

UNITED STATES OF AMERICA
Before the
OFFICE OF THRIFT SUPERVISION

In the Matter of)

LINCOLN PARK SAVINGS)
& LOAN ASSOCIATION,)
Lincoln Park, New Jersey)
(OTS No. 02694))
_____)

Re: Order No. NE 04-05

Date: July 30, 2004

STIPULATION AND CONSENT TO ISSUANCE OF
AN ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

This Stipulation and Consent to Issuance of an Order of Assessment of Civil Money Penalties ("Stipulation"), which concerns the accompanying and above-referenced Order of Assessment of Civil Money Penalties (the "Order"), is submitted by **LINCOLN PARK SAVINGS & LOAN ASSOCIATION**, Lincoln Park, New Jersey (the "Savings Association", OTS No. 02694), to the Office of Thrift Supervision ("OTS"), which is acting through its Northeast Regional Director ("Regional Director").

WHEREAS, the OTS, based upon information derived from the exercise of its regulatory responsibilities, has informed the Savings Association that the OTS is of the opinion that grounds exist to initiate administrative proceedings against the Savings Association pursuant to 12 U.S.C. § 1818,¹ and

WHEREAS, the Savings Association, desiring to cooperate with the OTS and to avoid the time and expense of such administrative proceedings and, without admitting or denying that such grounds exist, but only admitting the statements and conclusions in Paragraph 1 below concerning Jurisdiction, hereby stipulates and agrees to the following terms:

1. Jurisdiction.

(a) The Savings Association is a "savings association" within the meaning of 12 U.S.C. § 1813(b), and 12 U.S.C. § 1462(4). Accordingly, the Savings Association is an "insured depository institution" as that term is defined in 12 U.S.C. § 1813(c).

(b) Pursuant to 12 U.S.C. § 1813(q), the OTS is the "appropriate Federal banking

¹ All references in this Stipulation and in the Order are to the United States Code as amended.

agency" with jurisdiction to maintain administrative enforcement proceedings against savings associations. Therefore, the Savings Association is subject to the authority of the OTS to initiate and maintain administrative civil money penalty assessment proceedings against it pursuant to 12 U.S.C. § 1818(i)(2).

2. OTS Findings of Fact.

The OTS, in the course of its examination and supervision of the Savings Association, found that the Savings Association had failed to implement the independent testing component of the Bank Secrecy Act ("BSA") compliance program required by the OTS's BSA regulation at 12 C.F.R. § 563.177.

3. Consent.

(a) The Savings Association hereby consents to the issuance by the OTS of the Order.

(b) The Savings Association further agrees to comply with the terms of the Order upon its issuance. The Savings Association further stipulates and agrees that the Order complies with all requirements of law, as applicable.

4. Finality.

The Order is issued by the OTS under the authority of 12 U.S.C. § 1818(i)(2). Upon the issuance of the Order by the OTS, acting by and through the undersigned Regional Director (which term also shall refer to the Regional Director's authorized designees), the Order shall be a final order, effective and fully enforceable by the OTS under the provisions of 12 U.S.C. § 1818(i).

5. Waivers.

The Savings Association hereby waives the following:

- (i) The right to be served with a written notice of the OTS's charges;
- (ii) The right to an administrative hearing of the OTS's charges concerning the basis for issuance of the Order;
- (iii) The right to seek judicial review of either 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;
- (iv) Any and all claims against OTS, including its employees and agents, and any other governmental entity for the award of fees, costs, or expenses related to this OTS enforcement matter and/or the Order, whether arising under federal statutes (*e.g.*, the Equal Access to Justice Act, 5 U.S.C. § 504, or 28 U.S.C. § 2412), under common law,

or otherwise; and

- (v) The right to assert as the basis for a claim of double jeopardy (in any pending or future proceeding brought against the Savings Association by any governmental entity including but not limited to the United States Department of Justice) the following: the OTS's issuance of the Order, administrative proceedings (if any) relative to the issuance of the Order, the Savings Association's consent to issuance of the Order, and/or the payment of any monies or the provision of any other financial relief contemplated by the Order.

