

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

_____)	
In the Matter of)	
PRIMESOUTH BANK)	ORDER TO PAY
BLACKSHEAR, GEORGIA)	CIVIL MONEY PENALTY
)	
(Insured State Nonmember Bank))	FDIC-13-0487k
_____)	

PRIMESOUTH BANK, BLACKSHEAR, GEORGIA (“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 CIVIL MONEY PENALTY, AND NOTICE OF HEARING 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. The Bank, 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 June 30, 2014, whereby, solely for the purpose of this proceeding and without admitting or denying the violations of law, the Bank consented to the issuance of this ORDER TO PAY CIVIL MONEY PENALTY (“ORDER”) by the FDIC.

The FDIC considered the matter and determined that the Bank engaged in deceptive acts and practices in violation of section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45 (a)(1) (“Section 5”), in that (1) the Bank failed to accurately disclose the cash advance fee to customers

with respect to the Bank's credit card program; (2) the Bank inaccurately disclosed a grace period for cash advances, when there is no grace period, with respect to the Bank's credit card program; (3) the Bank failed to disclose adequately that all customers were entitled to the identity theft insurance benefits at no cost, regardless of whether or not they opted out; and (4) the Bank represented that all of the listed benefits of the Bank's identity theft insurance product would be provided to customers "automatically," when instead, customers had to register to receive some of the listed benefits.

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

ORDER TO PAY CIVIL MONEY PENALTY

IT IS HEREBY ORDERED that, by reason of the violations of law and regulation set forth herein, and after taking into account the appropriateness of the penalty with respect to the size of financial resources and good faith of the Bank, the gravity of the violations, the history of previous violations by the Bank, and such other matters as justice may require, pursuant to 12 U.S.C. § 1818(i)(2), a penalty of twenty thousand dollars (\$20,000.00) is assessed against the Bank. The Bank shall pay such amount to the Treasury of the United States.

IT IS FURTHER ORDERED that the Bank is prohibited from seeking or accepting indemnification from any third party for the civil money penalty assessed and paid in this matter.

This ORDER shall become effective upon its issuance by the FDIC.

The provisions of this ORDER shall not bar, estop, or otherwise prevent the FDIC or any other federal or state agency or department from taking any other action against the Bank or any of the Bank's current or former institution-affiliated parties, as that term is defined in section 3(u) of the Act, 12 U.S.C. § 1813(u).

Pursuant to delegated authority.

Dated at Washington, D.C. this __18th__ day of ____July_____, 2014.

_____/s/_____
Sylvia H. Plunkett
Senior Deputy Director
Division of Depositor and
Consumer Protection