

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

**In the Matter of:**

The Federal Savings Bank  
Chicago, Illinois

AA-CE-2020-86

**ORDER FOR A CIVIL MONEY PENALTY**

**WHEREAS**, the Office of the Comptroller of the Currency (“OCC”) has supervisory authority over The Federal Savings Bank (“Bank”);

**WHEREAS**, the OCC intends to initiate civil money penalty proceedings against the Bank pursuant to section 102(f) of the Flood Disaster Protection Act, as amended (“Flood Act”) (42 U.S.C. § 4012a(f)) for a pattern or practice of violation of the Flood Act and its implementing regulations, specifically 12 C.F.R. § 22.10;

**WHEREAS**, in the interest of cooperation and to avoid additional costs associated with administrative and judicial proceedings with respect to the above matter, the Bank, by and through its duly elected and acting Board of Directors (“Board”), consents to the issuance of this Consent Order (“Order”), by the OCC through the duly authorized representative of the Comptroller of the Currency (“Comptroller”); and

**NOW, THEREFORE**, in consideration of the above premises, the Comptroller, through his duly authorized representative, and the Bank, through its duly elected and acting Board of Directors, stipulate and agree to the following:

## ARTICLE I

### JURISDICTION

(1) The Bank is a federal savings association, chartered and examined by the Comptroller pursuant to the Home Owners' Loan Act, as amended, 12 U.S.C. § 1461 *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 in 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 for Flood Act violations.

## ARTICLE II

### ORDER FOR CIVIL MONEY PENALTY

(1) The Bank shall make payment of a civil money penalty in the total amount of one hundred ninety-three thousand one hundred five dollars and fifty cents (\$193,105.50), 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: Kevin Montgomery, Federal Emergency Management Agency, National Flood Insurance Program, 400 C St. SW, 3<sup>rd</sup> Floor, Washington, DC 20472. The docket number of this action shall be entered on the check.

(3) The Bank shall submit a copy of the check to Daniel Jordan, Special Counsel, Office of the Comptroller of the Currency, 425 South Financial Place, Suite 1700, Chicago, Illinois 60605.

(4) This Order shall be enforced 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 II

### WAIVERS

- (1) The Bank, by executing and consenting to this Order, waives:
- (a) any and all rights to the issuance of a Notice of Charges pursuant to 12 U.S.C. § 1818 and 42 U.S.C. § 4012a(f)(4), and recognizes that the letter dated July 7, 2020, from Benjamin L. Lemanski, Associate Deputy Comptroller (“Notice Letter”), constitutes a valid substitute notice;
  - (b) any and all procedural rights available in connection with the issuance of this Order;
  - (c) any and all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818, 42 U.S.C. § 4012a(f)(4), and 12 C.F.R. Part 109;
  - (d) any and all rights to seek any type of administrative or judicial review of this Order;
  - (e) any and all claims for fees, costs or expenses against the OCC, or any of its officers, employees, or agents 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;
  - (f) any and all rights to assert this proceeding, the consent to and/or the issuance of this 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 this Order.

(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.

(3) It is hereby agreed that the provisions of this Order constitute a settlement of the civil money penalty proceeding contemplated by the Comptroller on the basis of the Bank's violations of the Flood Act and regulations as described in this Order and in the Notice Letter. However, the specific violations described herein may be used by the Comptroller in future enforcement actions to establish a pattern or practice of misconduct or the continuation of a pattern or practice of misconduct.

(4) It is further agreed that the provisions of this Order shall not be construed as an adjudication on the merits and, except as set forth above in paragraph (3), shall not inhibit, estop, bar, or otherwise prevent the Comptroller from taking any 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.

(5) The Bank understands that nothing herein shall preclude any proceedings brought by the Comptroller to enforce the terms of this Order, and that nothing herein constitutes, nor shall the Bank contend that it constitutes, a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof, including the Department of Justice, to bring other actions deemed appropriate.

IN TESTIMONY WHEREOF, the undersigned has hereunto set his hand.

//s// Digitally Signed, Dated: 2021.01.13

\_\_\_\_\_  
Brian L. James  
Deputy Comptroller  
Central District

\_\_\_\_\_  
Date

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.

/s/ \_\_\_\_\_ 1/5/2021  
John Calk Date

/s/ \_\_\_\_\_ 1/4/21  
Bernard Banks Date

/s/ \_\_\_\_\_ 1/7/21  
William Griffin Date

/s/ \_\_\_\_\_ 1/4/21  
Charlie Gleichenhaus Date

/s/ \_\_\_\_\_ 1/5/21  
Roger Manka Date

/s/ \_\_\_\_\_ 1/4/21  
William Markel Date

/s/ \_\_\_\_\_ 1/4/2021  
Jim Norini Date

/s/ \_\_\_\_\_ 1/5/2021  
Javier Ubarri Date

/s/ \_\_\_\_\_ January 5<sup>th</sup>, 2021  
Viola Meehan Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date