

UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION

In the Matter of	)	
RICHARD R. HARVEY	)	Re: Resolution No. ATL-91-44
A Former	)	Dated: August 26, 1991
President and Director of	)	
Tuskegee Federal Savings	)	
and Loan Association	)	
Tuskegee, Alabama	)	

STIPULATION AND CONSENT TO  
ISSUANCE OF ORDER OF PROHIBITION AND RESTITUTION

The Office of Thrift Supervision ("OTS"), by and through its Regional Director for the Southeast Region, and Richard R. Harvey, former President and Director of Tuskegee Federal Savings and Loan Association, Tuskegee, Alabama, OTS Docket No. 4793 ("Tuskegee") hereby stipulate and agree as follows:

1. Consideration. 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 proceeding against Richard R. Harvey pursuant to Sections 8(e) and 8(b) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. §§ 1818(e) and (b). The grounds include violations of OTS regulations found at 12 C.F.R. §§ 563.170, 563c.10(b), 563.180(b), 552.11(a), 563.93 and 215.4; unsafe and unsound practices, and breach of fiduciary duty, which resulted

in loss to Tuskegee and/or benefit to Richard R. Harvey, and which demonstrated a continuing and willful disregard for the safety and soundness of Tuskegee by Richard R. Harvey. Richard R. Harvey desires to cooperate with the OTS and to avoid the time and expense of such administrative proceeding and, without admitting or denying that such grounds exist, hereby stipulates and agrees to the following terms in consideration of the forbearance of OTS from initiating such administrative proceeding against him.

2. Jurisdiction.

(a) Tuskegee is a "savings association" within the meaning of Section 3 of the FDIA and Section 2 of the Home Owners' Loan Act of 1933 ("HOLA"). 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) Richard R. Harvey, as President and Director of Tuskegee was an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u).

(c) Pursuant to Section 3 of the FDIA, the OTS is the "appropriate Federal banking agency" to maintain an administrative proceeding against such a savings association or its institution-affiliated parties. Therefore, Richard R. Harvey is subject to the authority of the OTS to initiate and maintain an administrative proceeding against him pursuant to Sections 8(e) and 8(b) of the FDIA, 12 U.S.C. §§ 1818(e) and (b).

3. Consent. Richard R. Harvey consents to the issuance by the OTS of the accompanying Order of Prohibition and Restitution ("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 Sections 8(e) and 8(b) of the FDIA, 12 U.S.C. §§ 1818(e) and (b). Upon its issuance by the Regional Director it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. § 1818(i).

5. Waivers. Richard R. Harvey waives his right to a notice of intention to prohibit and the administrative hearing provided by Section 8(e) of the FDIA, 12 U.S.C. Section 1818(e), and a notice of intention to seek restitution and the administrative hearing provided by Section 8(b) of the FDIA, 12 U.S.C. § 1818(b), 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 otherwise to challenge the validity of the Order.

WHEREFORE, in consideration of the foregoing and intending to be legally bound hereby, the Regional Director for the Southeast Region, on behalf of the OTS, and Richard R. Harvey execute this Stipulation and Consent to Issuance of Order of Prohibition and Restitution.

OFFICE OF THRIFT SUPERVISION

By: \_\_\_\_\_ /S/ \_\_\_\_\_

~~John E. Ryan~~  
Regional Director  
Southeast Region

\_\_\_\_\_ /S/ \_\_\_\_\_

Richard R. Harvey

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Tuskegee Federal Savings )  
Loan Association )  
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Tuskegee, Alabama )  
\_\_\_\_\_)

Re: Resolution No. ATL-91-44

Dated: August 26, 1991

ORDER OF PROHIBITION AND RESTITUTION

WHEREAS, Richard R. Harvey has executed a Stipulation and Consent to Issuance of Order of Prohibition and Restitution ("Stipulation"), which is accepted and approved by the Office of Thrift Supervision ("OTS") acting through its Regional Director for the Southeast Region; and

WHEREAS, Richard R. Harvey in the Stipulation has consented and agreed to the issuance of this Order of Prohibition and Restitution ("Order") pursuant to Sections 8(e) and 8(b) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. §§ 1818(e)(7)(A) and 1818(b)(6)(A)(i).

NOW THEREFORE, IT IS ORDERED that:

1. Richard R. Harvey is prohibited from further participation, in any manner, in the conduct of the affairs of Tuskegee Federal Savings and Loan Association, Tuskegee, Alabama ("Tuskegee") its holding company(ies), or service corporation(s).
2. Without the prior written approval of the Regional

Director for the Southeast Region and, if appropriate, another Federal financial institutions regulatory agency, Richard R. Harvey may not hold any office in, or participate in any manner in the conduct of the affairs of any institution(s) or other entity as set forth in Section 8(e)(7)(A) of the FDIA, 12 U.S.C. § 1818(e)(7)(A). Pursuant to Section 8(e)(6) of the FDIA, 12 U.S.C. § 1818(e)(6), conduct prohibited by this Order includes, inter alia, the solicitation, transfer or exercise of any voting rights with respect to any securities issued by any insured depository institution.

3. Within 60 days of the effective date of this Order, Richard R. Harvey shall make restitution to Tuskegee Federal in the amount of \$1,728 for unjust enrichment received by him as a result of overdrafted accounts at Tuskegee Federal, both his and those of his sons, for which he paid no overdrafted fees or penalties.

4. The Stipulation is made a part hereof and is incorporated herein by this reference.

5. This Order is subject to the provisions of Section 8(j) of the FDIA, 12 U.S.C. § 1818(j), and shall become effective on the date it is issued.

THE OFFICE OF THRIFT SUPERVISION

By: \_\_\_\_\_

/S/

John E. Ryan  
Regional Director  
Southeast Region