

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

_____ )	
In the Matter of: )	
)	
THOMAS SHIU-KIT WU, EBRAHIM )	ORDER OF PROHIBITION
SHABUDIN, CRAIG S. ON, THOMAS T. YU, )	FROM PARTICIPATION AND
JOHN M. KERR, PAUL MONTELARO, )	ORDER TO PAY
CHRISTIAN C. LEE, LAUREN A. TRAN, )	CIVIL MONEY PENALTY
YIXING SUN, and TA-LUN WU, individually )	
and as institution-affiliated parties of )	FDIC-11-294e
)	FDIC-11-295k
UNITED COMMERCIAL BANK )	
SAN FRANCISCO, CALIFORNIA )	
)	
(IN RECEIVERSHIP) )	
(INSURED STATE NONMEMBER BANK) )	
_____ )	

John M. Kerr (“Respondent”) has received a NOTICE OF INTENTION TO REMOVE FROM OFFICE AND/OR TO PROHIBIT FROM FURTHER PARTICIPATION, NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTIES, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY, AND NOTICE OF HEARING (“NOTICE”) issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the violations of law, unsafe or unsound banking practices, and breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY CIVIL MONEY PENALTY (“ORDER”) may issue, and has been advised of the right to a hearing on the alleged charges under sections 8(e) and 8(i) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. §§ 1818(e) and 1818(i), and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. Part 308.

Having waived that right, the Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER

PARTICIPATION AND ORDER TO PAY CIVIL MONEY PENALTY (“CONSENT AGREEMENT”) with a representative of the Legal Division of the FDIC, whereby solely for the purpose of this proceeding, and without admitting or denying any violations, unsafe or unsound banking practices, or breaches of fiduciary duty, Respondent consented to the issuance of this ORDER by the FDIC.

The FDIC considered the matter and determined it had reason to believe that:

(a) Respondent has engaged or participated in violations, unsafe or unsound banking practices, and/or breaches of fiduciary duty as an institution-affiliated party of United Commercial Bank, San Francisco, California (the “Bank”);

(b) Such violations, practices, and/or breaches were part of a pattern of misconduct and by reason of such violations, practices, and breaches of fiduciary duty, the Bank has suffered financial loss or other damage, and/or the interests of the Bank’s depositors have been prejudiced; and

(c) Such violations, practices, and/or breaches of fiduciary duty involve personal dishonesty on the part of the Respondent and/or demonstrate Respondent’s willful and/or continuing disregard for the safety and soundness of the Bank.

The FDIC further determined that such violations, practices, and/or 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 the Bank, any other insured depository institution, or any other agency or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A).

The FDIC further determined, after taking into account the financial resources and good faith of Respondent, the gravity of the violations, practices, and/or breaches by Respondent, and

the history of previous practices and breaches by Respondent, that a civil money penalty is appropriate under section 8(i)(2)(B) of the Act, 12 U.S.C. § 1818(i)(2)(B).

Based on the above, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION

1. Respondent is hereby, without the prior written approval of the FDIC and the appropriate Federal financial institutions regulatory agency, as that term is defined in section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D), prohibited from:

(a) participating in any manner in the conduct of the affairs of any financial institution or organization enumerated in section 8(e)(7)(A) of the Act, 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 section 8(e)(7)(A) of the Act, 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.

ORDER TO PAY CIVIL MONEY PENALTY

2. Respondent is hereby assessed a civil money penalty of One Hundred Fifty Thousand Dollars (\$150,000.00). Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter. The FDIC will compromise, modify, or remit the civil money penalty assessed against Respondent to the extent of any payments Respondent has paid or will pay from

