

{{5-31-92 p.C-2039}}

[¶10,470] **In the Matter of Phil Fouche, Jr., Freedom Bank, DeLeon, Texas, Docket No. FDIC-91-37k (3-9-92).**

Respondent agrees to pay civil money penalty assessed by FDIC.

**In the Matter of  
PHIL FOUCHE, JR.,  
individually, and as  
officer and/or director and  
institution-affiliated party of  
FREEDOM BANK  
DELEON, TEXAS  
(Insured State Nonmember Bank)  
AMENDED ORDER TO PAY**

The Federal Deposit Insurance Corporation ("FDIC") issued a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTIES, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY AND NOTICE OF HEARING ("NOTICE") to Phil Fouche, Jr. ("Respondent"), on March 12, 1991, assessing a civil money penalty against Respondent in the amount of \$20,000.

Following the issuance of the NOTICE, the Respondent and the FDIC executed a STIPULATION AND CONSENT TO THE ISSUANCE OF AN AMENDED ORDER TO PAY ("CONSENT AGREEMENT"), whereby the Respondent consented and agreed to pay a civil money penalty in the amount of \$15,000 to the Treasurer of the United States.

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

*AMENDED ORDER TO PAY*

IT IS ORDERED, that the ORDER TO PAY issued on March 12, 1991, to Respondent is hereby amended, and Phil Fouche, Jr. shall be assessed and shall pay a civil money penalty in the amount of \$15,000 to the Treasurer of the United States pursuant to the following terms and conditions:

- a. Payment shall be made in four payments.
- b. The first payment shall be in the amount of \$4,000 and shall be due on the tenth day following the receipt by Respondent of the AMENDED ORDER TO PAY.
- c. The second payment shall be in the amount of \$3,000 and shall be due on or before October 1, 1992.
- d. The third payment shall be in the amount of \$3,000 and shall be due on or before October 1, 1993.
- e. The fourth payment shall be in the amount of \$5,000 and shall be due on or before January 1, 1994.
- f. Such installments shall be made payable to:

"Treasurer of the United States"

c/o Judith K. Sinclair Regional Counsel Federal Deposit Insurance Corporation  
1910 Pacific Avenue, Suite 1900  
Dallas, Texas 75201

g. In the event that Respondent fails to make any payment when due, FDIC, in its sole discretion and without prior notice to Respondent, may accelerate all payments due under the AMENDED ORDER TO PAY and declare the entire balance to be due and payable.

h. In the event that the FDIC elects not to accelerate all balance of payments after default, such election shall not be construed as a waiver by the FDIC of any of its rights of the FDIC or Respondent in any form or fashion.

- i. If the first three payments are timely made, the last payment is waived.

{{5-31-92 p.C-2040}} Dated Washington, D.C. this 9th day of March, 1992.

Pursuant to delegated authority.

