

[{{4-30-95 p.C-3852}}](#)

[¶11,092] **In The Matter of Paul E. Utterback, The Bank of Alton, Alton, Illinois, Docket No. FDIC-93-258k (11-21-94).**

Respondent agrees to pay amended civil money penalty.

**In The Matter of
PAUL E. UTTERBACK,
individually, and as
an institution-affiliated
party of
THE BANK OF ALTON
ALTON, ILLINOIS
(Insured State Nonmember Bank)
AMENDED ORDER TO PAY
FDIC-93-258k**

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") on February 15, 1994 against Paul E. Utterback ("Respondent").

Following the issuance of the NOTICE OF ASSESSMENT, the Respondent and the FDIC executed a STIPULATION AND CONSENT TO THE ISSUANCE OF AN AMENDED ORDER TO PAY ("CONSENT AGREEMENT"), whereby the Respondent, without admitting or denying any of the allegations set forth in the NOTICE OF ASSESSMENT, consented and agreed [{{1-31-95 p.C-3853}}](#) to pay a civil money penalty in the amount of \$65,000 to the Treasurer of the United States.

After taking into account said CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of the Respondent, the gravity of the violation by the Respondent, the history of previous violations by the Respondent, and such other matters as justice required, the FDIC issues the following:

AMENDED ORDER TO PAY

IT IS HEREBY ORDERED, that the ORDER TO PAY be, and hereby is, amended to reduce the assessed civil money penalty against the Respondent to \$65,000.

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.

FURTHER ORDERED, that the penalty assessed pursuant to this AMENDED ORDER TO PAY shall be paid within 10 days from its date of issuance. Should the Respondent fail to pay his penalty within the required time, the Respondent's penalty, without further notice or proceeding, shall revert to the amount originally assessed in the ORDER TO PAY, such ORDER TO PAY automatically becoming final and unappealable, and such penalty immediately becoming due.

Dated at Washington, D.C., this 21st day of November, 1994.

Pursuant to delegated authority.