

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

_____)	
IN THE MATTER OF)	
)	ORDER TO PAY
)	CIVIL MONEY PENALTY
RUSSELL MCCANN, individually and as an)	
institution-affiliated party of)	FDIC-11-482k
)	
FRANKLIN BANK, S.S.B.)	
HOUSTON, TEXAS)	
)	
(IN RECEIVERSHIP))	
_____)	

Russell McCann (“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 October 21, 2011, whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any violation of law, unsafe or unsound practice, or breaches 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 Treasury of the United States.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the violations by Respondent, the history of previous violations 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 misconduct set forth in paragraph 3 of the CONSENT AGREEMENT, a penalty of \$20,000 is hereby assessed against Russell McCann. The Respondent shall pay the civil money penalty to the Treasury 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 4th day of April, 2012.

/s/

Serena L. Owens
Associate Director
Division of Risk Management Supervision