

{{12-31-05 p.12481.1}}

**[¶12,481] In the Matter of Milton P. Massey, The Commercial Bank, Crawford, Georgia, Docket No. 05-157e (10-11-05).**

Respondent is prohibited from participating in the conduct of affairs of, or exercising voting rights in, any insured institution without the prior written approval of the FDIC.

**[.1] Prohibition, Removal, or Suspension—Prohibition From—Participation in Conduct of Affairs**

**[.2] Prohibition, Removal, or Suspension—Prohibition From—Voting Rights, exercise of**

**In the Matter of  
MILTON P. MASSEY  
individually, and as an institution-affiliated party of  
THE COMMERCIAL BANK  
CRAWFORD, GEORGIA  
(Insured State Nonmember Bank)  
ORDER OF PROHIBITION FROM FURTHER PARTICIPATION**

FDIC-05-157e

MILTON P. MASSEY ("Respondent") has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION ("NOTICE") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the breaches of fiduciary duty and/or unsafe or unsound banking practices for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION ("ORDER") may be issued, and has been further advised of the right to a hearing on the alleged charges under section 8(e) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. §1818(e), 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 TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER PARTICIPATION ("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 breaches of fiduciary duty and/or unsafe or unsound banking practices, 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) The Respondent has engaged or participated in breaches of fiduciary duty and/or unsafe or unsound banking practices as an institution-affiliated party of THE COMMERCIAL BANK, CRAWFORD, GEORGIA ("Bank");

(b) By reason of such breaches of fiduciary

{{12-31-05 p.12482.1}}

duty and/or practices, the Bank has suffered or will probably suffer financial loss or other damage, the interests of the Bank's depositors have been or could be prejudiced and/or Respondent received financial gain or other benefit; and

(c) Such breaches of fiduciary duty and/or practices involve personal dishonesty on the part of the Respondent or demonstrate the Respondent's willful and/or continuing disregard for the safety and soundness of the Bank.

The FDIC further determined that such breaches of fiduciary duty and/or practices demonstrate the Respondent's unfitness to serve as a director, officer, person

participating in the conduct of the affairs or as an institution-affiliated party of the Bank, any other 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).

The FDIC, therefore, accepts the CONSENT AGREEMENT and issues the following:

**ORDER OF PROHIBITION FROM FURTHER PARTICIPATION**

1. MILTON P. MASSEY 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:

[.1] (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);

[.2] (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.

2. 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 11th day of October, 2005.

Last  
Updated [legal@fdic.gov](mailto:legal@fdic.gov)  
2/3/2006