

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

_____)	
In the Matter of)	ORDER OF PROHIBITION FROM
)	FURTHER PARTICIPATION
JAMES G. OUPER, an institution-affiliated)	
party of)	FDIC-16-0220e
)	
EDGEBROOK BANK (In Receivership))	
CHICAGO, ILLINOIS)	
)	
(INSURED STATE NONMEMBER BANK))	
)	
_____)	

JAMES G. OUPER (Respondent) has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION issued by the Federal Deposit Insurance Corporation (FDIC) detailing the violations, unsafe or unsound banking practices, or breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION (ORDER) may issue and has been further advised of the right to a hearing on the alleged charges under 12 U.S.C. § 1818(e), and the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER PARTICIPATION (CONSENT AGREEMENT) with a representative of the Legal Division of the FDIC, dated December 13, 2016, whereby solely for the purpose of this proceeding and without admitting or denying any violations, unsafe or unsound banking practices, or any breaches of fiduciary duty, Respondent consented to the issuance of an ORDER by the FDIC.

- The FDIC has determined, and Respondent neither admits nor denies, that:
- (a) Respondent has engaged or participated in violations, unsafe or unsound banking

practices, and breaches of fiduciary duty as an institution-affiliated party of Edgebrook Bank (In Receivership), Chicago, Illinois (Bank) within the meaning of 12 U.S.C. §1813(u);

(b) Further, the FDIC has determined that while Senior Vice-President and Chief Operating Officer of the Bank, Respondent used his control and supervision over the Bank's deposit operations to facilitate and conceal schemes perpetrated by Bank customers and caused the Bank to violate the Bank Secrecy Act, 31 U.S.C. § 5311 *et seq.*;

(c) By reason of such violations, unsafe or unsound banking practices, and breaches of fiduciary duty, the Bank suffered loss or other damage; and

(d) Such violations, unsafe or unsound banking practices, and breaches of fiduciary duty demonstrate Respondent's willful and continuing disregard for the safety or soundness of the Bank.

The FDIC further determined that such violations, unsafe or unsound banking practices, and breaches of fiduciary duty demonstrate Respondent's unfitness to serve as a director, officer, person participating in the conduct of the affairs, or as an institution-affiliated party of any insured depository institution, or any other agency or organization enumerated in 12 U.S.C. § 1818(e)(7)(A).

The FDIC, therefore, accepts the CONSENT AGREEMENT and issues the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION

1. JAMES G. OUPER is hereby prohibited from:

(a) participating in any manner in the conduct of the affairs of any financial institution or organization enumerated in 12 U.S.C. § 1818(e)(7)(A);

(b) soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any financial institution enumerated in 12 U.S.C. § 1818(e)(7)(A);

(c) violating any voting agreement previously approved by the appropriate Federal banking agency; or

(d) voting for a director, or serving or acting as an institution-affiliated party.

2. The prohibitions in paragraph 1 above, shall cease to apply to Respondent if Respondent obtains the prior written permission of both the FDIC and the "appropriate Federal financial institutions regulatory agency" as defined in 12 U.S.C. §1818(e)(7)(D).

3. Nothing herein shall preclude any proceedings brought by the FDIC to enforce the terms of this Order, and that nothing herein constitutes a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof, or the FDIC as Receiver, or any state agency or department to bring other actions deemed appropriate against Respondent.

4. This ORDER will become effective upon its issuance by the FDIC. The provisions of this ORDER will remain effective and enforceable except to the extent that, and until such time as, any provision of this ORDER shall have been modified, terminated, suspended, or set aside by the FDIC.

Pursuant to delegated authority.

Dated this 11th day of May, 2017.

/s/
Patricia A. Colohan
Associate Director\
Division of Risk Management Supervision