

HT 0750

UNITED STATES OF AMERICA
BEFORE THE
OFFICE OF THRIFT SUPERVISION

In the Matter of)
)
Ralph E. Heitmeyer)
)
Director of The Blue Ash)
Building and Loan Company)
Blue Ash, Ohio)

Resolution No.: CIN 91- 30
Dated: August 15, 1991

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

The Office of Thrift Supervision ("OTS"), by and through its Deputy Regional Director for the Cincinnati District Office, and Ralph E. Heitmeyer, Director of The Blue Ash Building and Loan Company, Blue Ash, Ohio, stipulate and agree as follows:

1. Consideration. The OTS, based upon information reported to it, is of the opinion that the grounds exist to initiate an administrative action for assessment of civil money penalties against Ralph E. Heitmeyer pursuant to § 8(i) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C.A. § 1818(i) (West 1989). Ralph E. Heitmeyer, desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, while neither admitting nor denying that such grounds exist, hereby stipulates and agrees to the following terms in consideration of the forbearance of OTS from initiating such administrative civil money penalty assessment proceeding against him.

1 C Supervisory Fil
1 C Corporate File
1 C Resolution Co. Fil
1 C OTS
1 C FDIC - WASH.
1 C State Dept.
1 C FDIC - 1992
1 C GPS, KAK, LSS, M
4 C Pitchford, KDC
1 C Circulating Fil
1 C Membership F
1 C Credit Bureau
8-16-91

(Date)

2. Jurisdiction

(a) The Blue Ash Building and Loan Company is a "savings association" and an "insured depository institution" as defined by § 3 of the FDIA and § 2 of the Home Owners' Loan Act, 12 U.S.C.A. §§ 1813 and 1462 (West 1989 and Supp. 1990).

(b) Ralph E. Heitmeyer, as Director of The Blue Ash Building and Loan Company, is an "institution-affiliated party" as defined by § 3(u) of the FDIA, 12 U.S.C.A. § 1813(u) (West 1989).

(c) Pursuant to Section 3 of the FDIA, 12 U.S.C.A. § 1813(q) (West 1989), the OTS is the "appropriate Federal banking agency" to maintain enforcement proceedings against such a savings association or its institution-affiliated parties. Therefore, Ralph E. Heitmeyer is subject to the authority of the OTS to assess civil money penalties against him pursuant to § 8(i) of the FDIA, 12 U.S.C.A. § 1818(i) (West 1989).

3. Consent. Ralph E. Heitmeyer consents to the issuance by the OTS of the accompanying Order of Civil Money Penalty Assessment ("Order"). He 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 § 8(i) of the FDIA, 12 U.S.C.A. § 1818(i) (West 1989). Upon its issuance by the Deputy Regional Director for the Cincinnati District, OTS, it shall be a final order, effective and fully enforceable.

5. Waivers. Ralph E. Heitmeyer waives his right to a Notice of Order of Civil Money Penalties provided by Section 8(i) of the FDIA,

and further waives his right to seek judicial review of the Order, including any such right provided by § 8(h) of the FDIA, 12 U.S.C.A. § 1818(h) (West 1989) or otherwise to challenge the validity of the Order.

WHEREFORE, in consideration of the foregoing, the Deputy Regional Director for the Cincinnati District Office, on behalf of the OTS, and Ralph E. Heitmeyer execute this Stipulation and Consent to Issuance of Order of Civil Money Penalty Assessment.

OFFICE OF THRIFT SUPERVISION

By: /S/
Deputy Regional Director
Cincinnati District Office

/S/

Ralph E. Heitmeyer

By: Regional Director
Central Region

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WHEREAS, Ralph E. Heitmeyer, Director of The Blue Ash Building and Loan Company, Blue Ash, Ohio, has executed a Stipulation and Consent to Issuance of Order of Civil Money Penalty assessment ("Stipulation") which is accepted and approved by the Office of Thrift Supervision ("OTS"), acting through its Deputy Regional Director for the Cincinnati Office, and is incorporated herein by reference; and

WHEREAS, Ralph E. Heitmeyer, in the Stipulation, has consented and agreed to the issuance of this Order of Civil Money Penalty Assessment ("Order") pursuant to the Federal Deposit Insurance Act, § 8(i), 12 U.S.C.A. § 1818(i) (West 1989).

NOW, THEREFORE, IT IS ORDERED that Ralph E. Heitmeyer shall pay to OTS a sum of \$1,000. Payment shall be made by tendering to the OTS a

check made payable to the Treasurer of the United States in the sum of
\$1,000 within ten days of the effective date of this Order.

OFFICE OF THRIFT SUPERVISION

/S/

~~Regional Director~~
Central Region