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[¶12,227] **In the Matter of Commerce Bank & Trust Company, Worcester, Massachusetts**, Docket No. 04-051k (6-17-04).

Respondent agrees to pay civil money penalty assessed by the FDIC in the amount of \$4,600.

**In the Matter of
COMMERCE BANK & TRUST COMPANY
WORCESTER, MASSACHUSETTS
(Insured State Nonmember Bank)
ORDER TO PAY CIVIL MONEY PENALTY**

FDIC-04-051k

Commerce Bank & Trust Company, Worcester, Massachusetts, (the "Bank") has been advised of the right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, and NOTICE OF HEARING ("NOTICE ") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations for which a civil money penalty may be assessed against the Bank pursuant to the Flood Disaster Protection Act ("Flood Act"), as amended, 42 U.S.C. §4012a, and Parts 308 and 339 of the FDIC Rules and Regulations, 12 C.F.R. Parts 308 and 339, and has been further advised of the right to a hearing on the alleged charges under the Flood Act, 42 U.S.C. §4012a(f), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308.

Having waived those rights, the Bank entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY 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 violations, the Bank consented and agreed to pay a civil money penalty in the amount of four thousand six hundred dollars (\$4,600) related to the Bank's failure: (1) to secure or maintain flood insurance on ten loans secured by property located in a flood hazard area, 12 C.F.R. §339.7, by failing to force-place flood insurance within 45 days with respect to two loans secured by property located in a flood hazard area, and 12 C.F.R. §339.9(a), with respect to nine loans, by failing either to provide the requisite notification to borrowers that the borrowers' collateral was located in a flood hazard area and that flood insurance was available, or to provide such notification in a timely manner.

The FDIC considered the matter and determined it had reason to believe that the Bank has engaged or participated in violations of law or regulations for which the assessment of a civil money penalty of \$4,600 against the Bank is appropriate pursuant to the Flood Act, 42 U.S.C. §4012a, and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339.

The FDIC therefore accepts the Consent Agreement and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED that Commerce Bank & Trust Company, Worcester, Massachusetts, be, and hereby is, assessed a civil money penalty of \$4,600 pursuant to the Flood Act, 42 U.S.C. §4012a, and Part 339 of the FDIC Rules and Regulations, 12 C.F.R. Part 339, the receipt of which is acknowledged.

This Order to Pay shall be effective upon issuance.

Pursuant to delegated authority.

Dated this 17th day of June, 2004.