

3

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

In the Matter of)	
WILLIAM F. SHIVERS,)	OTS Order No. NE94-4
)	
a former officer of)	Date: January 24, 1994
SUBURBAN FEDERAL SAVINGS BANK,)	
Collingdale, Pennsylvania)	
<hr/>		

CONSENT ORDER OF PROHIBITION

WHEREAS, the Office of Thrift Supervision ("OTS"), based on its examinations and other inquiries concerning SUBURBAN FEDERAL SAVINGS BANK, Collingdale, Pennsylvania ("SUBURBAN FEDERAL"), has determined that WILLIAM F. SHIVERS, while an officer of SUBURBAN FEDERAL engaged in: (i) unsafe or unsound lending practices by, inter alia, causing SUBURBAN FEDERAL to make numerous loans in a manner contrary to its lending policies and prudent lending practices; (ii) violations of federal regulations concerning lending activities, including but not limited to regulations requiring certain documentation for loan files; and (iii) breaches of his fiduciary duty owed to SUBURBAN FEDERAL. By reason of such unsafe or unsound practices, regulatory violations, and breaches, SUBURBAN FEDERAL has suffered substantial financial loss, resulting from numerous loan defaults. The aforesaid practices, violations and breaches demonstrate willful or continuing disregard by WILLIAM F. SHIVERS for the safety or soundness of SUBURBAN FEDERAL.

WHEREAS, the OTS is of the opinion that the grounds exist for the OTS to seek the issuance of a prohibition order against

WILLIAM F. SHIVERS, pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e); and

WHEREAS, WILLIAM F. SHIVERS neither admits nor denies the OTS' findings and conclusions; and

WHEREAS, WILLIAM F. SHIVERS has stipulated and consented to the issuance of this Order by executing the attached Stipulation and Consent, the terms of which are hereby incorporated into this Order by this reference.

NOW THEREFORE, pursuant to 12 U.S.C. § 1818(e), IT IS ORDERED that:

1. WILLIAM F. SHIVERS is prohibited from participating in any manner in the conduct of the affairs of SUBURBAN FEDERAL and any holding company, subsidiary and/or service corporation thereof.

2. WILLIAM F. SHIVERS shall not hold any office in, or participate in any manner in the conduct of the affairs of any Federally regulated depository institution or other entities that are described in Section 8(e)(7)(A) of the FDIA, 12 U.S.C. § 1818(e)(7)(A), without the prior written approval of the OTS (acting through its Director or an authorized representative thereof) and the "appropriate Federal banking agency" for the Federally regulated depository institution which is involved. Due to the operation of Section 8(e)(6) of the FDIA, 12 U.S.C. § 1818(e)(6), conduct prohibited by this Order, without the said prior approval of the the OTS and of the "appropriate Federal banking agency", also includes, without limitation:

(a) the soliciting, procuring, transferring, attempting to transfer, voting or attempting to vote any proxy, consent or authorization with respect to any voting rights in any institution described in Section 8(e)(7)(A) of the FDIA, 12

U.S.C. § 1818(e)(7)(A); and

(b) voting for a director, or serving or acting as an institution-affiliated party, as that term is defined in 12 U.S.C. § 1813(u).

3. This Order shall be and is effective immediately upon service on counsel for WILLIAM F. SHIVERS.

SO ORDERED on this 24th day of January, 1994.

OFFICE OF THRIFT SUPERVISION

By: 

Angelo A. Vigna
Regional Director, Northeast

and to avoid the time and expense of administrative litigation with the OTS.

NOW, THEREFORE, for the purposes of this settlement only, WILLIAM F. SHIVERS, without either admitting or denying that grounds exist for administrative proceedings, hereby stipulates and agrees as follows:

1. Consideration. WILLIAM F. SHIVERS hereby stipulates and agrees to the terms of this Stipulation and Consent and to issuance of the Order in consideration for OTS forever releasing and discharging WILLIAM F. SHIVERS (but no other person) from all potential claims and charges that have been or might have been asserted by the OTS arising out of facts known to the OTS or discovered by the OTS, prior to issuance of the Order, that relate to loans made by SUBURBAN FEDERAL while WILLIAM F. SHIVERS was an officer thereof.

