

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

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In the Matter of:	)	
	)	
Bank of America, N.A.	)	AA-EC-2015-19
Charlotte, North Carolina	)	
_____	)	

**CONSENT ORDER FOR A CIVIL MONEY PENALTY**

The Comptroller of the Currency of the United States of America (“Comptroller”), through his national bank examiners and other staff of the Office of the Comptroller of the Currency (“OCC”), has conducted examinations of Bank of America, N.A., Charlotte, North Carolina (“Bank”). The OCC has identified deficiencies in the Bank’s practices that resulted in a pattern or practice of violations of the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (“FDPA”) (collectively, “Flood Acts”), 42 U.S.C. § 4001, *et seq.*, and their implementing regulations, and has informed the Bank of the findings resulting from the examinations.

The Bank, by and through its duly elected and acting Board of Directors (“Board”), has executed a Stipulation and Consent to the Issuance of an Order for a Civil Money Penalty, dated June 26, 2015, that is accepted by the Comptroller (“Stipulation”). By this Stipulation, which is incorporated herein by reference, the Bank has consented to the issuance of a Consent Order for a Civil Money Penalty (“Order”) by the Comptroller.

ARTICLE I

COMPTROLLER’S FINDINGS

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

(1) The Bank makes, increases, extends, and renews loans secured by improved real estate or mobile homes located in special flood hazard areas for which flood insurance is available under the National Flood Insurance Program (“designated loans”).

(2) In making, increasing, extending, or renewing these designated loans since at least 2011, the Bank engaged in a pattern or practice of violations of the Flood Acts and their implementing regulations, including 12 C.F.R. §§ 22.3 (requirement to purchase flood insurance where available) and 22.9 (notice of special flood hazards and availability of Federal disaster relief assistance).

(3) The violations described in Paragraph (2) of this Article resulted from deficient policies, procedures, and processes and an ineffective FDPA compliance program.

## ARTICLE II

### ORDER FOR CIVIL MONEY PENALTY

Pursuant to the authority vested in him by the FDPA, 42 U.S.C. § 4012a(f), 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 One Million One Hundred and Four Thousand, Five Hundred and Thirty Dollars (\$1,104,530.00) upon execution of this Order:

- (a) A check shall be made payable to the National Flood Insurance Program and shall be delivered to: Kevin Montgomery, Federal Emergency Management Agency, 1800 South Bell Street, Room 510, Arlington, VA 20598-3010.
- (b) The docket number of this case (AA-EC-2015-19) shall be entered on the check and a photocopy of the check shall be sent immediately, by

overnight delivery, to the Director, Enforcement & Compliance Division,  
Office of the Comptroller of the Currency, 400 7th Street, SW,  
Washington, DC 20219.

(2) 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).

### ARTICLE III

#### OTHER PROVISIONS

(1) This Order 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, pursuant to 42 U.S.C. § 4012a(f), against the Bank contemplated by the Comptroller, based on the violations 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 under 42 U.S.C. § 4012a(f) that has been or might have been asserted by the Comptroller based on the 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 under 42 U.S.C. § 4012a(f), 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 and this Order.

(3) The terms of this 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 29th day of June 2015.

s/Ron A. Pasch  
Ron A. Pasch  
Deputy Comptroller  
Large Bank Supervision

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

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Bank of America, N.A.	)	AA-EC-2015-19
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**STIPULATION AND CONSENT TO THE ISSUANCE  
OF A CONSENT ORDER FOR A CIVIL MONEY PENALTY**

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 Bank of America, N.A., Charlotte, North Carolina (“Bank”), pursuant to 42 U.S.C. § 4012a(f), based on its pattern or practice of violations of the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (collectively, “FDPA”), 42 U.S.C. § 4001, *et seq.*, and their implementing regulations.

In the interest of cooperation and to avoid additional costs associated with administrative and judicial proceedings with respect to the above matter, 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 a Civil Money Penalty (“Stipulation”), that is accepted by the Comptroller, through his duly authorized representative.

