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{{11-30-00 p.C-5004}}

[¶11,739**] In the Matter of Don E. St. Germaine, Jr., Bank of Bourbonnais, Bourbonnais, Illinois,** Docket No. 97-96e (9-27-00).

Respondent 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
DON E. ST. GERMAINE, JR.
individually, and as aninstitution-affiliated party of
BANK OF BOURBONNAIS
BOURBONNAIS, ILLINOIS
(Insured State Nonmember Bank)
ORDER OF PROHIBITIONFROM FURTHER PARTICIPATION

FDIC-97-96e

Don E. St. Germaine, Jr. ("Respondent"), received a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION ("NOTICE") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations of law or regulation, unsafe or unsound banking practices, and breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION ("ORDER") may issue, and has been advised of the right to a {{11-30-00 p.C-5005}}hearing on the charges under section 8(e) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(e), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived that right, 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 violations of law or regulations, unsafe or unsound banking practices and any breaches of fiduciary duty, 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 violations of law or regulation, unsafe or unsound banking practices, and breaches of fiduciary duty as an institution-affiliated party of the Bank of Bourbonnais, Bourbonnais, Illinois ("Bank");

(b) By reason of such violations, practices, and breaches of fiduciary duty, the Bank suffered financial loss or other damage; the interests of the Bank's depositors have been or could be prejudiced; and the Respondent received financial gain or other benefit; and

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

The FDIC further determined that such violations, practices, and/or breaches of fiduciary duty 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, accepted the CONSENT AGREEMENT and issued the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION

1. Don E. St. Germaine, Jr. 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 ten (10) 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 this 27th day of September, 2000.