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{{7-31-91 p.C-1005}}

[¶10,227**] In the Matter of William Randall Cone, Docket No. FDIC-91-66e (5-3-91).**

Respondent prohibited from participating in the conduct of affairs of, or exercising voting rights in, any insured institution without the prior consent of the FDIC.

[.1**] Prohibition—Participation in Conduct of Affairs**
[.2**] Prohibition—Exercise of Voting Rights**

In the Matter of
WILLIAM RANDALL CONE,
individually
and as an institution-affiliated
party of
THE COMMERCIAL BANK
CRAWFORD, GEORGIA
(Insured State Nonmember Bank)
ORDER OF PROHIBITION
FROM FURTHER PARTICIPATION

William Randall Cone ("Respondent"), having been advised of his right to a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION ("NOTICE") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing unsafe or unsound banking practices, and/or breaches of fiduciary duty alleged to have been engaged in by the Respondent individually and in his capacity as an institution-affiliated party of The Commercial Bank, Crawford, Georgia ("Bank"), which have resulted or will probably result in financial loss or other damage to the Bank and/or prejudice to the interests of depositors and/ or Respondent's financial gain or other benefit; and which demonstrate Respondent's willful and/or continuing disregard for the safety and soundness of the Bank, and having been further advised of his right to a hearing on the alleged charges under section 8(e) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(e), and Part 308 of the FDIC's Rules of Practice and procedures, 12 C.F.R. Part 308, and having waived those rights, 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, dated January 23, 1991, whereby solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound banking practices or any breaches of fiduciary duty, Respondent consented to the issuance of an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION ("ORDER") by the FDIC.

The FDIC considered the matter and determined it had reason to believe that:

> (i) Respondent has engaged or participated in unsafe or unsound banking practices, and/or breaches of his fiduciary duty as an institution-affiliated party of the Bank;
> (ii) By reason of such practices and/ or breaches of fiduciary duty, the Bank has suffered or will probably suffer financial loss or other damage, the interest of the Bank's depositors have been or could be prejudiced and/or Respondent received financial gain; and
> (iii) Such practices and/or breaches of fiduciary duty demonstrate Respondent's willful and/or continuing disregard for the safety and soundness of the Bank.

The FDIC further determined that such practices and/or breaches of fiduciary duty demonstrate Respondent's unfitness to serve as a director, officer, person participating in the conduct of the affairs of, or as an institution-affiliated party of, the Bank, or any other insured depository institution, any institution treated as an insured bank or as a savings association, any Federally insured credit union, any farm credit bank, any appropriate Federal depository institution regulatory agency, the Federal Housing Finance Board, any Federal Home Loan Bank, or the Resolution Trust Corporation. The FDIC, therefore, accepted the CONSENT AGREEMENT and issued the following:

ORDER OF PROHIBITION FROM
FURTHER PARTICIPATION

[.1**]** 1. William Randall Cone is hereby prohibited, 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) {{7-31-91 p.C-1006}}of the Act, 12 U.S.C. § 1818(e)(7)(D), from serving or acting as a director, officer, or employee of, or participating in any manner in the conduct of the affairs of, or serving as an institution-affiliated party of the Bank, or any other Federally insured depository institution, any institution treated as an insured bank or as a savings association, any Federally insured credit union, any farm credit bank, any appropriate Federal depository institution regulatory agency, the Federal Housing Finance Board, any Federal Home Loan Bank, or the Resolution Trust Corporation.

[.2**]** 2. William Randall Cone is hereby prohibited from voting for a director, or soliciting, procuring, transferring, attempting to transfer, voting or attempting to vote any proxy, consent, or authorization with respect to the voting rights in the Bank, or any other institution listed in paragraph 1 of this ORDER, 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).

3. William Randall Cone is hereby prohibited from violating any voting agreement previously approved by the appropriate Federal banking agency with regard to any institution listed in paragraph 1 of this ORDER, 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).

The provisions of this ORDER shall become effective ten days after issuance of the FDIC and shall 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 3rd day of May, 1991.