In consideration of the above premises, it is stipulated by 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.*

(2) The Bank is a “regulated lending institution” as that term is defined in 42 U.S.C. § 4003(a)(10).

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

## ARTICLE II

### CONSENT

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

(2) The terms and provisions of the Order apply to the Bank and all its subsidiaries, even those subsidiaries not named as parties to the Order.

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

(4) 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.

(5) 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 the Order and/or execute this Stipulation.

(6) 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.

(7) The Order constitutes a settlement of the civil money penalty proceeding, pursuant to 42 U.S.C. § 4012a(f), against the Bank contemplated by the Comptroller, based on the violations described in the Comptroller's Findings set forth in Article I of the Order. The Comptroller releases and discharges the Bank from all potential liability for a civil money penalty under 42 U.S.C. § 4012a(f) that has been or might have been asserted by the Comptroller based on the violations described in Article I of the Order, to the extent known to the Comptroller as of the effective date of the Order. Nothing in this Stipulation or the Order, however, shall prevent the Comptroller from:

- (a) instituting enforcement actions, other than a civil money penalty under 42 U.S.C. § 4012a(f), against the Bank based on the findings set forth in Article I of the 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 Order, or any other findings; or
- (d) utilizing the findings set forth in Article I of the 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 Order shall affect any right of the Comptroller to determine and ensure compliance with the terms and provisions of this Stipulation or the Order.

### ARTICLE III

#### WAIVERS

- (1) By executing this Stipulation and consenting to the Order, the Bank waives:
  - (a) Any and all rights to the issuance of a notice pursuant to 12 C.F.R. Part 19 and 42 U.S.C. § 4012a(f)(4);
  - (b) Any and all procedural rights available in connection with the issuance of the Order;
  - (c) Any and all rights to a hearing and a final agency decision pursuant to 12 C.F.R. Part 19 and 42 U.S.C. § 4012a(f)(4);
  - (d) Any and all rights to seek any type of administrative or judicial review of the 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 the 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 Order, and/or the issuance of the 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 in any way to challenge or contest the validity of the Order.

#### ARTICLE IV

##### CLOSING

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

(2) Nothing in this Stipulation or the Order shall preclude any proceedings brought by the Comptroller to enforce the terms of the Order, and nothing in this Stipulation or the 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, including this paragraph, and of the Order are not subject to amendment or modification by extraneous expression, prior agreements, or prior arrangement between the parties, whether oral or written.

**IN TESTIMONY WHEREOF**, the undersigned, as the duly elected and acting Board of Directors of Bank of America, N.A., Charlotte, North Carolina, have hereunto set their hands on behalf of the Bank.

s/Sharon L. Allen  
Sharon L. Allen

6-24-15  
Date

s/Susan S. Bies  
Susan S. Bies

June 26, 2015  
Date

s/Jack O. Bovender, Jr.  
Jack O. Bovender, Jr.

June 26, 2015  
Date

s/Frank P. Bramble, Sr.  
Frank P. Bramble, Sr.

6/23/15  
Date

s/Pierre J.P. de Weck  
Pierre J.P. de Weck

June 26, 2015  
Date

s/Arnold W. Donald  
Arnold W. Donald

6-25-15  
Date

s/Charles K. Gifford  
Charles K. Gifford

June 26, 2015  
Date

s/Linda P. Hudson  
Linda P. Hudson

6/23/15  
Date

s/Monica C. Lozano  
Monica C. Lozano

June 26, 2015  
Date

s/Thomas J. May  
Thomas J. May

June 23, 2015  
Date

s/Broam T. Moynihan  
Brian T. Moynihan

6/23/15  
Date

s/Lionel L. Nowell, III  
Lionel L. Nowell, III

June 24, 2015  
Date

s/R. David Yost  
R. David Yost

June 26, 2015  
Date