

UNITED STATES OF AMERICA
before the
OFFICE OF THRIFT SUPERVISION
DEPARTMENT OF THE TREASURY

In the Matter of)	Re:	Order No. 91- 81
Theodore F. di Stefano,)	Dated:	October 31, 1991
Former Director and President)		
of Colonial Bank)		
Cranston, Rhode Island)		

TEMPORARY ORDER TO CEASE AND DESIST

On October 31, 1991, the Office of Thrift Supervision ("OTS") issued a Notice of Charges and Hearing for an Order to Cease and Desist and to Direct Restitution and Other Appropriate Relief, Notice of Intention to Prohibit, and Notice of Assessment of Civil Money Penalty (the "Notice") against Theodore F. di Stefano under the authority of Sections 8(b), 8(e) and 8(i) of the Federal Deposit Insurance Act ("FDIA"), amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 ("FIRREA"), 12 U.S.C. §§ 1818(b), (e) and (i) (1988 & Supp. I 1989).

Upon review of the Notice and of the entire record herein, OTS has determined that there is substantial evidence to demonstrate: that Mr. di Stefano was and continues to be unjustly

enriched through his violations of law, regulation and breach of fiduciary duties, as specified in the Notice; that Mr. di Stefano's violations and breach were committed with reckless disregard for the law, regulation and his fiduciary duties; Colonial Bank has incurred loss or other damage as a result of Mr. di Stefano's misconduct as set forth in the Notice; and that the interests of Colonial Bank are likely to be further prejudiced, if Mr. di Stefano is allowed to dissipate or conceal his assets prior to the completion of the proceedings conducted pursuant to Sections 8(b), 8(e) and 8(i) of the FDIA, amended by FIRREA, 12 U.S.C. §§ 1818(b), (e) and (i) (1988 & Supp. I 1989).

I. BACKGROUND

1. The purpose of this Temporary Cease and Desist Order is to protect the interests of Colonial Bank and its depositors, and to prevent the dissipation or concealment of assets prior to the completion of the proceedings conducted pursuant to FDIA Sections 8(b), 8(e) and 8(i), amended by FIRREA, 12 U.S.C. §§ 1818(b), (e) and (i) (1988 & Supp. I 1989).

2. The Notice sets forth allegations of financial harm suffered by Colonial Bank as a result of Mr. di Stefano's violations of law and a written agreement and breach of fiduciary duties. Upon proof of these charges, the total amount of restitution, reimbursement, or other appropriate relief (irrespective of civil money penalties) would be approximately \$24,750 representing personal benefit or unjust enrichment to Mr. di Stefano, or loss or damage to Colonial Bank, or both, plus

interest.

3. The Notice seeks Mr. di Stefano's prohibition from the financial services industry for his violation of law, regulation, a final cease-and-desist order or a written agreement or his breach of fiduciary duty to Colonial Bank, its depositors and the insurance fund. Such violation or breach caused Colonial Bank to suffer a financial loss, prejudice to the interests of Colonial Bank's depositors and the insurance fund or financial gain to Mr. di Stefano. Moreover, such violation or breach demonstrates personal dishonesty or willful or continuing disregard for Colonial Bank's safety and soundness.

4. The record demonstrates that Mr. di Stefano breached his fiduciary duty of loyalty, and violated law and a written agreement, and enriched himself unjustly at the expense of Colonial Bank, its depositors, its deposit insurer, and ultimately the American taxpayer.

5. OTS concludes that there is prima facie evidence demonstrating that Mr. di Stefano's actions have prejudiced the interests of Colonial Bank, its depositors and the insurance fund.

6. It is OTS's experience that the filing of charges prompts respondent insiders to dissipate or conceal their assets. This is true whether or not OTS has already closed the institution and whether or not the respondent insiders had prior reason to believe that OTS might act.

7. OTS concludes that a danger exists for dissipation in this case because of Mr. di Stefano's refusal to return these funds.

8. OTS has a statutory duty to order correction of the conditions resulting from the violations and breaches found in the Notice under the relevant statutory provisions of the FDIA. 12 U.S.C.A. §§ 1818(b)(1), (b)(6), (c)(1), (e)(1), (i)(1) and (i)(2).

