

{{06-30-05 p.12391.1}}

[¶12,391] In the Matter of Tiwarda F. Congleton, Millennia Community Bank, Greenville, North Carolina, Docket No. 04-053k (4-21-05).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$15,000.

{{06-30-05 p.12392.1}}

**In the Matter of
TIWARDA F. CONGLETON
individually and as an institution-affiliated party of
MILLENNIA COMMUNITY BANK
GREENVILLE, NORTH CAROLINA
(Insured State Nonmember Bank)
ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-04-053k

Tiwarda F. Congleton (the Respondent") has received a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION, NOTICE OF ASSESSMENT OF A CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW AND NOTICE OF HEARING ("NOTICE") issued by the Federal Deposit Insurance Corporation ("FDIC") on July 20, 2004 detailing the violation of a written condition imposed by a Federal banking agency in connection with its grant of an application and/or recklessly engaged or participated in unsafe or unsound banking practices and/or breaches of fiduciary duty for which an ORDER TO PAY A CIVIL MONEY PENALTY ("ORDER TO PAY") may be issued, and has been advised of the right to a hearing on the alleged charges under section 8(i) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. §1818(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 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 TO PAY by the FDIC.

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

As an institution affiliated party of Millennia Community Bank, Greenville, North Carolina (the "Bank"), the Respondent has caused the Bank to violate a written condition imposed by a Federal banking agency in connection with its grant of an application and/or recklessly engaged or participated in unsafe or unsound banking practices and/or breaches of fiduciary duty which resulted in more than minimal loss to the Bank.

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

ORDER TO PAY A CIVIL MONEY PENALTY

1. IT IS HEREBY ORDERED that by reason of the violation and/or unsafe or unsound practices and/or breaches of fiduciary duty which resulted in more than minimal loss to the Bank, a civil money penalty in the amount of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000) be, and hereby is assessed against the Respondent. 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.

2. 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 21st day of April, 2005.

Last
Updated legal@fdic.gov
7/24/2005