

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of )  
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FIRST BANK OF DELAWARE )  
WILMINGTON, DELAWARE )  
 )  
(Insured State Nonmember Bank) )  
\_\_\_\_\_ )

ORDER TO PAY  
CIVIL MONEY PENALTY  
  
FDIC-12-306k

FIRST BANK OF DELAWARE, Wilmington, Delaware (“Bank”), has been advised of its right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY AND NOTICE OF HEARING (“NOTICE OF ASSESSMENT”) issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the violations of law and regulation for which a civil money penalty may be assessed against the Bank pursuant to section 8(i)(2) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. § 1818(i)(2), and has been further advised of the right to a hearing with respect to the foregoing, under section 8(i) of the Act, 12 U.S.C. § 1818(i), and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. Part 308, and having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY CIVIL MONEY PENALTY (“CONSENT AGREEMENT”) with counsel for the FDIC dated November 16, 2012, whereby, solely for the purpose of this proceeding and without admitting or denying the violations of law or regulation, the Bank consented to the issuance of this ORDER TO PAY CIVIL MONEY PENALTY (“ORDER TO PAY”) by the FDIC.

The FDIC considered the matter and determined that it has reason to believe that the Bank violated the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*, 12 U.S.C. § 1829b, 12 U.S.C. §§ 1951-1959, and 12 U.S.C. § 1818(s), and its implementing regulations, 31 C.F.R. Chapter X, section 326.8 and Part 353 of the FDIC Rules and Regulations, 12 C.F.R. § 326.8 and 12 C.F.R. Part 353.

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of the Bank, the gravity of the violations by the Bank, the history of previous violations by the Bank, and such other matters as justice may require, the FDIC has determined that a civil money penalty of Fifteen Million Dollars (\$15,000,000) is appropriate to be assessed against the Bank. The FDIC, therefore, accepts the CONSENT AGREEMENT and issues the following:

**ORDER TO PAY**

IT IS HEREBY ORDERED that the Bank be, and hereby is, assessed a civil money penalty in the amount of Fifteen Million Dollars (\$15,000,000), pursuant to section 8(i)(2) of the Act, 12 U.S.C. § 1818(i)(2), the receipt of which is hereby acknowledged. The assessment shall be concurrent with the assessment of a civil money penalty in the amount of Fifteen Million Dollars (\$15,000,000) by the United States Department of Justice and the Financial Crimes Enforcement Network, United States Department of the Treasury and all such assessments shall be satisfied by one payment in the amount of Fifteen Million Dollars (\$15,000,000) to the Treasury of the United States.

The issuance of this ORDER TO PAY does not bar, estop, or otherwise prevent the following: any actions against the Bank by any other federal or state agency or department in connection with this or any other matter; or any actions against any of the Bank's current or

former institution-affiliated parties or agents, in connection with this matter or any other matter,  
by the FDIC or any other federal or state agency.

Pursuant to delegated authority

Dated at Philadelphia, Pennsylvania this 16<sup>th</sup> day of November, 2012

/s/

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John R. Jilovec  
Acting Deputy Regional Director  
New York Region