

{{8-31-04 p.C-5615}}

¶11,979] In the Matter of MetroBank, Indianapolis, Docket No. 02-102k (10-24-02).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$2,780.

(This order was terminated by order of the FDIC dated 6-23-04; see ¶16,389.)

**In the Matter of
METROBANK
INDIANAPOLIS, INDIANA
(Insured State Nonmember Bank)
ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-02-102k

METROBANK, INDIANAPOLIS, INDIANA, ("Bank") has been advised that a penalty under this subsection may be issued only after notice and an opportunity for a hearing on the record pursuant to 42 U.S.C. §4012a(f)(4), may be issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations for which a civil money penalty may be assessed against the Bank pursuant to the Flood Disaster Protection Act ("Flood Act"), as amended, 42 U.S.C. §4012a and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339, and has been further advised of the right to a hearing on the alleged charges under the Flood Act, 42 U.S.C. §4012a(f) and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308.

Having waived those rights, the Bank entered into a STIPULATION AND CONSENT TO ORDER TO PAY CIVIL MONEY PENALTY ("AGREEMENT") with a representative of the Legal Division of the FDIC, dated July 30, 2002, whereby solely for the purpose of this proceeding and without admitting or denying any violations, the Bank consented and agreed to pay a civil money penalty in the amount of \$2,780.00 related to engaging in a pattern and practice of committing violations of Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339, which implements section 102 of the Flood Act, 42 U.S.C. §4012a, between January 6, 1997 and March 6, 2001, by: (1) failing to obtain flood insurance on 7 loans secured by property located in a flood hazard area in which flood insurance has been made available under the Flood Act, as required by section 339.3(a) of the FDIC Rules and Regulations, 12 C.F.R. §339.3(a); and (2) by failing to conduct flood insurance determinations or by failing to conduct flood insurance determinations prior to closing on 108 loans covered by the Flood Act, as required by section 339.9 of the FDIC Rules and Regulations, 12 C.F.R. §339.9.

The FDIC considered the matter and determined it had reason to believe that the Bank has engaged or participated in violations of law or regulations for which a civil money penalty of \$2,780.00 is appropriate to be assessed against the Bank, pursuant to the Flood Act, 42 U.S.C. §4012a, and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339.

The FDIC therefore accepts the Consent Agreement and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED that METROBANK, INDIANAPOLIS, INDIANA be, and hereby is, assessed a civil money penalty of \$2,780.00, pursuant to the Flood Act, 42 U.S.C. §4012a, and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339, the receipt of which is acknowledged.

This Order to Pay shall be effective upon issuance.

Pursuant to delegated authority.

Dated at Washington, D.C., this 24th day of October, 2002.

