

#2017-028

**UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY**

In the Matter of:

Rabobank, N.A.
Roseville, California

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AA-WE-2017-17

**STIPULATION AND CONSENT TO THE ISSUANCE
OF AN ORDER FOR A CIVIL MONEY PENALTY**

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) intends to initiate a civil money penalty proceeding against Rabobank, N.A., Roseville, California, (“Bank”), pursuant to section 102(f) of the Flood Disaster Protection Act (“FDPA”), as amended (42 U.S.C. § 4012a(f)), for a pattern or practice of violations of the FDPA and its implementing regulations, specifically 12 C.F.R. § 22.3 (requirement to purchase flood insurance where available), 12 C.F.R. § 22.7 (forced placement of flood insurance), and 12 C.F.R. § 22.9 (notice of special flood hazards and availability of Federal disaster relief assistance);

WHEREAS, in the interest of cooperation and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter, the Bank, without admitting or denying any wrongdoing, desires to enter into this Consent Order (“Order”);

NOW, THEREFORE, in consideration of the above premises, it is stipulated by and between the Comptroller, through his duly authorized representative, and the Bank that:

Article I

JURISDICTION

(1) The Bank is a national banking association, chartered and examined by the Comptroller pursuant to the National Bank Act of 1864, as amended, 12 U.S.C. § 1 *et seq.*

Accordingly, the Bank is an “insured depository institution” as that term is defined in 12 U.S.C. § 1813(c)(2) and is a “regulated lending institution” as that term is defined at 42 U.S.C. § 4003(a)(10).

(2) Pursuant to 42 U.S.C. §§ 4003(a)(5) and 4012a(f), the Comptroller is the “appropriate Federal entity for lending regulation” to maintain an enforcement proceeding against the Bank for FDPA violations.

Article II

ORDER FOR CIVIL MONEY PENALTY

(1) The Bank hereby consents to the payment of a civil money penalty in the amount of fifty-eight thousand dollars (\$58,000.00), which shall be paid upon execution of this Order.

(2) The Bank shall make payment in full by check made payable to the National Flood Insurance Program and shall deliver the payment to: Kevin Montgomery, Federal Emergency Management Agency, 400 C Street SW 3rd Floor, Washington, D.C. 20472.

(3) The Bank shall submit a copy of the check to Hudson Hamilton, Senior Attorney, Office of the Comptroller of the Currency, 1225 17th Street Suite 300, Denver, Colorado 80202.

(4) This Order shall be enforceable to the same extent and in the same manner as an effective and outstanding order that has been issued and has become final pursuant to 12 U.S.C. §§ 1818(h) and (i) and 42 U.S.C. § 4012a.

Article III

WAIVERS

(1) By executing this Order, the Bank waives:

- (a) the right to the issuance of a Notice under 12 U.S.C. § 1818(i) and 42 U.S.C. § 4012a(f)(4) and recognizes that the letter dated November 17,

2016, from Anita M. Likens, Acting Assistant Deputy Comptroller,
constitutes valid substitute notice (“Notice Letter”);

- (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. §§ 1818(h) and 1818(i), 42 U.S.C. § 4012a(f)(4), and 12 C.F.R. Part 19;
- (c) all rights to seek judicial review of this Order;
- (d) all rights in any way to contest the validity of this Order; and
- (e) any and all claims for fees, costs or expenses against the Comptroller, or any of his agents or employees, related in any way to this enforcement matter or this Order, whether arising under common law or under the terms of any statute, including, but not limited to, the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

(2) The Bank declares that no separate promise or inducement of any kind has been made by the Comptroller, his agents or employees to cause or induce the Bank to agree to consent to the issuance of this Order and/or to execute this Order.

(3) It is hereby agreed that the provisions of this Order constitute a settlement of the civil money penalty proceeding contemplated by the Comptroller on the basis of the Bank’s violations of the FDPA and its implementing regulations as described in this Order and in the Notice letter. However, the specific violations described herein and in the Notice Letter may be used by the Comptroller in future enforcement actions to establish a pattern or practice of misconduct or the continuation of a pattern or practice of misconduct.

(4) It is further agreed that the provisions of this Order shall not be construed as an adjudication on the merits and, except as set forth above in paragraph (3), shall not inhibit, estop, bar, or otherwise prevent the Comptroller from taking any action affecting the Bank if, at any

time, he deems it appropriate to do so to fulfill the responsibilities placed upon him by the several laws of the United States of America.

(5) The Bank understands that nothing herein shall preclude any proceedings brought by the Comptroller to enforce the terms of this Order, and that nothing herein constitutes, nor shall the Bank contend that it constitutes, a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof, including the Department of Justice, to bring other actions deemed appropriate.

IN TESTIMONY WHEREOF, the undersigned has hereunto set her hand.

/s/

Kay E. Kowitt
Deputy Comptroller
Western District

3/27/2017

Date

IN TESTIMONY WHEREOF, the undersigned, as the duly elected and acting Board of Directors of the Bank, have hereunto set their hands on behalf of the Bank.

/s/

Sander Pruijs

March 16, 2017
Date

/s/

Mark Borrecco

March 16, 2017
Date

/s/

Tanja Cuppen

March 20, 2017
Date

/s/

Paul Beiboer

March 16, 2017
Date

/s/

Terry Bulger

March 15, 2017
Date

/s/

John Thacher

March 15, 2017
Date

/s/

John Balousek

March 16, 2017
Date

/s/

Terry Schwakopf

March 17, 2017
Date

/s/

Gary Gertz

March 16, 2017
Date