

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of )

JAMES R. BUNN, individually, and as an )  
institution-affiliated party of )

VALLEY BANK )  
MOLINE, ILLINOIS )

(INSURED STATE NONMEMBER BANK) )  
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)  
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AMENDED  
ORDER TO PAY

FDIC-13-0481k

The Federal Deposit Insurance Corporation (“FDIC”), on July 20, 2015, issued a NOTICE OF CHARGES, NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY, and NOTICE OF HEARING (“NOTICE OF ASSESSMENT”) against James R. Bunn (“Respondent”), assessing a civil money penalty against Respondent pursuant to the Federal Deposit Insurance Act, 12 U.S.C. § 1818(i)(2), in the amount of \$10,000 for alleged unsafe or unsound practices and breaches of fiduciary duty owed to Valley Bank, Moline, Illinois.

Although Respondent filed an Answer in response to the NOTICE OF ASSESSMENT, he did not request a hearing within the allotted time. Under 12 U.S.C. § 1818(i)(2)(E)(ii) and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. § 308.19(c)(2), the failure to request a hearing within the time provided constitutes a final and unappealable order.

On October 15, 2015, the Administrative Law Judge issued an ORDER REGARDING JURISDICTION TO CONSIDER ASSESSMENT OF CIVIL MONEY PENALTY, finding that the FDIC’s assessment of a \$10,000 civil money penalty upon Respondent is final and

unappealable. Respondent filed EXCEPTIONS TO THE OCTOBER 15, 2015, ORDER WITH RESPECT TO JURISDICTION (“EXCEPTIONS”), and those EXCEPTIONS have not yet been resolved.

Subsequently, Respondent and Enforcement Counsel for the FDIC executed a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO CEASE AND DESIST AND AMENDED ORDER TO PAY (“CONSENT AGREEMENT”) dated March 14, 2016, whereby, solely for the purpose of this proceeding and without admitting any of the allegations in the NOTICE OF ASSESSMENT, Respondent agrees to withdraw his EXCEPTIONS and to waive his alleged right to a hearing on the NOTICE OF ASSESSMENT and consents to the issuance of a final ORDER TO PAY as amended by this AMENDED ORDER TO PAY civil money penalty.

Pursuant to the CONSENT AGREEMENT, Respondent agreed to pay a civil money penalty of \$5,000, and the FDIC agreed to reduce the civil money penalty to \$5,000.

The FDIC, therefore, accepted the CONSENT AGREEMENT and issued the following:

IT IS HEREBY ORDERED THAT the ORDER TO PAY, issued on July 20, 2015, is hereby amended as follows:

- (a) The amount of the civil money penalty assessed against Respondent James R. Bunn is reduced to \$5,000; and
- (b) Respondent shall pay the full amount of the civil money penalty in the form of a check payable to the *Treasury of the United States* pursuant to 12 C.F.R. § 308.118, upon execution of the CONSENT AGREEMENT.
- (c) In the event Respondent’s financial condition proves to have been materially different from the information contained in Respondent’s Financial Report as of

- (a) January 19, 2016, and as augmented on January 29, 2016, which Financial Report has been submitted to the FDIC, the amount of the civil money penalty assessed against Respondent shall be \$10,000, the amount assessed in the original Order to Pay.

This Amended Order to Pay shall become effective on the date of its issuance.

Pursuant to delegated authority.

Dated this 22<sup>nd</sup> day of April, 2016.

/s/  
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Christopher J. Newbury  
Associate Director  
Division of Risk Management Supervision