be entered on the payment document or wire confirmation and a photocopy of the payment document or confirmation of the wire transfer shall be sent immediately, by overnight delivery, to the Director of Enforcement and Compliance, Office of the Comptroller of the Currency, 400 7th Street, S.W., Washington, D.C. 20219.

(2) This Consent 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).

### ARTICLE III

#### OTHER PROVISIONS

(1) This Consent Order is intended to be, and shall be construed to be, a final order issued pursuant to 12 U.S.C. § 1818(i)(2), and expressly does not form, and may not be construed to form, a contract binding on the Comptroller or the United States.

(2) This Order constitutes a settlement of the civil money penalty proceeding against the Bank contemplated by the Comptroller, based on the violations of the 2010 Order, and practices and violations of law described in the Comptroller's Findings set forth in Article I of this Order. The Comptroller releases and discharges the Bank from all potential liability for a civil money penalty that has been or might have been asserted by the Comptroller based on the violations of the 2010 Order or the practices and violations described in Article I of this Order, to the extent known to the Comptroller as of the effective date of this Order. Nothing in the Stipulation or this Order, however, shall prevent the Comptroller from:

- (a) instituting enforcement actions other than a civil money penalty against the Bank based on the findings set forth in Article I of this Order;
- (b) instituting enforcement actions against the Bank based on any other findings;
- (c) instituting enforcement actions against the Bank's institution-affiliated parties based on the findings set forth in Article I of this Order, or any other findings; or
- (d) utilizing the findings set forth in Article I of this Order in future enforcement actions against the Bank or its institution-affiliated parties to establish a pattern or the continuation of a pattern.

Further, nothing in the Stipulation or this Order shall affect any right of the Comptroller to determine and ensure compliance with the terms and provisions of the Stipulation, the 2014 Order, or this Order.

(3) The terms of this Consent Order, including this paragraph, are not subject to amendment or modification by any extraneous expression, prior agreements, or prior arrangements between the parties, whether oral or written.

IT IS SO ORDERED, this 23rd day of February 2016.

/s \_\_\_\_\_  
Michael R. Brickman  
Deputy Comptroller for Special Supervision

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

	)	
<b>In the Matter of:</b>	)	
	)	AA-EC-2015-104
Gibraltar Private Bank and Trust Company	)	
Coral Gables, FL	)	
	)	

**STIPULATION AND CONSENT TO THE ISSUANCE OF A CONSENT ORDER FOR  
THE ASSESSMENT OF A CIVIL MONEY PENALTY**

**WHEREAS**, the Comptroller of the Currency of the United States of America (“Comptroller”), based upon information derived from the exercise of his regulatory and supervisory responsibilities, intends to initiate a civil money penalty (“CMP”) proceeding against Gibraltar Private Bank and Trust Company, Coral Gables, Florida (“Bank”), pursuant to 12 U.S.C. § 1818(i), for violations of the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*, and Bank Secrecy Act regulations 12 C.F.R. §§ 163.177 and 163.180 and the Cease and Desist Order issued by the Office of Thrift Supervision dated October 15, 2010.

**WHEREAS**, in the interest of cooperation and to avoid additional costs associated with administrative and judicial proceedings with respect to the above matter, and without an adjudication on the merits, the Bank, through its duly elected and acting Board of Directors (“Board”), has agreed to execute this Stipulation and Consent to the Issuance of a Consent Order for the Assessment of a Civil Money Penalty (“Stipulation”), that is accepted by the Comptroller, through his duly authorized representative;

**NOW, THEREFORE**, in consideration of the above premises, it is stipulated by the Bank that:

## ARTICLE I

### JURISDICTION

(1) The Bank is a Federal savings association chartered and examined by the Comptroller pursuant to the Homeowners' Loan Act of 1933, as amended, 12 U.S.C. § 1461 *et seq.*

(2) The Comptroller is "the appropriate Federal banking agency" regarding the Bank pursuant to 12 U.S.C. §§ 1813(q) and 1818(i).

(3) The Bank is an "insured depository institution" within the meaning of 12 U.S.C. § 1818(i).

## ARTICLE II

### CONSENT

(1) The Bank, without admitting or denying any wrongdoing, consents and agrees to issuance of the accompanying Consent Order for the Assessment of a Civil Money Penalty ("Consent Order") by the Comptroller.

(2) The Bank consents and agrees that the Consent Order shall be deemed an "order issued with the consent of the depository institution" pursuant to 12 U.S.C. § 1818(h)(2), and consents and agrees that the Consent Order shall become effective upon its execution by the Comptroller through his authorized representative, and shall be fully enforceable by the Comptroller pursuant to 12 U.S.C. § 1818(i).

