

WASHINGTON, D.C.

ORDER OF PROHIBITION FROM
FURTHER PARTICIPATION
FDIC-11-009e

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, whereby solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound banking practices or breaches of fiduciary duty, Respondent consented to

the issuance of an ORDER by the FDIC.

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

(a) Respondent has engaged in unsafe or unsound banking practices and committed breaches of his fiduciary duty as an institution-affiliated party of United Community Bank, Blairsville, Georgia (“the Bank”);

(b) By reason of such practices the Bank has suffered loss or the interests of the Bank’s depositors have been or could be prejudiced; and,

(c) Such practices involved personal dishonesty on the part of Respondent and demonstrated Respondent’s willful and continuing disregard for the safety and soundness of the Bank.

The FDIC further determined that such practices demonstrate Respondent’s unfitness to participate 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 section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A).

Therefore, after taking into account the CONSENT AGREEMENT; the gravity of the breaches of fiduciary duty and unsafe or unsound banking practices by Respondent; and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION

1. CHARLES RANDY SMITH 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 with respect to any financial institution enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A).

2. 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 21st day of December, 2012.

/s/

Lori J. Quigley
Acting Associate Director
Division of Risk Management Supervision