9. The Temporary Cease and Desist Order is framed to prevent and remedy dissipation of Colonial Bank's assets or further prejudice to the interests of Colonial Bank, its depositors and the insurance fund prior to the conclusion of the proceedings to be conducted pursuant to FDIA sections 8(b) and 8(c). 12 U.S.C.A. §§ 1818(b) & (c).

10. OTS concludes that this Temporary Cease and Desist Order is appropriate and necessary to correct, remedy and prevent injury to Colonial Bank and its depositors.

II. TEMPORARY CEASE AND DESIST ORDER

THEREFORE, by the authority under Section 8(c) of the FDIA, amended by FIRREA, 12 U.S.C. § 1818(c), and the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990, Mr. di Stefano is hereby:

1. ORDERED, no later than 12:00 noon Eastern Standard Time, on the eleventh (11th) day following entry of this Order, to provide security in the amount of \$24,750. This sum plus interest (computed on the basis of the prime interest rate, as published from time to time by the Wall Street Journal, plus two percentage points, from February 15, 1991 until the time repayment is made) represents the amount of unjust enrichment to Mr. di Stefano as a result of violations of law or breaches of fiduciary

duties, or the amount of loss or damage to Colonial Bank caused by Mr. di Stefano's reckless disregard of law or duties. Mr. di Stefano shall comply with this section by one or a combination of any of the following means: (1) by establishing and maintaining an escrow account in the amount of \$24,750 at a financial institution with an escrow agent approved by the Director of OTS; (2) by providing an irrevocable letter of credit or fidelity bond from a federally insured institution or an insurer approved by the Director of OTS; or (3) by providing other security deemed adequate by the Director of OTS.

2. FURTHER ORDERED to submit to OTS within seven (7) days following entry of this Order the following: (1) a financial statement prepared by a Certified Public Accountant in accordance with generally accepted accounting principles and certified by Mr. di Stefano as accurately showing his assets and liabilities, as of a date no earlier than September 30, 1991. Similar updated financial statements shall be filed with OTS no less frequently than quarterly, beginning on December 31, 1991, and (2) United States tax returns for 1988 through 1990, including all schedules and attachments thereto; and upon written request of Mr. di Stefano, the financial statements submitted pursuant to this paragraph will not be made public to persons or entities other than employees or agents of governmental authorities;

3. FURTHER ORDERED TO CEASE AND DESIST from directly or indirectly causing the sale, transfer or encumbrance of funds or other assets of any nature whatsoever in which Mr. di Stefano has a legal or beneficial interest, including but not limited to the

transfer of assets outside of the United States. The foregoing shall not apply to assets used to pay ordinary and reasonable living expenses which have a value, either singly or through related transactions, of less than five thousand dollars (\$5,000.00) per month. For proposed expenditures of \$5,000.00 or more, whether singly or through related transactions, Mr. di Stefano shall provide OTS with two full business days' advance written notice.

4. At such time as Mr. di Stefano has fully complied with Paragraph 1, he may make application to the Director of OTS for any appropriate relief from Paragraphs 2 and 3.

5. IT IS FURTHER ORDERED that the terms in paragraphs 1-3 shall be construed in their broadest and most inclusive sense.

6. If Mr. di Stefano contends that compliance with this Order would cause undue hardship to him or his dependents, or causes him to be unable to hire legal counsel, Mr. di Stefano shall make appropriate application to the Director of the OTS supported by (a) financial statements for himself and his dependents, prepared and certified to by a Certified Public Accountant in accordance with generally accepted accounting principles and certified by Mr. di Stefano as accurately showing his assets and liabilities, as of a date no later than September 30, 1991; (b) United States tax returns for the years 1988, 1989 and, if available, 1990 for each such person; (c) statements pertaining to arrangements, funds or trusts established for his or his family's benefit or for the payment of his legal or other fees or other expenses, whether directly or indirectly, along with a

statement of fees or other expenses advanced by not exhausted, and (d) affidavits setting forth such other facts as thought to be pertinent.

