

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

_____)
In the Matter of)
)
BARRY N. MCCRARY,) Resolution No.: ATL-92-65
Chairman of the Board of)
Directors of)
) Dated: June 29, 1992
)
Talladega Federal Savings and)
Loan Association)
)
)
Birmingham, Alabama)
_____)

STIPULATION AND CONSENT TO THE ISSUANCE OF AN
ORDER OF CIVIL MONEY PENALTY ASSESSMENT

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Southeast Region ("Regional Director"), and Barry N. McCrary, ("McCrary") Chairman of the Board of Directors of Talladega Federal Savings and Loan Association, Talladega, Alabama, OTS No. 7344 ("Talladega" or "Institution"), stipulate and agree as follows:

1. Consideration

Talladega and its then directors entered into a written agreement on February 20, 1991, with the OTS, as a result of a prior examination by the OTS. As a result of a recent examination by the OTS, it was noted that there were several violations of the Supervisory Agreement and violations of Section 22(h) of the Federal Reserve Act, and its implementing regulation, Regulation O, found at 12 C.F.R. Section 214.5(d).

The OTS, based upon information derived from the exercise of its supervisory and regulatory powers, is of the opinion that grounds exist to initiate an administrative civil money penalty assessment proceeding against McCrary pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989) and pursuant to Section 18(j)(4) of the FDIA, 12 U.S.C. § 1828(j)(4). The grounds include repeated violations of Section 22(h) of the Federal Reserve Act, 12 U.S.C.

§ 375b (Prohibitions respecting loans, extensions of credit and overdrafts to executive officers and directors) and repeated violations of paragraph number 2 of the Supervisory Agreement entered into between OTS and Talladega on February 20, 1991, not by McCrary.

McCrary desires to cooperate with the OTS and to avoid the time and expense of such administrative proceeding. Without admitting or denying the statements, conclusions or terms herein, McCrary hereby stipulates and agrees to the following terms in consideration of the forbearance by the OTS from initiating such proceeding against him for so long as he is in compliance with the provisions of the accompanying Order of Civil Money Penalty Assessment ("Order").

This Stipulation and the attached Order are issued solely to settle this proceeding. McCrary acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and McCrary's consent to the entry of the Order are for the purposes of resolving this OTS enforcement matter only, and does not resolve, affect or preclude any other civil or criminal proceeding which may be brought against McCrary by the OTS or another government entity.

By signing this document McCrary agrees that he will not assert the assessment or payment of this penalty as the basis for a claim of double jeopardy in any future proceeding brought by another government entity, not the OTS. Further, this Stipulation and Consent, the Order and the payment by the Respondent of any monies or providing any other financial relief as contemplated by the Order, does not compromise, settle, dismiss, resolve, or in any way affect any civil actions, charges against, or liability of the Respondent that arise pursuant to this action or otherwise, and that may be or have been brought by the Resolution Trust Corporation or any other governmental entity other than the OTS.

2. Jurisdiction

(a) Talladega is a "savings association" within the meaning of Section 3(b)(1) of the FDIA, 12 U.S.C. § 1813(b)(1), and Section 2(4) of the Home Owners' Loan Act of 1933 ("HOLA"), 12 U.S.C. § 1462(4). The Institution is an "insured depository institution" as that term is defined in Section 3(c)(2) of the FDIA, 12 U.S.C. § 1813(c)(2).

(b) McCrary is an "institution-affiliated party" of an insured depository institution within the meaning of Section 3(u)(1) of the FDIA, 12 U.S.C. § 1813(u)(1).

(c) Pursuant to Section 3(q)(4) of the FDIA, 12 U.S.C. §