(3) Notwithstanding the absence of mutuality of obligation, or of consideration, or of a contract, the Comptroller may enforce any of the commitments or obligations herein undertaken by the Bank under his supervisory powers, including 12 U.S.C. § 1818(i), and not as

a matter of contract law. The Bank expressly acknowledges that neither the Bank nor the Comptroller has any intention to enter into a contract.

(4) The Bank declares that no separate promise or inducement of any kind has been made by the Comptroller, or by his agents or employees, to cause or induce the Bank to consent to the issuance of the Consent Order and/or execute this Stipulation.

(5) The Bank expressly acknowledges that no officer or employee of the Comptroller has statutory or other authority to bind the United States, the United States Treasury Department, the Comptroller, or any other federal bank regulatory agency or entity, or any officer or employee of any of those entities to a contract affecting the Comptroller's exercise of his supervisory responsibilities.

(6) The Consent Order constitutes a settlement of the civil money penalty proceeding against the Bank contemplated by the Comptroller, based on the violations of the 2010 Order and practices and violations of law described in the Comptroller's Findings set forth in Article I of the Consent Order. The Comptroller releases and discharges the Bank from all potential liability for a civil money penalty that has been or might have been asserted by the Comptroller based on the violations of the 2010 Order or the practices and violations described in Article I of the Consent Order, to the extent known to the Comptroller as of the effective date of the Consent Order. Nothing in this Stipulation or the Consent Order, however, shall prevent the Comptroller from:

- (a) instituting enforcement actions other than a civil money penalty against the Bank based on the findings set forth in Article I of the Consent Order;
- (b) instituting enforcement actions against the Bank based on any other findings;

- (c) instituting enforcement actions against the Bank’s institution-affiliated parties based on the findings set forth in Article I of the Consent Order, or any other findings; or
- (d) utilizing the findings set forth in Article I of the Consent Order in future enforcement actions against the Bank or its institution-affiliated parties to establish a pattern or the continuation of a pattern.

Further, nothing in this Stipulation or the Consent Order shall affect any right of the Comptroller to determine and ensure compliance with the terms and provisions of this Stipulation, the Consent Order, or the OCC ConsentOrder issued on October 16, 2014 (“October 2014 Order”).

### ARTICLE III

#### WAIVERS

- (1) The Bank, by executing this Stipulation and consenting to the Consent Order, waives:
  - (a) Any and all rights to the issuance of a Notice of Charges pursuant to 12 U.S.C. § 1818(i);
  - (b) Any and all procedural rights available in connection with the issuance of the Consent Order;
  - (c) Any and all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(i) and 12 C.F.R. Part 109;
  - (d) Any and all rights to seek any type of administrative or judicial review of the Consent Order;
  - (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 the Consent 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;

- (f) Any and all rights to assert this proceeding, this Stipulation, consent to the issuance of the Consent Order, and/or the issuance of the Consent Order, as the basis for a claim of double jeopardy in any pending or future proceeding brought by the United States Department of Justice or any other governmental entity; and
- (g) Any and all rights to challenge or contest the validity of the Consent Order.

#### ARTICLE IV

##### CLOSING

(1) The provisions of this Stipulation and the Consent Order shall not inhibit, estop, bar, or otherwise prevent the Comptroller from taking any other action affecting the Bank if, at any time, he deems it appropriate to do so to fulfill the responsibilities placed upon him by the several laws of the United States of America.

(2) Nothing in this Stipulation or the Consent Order shall preclude any proceedings brought by the Comptroller to enforce the terms of the Consent Order, and nothing in this Stipulation or the Consent Order constitutes, nor shall the Bank contend that it constitutes, a release, discharge, compromise, settlement, dismissal, or resolution of any actions, or in any way affects any actions that may be or have been brought by any other representative of the United States or an agency thereof, including, without limitation, the United States Department of Justice.

(3) The terms of this Stipulation and the Consent Order are not subject to amendment or modification by any extraneous expression, prior agreements or prior arrangements between the parties, whether oral or written.

IN TESTIMONY WHEREOF, the undersigned, as the duly elected and acting Board of Directors of Gibraltar Private Bank and Trust Company, Coral Gables, FL, have hereunto set their hands on behalf of the Bank.

/s \_\_\_\_\_  
Adolfo Henriques

2/22/2016  
Date

/s \_\_\_\_\_  
Gail Birks

2/22/2016  
Date

/s \_\_\_\_\_  
Eduardo Cisneros

2/22/2016  
Date

/s \_\_\_\_\_  
Robert Dickinson

2/22/2016  
Date

/s \_\_\_\_\_  
James T. Dyke

2/22/2016  
Date

\_\_\_\_\_  
Miguel Farra

\_\_\_\_\_  
Date

/s \_\_\_\_\_  
David Kirkland

2/22/2016  
Date

/s  
Angel Medina

2/22/2016  
Date

\_\_\_\_\_  
John W. Quill

\_\_\_\_\_  
Date

/s  
Ronald G. Stone

2/22/2016  
Date