

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of )

DANIEL CLARK THOMAS, )  
individually, and as an )  
institution-affiliated party of )

FARMERS EXCHANGE BANK )  
LOUISVILLE, ALABAMA )

(INSURED STATE NONMEMBER BANK) )  
\_\_\_\_\_)

ORDER OF PROHIBITION  
FROM FURTHER PARTICIPATION  
AND AN ORDER TO PAY A  
CIVIL MONEY PENALTY

FDIC-13-0310e  
FDIC-13-0311k

DANIEL CLARK THOMAS ("Respondent") has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION ("NOTICE") and a NOTICE OF ASSESSMENT OF A CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY, AND NOTICE OF HEARING ("NOTICE OF ASSESSMENT") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the unsafe or unsound banking practices and/or breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND AN ORDER TO PAY A CIVIL MONEY PENALTY may be issued, and has been further 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 those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER

PARTICIPATION AND AN ORDER TO PAY A 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 unsafe or unsound banking practices and/or breaches of fiduciary duty, Respondent consented to the issuance of an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND AN ORDER TO PAY A CIVIL MONEY PENALTY ("ORDER") by the FDIC.

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

(a) Respondent has recklessly engaged or participated in unsafe or unsound banking practices and/or breaches of fiduciary duty while an institution-affiliated party of Farmers Exchange Bank, Louisville, Alabama ("Bank"), which is part of a pattern of misconduct;

(b) By reason of such unsafe or unsound banking practices and/or breaches of fiduciary duty, the Bank has suffered or will probably suffer more than a minimal financial loss or other damage, the interests of the Bank's depositors have been or could be prejudiced, and/or Respondent received financial gain or other benefit; and

(c) Such unsafe or unsound banking practices and/or breaches of fiduciary duty involved personal dishonesty on the part of the Respondent or demonstrated Respondent's willful and/or continuing disregard for the safety or soundness of the Bank.

The FDIC further determined that such unsafe or unsound banking practices and/or breaches of fiduciary duty demonstrated 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).

Therefore, after taking into account the CONSENT AGREEMENT, the appropriateness of the civil money penalty with respect to the financial resources and good faith of Respondent, the gravity of the breaches of fiduciary duty and/or 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  
AND AN ORDER TO PAY A CIVIL MONEY PENALTY

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.

2. IT IS HEREBY FURTHER ORDERED that by reason of the unsafe or unsound banking practices and/or breaches of fiduciary duty, a penalty of TWENTY-FIVE THOUSAND

DOLLARS (\$25,000) be, and hereby is, assessed against Respondent, the receipt of which is hereby acknowledged. Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

3. This ORDER will become final and 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 12<sup>th</sup> day of November, 2013

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Christopher J. Newbury  
Associate Director  
Division of Risk Management Supervision