

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

In the Matter of:)

RAMA JOHN)

Former Employee and Institution-)
Affiliated Party of Capitol)
Federal Savings and Loan Association)

Topeka, Kansas)

OTS No.: KC-95-05
Dated: May 25, 1995

STIPULATION AND CONSENT TO THE ENTRY OF
AN ORDER OF PROHIBITION

WHEREAS, the Office of Thrift Supervision ("OTS"), based upon information derived from the exercise of its regulatory responsibilities, has informed Rama John ("JOHN"), former employee and institution-affiliated party of Capitol Federal Savings and Loan Association, Topeka, Kansas, OTS Docket No. 0670, ("Capitol Federal" or the "Institution") that the OTS is of the opinion that grounds exist to initiate an administrative prohibition proceeding against JOHN pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e);¹ and

1. All references in this Stipulation and Consent and the Order of Prohibition to the U.S.C. are as amended.

WHEREAS, JOHN desires to cooperate with the OTS to avoid the time and expense of such administrative proceeding and, without admitting or denying that such grounds exist, but admitting the statements and conclusions in Paragraph 1 below, hereby stipulates and agrees to the following terms:

1. Jurisdiction.

(a) Capitol Federal is 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 ("HOLA"), 12 U.S.C. § 1462(4). Accordingly, it is an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c).

(b) JOHN, as a former employee of Capitol Federal, is deemed to be an "institution-affiliated party" as that term is defined in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u) having served in such capacity within 6 years of the date hereof. (See Section 8(i)(3) of the FDIA 12 U.S.C. § 1818(i)(3).)

(c) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. §1813(q), the Director of the OTS is the "appropriate Federal banking agency" to maintain an enforcement proceeding against a savings association and/or its institution-affiliated parties. The Director of the OTS has delegated to the Regional Directors of the OTS the authority to issue orders of prohibition on behalf of the OTS where the respondent has consented to the entry of the order. Therefore, JOHN is subject to the jurisdiction 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).

2. OTS Findings of Fact. The OTS finds that during January and February of 1995, JOHN materially altered a money order that was assigned to his cashbox. In addition, JOHN prepared a temporary identification card in the name of a Capitol Federal customer without the customer's authorization. Utilizing the unauthorized identification card, JOHN subsequently presented the altered money order for payment.

3. Consent. JOHN consents to the issuance by the OTS of the accompanying Order of Prohibition ("Order"). He further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of law.

4. Finality. The Order is issued under Section 8(e) of the FDIA, 12 U.S.C. § 1818(e). Upon its issuance by the Regional Director or designee for the Midwest Region, OTS, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(e) and (i) of the FDIA, 12 U.S.C. § 1818(e) and (i).

5. Waivers. JOHN waives the following:

(a) the right to be served with a written notice of the OTS's charges against him as provided by Section 8(e) of the FDIA, 12 U.S.C. § 1818(e);

(b) the right to an administrative hearing of the OTS's charges against him as provided by Section 8(e) of the FDIA, 12 U.S.C. § 1818(e);

(c) the right to seek judicial review of the Order, including, without limitation, any such right provided by Section 8(h) of the FDIA, 12 U.S.C. § 1818(h), or otherwise to challenge the validity of the Order; and

(d) any and all claims against the OTS, including its employees and agents, and any other governmental entity for the award of fees, costs or expenses arising under common law or under the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

6. Other Government Actions Not Affected.

(a) JOHN acknowledges and agrees that the consent to the entry of the Order is for the purpose of resolving this OTS enforcement matter only, and does not resolve, release, discharge, compromise, settle, dismiss, or in any way affect any other civil or criminal proceeding which may be or has been brought by any another governmental entity.

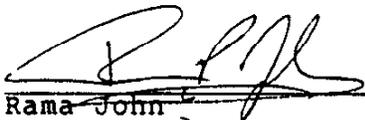
(b) By signing this Stipulation and Consent to the Entry of an Order of Prohibition, JOHN agrees that he will not assert this proceeding, his consent to the entry of the Order, and/or the entry of the Order, as the basis for a claim of double jeopardy in any pending or future proceeding brought by the United States Department of Justice or any other federal or state governmental entity.

7. Acknowledgment of Criminal Sanctions. JOHN acknowledges that Section 8(j) of the FDIA, 12 U.S.C. § 1818(j), sets forth criminal penalties for knowing violations of the Order.

