

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

IN THE MATTER OF:)
JAMES THIESSEN)
FORMER PRESIDENT AND DIRECTOR)
HEARTLAND BANK, N.A.)
JEWELL, KANSAS)

STIPULATION AND CONSENT ORDER

WHEREAS, the Comptroller of the Currency of the United States of America (Comptroller) intends to initiate a civil money penalty proceeding against James Thiessen, (Respondent), pursuant to 12 U.S.C. § 1818(i)(2) (as amended) through the issuance of a Notice of Assessment of a Civil Money Penalty (Notice), for activities detailed in a letter sent to Respondent on or about October 1, 1998; and

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 Comptroller and Respondent desire to enter into this Stipulation and Consent Order;

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

ARTICLE I

(1) Heartland Bank, N.A., Jewell, Kansas (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 1818(i).

(2) Respondent was an employee of the Bank and is an institution-affiliated party of the Bank as that term is defined in 12 U.S.C. §§ 1813(u) and 1818(i).

(3) Pursuant to 12 U.S.C. § 1813(q), the Comptroller is the appropriate Federal banking agency to maintain an enforcement proceeding against institution-affiliated parties. Therefore, Respondent is subject to the authority of the Comptroller to initiate and maintain a civil money penalty proceeding against him pursuant to 12 U.S.C. § 1818(i)(2).

ARTICLE II

(1) Without admitting or denying any wrongdoing, Respondent hereby consents to the payment of a civil money penalty in the amount of seven thousand dollars (\$7,000), which shall be paid on or before May 1, 1999. Respondent shall make the payment in certified funds made payable to the Treasurer of the United States and shall deliver the payments to: Comptroller of the Currency, P.O. Box 73150, Chicago, Illinois 60673-7150. The charter number of the Bank, #22956, should be entered on the checks.

(2) This Stipulation and 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) (as amended).

ARTICLE III

(1) By executing this Stipulation and Consent Order, Respondent waives:

- (a) the right to the issuance of a Notice of Assessment under 12 U.S.C. § 1818(i)(2);
- (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(i) and 12 C.F.R. Part 19;
- (c) all rights to seek judicial review of this Order;
- (d) all rights in any way to contest the validity of this 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 and/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; and
- (f) all rights to assert a "double jeopardy" claim in the event of a criminal prosecution brought by the Department of Justice for the acts which form the basis for issuance of this Order.

(2) Respondent shall not cause, participate in or authorize the Bank (or any subsidiary or affiliate thereof) to incur, directly or indirectly, any expense for the payment of the penalty under this Order, or any legal (or other professional) expense relative to the negotiation and issuance of this Order; and, in accordance with 12 C.F.R. § 7.2014, Respondent shall not, directly or indirectly, obtain or accept any indemnification (or other reimbursement) from the Bank (or any subsidiary or affiliate thereof) with respect to such amounts.

