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{{3-31-02 p.C-5330}}

[¶11,890] **In the Matter of DeKalb Community Bank, Smithville, Tennessee**, Docket No. 01-158k (1-16-02).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$1,600.

**In the Matter of  
DEKALB COMMUNITY BANK  
SMITHVILLE, TENNESSEE  
(Insured State Nonmember Bank)  
ORDER TO PAY**

FDIC-01-158k

DeKalb Community Bank, Smithville, Tennessee ("Bank") has been advised of the right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND NOTICE OF HEARING ("NOTICE") 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, section 8(i)(2) of the Federal Deposit Insurance Act ("FDI Act") 12 U.S.C. §1818(i)(2), 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), section 8(i) of the FDI Act, 12 U.S.C. §1818(i), 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, 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 \$1,600.00 related to violating the National Flood Insurance of 1968 and the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994, 42 U.S.C. §§ 4001-4129, and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339, when it made or renewed eight residential mortgage loans secured by property located in Standard Flood Hazard Areas (SFHAs) without having obtained the required flood insurance coverage in violation of 42 U.S.C. §4012a(b)(1) and 12 C.F.R. §339.3(a), and when it failed to provide a timely written notice to eight borrowers as to whether or not flood insurance was available for the collateral securing certain residential mortgage loans secured by property located in SFHAs in violation of 42 U.S.C. §4012a(e)(1) and (2) and 12 C.F.R. §339.7.

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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 \$1,600.00 is appropriate to be assessed against the Bank, pursuant to the Flood Act, 42 U.S.C. §4012a, section 8(i)(2) of the FDI Act, 12 U.S.C. §1818(i)(2), and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339.

*ORDER TO PAY*

IT IS HEREBY ORDERED, that the Bank be, and hereby is, assessed a civil money penalty of \$1,600.00 pursuant to the Flood Act, 42 U.S.C. §4012a, section 8(i)(2) of the FDI Act, 12 U.S.C. §1818(i)(2), 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 16th day of January, 2002.

