

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

|  |   |                          |
|--|---|--------------------------|
| In the Matter of                                 | ) |                          |
|  | ) |                          |
| Brian Ferris, an institution-affiliated party of | ) |                          |
|  | ) |                          |
| Berkshire Bank                                   | ) | CORRECTED ORDER OF       |
| Pittsfield, Massachusetts                        | ) | PROHIBITION FROM FURTHER |
|  | ) | PARTICIPATION            |
| (Insured State Nonmember Bank)                   | ) |                          |
|  | ) | FDIC-23-0063e            |
| Respondent's NMLS UI# N/A                        | ) |                          |
|  | ) |                          |
|  | ) |                          |
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|  | ) |                          |

Brian Ferris (Respondent) was advised of the right to receive a Notice of Intention to Prohibit from Further Participation (Notice) detailing Respondent's violations of laws and unsafe or unsound banking practices for which an Order of Prohibition from Further Participation (Prohibition Order) may be issued under 12 U.S.C. § 1818(e).

Respondent was further advised of the right to a hearing on the Notice under 12 U.S.C. § 1818(e) and 12 C.F.R. Part 308, subparts A & B. Respondent waived certain rights under those provisions on July 31, 2023, and consented to the issuance of the Prohibition Order by entering into a Stipulation and Consent to the Issuance of an Order of Prohibition from Further Participation (Consent Agreement) with a representative of the Federal Deposit Insurance Corporation's (FDIC) Legal Division.

The FDIC determined and Respondent neither admits nor denies the following:

1. Between February 2015 and October 2018, while employed as a loan officer at Berkshire Bank, Pittsfield, Massachusetts (Bank), Respondent participated in a conspiracy to

defraud the Bank by submitting fraudulent loan applications to the Bank that were referred to him by his two co-conspirators who operated a loan brokerage business. The loan applications contained material misrepresentations, fraudulent documentation, and falsified applicant signatures. The Respondent falsely indicated that no broker had assisted in preparing or referring the loan applications. The Respondent failed to disclose to the Bank that he received a kickback from the co-conspirators for originating each of these loans. As a result of Respondent's actions, the Bank sustained a loss in the amount of \$1,291,171, and the Respondent received personal financial gain in the amount of \$15,000.

2. As described in paragraph 1, Respondent violated laws and engaged in unsafe or unsound practices in connection with the Bank.

3. Respondent's violations and practices caused the Bank to suffer financial loss, and Respondent received financial gain.

4. Respondent's violations and practices involved personal dishonesty and demonstrated Respondent's willful and continuing disregard for the safety or soundness of the Bank.

The FDIC accepts the Consent Agreement and issues the following:

#### **ORDER OF PROHIBITION FROM FURTHER PARTICIPATION**

1. Brian Ferris 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; and

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

2. 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 Order under 12 U.S.C. § 1818(e)(7)(B).

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

4. The Prohibition Order does not waive any right, power, or authority of the United States; federal, state, or local agencies; or the FDIC as Receiver.

Issued under delegated authority.

Dated as of: October 6, 2023.

/s/

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Patricia A. Colohan  
Associate Director  
Division of Risk Management Supervision