COMPLIANCE PROCEDURES

Notice of all events required by this Order and notice of Mr. di Stefano's compliance with this Order shall be provided in writing to:

Chief Counsel
Office of Thrift Supervision
U.S. Department of the Treasury
1700 G Street, N.W.
Washington, D.C. 20552
Fax Number (202) 906-7606
(202) 898-0230

Copies should be provided to:

Douglas A. Anderson
Office of Enforcement
Office of Thrift Supervision
U.S. Department of the Treasury
1700 G Street, N.W.
Washington, D.C. 20552
Fax Number: (202) 906-7495

NOTICE

Pursuant to Section 8(c)(2) of the FDIA, 12 U.S.C. § 1818(c)(2), within ten days after Mr. di Stefano has been served with this Order, Mr. di Stefano may apply to the United States District Court for the judicial district in which the home office of Colonial was located, or the United States District Court for the District of Columbia, for an injunction setting aside, limiting or suspending the enforcement, operation, or effectiveness of this Order pending the completion of the administrative proceedings

pursuant to the Notice served upon Mr. di Stefano under Section 8(b)(1) of the FDIA, 12 U.S.C. § 1818(b)(1).

DEFINITIONS

All technical words or terms used in this Order for which meanings are not specified or otherwise provided by the provisions of this Order, shall, insofar as applicable, have meaning as defined in the Code of Federal Regulations, Title 12, Chapter V; or as defined in FIRREA, the FDIA, or the Home Owners Loan Act of 1933, and any such words or terms undefined in the foregoing shall have meanings that accord with the best custom and usage in the savings association industry.

EFFECTIVENESS

This Order shall be and is effective upon service or other notice thereof and shall remain effective and enforceable until the completion of the administrative proceedings initiated by the Notice, which is incorporated by reference herein, or until such time as OTS shall dismiss the charges specified in such Notice, or if a Cease and Desist Order is issued against Mr. di Stefano, until the effective date of such order.

/S/

Timothy Ryan
Director
Office of Thrift Supervision

UNITED STATES OF AMERICA
before the
OFFICE OF THRIFT SUPERVISION
DEPARTMENT OF THE TREASURY

In the Matter of)
Theodore F. di Stefano,)
Former Director and President)
of Colonial Bank)
Cranston, Rhode Island)

AP
Re: Order No. 91-80
Dated: October 31, 1991

**NOTICE OF CHARGES AND HEARING FOR AN ORDER
TO CEASE AND DESIST AND TO DIRECT RESTITUTION
AND OTHER APPROPRIATE RELIEF; NOTICE OF INTENTION
TO PROHIBIT; AND NOTICE OF ASSESSMENT OF CIVIL
MONEY PENALTY**

In accordance with Sections 8(b), 8(e) and 8(i) of the Federal Deposit Insurance Act ("FDIA"), amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), Pub. L. No. 101-73, 103 Stat. 183, 450-456, 12 U.S.C. §§ 1818(b), (e) and (i) (1988 & Supp. I 1989), the Director of the Office of Thrift Supervision ("OTS"), being of the opinion that grounds exist to institute administrative proceedings to determine whether orders to cease and desist, to provide restitution and other affirmative corrective action and to prohibit should be entered; and to assess civil money penalties, hereby issues this Notice of Charges and Hearing for an Order to Cease and Desist and

to Direct Restitution and Other Appropriate Relief, Notice of Intention to Prohibit, and Notice of Assessment of Civil Money Penalties against Theodore F. di Stefano.

I. JURISDICTION

1. Colonial Bank, Cranston, Rhode Island ("Colonial Bank"), was an "insured depository institution" as defined in 12 U.S.C. § 1813(c)(2) (1988 & Supp. I 1989).

2. Mr. di Stefano was a Director and President of Colonial Bank, during all times pertinent to the events described herein.

3. Mr. di Stefano was, during all times pertinent to the events described herein, an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, amended by FIRREA, 12 U.S.C. § 1813(u) (1988 & Supp. I 1989).

4. OTS is the "appropriate Federal Banking Agency" to maintain these proceedings, as defined in Section 3(q) of the FDIA, amended by FIRREA, 12 U.S.C. § 1813(q) (1988 & Supp. I 1989), and as set forth in Section 8 of the FDIA, amended by FIRREA, 12 U.S.C. § 1818 (1988 & Supp. I 1989).

5. Mr. di Stefano is subject to the authority of OTS to maintain cease and desist and prohibition proceedings, and to assess civil money penalties against him, as an "institution-affiliated party" of an "insured depository institution." 12 U.S.C. § 1818(i)(3) (1988 & Supp. I 1989).

