

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of)

FIRST STATE BANK OF BURNET)
BURNET, TEXAS)

(Insured State Nonmember Bank))
_____)

ORDER TO PAY
CIVIL MONEY PENALTY

FDIC-19-0102k

FIRST STATE BANK OF BURNET, Burnet, Texas (“Bank”), has been advised of its right to receive a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY, FINDINGS OF FACT AND CONCLUSIONS OF LAW, ORDER TO PAY, AND NOTICE OF HEARING issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the violations of law and regulation for which a civil money penalty may be assessed against the Bank pursuant to section 102(f)(1) of the Flood Disaster Protection Act of 1973, as amended (“FDPA”), 42 U.S.C. § 4012a(f)(1), and has been further advised of its right to a hearing with respect to the foregoing under section 102(f)(4) of the FDPA, 42 U.S.C. § 4012a(f)(4), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308. The Bank, having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY CIVIL MONEY PENALTY (“CONSENT AGREEMENT”) with counsel for the FDIC dated August 21, 2019, whereby, solely for the purpose of this proceeding and without admitting or denying the violations of law and regulation, the Bank consented to the issuance of this ORDER TO PAY CIVIL MONEY PENALTY (“ORDER”) by the FDIC.

The FDIC considered the matter and determined that the Bank has engaged in a pattern or practice of committing violations of section 102(b)(1) of the FDPA, 42 U.S.C. § 4012a(b)(1),

and section 339.3(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.3(a), by failing to obtain flood insurance coverage at loan origination, increase, extension, or renewal on loans secured by a building or mobile home that is located or to be located in a special flood hazard area, as designated by the Administrator of the Federal Emergency Management Agency, in which flood insurance is available under the National Flood Insurance Act of 1968, as amended (“NFIA”), 42 U.S.C. §§ 4001-4129 (“designated loans”), failing to obtain the required amount of flood insurance coverage at loan origination, increase, extension, or renewal on designated loans, and failing to maintain the required amount of flood insurance coverage on designated loans for the term of the loan; section 102(e)(1) of the FDPA, 42 U.S.C. § 4012a(e)(1), and section 339.7(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.7(a), by failing to provide a notice of force placement of flood insurance to the designated loan borrower within forty-five (45) days of force placement; and section 1364(a)(1) of the NFIA, 42 U.S.C. § 4104a(a)(1), and section 339.9(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.9(a), by failing to provide written a Notice of Special Flood Hazards and Availability of Federal Disaster Relief Assistance to the borrower in all cases whether or not flood insurance is available under the NFIA for the collateral securing the loan.

The FDIC accepts the CONSENT AGREEMENT and issues the following:

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IT IS HEREBY ORDERED that, by reason of the violations of law set forth herein, pursuant to section 102(f) of the FDPA, 42 U.S.C. § 4012a(f), a civil money penalty of \$21,700 is assessed against the Bank. The Bank shall pay such amount to the “Treasury of the United States.”

IT IS FURTHER ORDERED that the Bank is prohibited from seeking or accepting indemnification from any third party for the civil money penalty assessed and paid in this matter.

This ORDER shall become effective upon issuance by the FDIC.

The provisions of this ORDER shall not bar, estop, or otherwise prevent the FDIC or any other federal or state agency or department from taking any other action against the Bank or any director, officer, employee, agent, successor, assignee, or other current or former institution-affiliated party, as that term is defined in section 3(u) of the Federal Deposit Insurance Act, 12 U.S.C. § 1813(u), of the Bank.

Pursuant to delegated authority.

Dated at Dallas, Texas, this 27th day of August, 2019.

_____/s/_____
Julie V. Banfield
Deputy Regional Director
Federal Deposit Insurance Corporation