

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

_____)
)
In the Matter of)
)
FLOYD MEIDINGER,)
)
Institution Affiliated Party)
of First Savings and Loan)
Association of South Dakota, Inc.)
Aberdeen, South Dakota)
_____)

Re: Resolution No. DM 92-18

Dated: August 10, 1992

STIPULATION AND CONSENT TO THE ENTRY OF AN
ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

The Office of Thrift Supervision ("OTS"), by and through the
Regional Director for the Midwest Region and Floyd Meidinger stipulate
and agree as follows:

1. Consideration.

The OTS, based upon information reported to it, is of the opinion
that grounds exist to initiate an administrative civil money penalty
assessment proceeding against Floyd Meidinger pursuant to 12 U.S.C.
§ 1818(i)(2). Floyd Meidinger desires to cooperate with OTS and to
avoid the time and expense of such administrative litigation and,
without admitting or denying that such grounds exist, hereby stipulates
and agrees to the following terms in consideration of the forbearance by
the OTS from initiating such administrative civil money penalty
assessment proceeding against Floyd Meidinger with respect to the
following matters: twenty-five hundred dollars (\$2,500) for approval of
loans in violation of the commercial loan limitations of 12 U.S.C.
§ 1464(c)(2)(A).

2. Jurisdiction.

a. First Savings and Loan Association of South Dakota, Inc., Aberdeen, South Dakota ("First"), is a "savings association" within the meaning of Section 3 of the Federal Deposit Insurance Act ("FDIA") and Section 2 of the Home Owners' Loan Act of 1933. Accordingly, it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, (12 U.S.C. § 1813(c)).

b. Floyd Meidinger, as a director of First, is an institution affiliated party within the meaning of 12 U.S.C. § 1813(u).

c. Pursuant to Section 3 of the FDIA, OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such an institution affiliated party. Therefore, Floyd Meidinger is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to 12 U.S.C. § 1818(i)(2).

3. Consent.

Floyd Meidinger consents to the issuance by OTS of the accompanying Order and further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of law.

4. Finality.

The Order is issued under 12 U.S.C. § 1818(i)(2). Upon its issuance by the Regional Director for the Midwest Region, it shall be a final order, effective and fully enforceable by OTS under the provisions of Section 8(i) of the FDIA, (12 U.S.C. § 1818(i)).

5. Waivers.

Floyd Meidinger waives the right to a Notice of Assessment of Civil Money Penalty provided by Section 8(i) of the FDIA, (12 U.S.C. § 1818(i)) and the administrative hearing provided by 12 U.S.C. § 1818(i)(2)(H), and further waives his right to seek judicial review of the Order, including any such right provided by Section 8(h) of the FDIA (12 U.S.C. § 1818(h) or to otherwise challenge the validity of the Order.

6. Double Jeopardy.

Floyd Meidinger acknowledges and agrees that this proceeding, the assessment or payment of the penalty contemplated as part of the resolution thereof, and Floyd Meidinger's consent to the entry of the Order are for the purposes of resolving this OTS enforcement matter only, and do not resolve, affect, or preclude any other civil or criminal proceeding which may be or has been brought against Floyd Meidinger by the OTS or another governmental entity.

By signing this document Floyd Meidinger agrees that he will not assert the assessment or payment of this penalty 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.

7. Effect of Proceedings.

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, do 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.

WHEREFORE, in consideration of the foregoing, the Regional Director for the Midwest Region on behalf of OTS, and Floyd Meidinger execute this Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment.

OFFICE OF THRIFT SUPERVISION

By: ^{/S/} ~~Billy C. Wood~~ ^{/S/} ~~Frederick R. [unclear]~~ Floyd Meidinger
Interim Regional Director
Midwest Region