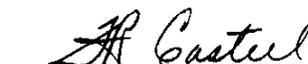
8. Indemnification. JOHN shall neither cause nor permit Capitol Federal (or any successor institution, holding company, subsidiary or service corporation thereof) to incur, directly or indirectly, any expense (including but not limited to, legal or other professional expenses) incurred relative to the negotiation and issuance of the Order, nor obtain any indemnification (or other reimbursement) from the Institution (or any successor institution, holding company, subsidiary or service corporation thereof) with respect to such amounts. Any such payments received by or on behalf of JOHN in connection with this action shall be returned to Capitol Federal (or the successor institution, holding company, subsidiary or service corporation thereof).

WHEREFORE, JOHN executes this Stipulation and Consent to the Entry of an Order of Prohibition, intending to be legally bound hereby.

By:


Rama John

Accepted by:
Office of Thrift Supervision


Frederick R. Casteel
Midwest Regional Director

Dated: 5-18-95

Dated: 5-26-95

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

In the Matter of:)
RAMA JOHN)
Former Employee and Institution-)
Affiliated Party of Capitol)
Federal Savings and Loan Association)
Topeka, Kansas)

OTS No.: KC-95-05
Dated: May 25, 1995

ORDER OF PROHIBITION

WHEREAS, Rama John ("JOHN") has executed a Stipulation and Consent to the Entry of an Order of Prohibition ("Stipulation") on May 18 _____, 1995; and

WHEREAS, JOHN by his execution of the Stipulation, has consented and agreed to the issuance of this Order of Prohibition ("Order") by the Office of Thrift Supervision ("OTS"), pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e); and

WHEREAS, the Director of the Office of Thrift Supervision ("OTS") has delegated to the Regional Directors of the OTS the authority to issue orders of prohibition on behalf of the OTS where the respondent has consented to the entry of the order.

NOW THEREFORE, IT IS ORDERED that:

1. **JOHN** is prohibited from further participation, in any manner, in the conduct of the affairs of Capitol Federal Savings and Loan Association, Topeka, Kansas ("Capitol Federal"), including its holding company(ies) and its service corporations.

2. Due to and without limitation on the operation of Section 8(e)(6) of the FDIA, 12 U.S.C. § 1818(e)(6), **JOHN** shall not:

(a) participate in any manner in the conduct of the affairs of the institutions and agencies set forth in paragraph 3 of this Order;

(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 of the institutions and agencies set forth in paragraph 3 of this Order;

(c) violate any voting agreement previously approved by the "appropriate Federal banking agency" as defined in Section 3(q) of the FDIA, 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 in Section 3(u) of the FDIA, 12 U.S.C. § 1813(u), e.g., a director, officer, employee, controlling stockholder of, or agent for, an insured depository institution.

3. Due to the operation of Section 8(e)(7) of the FDIA, 12 U.S.C. § 1818(e)(7), **JOHN** shall not continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of:

(a) any insured depository institution, as defined in Section 8(c) of the FDIA, 12 U.S.C. 1818(c);

(b) any institution treated as an insured bank under Sections 8(b)(3) or 8(b)(4) of the FDIA, 12 U.S.C. § 1818(b)(3) or (b)(4);

(c) any institution treated as a savings association under Section 8(b)(9) of the FDIA, 12 U.S.C. § 1818(b)(9), including any savings and loan holding company, any subsidiary of a savings and loan holding company, any service corporation of a savings association, or any subsidiary of a service corporation, whether wholly or partly owned;

(d) any insured credit union under the Federal Credit Union Act, 12 U.S.C. §§ 1781 et seq.;

(e) any institution chartered under the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 et seq.;

(f) any appropriate Federal depository institution regulatory agency;

(g) the Federal Housing Finance Board and any Federal Home Loan Bank; or

(h) the Resolution Trust Corporation.

4. Pursuant to Section 8(e)(7)(B) of the FDIA, 12 U.S.C. § 1818(e)(7)(B), the prohibitions of paragraphs 2 and 3 of this Order shall cease to apply with respect to a particular institution if JOHN obtains prior written consent of both the OTS and the institution's "appropriate Federal financial institutions regulatory agency," as defined in Section 8(e)(7)(D) of the FDIA, 12 U.S.C. § 1818(e)(7)(D).

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

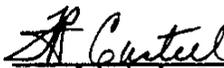
6. Notice is hereby provided that a violation of this Order could subject JOHN to the penalties specified in Section 8(j) of the FDIA, 12 U.S.C. § 1818(j).

7. JOHN shall promptly respond to any request from the OTS for documents that the OTS reasonably requests to demonstrate compliance with this Order.

8. The OTS does not intend to, and nothing in the Order shall be interpreted to limit, in any manner, the full scope of the prohibition prescribed by Section 8(e) of the FDIA, 12 U.S.C. § 1818(e).

9. This Order shall become effective on the date it is issued, as shown in the caption above.

THE OFFICE OF THRIFT SUPERVISION
By:



Frederick R. Casteel
Midwest Regional Director