

{{4-30-04 p.C-6000}}

[¶12,158] **In the Matter of Larry D. Bailey, Carolina First Bank, Greenville, South Carolina**, Docket Nos. 03-185e, 03-186k (2-27-04).

Respondent is prohibited from participating in the conduct of affairs of, or exercising voting rights in, any insured institution without the prior written approval of the FDIC. Respondent also agrees to pay civil money penalty assessed by the FDIC in the amount of \$10,000.

[.1] Prohibition, Removal, or Suspension—Prohibition From—Participation in Conduct of Affairs

[.2] Prohibition, Removal, or Suspension—Prohibition From—Voting Rights, exercise of

**In the Matter of
LARRY D. BAILEY,
Individually and as an institution-affiliated party of
CAROLINA FIRST BANK
GREENVILLE, SOUTH CAROLINA
(Insured State Nonmember Bank)
ORDER OF REMOVAL FROM OFFICE AND PROHIBITION FROM FURTHER PARTICIPATION AND
AN ORDER TO PAY A CIVIL MONEY PENALTY**

FDIC-03-185e

FDIC-03-186k

Larry D. Bailey (the "Respondent") has been advised of the right to receive a NOTICE OF INTENTION TO REMOVE FROM OFFICE AND PROHIBIT FROM FURTHER PARTICIPATION ("NOTICE") and a NOTICE OF ASSESSMENT OF A CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW ("NOTICE OF ASSESSMENT") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the unsafe or unsound banking practices and/or breaches of fiduciary duty for which an ORDER OF REMOVAL FROM OFFICE AND PROHIBITION FROM FURTHER PARTICIPATION and an ORDER TO PAY A CIVIL MONEY PENALTY may be issued, and has been further advised of the right to a hearing on the alleged charges under sections 8(e) and 8(i) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. §§ 1818(e) and 1818(i), and the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, the 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 A CIVIL MONEY PENALTY ("CONSENT AGREEMENT") with a representative of the Legal Division of the FDIC, whereby solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound banking practices and/or breaches of fiduciary duty, the Respondent consented to the issuance of an ORDER OF REMOVAL FROM OFFICE AND PROHIBITION FROM FURTHER PARTICIPATION AND AN ORDER TO PAY A CIVIL MONEY PENALTY ("ORDER") by the FDIC.

The FDIC considered the matter and determined it had reason to believe that:

(a) The Respondent has recklessly engaged or participated in the unsafe or unsound banking practices and/or breaches of fiduciary duty set forth in paragraph 3 of the Consent Agreement as an institution-affiliated party of the Carolina First Bank, Greenville, South Carolina (the "Bank");

(b) By reason of such unsafe or unsound banking practices and/or breaches of fiduciary duty, the Bank has suffered or will probably suffer financial loss or other damage, the interests of the Bank's depositors have been or could be prejudiced, and/or the Respondent received financial gain or other benefit; and

(c) Such unsafe or unsound banking practices and/or breaches of fiduciary duty involve personal dishonesty on the part of

the Respondent or demonstrate the Respondent's willful and/or continuing disregard for the safety or soundness of the Bank.

The FDIC further determined that such unsafe or unsound banking practices and/or breaches of fiduciary duty demonstrate the Respondent's unfitness to serve as a director, officer, person participating in the conduct of the affairs or as an institution-affiliated party of the Bank, any other insured depository institution, or any other agency or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. §1818(e)(7)(A).

Therefore, after taking into account the CONSENT AGREEMENT, the appropriateness of the civil money penalty with respect to the financial resources and good faith of the Respondent; the gravity of the breaches of fiduciary duty or unsafe or unsound banking practices by the Respondent; the history of previous breaches of fiduciary duty or unsafe or unsound banking practices by the Respondent; and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

*ORDER OF REMOVAL FROM OFFICE AND PROHIBITION FROM FURTHER PARTICIPATION AND
AN ORDER TO PAY A CIVIL MONEY PENALTY*

1. IT IS HEREBY ORDERED, that the Respondent is removed from office at any and all financial institutions with which he may be affiliated without the prior written approval of the FDIC and the appropriate Federal financial institutions regulatory agency, as that term is defined in section 8(e)(7)(D) of the Act, 12 U.S.C. §1818(e)(7)(D), is prohibited from:

[.1](a) participating in any manner in the conduct of the affairs of any financial institution or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. §1818(e)(7)(A);

[.2](b) soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent or authorization with respect to any voting rights in any financial institution enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. §1818(e)(7)(A);

(c) violating any voting agreement previously approved by the appropriate Federal banking agency; or

(d) voting for a director, or serving or acting as an institution-affiliated party.

2. IT IS HEREBY FURTHER ORDERED that by reason of the unsafe or unsound banking practices and/or breaches of fiduciary duty set forth in paragraph 3 of the CONSENT AGREEMENT, a civil money penalty in the amount of TEN THOUSAND DOLLARS (\$10,000) be, and hereby is assessed against the Respondent. The Respondent shall pay the civil money penalty by delivering to the FDIC a certified check in the amount of TEN THOUSAND DOLLARS (\$10,000.) made payable to the Treasury of the United States; and the Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

3. This ORDER will become final and effective upon its issuance by the FDIC. The provisions of this ORDER will remain effective and enforceable except to the extent that, and until such time as, any provision of this ORDER shall have been modified, terminated, suspended, or set aside by the FDIC.

Pursuant to delegated authority.

Dated this 27th day of February, 2004.