

[¶11,974] In the Matter of Bank of Mingo, Naugatuck, West Virginia, Docket No. 02-050k (10-3-02).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$12,400.

**In the Matter of
BANK OF MINGO
NAUGATUCK, WEST VIRGINIA
(Insured State Nonmember Bank)
ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-02-050k

BANK OF MINGO, NAUGATUCK, WEST VIRGINIA ("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, 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 \$12,400 related to its (a) its failure to secure or maintain flood insurance on 28 of the 47 loans secured by improved real estate located in areas determined by the Director of the Federal Emergency Management Agency to have special flood hazards and originated since the examination of January 13, 1999, (b) its failure to provide the borrower with written notice of special flood hazards and availability of Federal flood disaster relief assistance on 10 of 47 covered loans, and (c) by failing to provide said notice of special flood hazards in a timely manner on 28 of 47 covered loans.

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 \$12,400 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 Agreement and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED that BANK OF MINGO, NAUGATUCK, WEST VIRGINIA be, and hereby is, assessed a civil money penalty of \$12,400, 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.
Dated at Washington, D.C., this 3rd day of October, 2002.