

UNITED STATES' OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of:)
)
KENNETH RALPH ENOS,)
)
Former Employee and)
Institution-Affiliated Party)
of:)
)
The Dime Savings Bank)
of New York,)
Uniondale, **NY**)
(OTS Docket No. 07837))

RE: OTS Order No.; **NE98-01**

Dated: January 5, 1998

STIPULATION AND CONSENT TO ENTRY
OF ORDER OF PROHIBITION

WHEREAS, the Office of Thrift Supervision ("OTS"), based upon information derived from the exercise of its regulatory responsibilities, has informed KENNETH RALPH ENOS, a former employee and institution-affiliated party of The Dime Savings Bank of New York, Uniondale, NY, OTS No. 07837 ("The Dime" or the "Institution") that the OTS is of the opinion that grounds exist to initiate an administrative prohibition proceedings against KENNETH RALPH ENOS pursuant to Section 8(e) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e).¹

WHEREAS, KENNETH RALPH ENOS desires to cooperate with the OTS to avoid the time and expense of such administrative litigation 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. All references in this Stipulation and Consent and the Order of Prohibition to the U.S.C. are as amended.

Kenneth Ralph Enos
Stipulation and Consent - Page 1

1. Jurisdiction.

(a) The Dime, at all times relevant hereto, was 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, The Dime was an "insured depository institution" as that term is defined in Section 3(c) of the FDIA, 12 U.S.C. § 1813(c).

(b) KENNETH RALPH ENOS, as a former Assistant Director of Owned Real Estate of The Dime, 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 six (6) years of the date hereof (see 12 U.S.C. § 1818(i) (3)).

(c) Pursuant to Section 3(q) of the FDIA, 12 U.S.C. § 1813(q), the OTS is the "appropriate Federal banking agency" with jurisdiction to maintain an enforcement proceeding against institution-affiliated parties. Therefore, KENNETH RALPH ENOS is subject to the authority of the OTS to initiate and maintain prohibition proceedings 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 between 1990 and 1994, KENNETH RALPH ENOS, without authorization, prepared false sales reports and contracts for over 200 properties showing sales amounts between \$4,000 and \$18,500 higher than actual amounts and made false entries to The Dime's records in order not to disclose the discrepancy in sales prices. As a result of his actions, KENNETH RALPH ENOS (1) engaged in a violation of the law or breached his fiduciary duty of honesty to The Dime; and (2) The Dime suffered a financial loss; and (3) the violation of law or

breach of fiduciary duty demonstrates willful and/or continuing disregard by KENNETH RALPH ENOS for the safety and soundness of The Dime.

3. Consent. KENNETH RALPH ENOS 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 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's Regional Director for the Northeast Region, it shall be a final order, effective and fully enforceable by the OTS under the provisions of Section 8(i) of the FDIA, 12 U.S.C. § 1818(i).

5. Waivers. KENNETH RALPH ENOS waives the following:

(a) the right to be served with a written notice of the OTS's charges against him (referred to as a Notice of Intention to Prohibit) (see Section 8(e) of the FDIA);

(b) the right to an administrative hearing of the OTS's charges against him (see Section 8(e) of the FDIA); and

(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.

6. Indemnification. KENNETH RALPH ENOS shall neither cause nor permit The Dime (or any successor institution, holding company, subsidiary, or service corporation 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 of Prohibition. Nor shall KENNETH RALPH ENOS 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 KENNETH RALPH ENOS in connection with this action shall be returned to The Dime (or the successor institution, holding company, subsidiary, or service corporation thereof).

7. **Other Government Actions Not Affected.**

(a) KENNETH RALPH ENOS acknowledges and agrees that the consent to the entry of the Order is for the purpose of resolving this prohibition action only, and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, charges against, or liability of KENNETH RALPH ENOS 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.

(b) By signing this Stipulation and Consent to Entry of an Order of Prohibition, KENNETH RALPH ENOS 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.