6. The Director of the OTS has the authority to bring administrative cease and desist and prohibition proceedings

seeking a cease and desist order and order of prohibition, and to assess a civil money penalty against Mr. di Stefano.

II. FACTS

7. As President of Colonial Bank, Mr. di Stefano earned a yearly salary of approximately \$100,000, and additionally received an annual bonus of approximately \$100,000 irrespective of Colonial Bank's performance.

8. To pay Mr. di Stefano's bonus, Colonial Bank established Account Number 1531 ("Bonus Account") for Mr. di Stefano's benefit. The Bonus Account accrued approximately \$8,333 per month, to total \$100,000 annually.

9. On or around October 19, 1990, OTS's Boston District Office ("OTS-Boston") informed Mr. di Stefano in writing that his access to the Bonus Account was unacceptable. OTS-Boston directed Mr. di Stefano to cease further withdrawals and to return immediately all amounts (if any) withdrawn in excess of the accrual in the Bonus Account.

10. On or around October 22, 1990, Mr. di Stefano wrote OTS-Boston and stated that the "methodology for my compensation has been terminated."

11. On or around January 22, 1991, the Board of Directors of Colonial Bank entered into a Stipulation and Consent to Issuance of Order to Cease and Desist ("Stipulation"), which Stipulation is attached hereto at Exhibit 1 to this Notice and incorporated herein by reference. Pursuant to the Stipulation, Colonial Bank's Board agreed to comply with the terms of an Order to Cease and

Desist ("Order"), which Order is attached hereto as Exhibit 2 to this Notice and incorporated herein by reference.

12. A majority of Colonial Bank's Board of Directors, including Mr. di Stefano, executed the Stipulation.

13. The Stipulation is a "written agreement entered into with the agency" under Section 8(b) of the FDIA, 12 U.S.C. § 1818(b) (1988 & Supp. I 1989).

14. Under paragraph VII(B) of the Order, Colonial was to "require that all outstanding amounts paid from or through Account No. 1531 [the Bonus Account] . . . since January 1, 1990 be reimbursed" within fifteen days of the effective date of the Order.

15. At that time, Mr. di Stefano had withdrawn and had not returned a total of \$24,750 from the Bonus Account.

16. On January 30, 1991, the Order became effective when OTS-Boston issued Resolution Number 90-1, which approved both the Stipulation and the Order. This Resolution is Exhibit 3 to this Notice.

17. The Order is a final order issued under Section 8(b) of the FDIA, 12 U.S.C. § 1818(b) (1988 & Supp. I 1989).

18. On or about February 1, 1991, Colonial Bank's Board of Directors wrote Mr. di Stefano and demanded the return of funds received through the Bonus Account since January 1, 1990. Colonial Bank's Board of Directors also informed Mr. di Stefano that the return of such funds must be accomplished within fifteen days of January 30, 1991.

19. Despite the Stipulation, the Order and the written request by Colonial Bank's Board of Directors, Mr. di Stefano did not return the \$24,750.

20. On or around April 9, 1991, Colonial Bank's Compliance Committee ("Committee"), composed entirely of Colonial Bank Directors including Mr. di Stefano, met. Mr. di Stefano attended this meeting as a member of the Committee. Mr. di Stefano informed the Committee that his attorney was preparing a letter to OTS-Boston "concerning the return of his bonus."

21. On or around April 26, 1991, Mr. di Stefano not having repaid the \$24,750, the Committee met again. Mr. di Stefano informed the Committee that he had replaced his former attorney and had hired new counsel "to handle the settlement of the bonus issue with OTS."

22. On or around May 3, 1991, Mr. di Stefano wrote Colonial Bank's Board of Directors. Mr. di Stefano acknowledged the Board's demand that he return \$24,750 in accordance with the Stipulation and Order. Mr. di Stefano did not indicate, however, whether or when he intended to comply with that Stipulation and Order.

23. As an officer and director of Colonial Bank, Mr. di Stefano owed a fiduciary duty to Colonial Bank, its depositors and the insurance fund, which included a duty not to place his interests over the interests of Colonial Bank, its depositors or the insurance fund and not to benefit himself personally at their expense.

24. As a director of Colonial Bank, Mr. di Stefano had an affirmative obligation to see that Colonial Bank fully complied with the Order.

25. To date, Mr. di Stefano has not returned any moneys pursuant to the Stipulation, the Order, or Colonial Bank's demand letter dated February 1, 1991.

