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[¶12,083] **In the Matter of Thomas J. Gmiter and United-American Savings Bank, Pittsburgh, Pennsylvania**, Docket No. 03-083k (8-28-03).

Respondent agrees to pay civil money assessed by the FDIC in the amount of \$1,000.

**In the Matter of
THOMAS J. GMITER,
individually, and as an institution-affiliated party of
UNITED-AMERICAN SAVINGS BANK
PITTSBURGH, PENNSYLVANIA
(Insured State Nonmember Bank)
ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-03-083k

Thomas J. Gmiter ("Respondent") and a representative of the Legal Division of the Federal Deposit Insurance Corporation ("FDIC") executed a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY ("CONSENT AGREEMENT") dated May 15, 2003, whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound banking practice and/or breach of fiduciary duty for which civil money penalties may be assessed, consented and agreed to pay civil money penalties in the amount specified below to the Treasurer of the United States.

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

ORDER TO PAY

IT IS HEREBY ORDERED, that by reason of the unsafe or unsound banking practices and/or breaches of fiduciary duty set forth in paragraph 3 of the CONSENT AGREEMENT, a penalty of \$1,000 be, and hereby is, assessed against Thomas J. Gmiter. The Respondent shall pay the civil money penalty to the Treasurer of the United States.

IT IS FURTHER ORDERED, that 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.

This Order to Pay shall be effective upon issuance.

Pursuant to delegated authority.

Dated at Washington, D.C., this 28th day of August, 2003.