

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of)	
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Dale N. Atkins,)	ORDER OF PROHIBITION FROM
an institution-affiliated party of)	FURTHER PARTICIPATION and
)	ORDER TO PAY
First NBC Bank)	
New Orleans, Louisiana)	FDIC-22-0120e
)	FDIC-22-0121k
(Insured State Nonmember Bank in Receivership))	
)	
Respondent's NMLS UI# N/A)	
)	
)	

Dale N. Atkins (Respondent) was advised of the right to receive a Notice of Intention to Prohibit from Further Participation and Notice of Assessment (collectively, Notices) detailing Respondent's breach for which an Order of Prohibition from Further Participation (Prohibition Order) and Order to Pay a civil money penalty (Order to Pay) (collectively, Orders) may be issued under 12 U.S.C. § 1818(e) and (i).

Respondent was further advised of the right to a hearing on the Notices under 12 U.S.C. § 1818(e) and (i) and 12 C.F.R. Part 308, subparts A & B. Respondent waived certain rights under those provisions on April 24, 2023, and consented to the issuance of the Orders by entering into a Stipulation and Consent to the Issuance of an Order of Prohibition from Further Participation and Order to Pay (Consent Agreement) with a representative of the Federal Deposit Insurance Corporation's (FDIC) Legal Division.

The FDIC found, and Respondent neither admits nor denies, the following:

1. While serving as a member of the Board of Directors of First NBC Bank, New Orleans, Louisiana (Bank), Respondent did not respond adequately to concerns expressed by the FDIC as one of the Bank's regulators.

2. The conduct described in paragraph 1 constituted a breach that caused the Bank to suffer or likely suffer loss and was done with continuing disregard for the safety or soundness of the Bank.

After considering the civil money penalty (CMP) mitigating factors under 12 U.S.C. § 1818(i)(2)(G), the FDIC accepts the Consent Agreement and issues the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION

3. Dale N. Atkins is prohibited from:
- a. participating in any manner in the conduct of the affairs of any financial institution or organization listed in 12 U.S.C. § 1818(e)(7)(A);
 - 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 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.

4. The Prohibition Order is effective upon issuance and will remain effective and enforceable until the FDIC and any "appropriate Federal financial institutions regulatory agency," defined at 12 U.S.C. § 1818(e)(7)(D), decide in writing to modify, terminate, suspend, or set aside the Prohibition Order under 12 U.S.C. § 1818(e)(7)(B).

5. The Prohibition Order is enforceable under 12 U.S.C. § 1818(i), and any violation of the Prohibition Order may result in penalties under 12 U.S.C. § 1818(j).

6. Except as set forth in the Consent Agreement, the Prohibition Order does not waive any right, power, or authority of the United States; federal, state, or local agencies; the FDIC as Receiver; or Respondent.

ORDER TO PAY

7. By reason of Respondent's actions listed in paragraph 1, a \$5,000 civil money penalty (CMP) is assessed against Dale N. Atkins under 12 U.S.C. § 1818(i)(2) and is effective upon issuance. Respondent must pay the CMP to the Treasury of the United States.

8. Respondent may neither seek nor accept indemnification from any insured depository institution for the CMP assessed in this matter.

9. The Order to Pay is enforceable under 12 U.S.C. § 1818(i), and the FDIC will take action to collect the amount due if Respondent fails to make payment.

10. Except as set forth in the Consent Agreement, the Order to Pay does not waive any right, power, or authority of the United States; federal, state, or local agencies; the FDIC as Receiver; or Respondent.

Issued under delegated authority.

Dated: April 26, 2023

/s/
Patricia A. Colohan
Associate Director
Division of Risk Management Supervision