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

9. **Agreement for Continuing Cooperation.** KENNETH RALPH ENOS agrees that, at the OTS's request, on reasonable notice and without

service of a subpoena, he will provide whatever discovery and testify truthfully at any deposition and at any judicial or administrative proceeding related to any investigation, litigation, or other proceeding maintained by the OTS relating to The Dime, its holding companies, its subsidiaries, and its institution-affiliated parties, except that KENNETH RALPH ENOS does not waive any privilege against self-incrimination under the Fifth Amendment of the United States Constitution. If KENNETH RALPH ENOS invokes a privilege against self-incrimination under the Fifth Amendment of the United States Constitution with respect to any matter about which the OTS inquires or the production of any document requested by the OTS and the OTS obtains a grant of immunity pursuant to 18 U.S.C. § 6001 et seq., KENNETH RALPH ENOS agrees, consistent with any such grant of immunity, to provide discovery and testify truthfully at any deposition and at any judicial, administrative, or investigative proceeding on the matter for which immunity is given.

WHEREFORE, KENNETH RALPH ENOS executes this Stipulation and Consent to Entry of an Order of Prohibition, intending to be legally bound hereby.

By:


Kenneth Ralph Enos

Accepted by:
Office of Thrift Supervision
By:


Robert C. Albanese
Northeast Regional Director

Dated: 12-17-97

Dated: 1-5-98

UNITED STATES OF AMERICA
Before The
OFFICE OF THRIFT SUPERVISION

In the Matter of:)	
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KENNETH RALPH ENOS,)	
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Former Employee and)	OTS Order No. NE98-01
Institution-Affiliated Party)	
of:)	
)	Dated: January 5, 1998
The Dime Savings Bank)	
of New York,)	
Uniondale, NY)	
(OTS Docket No. 07837))	

ORDER OF PROHIBITION

WHEREAS, KENNETH RALPH ENOS has executed a Stipulation and Consent to Entry of an Order of Prohibition ("Stipulation"); and

WHEREAS, KENNETH RALPH ENOS, 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).

NOW THEREFORE, IT IS ORDERED that:

1. KENNETH RALPH ENOS is prohibited from further participation, in any manner, in the conduct of the affairs of The Dime Savings Bank of New York, and any successor institution, holding company, subsidiary, and/or service corporation thereof.

2. KENNETH RALPH ENOS 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 Sections 8(e) (6) and 8(e) (7) of the FDIA, 12 U.S.C. §§ 1818(e) (6) and 1818(e)(7), KENNETH RALPH ENOS, 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** Section 8(e) (7) (B) (ii) of the FDIA, 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 any agency specified in Section 8(e) (7) (A) of the FDIA, 12 U.S.C. § 1818(e) (7) (A) ("Covered Institution"), including:

(i) any insured depository institution, e.g., savings and loan associations, savings banks, national banks, state banks, trust companies, and other banking institutions;

(ii) any institution treated as an insured bank under Sections 8(b) (3) and 8(b) (4) of the FDIA, 12 U.S.C. §§ 1818(b) (3) and 1818(b) (4), **or as a** savings association under Section 8(b) (9) of the FDIA, 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 depository institution regulatory agency, within the meaning of 12 U.S.C. § 1818(e) (7) (A) (v); **and**

(vi) **the** Federal Housing Finance Board and **any** Federal

Home Loan Bank;

(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 Covered Institution;

(C) violate any voting agreement previously approved by the "appropriate Federal banking agency" within the meaning of 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 at 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. The Stipulation is made a part hereof and is incorporated herein by this reference.

4. This Order is subject to the provisions Of Section 8(j) Of the FDIA, 12 U.S.C. § 1818(j). It is and shall become effective on the date it is issued, whic date is shown on the first page hereof.

5. KENNETH RALPH ENOS shall promptly respond to any request from the OTS for documents that the OTS reasonably requests to demonstrate compliance with this Order.

6. The terms and provisions of this Order shall be binding upon, and inure to the benefit of, the parties hereto and their successors in interest

THE OFFICE OF THRIFT SUPERVISION
By:



Robert C. Albanese
Northeast Regional Director

Kenneth Ralph **Enos**