26. By failing to return the \$24,750 to Colonial Bank, Mr. di Stefano breached his fiduciary and other duties to Colonial Bank, its depositors and the insurance fund, placed his own interests above the association's, caused the association to be in violation of the Stipulation and Order, violated the conflict of interest statement of policy, 12 C.F.R. § 571.7, and personally committed a violation of the Stipulation and Order, within the meaning of 12 U.S.C. § 1813(v)(1988 & Supp. I 1989).

III. GROUND FOR ISSUANCE OF ORDERS TO
 CEASE AND DESIST AND OF PROHIBITION
 AND ASSESSMENT OF CIVIL MONEY PENALTIES

27. Based upon the foregoing facts, OTS is of the opinion that the following grounds exist for the issuance of an order to cease and desist including restitution against Mr. di Stefano:

- a. Mr. di Stefano violated law, or a written agreement and engaged in an unsafe or unsound practice; and
- b. By reason of the foregoing violation or practice Mr. di Stefano was unjustly enriched and Colonial Bank suffered loss or damage; or
- c. Such violation or practice involved a reckless disregard for the law, or prior OTS order.

28. Based upon the foregoing facts, OTS is of the opinion that the following grounds exist for the issuance of an order of prohibition against Mr. di Stefano:

a. Mr. di Stefano violated law, a final order or a written agreement, engaged in an unsafe or unsound practice or has breached his fiduciary duty; and

b. By reason of the violation, practice or breach, Colonial Bank has suffered financial loss or other damage, the interests of the insured depository institution's depositors have been prejudiced, or Mr. di Stefano has received financial gain or other benefit; and

c. Such violation, practice or breach involves personal dishonesty on Mr. di Stefano's part or, demonstrates Mr. di Stefano's willful or continuing disregard for the safety or soundness of Colonial Bank.

29. Based upon the foregoing facts, OTS is of the opinion that grounds exist, as set forth below, for the assessment of second tier civil money penalties of up to \$25,000 per day under 12 U.S.C. § 1818(i)(2) against Mr. di Stefano:

a. Mr. di Stefano has violated law, a final order or a written agreement, recklessly engaged in an unsafe or unsound practice, or breached his fiduciary duty to Colonial Bank; and

b. Such violation, practice or breach caused more than a minimal loss to Colonial Bank or resulted in Mr. di

Stefano obtaining a pecuniary gain or other benefit.

B. Based upon the foregoing, OTS is of the opinion that grounds exist for issuance of an order: 1) to cease and desist requiring Mr. di Stefano, among other things, to take affirmative action to correct conditions resulting from his violations of law and regulations, (including making restitution in the amount of \$24,750 plus interest, which is to be computed on the basis of the prime interest rate, as published from time to time by the Wall Street Journal, plus two percentage points, from February 15, 1991, until the time repayment is made); 2) to prohibit Mr. di Stefano from further participation in the conduct of the affairs of any insured depository institution in accordance with 12 U.S.C. § 1818(e)(1988 & Supp. I 1989), and 3) to assess a civil money penalty against Mr. di Stefano in the amount of \$24,750, which is equal to the amount of loss to Colonial Bank caused by such violation, practice or breach.

IV. NOTICE OF HEARING TO DETERMINE WHETHER ORDERS TO CEASE AND DESIST AND PROHIBITION SHOULD BE ISSUED

Notice is hereby given that pursuant to Sections 8(b) and (e) of the FDIA, amended by FIRREA, 12 U.S.C. §§ 1818(b) and (e), an administrative hearing will be held to determine whether orders to cease and desist and of prohibition should be issued against Mr. di Stefano. The hearing also will include a determination as to whether Mr. di Stefano shall be ordered to take affirmative action to correct the conditions resulting from the violations, practices and breaches alleged herein, including restitution, reimbursement, indemnification, guarantee against loss or other action as is

determined to be appropriate.

The hearing will be held at a location within the federal judicial district for the State of Rhode Island, and unless set otherwise by the Administrative Law Judge or agreement of the parties, will commence on or before sixty (60) days following the issuance of this Notice, the exact time of day and location to be announced at a later time. The hearing will be conducted by an Administrative Law Judge in accordance with the adjudicatory provisions of the Administrative Procedure Act, 5 U.S.C. §§ 554-557 (1982), as made applicable by Section 8(h) of the FDIA, and the Rules of Practice and Procedure of the Office of Thrift Supervision, 56 Fed. Reg. 38,306 (1991) (to be codified at 12 C.F.R. Part 509) ("Rules").

