

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

In the Matter of)	
DAVID J. CLARKE,)	OTS Order No. NE94-26
)	
a former officer of)	Date: June 30, 1994
Home Unity Savings and Loan)	
Association, Lafayette Hill,)	
Pennsylvania (#2521/9979))	
)	

CONSENT ORDER OF PROHIBITION

WHEREAS, DAVID J. CLARKE, until June 28, 1991, served as a vice president of HOME UNITY SAVINGS AND LOAN ASSOCIATION (a/k/a Home Unity Savings Bank) ("HOME UNITY"), which was a federally insured savings and loan association that maintained its home office in Lafayette Hill, Pennsylvania; and

WHEREAS, in accordance with the Home Owners' Loan Act, the Office of Thrift Supervision ("OTS") regulated and supervised HOME UNITY, which was placed into receivership in June 1992; and

WHEREAS, the OTS, based on its examinations and other inquiries concerning HOME UNITY, has found that DAVID J. CLARKE, while a Vice President for commercial lending at HOME UNITY, engaged in unsafe or unsound commercial lending practices, demonstrating willful or continuing disregard for the safety or soundness of HOME UNITY, that caused HOME UNITY to suffer significant losses with respect to many commercial loans; and

WHEREAS, based on the aforesaid findings, the OTS is of the opinion that the grounds exist for it to seek administrative relief against DAVID J. CLARKE, pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e); and

WHEREAS, DAVID J. CLARKE, by his execution of the accompanying Stipulation and Consent ("Stipulation"), has consented and agreed to issuance by the OTS of this CONSENT ORDER OF PROHIBITION ("Order"), pursuant to Section 8(e) of the FDIA, 12 U.S.C. § 1818(e).

NOW THEREFORE, IT IS ORDERED that:

1. DAVID J. CLARKE is and shall be subject to the statutory prohibitions provided by Section 8(e) of the FDIA, 12 U.S.C. § 1818(e). Due to, and without limitation on, the operation of 12 U.S.C. §§ 1818(e)(6) and 1818(e)(7), DAVID J. CLARKE, except upon the prior written consent of the OTS (acting through its Director or an authorized representative thereof) and any other "appropriate Federal financial institutions regulatory agency," for purposes of 12 U.S.C. § 1818(e)(7)(B)(ii), shall not:

(A) hold any office in, or participate in any manner in the conduct of the affairs of, any institution or agency specified in 12 U.S.C. § 1818(e)(7)(A) (the "Paragraph (7)(A) Institutions"), including, but not limited to:

- (i) any insured depository institution, e.g., savings and loan associations, savings banks, national banks, trust companies, and other banking institutions;
- (ii) any institution treated as an insured bank under 12 U.S.C. §§ 1818(b)(3), (b)(4), or as a savings association under 12 U.S.C. § 1818(b)(9), e.g., subsidiaries and holding companies of banks or savings associations;
- (iii) any insured credit union under the Federal Credit Union Act, 12 U.S.C. §§ 1781 et seq.;
- (iv) any institution chartered under the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 et seq.;

- (v) any appropriate Federal financial institutions regulatory agency, within the meaning of 12 U.S.C. § 1818(e)(7)(D);
- (vi) the Federal Housing Finance Board and any Federal Home Loan Bank; and
- (vii) the Resolution Trust Corporation.

(B) solicit, procure, transfer, attempt to transfer, vote or attempt to vote any proxy, consent or authorization with respect to any voting rights in any Paragraph (7)(A) Institution;

(C) violate any voting agreement previously approved by the "appropriate Federal banking agency" within the meaning of 12 U.S.C. § 1813(q); or

(D) vote for a director, or serve or act as an "institution-affiliated party", as that term is defined at 12 U.S.C. § 1813(u), e.g., a director, officer, employee, controlling stockholder of, or agent for, an insured depository institution.

