

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of:)
) AA-CE-2013-10
First Federal Bank of the Midwest)
Defiance, Ohio)

STIPULATION AND CONSENT ORDER FOR A CIVIL MONEY PENALTY

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) intends to initiate a civil money penalty proceeding against First Federal Bank of the Midwest, Defiance, Ohio (“Bank”), pursuant to 42 U.S.C. § 4012a(f) for a pattern or practice of failing to force place flood insurance on properties lacking sufficient coverage after expiration of the 45 day notice period, as required by 12 C.F.R. § 172.7;

WHEREAS, in the interest of cooperation and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter, the Bank, without admitting or denying any wrongdoing, desires to enter into this Consent Order (“Order”);

NOW, THEREFORE, in consideration of the above premises, it is stipulated by and between the Comptroller, through his duly authorized representative, and the Bank that:

Article I

JURISDICTION

(1) The Bank is a federal savings association, chartered and examined by the Comptroller, pursuant to the Home Owners' Loan Act, as amended, 12 U.S.C. § 1461 *et seq.* Accordingly, the Bank is an “insured depository institution” as that term is defined in 12 U.S.C. § 1813(c)(2) and is a “regulated lending institution” as that term is defined at 42 U.S.C. § 4003(a)(10).

(2) Pursuant to 42 U.S.C. §§ 4003(a)(5) and 4012a(f), the Comptroller is the “appropriate Federal entity for lending regulation” to maintain an enforcement proceeding against the Bank.

Article II

ORDER FOR CIVIL MONEY PENALTY

(1) The Bank hereby consents to the payment of a civil money penalty in the amount of seven hundred and seventy dollars (\$770.00), which shall be paid upon execution of this Order.

(2) The Bank shall make payment in full by check made payable to the National Flood Insurance Program and shall deliver the payment to: Kevin Montgomery, Federal Emergency Management Agency, 1800 South Bell Street, Room 510, Arlington, VA 20598-3010.

(3) The Bank shall submit a copy of the check to Lauren Zelechowski, Attorney, Office of the Comptroller of the Currency, Suite 2700, 440 South LaSalle Street, Chicago, Illinois 60605.

(4) This Order shall be enforceable to the same extent and in the same manner as an effective and outstanding order that has been issued and has become final pursuant to 12 U.S.C. §§ 1818(h) and (i) and 42 U.S.C. § 4012a.

Article III

WAIVERS

- (1) By executing this Order, the Bank waives:
- (a) the right to the issuance of a Notice under 12 U.S.C. § 1818(i) and 42 U.S.C. § 4012a(f)(4) and recognizes that the letter dated March 28, 2013, from Bert Otto, Deputy Comptroller, constitutes a valid substitute notice;
 - (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. §§ 1818(h) and 1818(i), 42 U.S.C. § 4012a(f)(4), and 12 C.F.R. Part 109;
 - (c) all rights to seek judicial review of this Order;
 - (d) all rights in any way to contest the validity of this Order; and
 - (e) any and all claims for fees, costs or expenses against the Comptroller, or any of his agents or employees, related in any way to this enforcement matter or this Order, whether arising under common law or under the terms of any statute, including, but not limited to, the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.
- (2) The Bank declares that no separate promise or inducement of any kind has been made by the Comptroller, his agents or employees to cause or induce the Bank to agree to consent to the issuance of this Order and/or to execute this Order.

(3) It is hereby agreed that the provisions of this Order constitute a settlement of the civil money penalty proceeding contemplated by the Comptroller.

(4) It is further agreed that the provisions of this Order shall not be construed as an adjudication on the merits and, except as set forth above in paragraph (3), shall not inhibit, estop, bar, or otherwise prevent the Comptroller from taking any action affecting the Bank if, at any time, he deems it appropriate to do so to fulfill the responsibilities placed upon him by the several laws of the United States of America.

(5) The Bank understands that nothing herein shall preclude any proceedings brought by the Comptroller to enforce the terms of this Order, and that nothing herein constitutes, nor shall the Bank contend that it constitutes, a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof, including the Department of Justice, to bring other actions deemed appropriate.

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands.

/s/

Bert A. Otto
Deputy Comptroller
Central District

4/1/2013

Date

IN TESTIMONY WHEREOF, the undersigned, as the duly elected and acting Board of Directors of the Bank, have hereunto set their hands on behalf of the Bank.

<u>/s/</u> John L. Bookmyer	<u>4/22/2013</u> Date
<u>/s/</u> Stephen L. Boomer	<u>4/22/2013</u> Date
<u>/s/</u> Douglas A. Burgei	<u>4/22/2013</u> Date
<u>/s/</u> Peter A. Diehl	<u>4/22/2013</u> Date
<u>/s/</u> Jean A. Hubbard	<u>4/22/2013</u> Date
<u>/s/</u> Barbara A. Mitzel	<u>4/22/2013</u> Date
<u>/s/</u> James L. Rohrs	<u>4/22/2013</u> Date
<u>/s/</u> William J. Small	<u>4/22/2013</u> Date
<u>/s/</u> Samuel S. Strausbaugh	<u>4/22/2013</u> Date
<u>/s/</u> Thomas A. Voigt	<u>4/22/2013</u> Date