

{{10-31-03 p.C-5832}}

[¶12,078] **In the Matter of Jimmy D. Morris and Clay County Bank, Clay, West Virginia**, Docket Nos. 03-024e, 03-045k (8-27-03).

Respondent is prohibited from participating in the conduct or affairs of, or exercising voting rights in, any insured institution without the prior written approval of the FDIC. Respondents agree to pay civil money assessed by the FDIC in the amount of \$5,000.

[.1] Prohibition, Removal or Suspension—Prohibition From—Participation in Conduct of Affairs

[.2] Prohibition, Removal or Suspension—Prohibition From—Voting Rights, Exercise of

**In the Matter of
JIMMY D. MORRIS, individually, and
as an institution-affiliated party of
CLAY COUNTY BANK
CLAY, WEST VIRGINIA
(Insured State Nonmember Bank)
ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY A CIVIL MONEY
PENALTY**

FDIC-03-024e

FDIC-03-045k

Jimmy D. Morris ("Respondent") has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION ("NOTICE") and a NOTICE OF ASSESSMENT OF A CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW ("NOTICE OF ASSESSMENT") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the unsafe or unsound banking practices and breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION ("ORDER OF PROHIBITION") and an ORDER TO PAY A CIVIL MONEY PENALTY ("ORDER TO PAY") may be issued, and has been further advised of the right to a hearing on the alleged charges under sections 8(e) and 8(i) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. §§ 1818(e) and (i), and the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, the Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY A CIVIL MONEY PENALTY ("CONSENT 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 unsafe or unsound banking practices and/or breaches of fiduciary duty, the Respondent consented to the issuance of an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY A CIVIL MONEY PENALTY ("ORDER") by the FDIC.

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

(a) The Respondent has recklessly engaged or participated in the unsafe or unsound banking practices and/or breaches of fiduciary duty set forth in paragraph 4 of the CONSENT AGREEMENT as an institution-affiliated party of the Clay County Bank, Clay, West Virginia ("Bank");

(b) By reason of such unsafe or unsound banking practices and/or breaches of fiduciary duty, the Bank has suffered or will probably suffer financial loss or other damage, the interests of the Bank's depositors have been or could have been prejudiced, and the Respondent received financial gain or other benefit; and

(c) Such unsafe or unsound banking practices and/or breaches of fiduciary duty involve personal dishonesty on the part of the Respondent or demonstrate the Respondent's willful and/or continuing disregard for the safety or soundness of the Bank.

The FDIC further determined that such unsafe or unsound banking practices and/or breaches of fiduciary duty demonstrate the Respondent's unfitness to serve as a director, officer, person participating in the conduct of the affairs or as an institution-affiliated party of the Bank, any other insured depository institution or any other agency or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. §1818(e)(7)(A).

Therefore after taking into account the CONSENT AGREEMENT; the appropriateness of the civil money penalty with respect to the financial resources and good faith of [{{10-31-03 p.C-5833}}](#)

the Respondent; the gravity of the unsafe or unsound banking practices and/or breaches of fiduciary duty by Respondent; the history of unsafe and unsound banking practices and/or breaches of fiduciary duty by Respondent; and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY A CIVIL MONEY PENALTY

1. IT IS HEREBY ORDERED, that Jimmy D. Morris is, 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), prohibited from:

[.1] (a) participating in any manner in the conduct of the affairs of any financial institution or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. §1818(e)(7)(A);

[.2] (b) soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent or authorization with respect to any voting rights in any financial institution enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. §1818(e)(7)(A);

(c) violating any voting agreement previously approved by the appropriate Federal banking agency; or

(d) voting for a director, or serving or acting as an institution-affiliated party.

2. IT IS HEREBY FURTHER ORDERED, that by reason of the unsafe or unsound banking practices and/or breaches of fiduciary duty set forth in paragraph 4 of the CONSENT AGREEMENT, a civil money penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000) be, and hereby is, assessed against Jimmy D. Morris. The Respondent shall pay the civil money penalty to the Treasury of the United States, and 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.

3. This ORDER will become final and effective upon its issuance by the FDIC. The provisions of this ORDER will 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 27th day of August, 2003.