

UNITED STATES OF AMERICA  
Before The  
OFFICE OF THRIFT SUPERVISION

\_\_\_\_\_  
In the Matter of )

JAMES T. BRAYE )

Former Chairman of )

Tuskegee Federal Savings )  
Association )

Tuskegee, Alabama )  
\_\_\_\_\_

Resolution No. ATL-91-82

Dated: November 25, 1991

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

The Office of Thrift Supervision ("OTS"), by and through the Regional Director for the Southeast Region and James T. Braye, former Chairman of Tuskegee Federal Savings and Loan Association, Tuskegee, Alabama, OTS No. 4793 ("Tuskegee" or "Institution") 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 civil money penalty assessment proceeding against James T. Braye pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2)(1988 & Supp. I. 1989). Such grounds include regulatory violations and unsafe and unsound practices in conducting the business of the Institution.

Specifically, the grounds relate to an ongoing violation of Regulation O, 12 C.F.R. Part 215, in that James T. Braye received a preferential interest rate on a personal loan for the Institution.

James T. Braye desires to cooperate with 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 by the OTS from initiating such administrative civil

money penalty litigation 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. James T. Braye acknowledges that the imposition of the Civil Money Penalty in this administrative proceeding by the OTS, and the payment of such Civil Money Penalty, are for the purpose of resolving this administrative proceeding only.

2. Jurisdiction.

(a) Tuskegee Federal is a "savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C. § 1813(b), and Section 2(4) of the Home Owners' Loan Act of 1933 ("HOLA"), 12 U.S.C. § 1462(4)(Supp. I. 1989). 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) James T. Braye was 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) of the FDIA, 12 U.S.C. § 1813(q), OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such a savings association or its institution-affiliated parties. Therefore, James T. Braye is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to Section 8(i) of the FDIA, 12 U.S.C. § 1818(1).

3. Consent.

James T. Braye consents to the issuance by OTS of the accompanying Order and further agrees to comply with its terms upon issuance and stipulate that the Order complies with all requirements of law.

4. Finality.

The Order is issued under Section 8(i) of the FDIA, 12 U.S.C. § 1818(i). Upon its issuance by the Regional Director for the Southeast 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.

James T. Braye 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 specifically provided by these sections and further waives his right to seek



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ORDER OF CIVIL MONEY PENALTY ASSESSMENT

WHEREAS, James T. Braye, former Chairman of the Board of Tuskegee Federal Savings Association, Tuskegee, Alabama, OTS Docket No. 4793, has executed a Stipulation and Consent to the Issuance of an Order of Civil Money Penalty Assessment ("Stipulation"), which is incorporated herein by reference and is accepted and approved by the Office of Thrift Supervision ("OTS") acting through the Regional Director for the Southeast Region; and,

WHEREAS, Mr. Braye, in the Stipulation, has consented to the issuance of this Order of Civil Money Penalty Assessment, 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 Section 18(j)(4) of the FDIA, 12 U.S.C. § 1828(j)(4).

NOW THEREFORE, IT IS ORDERED that Mr. Braye submit to the OTS a check for the sum of \$1,000, made payable to the Treasurer of the United States, by no later than April 1, 1992.

OFFICE OF THRIFT SUPERVISION

/S/

By:

John E. Ryan  
Regional Director  
Southeast Region