

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of	)	
TOD A. PRESUTTI,	)	
Individually, and as an	)	ORDER TO PAY
institution-affiliated	)	
party of	)	FDIC-12-079k
FIRST INTERNET BANK OF INDIANA	)	
INDIANAPOLIS, INDIANA	)	
(INSURED STATE NONMEMBER BANK)	)	

Tod A. Presutti ("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 June 23, 2012, whereby Respondent, solely for the purpose of this proceeding and without admitting or denying any allegations of recklessly engaging in unsafe or unsound practices or breaches of fiduciary duty for which civil money penalties may be assessed, consented and agreed to pay a civil money penalty 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 the Respondent, the gravity of the violations by the Respondent, the history of previous violations by the 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 and breaches of fiduciary duty set forth in paragraph 3 of the CONSENT AGREEMENT, a penalty of \$4,000.00 be, and hereby is, assessed against the Respondent. 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 6<sup>th</sup> day of September, 2012.

/s/  
Serena L. Owens  
Associate Director  
Division of Risk Management  
Supervision