2. Jurisdiction.

(a) It is stipulated and agreed that: (i) the OTS, an "appropriate Federal banking agency", is authorized to issue the Order pursuant to 12 U.S.C. § 1818(e); and (ii) SUBURBAN FEDERAL is (x) a "Federal savings association," as that term is defined at 12 U.S.C. §§ 1462(5) and 1813(b)(2), and (y) an "insured depository institution," as that term is defined at 12 U.S.C. § 1813(c)(2).

(b) WILLIAM F. SHIVERS acknowledges that, until March 1992, he had been: (i) an officer of SUBURBAN FEDERAL; and (ii) an "institution-affiliated party" of SUBURBAN FEDERAL, within the

meaning of 12 U.S.C. § 1813(u).

3. Consent. WILLIAM F. SHIVERS consents to the jurisdiction of the OTS and to issuance of the accompanying Order. WILLIAM F. SHIVERS agrees to comply with the terms of the Order, and stipulates that the Order, which is remedial, complies with all requirements of law.

4. Finality. The Order is issued by the OTS under the authority of 12 U.S.C. § 1818(e). WILLIAM F. SHIVERS acknowledges and understands that, upon issuance, the Order will 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)). WILLIAM F. SHIVERS also understands that a violation of the Order could subject him to the sanctions imposed by 12 U.S.C. § 1818(j).

5. Waivers. WILLIAM F. SHIVERS, following consultation with his counsel, hereby waives the following legal rights:

- (1) the right to be served with a written notice of intention to prohibit or other similar notice pursuant to provisions of Sections 8(e) of the FDIA (12 U.S.C. § 1818(e)) and other applicable law;
- (2) the right to an administrative adjudicatory hearing of the OTS' charges against him;
- (3) the right to seek judicial review of the Order, including (but not limited to) 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
- (4) any claims for attorneys' fees or expenses under the Equal Access to Justice Act, 5 U.S.C. § 504.

6. No Effect on Actions by Other Agencies. This Stipulation and Consent and issuance of the the Order does not release, discharge, compromise, settle, dismiss or resolve, or in any way

affect any actions, charges against, or liability of WILLIAM F. SHIVERS that may be brought by the Resolution Trust Corporation or any other governmental entity other than the OTS.

7. Understanding about Hardship Application. WILLIAM F. SHIVERS has submitted to the OTS signed financial statements for the purpose of demonstrating financial hardship, and in reliance on information in such financial statements, the OTS, in this instance and in the exercise of its discretion, has agreed to issue the Order without inclusion of provisions directing WILLIAM F. SHIVERS to make payment of restitution to SUBURBAN FEDERAL pursuant to 12 U.S.C. § 1818(b)(6). In the event that any information in such financial statements is found to be false or misleading with respect to any material fact, or WILLIAM F. SHIVERS shall have omitted to state a material fact concerning any matter addressed in such financial statements, then, notwithstanding the release in paragraph 1 hereof, the OTS shall not be barred, estopped or otherwise prevented from commencing an administrative proceeding seeking issuance of a cease-and-desist order directing WILLIAM F. SHIVERS to make payment of restitution to SUBURBAN FEDERAL (or its successors and assigns) pursuant to 12 U.S.C. § 1818(b).

8. Service. The OTS may serve the Order on WILLIAM F. SHIVERS care of his counsel:

Jeff Azpell, Esq.
347 West Baltimore Park
Media, Pennsylvania 19063

9. Miscellaneous.

(a) The construction and validity of this Stipulation

and Consent and the Order shall be governed by the laws of the United States of America.

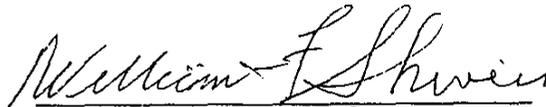
(b) All references to the OTS in this Stipulation and Consent and the Order shall also mean any of the OTS' predecessors, successors, and assigns.

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

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

The terms of this Stipulation and Consent and the Order may not be amended except by a written document executed by WILLIAM F. SHIVERS and the OTS, by and through its Director (or an appropriate designee).

WHEREFORE, WILLIAM F. SHIVERS, on this 5th day of Jan., 1994, duly signs this Stipulation and Consent, which shall become effective upon acceptance by the OTS, as shown by its issuance of the attached Order.


WILLIAM F. SHIVERS

(12.7)