2. Due to issuance of this Order, DAVID J. CLARKE is a person "subject to an order in effect under subsection (e) of [Section 8 of the FDIA]" for purposes of Section 8(j) of the FDIA, 12 U.S.C. § 1818(j).

3. DAVID J. CLARKE shall promptly respond to any request from the OTS for documents that the OTS reasonably requests to demonstrate compliance with this Order.

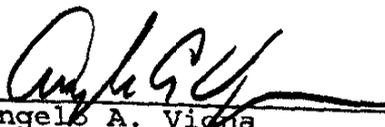
4. The Stipulation is made a part hereof and is incorporated herein by this reference.

5. This Order is and shall become effective on the date it is issued, as shown below, and it shall remain effective and enforceable except to such extent as it is modified or terminated by action of the OTS (or other appropriate action), as provided by

12 U.S.C. § 1818(e)(4).

SO ORDERED on this 30th day of June, 1994.

OFFICE OF THRIFT SUPERVISION

By: 
Angelo A. Vigna
Regional Director, Northeast Region

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

In the Matter of)
DAVID J. CLARKE,)
a former officer of)
Home Unity Savings and Loan)
Association, Lafayette Hill,)
Pennsylvania (#2521/9979))
_____)

Re: OTS Order No. NE94-26

Dated: June 30, 1994

STIPULATION AND CONSENT
TO ISSUANCE OF CONSENT ORDER OF PROHIBITION

This Stipulation and Consent to Issuance of Consent Order of Prohibition ("Stipulation"), concerning the accompanying CONSENT ORDER OF PROHIBITION (the "Order"), is made by DAVID J. CLARKE, a resident of Philadelphia, Pennsylvania, and is accepted by the OFFICE OF THRIFT SUPERVISION ("OTS"), an office within the United States Department of the Treasury, whose Northeast Regional Office is at 10 Exchange Place, 18th Floor, Jersey City, New Jersey.

R E C I T A L S

WHEREAS, the OTS, based upon information derived from the exercise of its regulatory responsibilities, has informed DAVID J. CLARKE, a former Vice President of HOME UNITY SAVINGS AND LOAN ASSOCIATION ("HOME UNITY"), Lafayette Hill, Pennsylvania, that the OTS is of the opinion that the grounds exist to initiate an administrative proceeding against DAVID J. CLARKE for the issuance of an administrative prohibition order, pursuant to Section 8(e)

of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e);¹ and

WHEREAS, DAVID J. CLARKE desires to cooperate with the OTS and to avoid the time and expense of such administrative litigation with the OTS.

NOW, THEREFORE, DAVID J. CLARKE, without either admitting or denying either that the aforesaid grounds exist or the OTS' factual findings summarized in the preamble of the Order (except to the extent otherwise specifically provided in this Stipulation), hereby stipulates and agrees as follows:

1. Consideration. DAVID J. CLARKE, in view of the foregoing premises and for the purposes of this settlement only, hereby voluntarily enters into this Stipulation and consents to issuance of the Order in consideration for OTS forever releasing and discharging him from all potential claims and charges that have been or might have been asserted by the OTS against him based on his participation in commercial lending activities at HOME UNITY.

2. Jurisdiction.

(a) HOME UNITY had been: (x) a "savings association" within the meaning of Section 3(b) of the FDIA, 12 U.S.C. § 1813(b), and Section 2(4) of the Home Owners' Loan Act, 12 U.S.C. § 1462(4)), and (y) an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c).

(b) DAVID J. CLARKE, due to his service as an officer

1. All references to the United States Code ("U.S.C.") in this Stipulation and the Order are to the U.S.C. as amended.

of HOME UNITY was an "institution-affiliated party," as that term is defined in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u).

(c) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. § 1813(q), the OTS is the "appropriate Federal banking agency" to maintain an enforcement proceeding against such a savings association and/or its institution-affiliated parties, and therefore, DAVID J. CLARKE is subject to the authority of the OTS to initiate and maintain a prohibition proceeding against him pursuant to Section 8(e) of the FDIA, 12 U.S.C. § 1818(e).

