

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

	)	
In the Matter of	)	
	)	
ROBERT G. FOX, JR., individually and as	)	ORDER OF PROHIBITION FROM
an institution-affiliated party of	)	FURTHER PARTICIPATION AND
	)	AN ORDER TO PAY A CIVIL
	)	MONEY PENALTY
	)	
NEWDOMINION BANK	)	
CHARLOTTE, NORTH CAROLINA	)	FDIC-11-377e
	)	FDIC-11-378k
	)	
(INSURED STATE NONMEMBER	)	
BANK)	)	

ROBERT G. FOX, JR. (“Respondent”), has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION AND NOTICE OF ASSESSMENT OF A CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY AND NOTICE OF HEARING issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the unsafe and unsound banking practices and breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND AN ORDER TO PAY A CIVIL MONEY PENALTY (“ORDER”) may issue, and has been further advised of the right to a hearing on the alleged charges under sections 8(e) and 8(i) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. §§ 1818(e) and 1818(i), and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND AN ORDER TO PAY A CIVIL MONEY PENALTY (“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 unsafe or unsound banking practices or breaches of fiduciary duty, Respondent consented to the issuance of an ORDER by the FDIC.

The FDIC considered the matter and determined it had reason to believe that:

(a) Respondent engaged in unsafe and unsound banking practices and breached his fiduciary duties as an institution-affiliated party of NewDominion Bank, Charlotte, North Carolina (“the Bank”);

(b) By reason of such practices the Bank suffered a financial loss and Respondent received financial gain; and,

(c) Such practices involved personal dishonesty on the part of Respondent.

The FDIC further determined that such practices demonstrate Respondent’s unfitness to participate in the conduct of the affairs or as an institution-affiliated party of any insured depository institution, or any other agency or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A).

Therefore, after taking into account the CONSENT AGREEMENT, the appropriateness of the civil money penalty with respect to the financial resources and good faith of Respondent, the gravity of the breaches of fiduciary duty and unsafe or unsound banking practices by Respondent, the history of previous violations, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION

1. ROBERT G. FOX, JR., is hereby, without the prior written approval of the FDIC and the appropriate Federal financial institutions regulatory agency, as that term is defined in section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D), prohibited from:

(a) participating in any manner in the conduct of the affairs of any financial

institution or organization enumerated in section 8(e)(7)(A) of the Act, 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 section 8(e)(7)(A) of the Act, 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.

ORDER TO PAY A CIVIL MONEY PENALTY

2. IT IS HEREBY FURTHER ORDERED, that by reason of the unsafe or unsound banking practices and breaches of fiduciary duty, a civil money penalty of THREE THOUSAND DOLLARS (\$3,000) is assessed against ROBERT G. FOX, JR., the receipt of which is hereby acknowledged. Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

3. This ORDER will become effective upon its issuance by the FDIC. The provisions of this ORDER will remain effective and enforceable except to the extent that, and until such time as, any provision of this ORDER shall have been modified, terminated, suspended, or set aside by the FDIC.

Pursuant to delegated authority.

Dated this 2nd day of November, 2011.

/s/
Serena L. Owens
Associate Director
Division of Risk Management Supervision

