

1. Jurisdiction. (a) THOMAS STEVEN MOYNIHAN was, during the period from August 6, 1993, to April 4, 1994, an appraiser performing services for "insured depository institutions" within the meaning of the term as defined in 12 U.S.C. § 1813(c) and an "institution-affiliated party" as the term is defined in 12 U.S.C. § 1813(u)(4).

(b) Pursuant to 12 U.S.C. § 1813(q), the Director of the OTS is the "appropriate Federal Banking agency" to maintain an administrative cease and desist proceeding against such an institution-affiliated party. Therefore, THOMAS STEVEN MOYNIHAN is subject to the jurisdiction of the OTS to initiate and maintain a cease and desist proceeding against him pursuant to 12 U.S.C. § 1818(b). The Director of the OTS has delegated to the Regional Director of the Northeast Region of the OTS or his designee ("Regional Director") the authority to issue cease and desist orders where the individual has consented to the issuance of the orders.

2. OTS Findings of Fact. The OTS find that:

a. THOMAS STEVEN MOYNIHAN pled guilty in the Connecticut Superior Court on January 26, 1996, to one count of forgery in the second degree in connection with the preparation of fraudulent real estate appraisals prepared by him during the period from August 6, 1993, to April 14, 1994, in violation of Conn. Gen. Stat. 53a-139, and has thereby engaged in a violation of law within the meaning of 12 U.S.C. § 1818(b);

b. THOMAS STEVEN MOYNIHAN prepared fraudulent real estate appraisals for several financial institutions during the period from August 6, 1993, to April 6, 1994, including depository institutions subject to the OTS's regulatory jurisdiction; and

c. THOMAS STEVEN MOYNIHAN completed and submitted to financial institutions approximately ninety appraisals without a license, as required by the State of Connecticut, and/or fraudulently represented a valid appraisal number as his own.

3. Consent. THOMAS STEVEN MOYNIHAN consents to the issuance by the OTS of the accompanying Order to Cease and Desist For Affirmative Relief ("Order"). THOMAS STEVEN MOYNIHAN further agrees to comply with the terms of the Order upon issuance and stipulates that the Order complies with all requirements of law.

4. Finality. The Order is issued under 12 U.S.C. § 1818(b). Upon its issuance by the Regional Director or his designee for the Northeast Region, OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of 12 U.S.C. § 1818(i).

5. Waivers. THOMAS STEVEN MOYNIHAN waives the following:

(a) the right to be served with a written notice of the OTS's charges against him as provided by 12 U.S.C. § 1818(e);

(b) the right to an administrative hearing of the OTS's charges against him as provided by 12 U.S.C. § 1818(e);

(c) the right to seek judicial review of the Order, including, without limitation, any such right provided by 12 U.S.C. § 1818(h), or otherwise to challenge the validity of the Order.

6. Other Governmental Actions Not Attested. THOMAS STEVEN MOYNIHAN acknowledges and agrees that the consent to the issuance of the Order is for the purpose of resolving this OTS enforcement matter only, which relates solely to fraudulent real estate appraisals between the period August 6, 1993, to April 6, 1994, and

to the unlawful completion and submission of appraisals by THOMAS STEVEN MOYNIHAN without a valid license, and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of THOMAS STEVEN MOYNIHAN that arise pursuant to this action or otherwise and that may be or have been brought by the OTS or another governmental entity.

8. Cooperation. THOMAS STEVEN MOYNIHAN shall fully and promptly cooperate with any OTS requests for documents or other information in order to enable OTS to demonstrate or determine compliance with the Order entered on this date.

9. Communications.

(a) The OTS may send written notices and other communications to THOMAS STEVEN MOYNIHAN:

THOMAS STEVEN MOYNIHAN
78 Birch Hill Drive
South Windsor, Connecticut 06074

(b) All communications required or permitted to be sent by THOMAS STEVEN MOYNIHAN to the OTS shall be sent to:

ROBERT J. ALBANESE, REGIONAL DIRECTOR
Office of Thrift Supervision
10 Exchange Place, 18th Floor
Jersey City, New Jersey 07302

with a copy also sent to the OTS' enforcement counsel, as follows:

LANCE D. CASSAK, ESQ.
Acting Regional Counsel for Enforcement
Office of Thrift Supervision
10 Exchange Place, 18th Floor
Jersey City, New Jersey 07302

(a) The construction and validity of this Stipulation and the Order shall be governed by the laws of the United States of America.

