

{7-31-03 p.C-5752}

**[¶12,043] In the Matter of Daniel J. Schmitt, and Hartford-Carlisle Savings Bank, Carlisle, Iowa,**  
Docket No. 02-088k (5-5-03).

Respondent agrees to pay civil penalty assessed by the FDIC in the amount of \$5,000.

**In the Matter of  
DANIEL J. SCHMITT,  
individually and as an institution-affiliated party of  
HARTFORD-CARLISLE SAVINGS BANK  
CARLISLE, IOWA  
(Insured State Nonmember Bank — In Receivership)  
ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-02-088k

Daniel J. Schmitt ("Respondent") and a representative of the Legal Division of the Federal Deposit Insurance Corporation ("FDIC") executed a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY CIVIL MONEY PENALTY ("CONSENT AGREEMENT") whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any breaches of fiduciary duty for which civil money penalties may be assessed, consented and agreed to the issuance of an ORDER TO PAY CIVIL MONEY PENALTY ("ORDER TO PAY") by the FDIC and agreed to pay a civil money penalty in the amount of \$5,000 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 the Respondent, the gravity of the breaches of fiduciary duty by Respondent, the absence of any 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 by reason of the breaches of fiduciary duty set forth in paragraph 3 of the CONSENT AGREEMENT, Respondent is assessed and shall pay a civil money penalty in the amount of \$5,000 to the Treasury of the United States.

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 TO PAY shall be effective upon issuance.

Pursuant to delegated authority.

Dated at Washington, D.C., this 5th day of May, 2003.