

[{{7-31-96 p.C-4199}}](#)

[¶11,289] **In the Matter of Donald E. Witt, Firststar Bank Portage, Portage, Wis., Docket No. FDIC-95-164k (5-14-96)**

Respondent agrees to pay civil money penalty assessed by FDIC.

**In the Matter of
DONALD E. WITT,
individually, and as an
institution-affiliated party of
FIRSTSTAR BANK PORTAGE
PORTAGE, WISCONSIN
now a branch of
[{{7-31-96 p.C-4200}}](#)
Firststar Bank Madison, N.A.
Madison, Wisconsin
(Insured State Nonmember Bank)
ORDER TO PAY
FDIC-95-164k**

Donald E. Witt ("Respondent") and a representative of the Legal Division of the Federal Deposit Insurance Corporation ("FDIC") executed a Stipulation and Consent to the Issuance of an Order to Pay ("CONSENT AGREEMENT") dated March 6, 1996, whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound practice and/or breach of fiduciary duty for which civil money penalties may be assessed, consented and agreed to pay a civil money penalty in the amount of \$65,000 to the Treasurer of the United States.

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 the unsafe or unsound practice and/or breach of fiduciary duty by the Respondent, the history of previous unsafe or unsound practices and/or breaches of fiduciary duty by Respondent, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED, that by reason of the unsafe or unsound practice and/or breach of fiduciary duty set forth in paragraph 3 of the Consent Agreement, a penalty of \$65,000 be, and hereby is, assessed against Donald E. Witt. The Respondent shall pay the civil money penalty to the Treasurer of the United States within ten days of the effective date hereof.

IT IS FURTHER ORDERED that Respondent is prohibited from seeking or accepting indemnification from any insured depository institution or insured depository institution holding company for the civil money penalty assessed and paid in this matter.

This Order to Pay shall be effective upon issuance.

Dated at Washington, D.C., this 14th day of May, 1996.

Pursuant to delegated authority.