

{{07-31-06 p.12591.1}}

[¶12,590] In the Matter of Benny Fesmire, Friendship Bank, Friendship, Tennessee, Docket No. 05-036k (5-12-06).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$30,000.

**In the Matter of
BENNY FESMIRE, individually,
and as an institution-affiliated party of
FRIENDSHIP BANK
FRIENDSHIP, TENNESSEE
formerly an Insured State Nonmember Bank, now a branch of Clayton Bank
and Trust
Henderson, Tennessee
ORDER TO PAY**

FDIC-05-036k

Benny Fesmire, ("Respondent") has been advised of the right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY, and NOTICE OF HEARING ("NOTICE") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations of law or regulations, unsafe or unsound practices, and breaches of fiduciary duties for which a civil money penalty may be assessed against Respondent, and has been further advised of the right to a hearing on the charges under section 8(i) of the Federal Deposit Insurance Act, 12 U.S.C. §1818(i), and the FDIC's Rules of Practice and Procedure, 12 C.F.R. §308.

Having waived those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY ("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 violations of law or regulations, unsafe or unsound practices, or breaches of fiduciary duty for which civil money penalties may be assessed, Respondent consented and agreed to pay a civil money penalty in the amount of \$30,000.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of Respondent's conduct, the history of previous conduct by Respondent, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY CIVIL MONEY PENALTY

IT IS HEREBY ORDERED that a civil money penalty of \$30,000 be, and hereby is, assessed against Benny Fesmire pursuant to section 8(i)(2) of the Act, 12 U.S.C. §1818(i)(2). The Respondent shall pay the civil money penalty to the Treasury of the United States.

IT IS FURTHER ORDERED that 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.

This Order to Pay shall be effective upon issuance.

Pursuant to delegated authority.

Dated this 12th day of May, 2006.

Last
Updated legal@fdic.gov
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