

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D. C.

_____)	
IN THE MATTER OF)	
)	
)	
ANTHONY J. NOCELLA, individually and as an)	
institution-affiliated party of)	ORDER TO PAY
)	CIVIL MONEY PENALTY
)	
)	FDIC-11-485k
FRANKLIN BANK, S.S.B.)	
HOUSTON, TEXAS)	
)	
(IN RECEIVERSHIP))	
_____)	

Anthony J. Nocella (“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 23, 2012, 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, 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 violations, unsafe or unsound practices and/or breaches of fiduciary duty, which resulted in the filing of an inappropriate Call Report by the Bank, a penalty of \$60,000 is hereby assessed against Respondent. Without admitting or denying any violation, unsafe or unsound practice, ad/or breach of fiduciary duty, 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 9th day of August, 2012.

/s/

Serena L. Owens
Associate Director
Division of Risk Management Supervision