UNITED STATES OF AMERICA

Before The

OFFICE OF THRIFT SUPERVISION

PC

In the Matter of	Resolution No. DAL-91-240
Hugo E. Pimienta, Institution-Affiliated Party of First Federal Savings Bank San Antonio, Texas	Dated: December 31, 1991

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

The Office of Thrift Supervision ("OTS"), by and through the Regional Director for the Midwest Region, and Hugo E. Pimienta ("Respondent") 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 the Respondent pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 ("FIRREA"). The Respondent desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation and, without entering an admission or denial that such grounds exist, hereby stipulates and agrees to the following terms of the Order of Assessment providing for assessment of sixteen thousand five hundred ($16,500) dollars in consideration of the forbearance by the OTS from initiating such administrative civil money penalty assessment proceeding against the Respondent with respect to the findings in the April 2, 1991 OTS examination report that the Respondent, an Institution-Affiliated party of First Federal Savings Bank, San Antonio, Texas ("First Federal"), and a person who filed an affidavit in a change in control notice under 12 U.S.C. § 1817(j); (a) failed to disclose all related business interests as required in the application filings in the change of control notice; and (b) during the period from January 4, 1991, to March 15, 1991, acted to aid and abet and caused First Federal to violate 12 U.S.C. § 1831i by his participation in the conduct of the affairs of First Federal and exercising influence over and engaging in policy making decisions, all contrary to safe and sound practices.

2. JURISDICTION.

(a) First Federal is a savings association" within the meaning of Section 3(b) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(b)) and Section 2(4) of the Home Owners' Loan Act of 1933, 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, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(c)).

(b) Respondent was, at all times relevant to the allegations set forth herein, an institution-affiliated party, of First Federal within the meaning of Section 3(u) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(u)).

(c) Pursuant to Section 3(q) of the FDIA, as amended by FIRREA (to be codified at 12 U.S.C. § 1813(q)), the OTS is the "appropriate Federal banking agency" to maintain civil money penalty assessment proceedings against such institution-affiliated party. Therefore, the Respondent is subject to the authority of OTS to initiate and maintain the assessment of a civil money penalty pursuant to Section 8(i)(2) of the FDIA, 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989).

3. <u>CONSENT</u>.

Respondent consents to the issuance by the OTS of the accompanying Order of Civil Money Penalty Assessment ("Order") and further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of law.

4. <u>FINALITY</u>.

The Order is issued under Section 8(i)(2) of the FDIA, 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989). Upon its issuance by the Regional Director for the Midwest Region, 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) (1988 & Supp. I 1989).

5. WAIVERS.

(a) Respondent 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) (1988 & Supp. I 1989) and the administrative hearing provided by Section 8(i)(2)(H) of the FDIA, 12 U.S.C. § 1818(i)(2)(H) (1988 & Supp. I 1989), 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) (1988 & Supp. I 1989) or to otherwise challenge the validity of the Order.

(b) Respondent acknowledges and agrees that this proceeding, the payment of the civil money penalty contemplated as part of the resolution thereof, relates to matters as further described in the Reports of Examination of First Federal of April 2, 1991, and VBFSB Holding Corporation of April 2, 1991, and Respondent's consent to the entry of the Order are for the purposes of resolving this OTS civil proceeding only, and do not resolve, affect, or preclude any other civil or criminal proceeding which may be brought against Respondent.

(c) By signing this document, Respondent agrees that he will not assert the payment of this civil money penalty as the basis for a claim of double jeopardy in any future proceeding brought by another governmental entity.

WHEREFORE, in consideration of the foregoing, the Regional Director for the Midwest Region, on behalf of OTS, and the Respondent executes this Stipulation and Consent to the Entry of Assessment of Civil Money Penalties.

OFFICE OF THRIFT SUPERVISION

By: /S/
Billy C. Wood
Regional Director
Midwest Region
Dallas, Texas

By: /S/
Hugo E. Pimienta

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of Hugo E. Pimienta, Institution-Affiliated Party of First Federal Savings Bank San Antonio, Texas	Resolution No. DAL-91-240 Dated: December 31, 1991

ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

WHEREAS, Hugo E. Pimienta has executed a Stipulation and Consent to the Entry of Assessment of Civil Money Penalties, which is incorporated herein by reference ("Stipulation") and is accepted and approved by the Office of Thrift Supervision ("OTS") acting through the Regional Director for the Midwest Region; and

WHEREAS, Hugo E. Pimienta, in the Stipulation, has consented to the entry of this Order of Assessment of Civil Money Penalties pursuant to Section 8(i)(2) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2) (1988 & Supp. I 1989), as amended by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 ("FIRREA");

NOW THEREFORE, IT IS ORDERED that:

(1) Hugo E. Pimienta shall pay to the OTS the sum of sixteen thousand five hundred ($16,500) dollars to settle and compromise matters relating to Pimienta, an Institution-affiliated party of First Federal Savings Bank, San Antonio, Texas ("First Federal"), and a person who filed an affidavit in a change in control notice under 12 U.S.C. § 1817(j); (a) failing to disclose all related business interests as required in the application filings in the change of control notice; and (b) acting to aid and abet and cause First Federal to violate 12 U.S.C. § 1831i by his participation in the conduct of the affairs of First Federal and exercising influence

over and engaging in policy making decisions, all contrary to safe and sound practices, as further described in OTS correspondence to Pimienta dated June 14, 1991, and September 12, 1991.

(2) Hugo E. Pimienta shall comply with Paragraph (1) by sending a cashiers or certified check in such specified amount, made payable to the Treasurer of the United States, and mailed to the Regional Director, OTS Midwest Regional Office, Dallas, Texas, within ten (10) days after the effective date of this Order of Assessment of Civil Money Penalties.

OFFICE OF THRIFT SUPERVISION

By: /S/

Billy C. Wood
Regional Director
Midwest Region