

[{{7-31-93 p.C-1930}}](#)

[¶10,447] **In the Matter of Donald B. Regan, Premier Bank, Maplewood, Minnesota, Docket No. FDIC-92-33b (2-3-92).**

Respondent to cease and desist from engaging in violations of applicable laws and regulations. (*This order was terminated by order of the FDIC dated 5-25-93; see ¶ 15,677.*)

[\[.1\]](#) **Board of Directors—Election—Outside Directors Added**

[\[.2\]](#) **Violations of Law—Eliminate/Correct**

**In the Matter of
DONALD B. REGAN,
individually and as an
institution-affiliated party of
PREMIER BANK
MAPLEWOOD, MINNESOTA
(Insured State Nonmember Bank)
ORDER TO CEASE
AND DESIST
FDIC-92-33b**

Donald B. Regan ("Respondent"), having been advised of his right to a Notice of Charges and of Hearing detailing the unsafe or unsound banking practices and violations of law and/or regulations alleged to have been committed by the Respondent, individually and in his capacity as an institution-affiliated party of Premier Bank, Maplewood, Minnesota ("Bank"), and of his right to a hearing on such alleged charges under section 8(b) of the Federal Deposit Insurance Act, 12 U.S.C. § 1818(b), and having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO CEASE AND DESIST ("CONSENT AGREEMENT") with counsel for the Federal Deposit Insurance Corporation ("FDIC"), dated January 30, 1992, whereby solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound banking practices or violations of law and/or regulations, the Respondent consented to the issuance of an ORDER TO CEASE AND DESIST ("ORDER") by the FDIC.

The FDIC considered the matter and determined that it had reason to believe that the Respondent had engaged in unsafe or unsound banking practices and had violated [{{4-30-92 p.C-1931}}](#) laws and/or regulations. The FDIC, therefore, accepted the CONSENT AGREEMENT and issued the following:

ORDER TO CEASE AND DESIST

IT IS HEREBY ORDERED, that the Respondent cease and desist from engaging in violations of applicable laws and regulations.

IT IS FURTHER ORDERED, that the Respondent take affirmative action as follows:

[.1] 1. (a) At the next meeting of the shareholders of the Bank, and at each succeeding meeting of the shareholders at which Bank directors are to be elected, Respondent shall nominate, and vote any shares owned or controlled by him, and vote any proxies, consents, or authorizations with respect to any voting rights held or controlled by him, in favor of and otherwise support the election of candidates to the board of directors who are independent with respect to the Bank and who have agreed to stand for election to the board of directors, in such number as are necessary to cause a majority of the board of directors to be and to remain independent with respect to the Bank.

(b) For purposes of this ORDER, an individual who is "independent with respect to the Bank" shall be any individual (A) who is not an officer or director of the Bank, any subsidiary of the Bank, or any of its affiliated organizations and who does not own more than 5 percent of the outstanding shares of the Bank or any of its affiliated organizations, (B) who is not related by blood, marriage or common financial interest to an officer or director of the Bank, any subsidiary of the Bank, or any of its affiliated organizations or to any stockholder owning more than 5 percent of the outstanding shares of the Bank, any subsidiary of the Bank, or any of its affiliated organizations, and (C) who is not indebted to the Bank, directly or indirectly (including the indebtedness of any entity in which the individual has a substantial financial interest), in an amount exceeding 5 percent of the Bank's total equity capital and allowance for

loan and lease losses.

[.2] 2. No more than 60 days from the effective date of this ORDER. Respondent shall take all steps and perform all acts reasonably necessary to assist the Bank in eliminating and/or correcting all violations of law and regulations as described on pages 6-1 through 6-1-j of the FDIC's Report of Examination of the Bank as of August 16, 1991.

This ORDER shall become effective 10 days from the date of its issuance.

The provisions of this ORDER shall remain effective and enforceable except to the extent that, and until such time as, any provisions of this ORDER shall have been modified, terminated, suspended, or set aside by the FDIC.

Dated this 3rd day of February, 1992.

Pursuant to delegated authority.