6. Other Government Actions Not Affected.

The Savings Association acknowledges and agrees that its consent to the issuance of the Order does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of the Savings Association that arise pursuant to this action or otherwise, and that may be or have been brought by any other government entity other than the OTS.

7. Miscellaneous.

- (a) The laws of the United States of America shall govern the construction and validity of this Stipulation and of the Order.
- (b) The Board of Directors of the Savings Association has duly authorized the Savings Association to execute this Stipulation, to consent to the Order, and to make payment of the civil money penalty assessed by the Order. The Savings Association is submitting herewith a certified copy of said duly adopted board resolutions.
- (c) All references to the OTS in this Stipulation and the Order shall also mean any of the OTS's predecessors, successors, and assigns.
- (d) 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 of the Order represent the final written agreement of the parties with respect to the subject matters thereof, and constitute the sole agreement of the parties with respect to such subject matters.
- (f) This Stipulation and the Order shall remain in effect until terminated, modified, or suspended in writing by the OTS, acting through its Director, Regional Director, or other

authorized representative. The Order, however, will terminate automatically at 11:59 pm on the date on which the Government/OTS receives full payment of the civil money penalty assessed by the Order (in the manner required by the Order).

WHEREFORE, the Savings Association executes this Stipulation, intending to be legally bound hereby.

**LINCOLN PARK SAVINGS
& LOAN ASSOCIATION**

Accepted by:
OFFICE OF THRIFT SUPERVISION

By: 
Donald Hom
President and CEO

By: 
Robert C. Albanese
Regional Director

Date: July 29, 2004

Date: See the date in the caption hereof

UNITED STATES OF AMERICA
Before the
OFFICE OF THRIFT SUPERVISION

In the Matter of)	
)	
LINCOLN PARK SAVINGS)	Order No. NE 04-05
& LOAN ASSOCIATION,)	
Lincoln Park, New Jersey)	Date: July 30, 2004
(OTS No. 02694))	

ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES

WHEREAS, LINCOLN PARK SAVINGS AND LOAN ASSOCIATION (the "Savings Association"), Lincoln Park, New Jersey (OTS No. 02694), has executed a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES ("Stipulation"); and

WHEREAS, the SAVINGS ASSOCIATION, by its execution of the Stipulation has consented and agreed to the issuance of this ORDER OF ASSESSMENT OF CIVIL MONEY PENALTIES ("Order") by the Office of Thrift Supervision ("OTS"), pursuant to 12 U.S.C. § 1818(i).

NOW THEREFORE, IT IS ORDERED that:

1. **Assessment of Civil Money Penalties.** Within ten (10) calendar days of the date of this Order, the SAVINGS ASSOCIATION shall pay to the OTS the sum of Ten Thousand Dollars (\$10,000), by tendering a certified check or bank draft made payable to the order of the Treasurer of the United States.

2. **Procedure for Payment.** The check or bank draft used by the SAVINGS ASSOCIATION to satisfy the obligations imposed by Order shall be delivered (by a reputable overnight delivery service) under cover of a transmittal letter, which refers to this Order (by Order number) and indicates that the payment relates to the civil money penalties required hereby, to the following address:

OFFICE OF THRIFT SUPERVISION
Attention: Howard Verp, Operating Accountant,
1700 G Street, N.W.
Washington, D.C. 20552

On the same date that the SAVINGS ASSOCIATION makes payment of its obligations under this Order, a copy of the check/bank draft and the cover letter shall be sent by first class mail and by fax to the OTS's Northeast Regional Office, at the following address and fax number:

OFFICE OF THRIFT SUPERVISION
Northeast Regional Office
Attention: Steven A. Rosenberg, Esq.
Harborside Financial Center Plaza Five
Suite 1600
Jersey City, New Jersey 07311

Fax Number: (201) 413-5863.

3. **Stipulation Incorporated.** The Stipulation is made a part hereof and is incorporated herein by this reference.

4. **Effectiveness of Order.** This Order is and shall become effective on the date it is issued (the "Effective Date"), as is shown in the caption hereof.

OFFICE OF THRIFT SUPERVISION

By: 

Robert C. Albanese
Regional Director, Northeast Region