(d) Due to the operation of Section 8(i)(3) of the FDIA, 12 U.S.C. § 1818(i)(3), the jurisdiction and authority of the OTS to take administrative action against DAVID J. CLARKE, pursuant to 12 U.S.C. § 1818(e), has not been affected by either his termination of employment by, or the closing of, HOME UNITY, which termination and closing occurred within six years of the date hereof.

3. Consent. DAVID J. CLARKE consents to the issuance by the OTS of the Order, and will comply with the terms of the Order. DAVID J. CLARKE further stipulates that the Order (including the OTS' issuance thereof) complies with all requirements of law.

4. Finality. The Order is issued by the OTS under the authority of Section 8(e) of the FDIA, 12 U.S.C. § 1818(e). Upon its issuance by the OTS (by and through its Regional Director for the Northeast Region), the Order shall be a final order that is effective and fully enforceable by the OTS under provisions of federal law, including Section 8(i) of the FDIA, 12 U.S.C. § 1818(i).

5. Waivers. DAVID J. CLARKE voluntarily and knowingly waives:

(a) the right to be served with a written notice of the OTS' charges against him (referred to as a Notice of Intention to Prohibit), which notice would be issued and served pursuant to Section 8(e) of the FDIA, 12 U.S.C. § 1818(e), and other applicable law;

(b) the right to an administrative adjudicatory hearing of the OTS' charges against him, which hearing is provided by Sections 8(e) and 8(h)(1) of the FDIA, 12 U.S.C. §§ 1818(e) and 1818(h)(1); and

(c) the right to seek judicial review of the Order, including (but not limited to) any such right provided by Section 8(h)(2) of the FDIA, 12 U.S.C. § 1818(h)(2), or otherwise to challenge the validity of the Order.

6. Indemnification. DAVID J. CLARKE shall neither (i) cause or permit HOME UNITY (in receivership) (or any subsidiary thereof) to incur, directly or indirectly, any expense for any legal (or other professional expenses) incurred relative to the negotiation and issuance of the Order, nor (ii) apply to or obtain any indemnification (or other reimbursement) from HOME UNITY (or any subsidiary thereof) with respect to any such expenses directly or indirectly incurred by him.

7. Other Government Actions Not Affected. DAVID J. CLARKE's consent to the issuance by the OTS of the Order is intended solely for purposes of settling and resolving the OTS' claims against him, as provided by Paragraph 1 hereof, and does

not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, claims, charges against, or liability of DAVID J. CLARKE that arise in connection with his former relationship with HOME UNITY, and that may be or have been brought by any government agency or entity other than the OTS, including but not limited to the Resolution Trust Corporation (in its capacity as receiver, conservator, or otherwise).

8. Availability of Criminal Sanctions. DAVID J. CLARKE acknowledges that Section 8(j) of the FDIA, 12 U.S.C. § 1818(j), sets forth criminal penalties for knowing violations of the Order, which is an order issued under subsection (e) of Section 8 of the FDIA.

9. Miscellaneous.

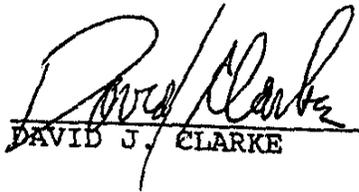
(a) The construction and validity of this Stipulation and the Order shall be governed by the laws of the United States of America.

(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.

~~(e) 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.

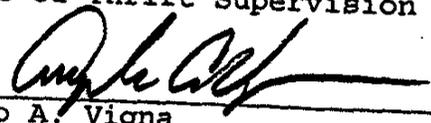
WHEREFORE, on this 9th day of June, 1994, DAVID J. CLARKE executes this Stipulation, intending to be legally bound hereby.



DAVID J. CLARKE

Accepted by:

Office of Thrift Supervision

By: 

Angelo A. Vigna
Regional Director, Northeast Region

Date: 6/30, 1994