

{{05-31-06 p.12553.1}}

[¶12,553] In the Matter of Robert P. Capone, Community Mutual Savings Bank, White Plains, New York, Docket No. 05-139k (3-23-06).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$20,000.

**In the Matter of
ROBERT P. CAPONE,
individually, and as an institution-affiliated party of
COMMUNITY MUTUAL SAVINGS BANK
WHITE PLAINS, NEW YORK
(Insured State Nonmember Bank)
ORDER TO PAY**

FDIC-05-139k

Robert P. Capone ("Respondent") and a representative of the Legal Division of the Federal Deposit Insurance Corporation ("FDIC") executed a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY ("CONSENT AGREEMENT") dated December 20, 2005, whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any violation of law for which civil money penalties may be assessed, consented and agreed to pay civil money penalties in the amount specified below to the Treasurer of the United States.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the conduct by Respondent, the history of previous conduct by Respondent, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED, that by reason of the violation of law set forth in paragraph 3 of the CONSENT AGREEMENT, a penalty of TWENTY THOUSAND DOLLARS (\$20,000) be, and hereby is, assessed against Robert P. Capone. The Respondent shall pay the civil money penalty to the Treasurer of the United States.

IT IS FURTHER ORDERED that the Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

This Order to Pay shall be effective upon issuance.

Pursuant to delegated authority.

Dated at Washington, D.C., this 23rd day of March, 2006.

