

[{{1-31-95 p.C-3839}}](#)

[¶11,087] **In The Matter of John F. McManus, Durham Trust Company, Durham, New Hampshire, Docket No. FDIC-93-215k (11-9-94).**

Respondent agrees to pay amended civil money penalty.

**In The Matter of  
JOHN F. MCMANUS,  
individually, and as an  
institution-affiliate party of  
DURHAM TRUST COMPANY  
DURHAM, NEW HAMPSHIRE  
(Insured State Nonmember Bank—in  
Receivership)  
AMENDED ORDER TO PAY  
FDIC-93-215k**

The Federal Deposit Insurance Corporation ("FDIC") issued a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY, AND NOTICE OF HEARING ("NOTICE OF ASSESSMENT") against John F. McManus ("Respondent McManus"), on January 5, 1994, charging Respondent McManus with having engaged in violations of certain laws and regulations and assessing a civil money penalty against Respondent McManus in the amount of \$12,500.

Following the issuance of the NOTICE OF ASSESSMENT, Respondent McManus and a representative of the Legal Division of the FDIC executed a Stipulation and Consent to the Issuance of an Amended Order to Pay ("CONSENT AGREEMENT") whereby Respondent McManus, solely for the purpose of this proceeding and without admitting or denying any violation of law or regulation alleged in the NOTICE OF [{{1-31-95 p.C-3840}}](#)ASSESSMENT, consented and agreed to pay a civil money penalty in the amount of \$4,000 to the Treasury of the United States.

After taking into account the CONSENT AGREEMENT and the appropriateness of the penalty with respect to the factors set forth at section 8(i)(2)(G) of the Act, 12 U.S.C. § 1818(i)(2)(G), the FDIC accepts the CONSENT AGREEMENT and issues the following:

*AMENDED ORDER TO PAY*

IT IS HEREBY ORDERED that the ORDER TO PAY issued against Respondent McManus on January 5, 1994, is hereby amended, and Respondent McManus is assessed and shall pay a civil money penalty in the amount of \$4,000 to the Treasury of the United States within ten days of the effective date hereof.

IT IS FURTHER ORDERED that Respondent McManus 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 McManus in connection with this matter.

This ORDER TO PAY shall be effective upon issuance.

Dated at Washington, D.C., this 9th day of November, 1994.

Pursuant to delegated authority.