Mr. di Stefano is hereby directed to file an Answer to the charges set forth in the preceding Notice within twenty days from the date of service. The requirements of the Answer and the consequences of failure to file an Answer are set forth at Section 509.19 of the Rules. 56 Fed. Reg. 38,310 (to be codified at 12 C.F.R. § 509.19). As provided by Section 509.19(c)(1) of the Rules, the failure of a respondent to file an Answer as required by this Notice within the time provided herein shall constitute a waiver of that respondent's right to appear and contest the allegations of the foregoing Notice.

Filing of papers is governed by Section 509.10 of the Rules, and except as otherwise provided by that rule, any papers required to be filed shall be filed with the Office of Financial

Institution Adjudication, 1700 G Street, N.W., Washington, D.C. 20552 and upon OTS Enforcement's counsel of record. 56 Fed. Reg. 38308 (to be codified at 12 C.F.R. § 509.10).

Mr. di Stefano may, within twenty days from the date of service, file a written request for a private hearing, as provided by Section 509.33(a) of the Rules. 56 Fed. Reg. 38314 (to be codified at 12 C.F.R. § 509.33). Such request and any reply thereto are governed by Section 509.23 of the Rules. 56 Fed. Reg. 38311 (to be codified at 12 C.F.R. § 509.23). The hearing shall be open to the public, unless the Director of the OTS, in his discretion, determines that any open hearing would be contrary to the public interest. 12 U.S.C. § 1818(u)(2) (1988 & Supp I. 1989). Mr. di Stefano is hereby notified about OTS's policy regarding public and private hearings, which was adopted by OTS Res. No. 90-1347 and is set forth at OTS Regulatory Bulletin RB 18-5 (reprinted at Supervisory Service ¶ 27,060). The Director will rule on any papers filed under Section 509.33(a), and accordingly copies of any such papers must also be sent to the Director at 1700 G Street, N.W., Washington, D.C. 20552.

V. NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY

Based upon the foregoing conduct, Notice is hereby given that OTS assesses a second tier civil money penalty against Mr. di Stefano in the amount of \$24,750, pursuant to Section 8(i)(2)(B) of the FDIA, amended by FIRREA, 12 U.S.C. § 1818(i)(2)(B) (1988 & Supp I 1989), which is the amount of loss caused to Colonial Bank by such violation, practice or breach. Under Section 8(i)(2)(B)

OTS can assess a civil money penalty of up to \$25,000 per day for each day during which such violation, practice or breach continues.

Mr. di Stefano's remittance of this penalty should be payable to the Treasurer of the United States and delivered to:

Deputy Chief Counsel for Washington Enforcement
Office of Thrift Supervision
U.S. Department of the Treasury
1700 G Street, N.W.
Washington, D.C. 20552

Pursuant to Section 8(i) of the FDIA, amended by FIRREA, 12 U.S.C. § 1818(i)(2)(H) (1988 & Supp. I 1989), Mr. di Stefano is hereby afforded the opportunity for a hearing before OTS concerning this assessment, based upon a request for a hearing made by Mr. di Stefano within twenty days after the issuance and service of this Notice, which hearing shall be conducted pursuant to 56 Fed. Reg. 38,306 (to be codified at 12 C.F.R. Part 509).

If timely request by Mr. di Stefano is made for such a hearing, then any such hearing shall be consolidated with the hearing provided for in Section IV of this Notice. Any such hearings shall be conducted pursuant to 56 Fed. Reg. 38,306 (to be codified at 12 C.F.R. Part 509).

In the event that Mr. di Stefano fails to file a request for a hearing within the aforementioned twenty day period, the assessment against him shall constitute a final and unappealable assessment order of OTS, as provided by Section 8(1)(2)(E) of the

FDIA, amended by FIRREA, 12 U.S.C. § 1818(i)(2)(E) (1988 & Supp. I 1989).

The foregoing Notices are issued by the Office of Thrift Supervision on this ___ day of October, 1991.

OFFICE OF THRIFT SUPERVISION

/S/

Timothy Ryan
Director