

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of	)	
	)	
Mitchell A. Fowler, an institution-affiliated party	)	
of	)	ORDER OF PROHIBITION FROM
	)	FURTHER PARTICIPATION
Sunmark Community Bank	)	
Perry, Georgia	)	FDIC-23-0005e
	)	
(Insured State Nonmember Bank)	)	
	)	
Respondent's NMLS UI# 1486934	)	
	)	

Mitchell A. Fowler (Respondent) and Respondent's counsel were 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 March 1, 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. While employed as a loan officer of the Bonaire, Georgia, branch of Sunmark Community Bank (Bank), between November 19, 2019 and January 13, 2020, Respondent

embezzled Bank customer funds by making unauthorized cash withdrawals from a customer's account and misapplied Bank funds by making unauthorized electronic transfers between unrelated customers' accounts. Respondent's actions violated 18 U.S.C. § 656.

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

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

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

5. Mitchell A. Fowler 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.

6. 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).

7. 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).

8. 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: June 25, 2024.

/s/

Patricia A. Colohan
Associate Director
Division of Risk Management Supervision