

[{{5-31-97 p.C-4320}}](#)

[¶11,391] In the Matter of Glenn P. Oorlog and Ritch A. Bahe, Community First State Bank (Formerly the Abbott Bank), Alliance, Nebraska, Docket No. 95-187k (3-6-97)

Respondents agree to pay civil money penalty assessed by FDIC..(This order was terminated by order of the FDIC dated 5-27-99; see ¶16,621, ¶16,622, ¶16,623, ¶16,624.)

[.1] Civil Money Penalty

[.2] Prohibition—Seeking or Accepting Indemnification

**In the Matter of
JAMES E. ABBOTT;
RICHARD L. GORDON;
MORRIS R. SHIELDS;
JOHN H. WESTERING;
ALAN W. FRIESEN;
BRUCE A. HOCKING;
GLENN P. OORLOG;
and
RITCH A. BAHE
COMMUNITY FIRST STATE BANK,
(FORMERLY THE ABBOTT BANK)
ALLIANCE, NEBRASKA
(Insured State Nonmember Bank)
AMENDED ORDER TO PAY
AGAINST RESPONDENT BAHE
FDIC-95-187k**

Ritch A. Bahe ("Respondent") has received a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION; NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTIES, 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, unsafe or unsound banking practices, and/or breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION and a FINAL ORDER TO PAY may issue. Respondent has filed an Answer denying the allegations in the NOTICE. Respondent has been advised of the right to a hearing on the alleged charges contained in the NOTICE under section 8(e), 8(i), and 18(j) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(e), 1818(i), and 1828(j), and the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, the Respondent entered into a STIPULATION AND CONSENT BY RESPONDENT BAHE TO THE ISSUANCE OF AN AMENDED ORDER TO PAY ("CONSENT AGREEMENT") with a representative of the Legal Division of the FDIC, whereby solely for the purpose of resolving this proceeding and without admitting or denying any violations, unsafe or unsound banking practices, and/or any breaches of fiduciary duty, Respondent consented to the issuance of the AMENDED ORDER TO PAY AGAINST RESPONDENT BAHE ("ORDER") by the FDIC and consented and agreed to pay a civil money penalty in the amount of \$10,000 to the United States Treasury.

The FDIC has taken 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 violations by Respondent, any history of previous violations by Respondent, and such other matters as justice requires.

The FDIC, therefore, accepted the CONSENT AGREEMENT and issued the following:

**AMENDED ORDER TO PAY
AGAINST RESPONDENT BAHE**

[.1] IT IS HEREBY ORDERED that the Order to Pay issued to Respondent as part of the NOTICE is hereby amended, and Ritch A. Bahe shall be assessed and shall pay a civil money penalty in the amount of \$10,000 by certified or cashier's check made payable [{{5-31-97 p.C-4321}}](#) to the Treasury of the United States and delivered to the FDIC, 550 17th Street, N.W. (H-5018), Washington, D.C. 20429, within 20 days of the effective date hereof. In the event

Respondent fails to pay the full amount of the civil money penalty within 20 days from the effective date of this ORDER as prescribed herein, Respondent shall pay interest on the unpaid portion of the civil money penalty at a rate equal to the Wall Street Journal prime rate, as published immediately before the effective date of the ORDER, plus two percent, compounded daily. The penalty assessed shall constitute a final and unappealable order and, in the event of nonpayment, the unpaid penalty and accrued interest shall be subject to the collection procedures set forth in section 8(i)(2)(I) of the Act, 12 U.S.C. § 1818(i)(2) (I).

[.2] IT IS FURTHER ORDERED that Respondent is prohibited from seeking or accepting indemnification from any insured depository institution (i) for the civil money penalty assessed and paid in this matter, or (ii) for any expenses, including attorneys' fees and disbursements, incurred by Respondent in connection with this matter.

This ORDER will become effective ten days after its issuance. 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 at Washington, D.C., this 6th day of March, 1997.

**In the Matter of
JAMES E. ABBOTT;
RICHARD L. GORDON;
MORRIS R. SHIELDS;
JOHN H. WESTERING;
ALAN W. FRIESEN;
BRUCE A. HOCKING;
GLENN P. OORLOG;
and
RITCH A. BAHE
COMMUNITY FIRST STATE BANK,
(FORMERLY THE ABBOTT BANK)
ALLIANCE, NEBRASKA
(Insured State Nonmember Bank)
AMENDED ORDER TO PAY AGAINST RESPONDENT OORLOG
FDIC-95-187k**

Glenn P. Oorlog ("Respondent") has received a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION; NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTIES, 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, unsafe or unsound banking practices, and/or breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION and a FINAL ORDER TO PAY may issue. Respondent has filed an Answer denying the allegations in the NOTICE. Respondent has been advised of the right to a hearing on the alleged charges contained in the NOTICE under section 8(e), 8(i), and 18(j) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. §§ 1818(e), 1818(i), and 1828(j), and the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, the Respondent entered into a STIPULATION AND CONSENT BY RESPONDENT OORLOG TO THE ISSUANCE OF AN AMENDED ORDER TO PAY ("CONSENT AGREEMENT") with a representative of the Legal Division of the FDIC, whereby solely for the purpose of resolving this proceeding and without admitting or denying any violations, unsafe or unsound banking practices, and/or any breaches of fiduciary duty, Respondent consented to the issuance of the AMENDED ORDER TO PAY AGAINST RESPONDENT OORLOG ("ORDER") by the FDIC and consented and agreed to pay a civil money penalty in the amount of \$5,000 to the United States Treasury.

The FDIC has taken 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 violations by Respondent, any history of previous violations by Respondent, and such other matters as justice requires.

The FDIC, therefore, accepted the CONSENT AGREEMENT and issued the following:

[{{5-31-97 p.C-4322}}](#)

AMENDED ORDER TO PAY AGAINST RESPONDENT OORLOG

[.1] IT IS HEREBY ORDERED that the Order to Pay issued to Respondent as part of the NOTICE is hereby amended, and Glenn P. Oorlog shall be assessed and shall pay a civil money penalty in the amount of \$5,000 by certified or cashier's check made payable to the Treasury of the United States and delivered to the FDIC, 550 17th Street, N.W. (H-5018), Washington, D.C. 20429, within 20 days of the effective date hereof. In the event Respondent fails to pay the full amount of the civil money penalty within 20 days from the effective date of this ORDER as prescribed herein, Respondent shall pay interest on the unpaid portion of the civil money penalty at a rate equal to the two percent over the Wall Street Journal prime rate, as published immediately before the effective date of the ORDER, plus two percent, compounded daily. The penalty assessed shall constitute a final and unappealable order and, in the event of nonpayment, the unpaid penalty and accrued interest shall be subject to the collection procedures set forth in section 8(i)(2)(I) of the Act, 12 U.S.C. § 1818(i) (2)(I).

[.2] IT IS FURTHER ORDERED that Respondent is prohibited from seeking or accepting indemnification from any insured depository institution (i) for the civil money penalty assessed and paid in this matter, or (ii) for any expenses, including attorneys' fees and disbursements, incurred by Respondent in connection with this matter.

This ORDER will become effective ten days after its issuance. 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 at Washington, D.C., this 6th day of March, 1997.