

[{{5-31-03 p.C-5715}}](#)

[¶12,028] **In the Matter of Friends Bank, New Smyrna Beach, Florida**, Docket No. 02-194k (3-20-03).

Respondents agree to pay civil money penalty assessed by the FDIC in the amount of \$900.

**In the Matter of
FRIENDS BANK
NEW SMYRNA BEACH, FLORIDA
(Insured State Nonmember Bank)
ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-02-194k

FRIENDS BANK, NEW SMYRNA BEACH, FLORIDA ("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") [{{5-31-03 p.C-5716}}](#)

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 Procedures, 12 C.F.R. Part 308.

Having waived those rights, the Bank entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY CIVIL MONEY PENALTY ("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, the Bank consented and agreed to pay a civil money penalty in the amount of \$900.00 related to its failure to maintain adequate flood insurance on 9 of 38 loans secured by improved real estate in areas determined by the Director of the Federal Emergency Management Agency to have special flood hazards and originated since the Bank opened for business on May 15, 2000. 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 \$900.00 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.

ORDER TO PAY

IT IS HEREBY ORDERED that FRIENDS BANK, NEW SMYRNA BEACH, FLORIDA be, and hereby is, assessed a civil money penalty of \$900.00, 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 20th day of March, 2003.