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{{10-31-04 p.12,249.1}}

[¶12,249] **In the Matter of George A. Danello, Benjamin Franklin Savings Bank, Franklin, Massachusetts**, Docket No. 03-216k (8-2-04).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$30,000.

**In the Matter of
GEORGE A. DANELLO,
individually and as an institution-affiliated party of
BENJAMIN FRANKLIN SAVINGS BANK
FRANKLIN, MASSACHUSETTS
(Insured State Nonmember Bank)
AMENDED ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-03-216k

The Federal Deposit Insurance Corporation ("FDIC"), on February 11, 2004, issued a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTIES, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY and NOTICE OF HEARING ("Notice of Assessment") against George A. Danello ("Respondent"), detailing the violations of Part 362 of the FDIC Rules and Regulations, 12 C.F.R. Part 362 ("Part 362"), and conditions imposed in writing by the FDIC for which an Order to Pay Civil Money Penalty in the amount of \$50,000 may issue pursuant to section 8(i)(2) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. §1818(i)(2). The violations occurred between February 2, 2000, and July 27, 2000, and consisted of allowing the aggregate value of the Benjamin Franklin Savings Bank's ("Bank") equity portfolio measured at the lower of acquisition cost or market value to exceed 100% of the Bank's tier one capital.

Respondent and Enforcement Counsel for the FDIC thereafter executed a Stipulation and Consent to the Issuance of an Amended Order to Pay Civil Money Penalty ("Consent Agreement"), dated June 8, 2004, whereby solely for the purpose of this proceeding and without admitting any of the allegations in the Notice of Assessment, the Respondent agreed to withdraw his request for hearing and to waive his right to a hearing on the Notice of Assessment and consented to the issuance of an Amended Order to Pay Civil Money Penalty ("Amended Order to Pay").

The FDIC, therefore, accepted the Consent Agreement and issued the following:

IT IS HEREBY ORDERED THAT, the Order to Pay issued by the FDIC in the above-captioned matter on February 11, 2004, is hereby amended as follows:

(a) The amount of the civil money penalty to be assessed against Respondent George A. Danello is reduced to \$30,000, subject to paragraphs (b), (c) and (d) below.

(b) Respondent shall pay the civil money penalty in two equal installments of \$15,000 each in the form of checks payable to the Treasury of the United States, pursuant to section 308.118 of the FDIC Rules of Practice and Procedure, 12 C.F.R. §308.118. The first installment shall be paid upon execution of the Consent Agreement. The remaining installment shall be paid within one year from the date of the issuance of the Amended Order to Pay. Respondent shall forward the checks to Regional Counsel (Supervision), David A. Schecker, Federal Deposit Insurance Corporation, 15 Braintree Hill Office Park, Braintree, Massachusetts 02184.

(c) In the event Respondent's financial condition proves to have been materially different than the information contained in Respondent's Financial Report as of May 4, 2004, which Financial Report has been submitted to the FDIC, the amount of the civil money penalty assessed against Respondent shall be \$50,000, the amount specified in the original Order to Pay.

(d) In the event Respondent fails to make both of the two \$15,000 installment payments in accordance with the terms of the Consent Agreement, the amount of the civil money penalty assessed against Respondent shall be \$50,000, the amount specified in the original Order to Pay.

Dated this 2nd day of August, 2004.

Pursuant to delegated authority.

Last Updated 11/20/2004

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