(b) All references to the OTS in this Stipulation and the Order shall also mean any of the OTS' predecessors, successors, and assigns.

(c) The section and paragraph headings in this Stipulation and the Order are for convenience only, and such headings shall not affect the interpretation of this Stipulation or the Order.

(d) The terms of this Stipulation and the Order represent the final written agreement of the parties with respect to the subject matters hereof, and constitute the sole agreement of the parties with respect to such subject matters.

(e) This Stipulation and the Order shall remain in effect until terminated, modified, or suspended in writing by the OTS, acting through the Regional Director. The Regional Director may suspend, in his sole discretion, any or all provisions of this Stipulation or of the Order.

WHEREFORE, THOMAS STEVEN MOYNIHAN, executes this Stipulation and Consent to Issuance of an Order to Cease and Desist For Affirmative Relief, intending to be legally bound hereby.

Accepted by:

OFFICE OF THRIFT SUPERVISION

By:


THOMAS STEVEN MOYNIHAN



ROBERT ALBANESE

Regional Director

Office of Thrift Supervision

10 Exchange Place, 18th Floor

Jersey City, New Jersey 07302

Dated:

12/4/96

Dated:

12/20/96

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION
DEPARTMENT OF THE TREASURY

In the Matter of :
 :
THOMAS STEVEN MOYNIHAN, : OTS Order No. NE96-13
 :
 : Date: December 20, 1996
formerly an institution-affiliated party :
performing services as an appraiser for :
Boston Five Cents Savings Bank and :
other Federal Savings and Loan Institutions :
_____ :

CONSENT CEASE AND DESIST ORDER
FOR AFFIRMATIVE RELIEF

WHEREAS, THOMAS STEVEN MOYNIHAN, an Institution-Affiliated Party,
has executed a Stipulation and Consent to Issuance of An Order To Cease and Desist For
Affirmative Relief ("Stipulation"); and

WHEREAS, THOMAS STEVEN MOYNIHAN, by his execution of the
Stipulation, has consented and agreed to the issuance by the Office of Thrift Supervision
("OTS") of this CONSENT CEASE AND DESIST ORDER FOR AFFIRMATIVE
RELIEF ("Order") pursuant to Sections 8(b) of the Federal Deposit Insurance Act
("FDIA"), 12 U.S.C. §§ 1818(b); and

WHEREAS, the Director of the OTS has delegated to the Regional Directors of
the OTS the authority to issue Orders to Cease And Desist where the individual has
consented to the issuance of the orders.

NOW THEREFORE, IT IS ORDERED that:

Moynihan
Order

CEASE AND DESIST ORDER

1. THOMAS STEVEN MOYNIHAN shall cease and desist from engaging in any unsafe or unsound practices, breaches of fiduciary duty, or violations of, or aiding and abetting violations of, any Federal banking law or regulation.

2. THOMAS STEVEN MOYNIHAN shall not perform any appraisal functions, activities or services for any federally insured depository institution or be affiliated with or employed by any company that provides appraisals or appraisal services of any kind to such institutions.

3. THOMAS STEVEN MOYNIHAN shall also not perform any appraisal functions, activities, or services for a bank holding company or a savings and loan holding company, or any subsidiary thereof, as those terms are defined in 12 U.S.C. § 1813(w), or be affiliated with or employed by any company that provides appraisals or appraisal services of any kind to any such holding company.

4. In any dealings with insured depository institutions, as the term is defined in 12 U.S.C. § 1813(c), THOMAS STEVEN MOYNIHAN shall provide accurate, complete and correct information.

5. THOMAS STEVEN MOYNIHAN shall fully and promptly respond to any request from the OTS for documents or information that the OTS seeks to determine or demonstrate compliance with this Order.

6. The Stipulation is made a part hereof and is incorporated herein by this reference.

7. This Order is and shall become effective on the date it is issued, as shown in the caption hereof. This Order shall remain in effect until it is terminated, modified or

suspended, which may occur only by formal written action of the OTS, acting by and through its Director, Regional Director or other authorized representative.

OFFICE OF THRIFT SUPERVISION

By: 

Robert C. Albanese
Regional Director, Northeast Region