

[{{10-31-02 p.C-5568}}](#)

[¶11,963] **In the Matter of The Bank/First Citizens Bank, Cleveland, Tennessee**, Docket No. 02-064k (8-28-02).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$1,800.

**In the Matter of  
THE BANK/FIRST CITIZENS BANK  
CLEVELAND, TENNESSEE  
(Insured State Nonmember Bank)  
ORDER TO PAY**

FDIC-02-064k

THE BANK/FIRST CITIZENS BANK, CLEVELAND, TENNESSEE ("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.

[{{10-31-04 p.C-5569}}](#)

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 \$1,800.00 related to its failure to secure flood insurance on 9 loans secured by real estate or mobile homes located in areas determined by the Director of the Federal Emergency Management Agency to have special flood hazards, and originated since the examination on August 25, 1997.

The FDIC considered the matter and determined that 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 \$1,800.00 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 THE BANK/FIRST CITIZENS BANK, CLEVELAND, TENNESSEE, be, and hereby is, assessed a civil money penalty of \$1,800.00, 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 hereby acknowledged.

This Order to Pay shall be effective upon issuance.

Pursuant to delegated authority.

Dated at Washington, D.C., this 28th day of August, 2002.