

{7-31-03 p.C-5764}

[¶12,052] In the Matter of James E. Brown, and Citizens State Bank of Kelliher, Kelliher, Minnesota, Docket No. 02-148k (5-23-03).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$4,000.

**In the Matter of
JAMES E. BROWN,
individually and as a former institution-affiliated party of
CITIZENS STATE BANK OF KELLIHER
KELLIHER, MINNESOTA
(Insured State Nonmember Bank)
ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-02-148k

James E. Brown ("Respondent") has been advised of his right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT, AND CONCLUSIONS OF LAW ("NOTICE OF ASSESSMENT") issued by the Federal Deposit Insurance Corporation ("FDIC"), stating the violations of law and regulations, unsafe or unsound banking practices, and breaches of fiduciary duty for which an ORDER TO PAY CIVIL MONEY PENALTY ("ORDER TO PAY") may be issued, and has been further advised of his right to a hearing on the charges under section 8(i)(2) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. §1818(i)(2), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF REMOVAL FROM OFFICE AND PROHIBITION FROM FURTHER PARTICIPATION AND AN ORDER TO PAY CIVIL MONEY PENALTY ("CONSENT AGREEMENT") whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any violations of law and regulations, unsafe or unsound practices, or breaches of fiduciary duty consented to the issuance of an ORDER TO PAY by the FDIC and agreed to pay a civil money penalty in the amount of \$4,000 to the Treasury of the United States.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the violations by Respondent, the history of previous violations by Respondent, and such other matters as justice requires, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY CIVIL MONEY PENALTY

IT IS HEREBY ORDERED that Respondent is assessed and shall pay a civil money penalty in the amount of \$4,000 to the Treasury of the United States, the receipt of which has been previously acknowledged.

IT IS FURTHER ORDERED that Respondent is prohibited from seeking or accepting indemnification from any insured depository institution (i) for the civil money penalty assessed and paid in this matter, or (ii) for any expenses, including attorneys' fees and disbursements, incurred by Respondent in connection with this matter.

This ORDER shall be effective upon its issuance.

Pursuant to delegated authority.

Dated this 23rd day of May, 2003.

