

**STATE OF ILLINOIS**  
**DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION**  
**DIVISION OF BANKING**  
**SPRINGFIELD, ILLINOIS**

_____ )	
IN THE MATTER OF: )	ORDER ASSESSING
)	CIVIL MONETARY
AZTECAMERICA BANK )	PENALTY
)	
)	
(An Illinois State-Chartered Bank) )	2006-DB-32
)	
)	
_____ )	

**CONSENT ORDER ASSESSING CIVIL MONETARY PENALTY**

The Director of the Division of Banking, (the “Director”) having conducted an examination of facts related to the actions of AztecAmerica Bank, (the “Bank”) in connection with the appointment of new and additional members of the Bank’s board of directors absent the prior approval of the Director, hereby issues this ORDER ASSESSING A CIVIL MONETARY PENALTY, pursuant to the authority provided under Section 48(8) of the Illinois Banking Act, [205 ILCS 5/1 et seq.], (the “Act”).

The Bank, solely for the purpose of this proceeding and without admitting or denying any of the Division Director’s Findings of Fact or Conclusions of Law as to the Bank’s violation of the Illinois Banking Act, hereby consents and agrees to the issuance of an ORDER ASSESSING A CIVIL MONETARY PENALTY.

## **FINDINGS OF FACT**

The Director makes the following Findings of Fact:

1. That on or about September 15, 2005, pursuant to the authority provided under Section 13 of the Act, the Director issued an Order granting the Bank a charter to conduct a general banking business in the State of Illinois, (the “Charter Order”);
2. That Section 13 of the Act provides that for a period of two years after the Director has issued a Charter Order, the state-chartered bank shall request and obtain from the Director prior written approval before it may change senior management personnel or directors;
3. That Section 5(e) of the Office of Banks and Real Estate Act, [20 ILCS 3205/0.1] (the “OBRE Act”), provides that the Director is authorized to impose terms and conditions on the manner in which a state-chartered bank is authorized to conduct a general banking business in the State of Illinois;
4. That pursuant to the authority provided under Section 5(e) of the OBRE Act and in connection with the issuance of the above referenced Charter Order, the Director imposed additional terms and conditions upon AztecAmerica Bank whereby in addition to the requirements imposed upon the Bank pursuant to Section 13 of the Act the Director required that for a period of no less than two years from the date the Charter Order was issued that the Bank receive prior written approval from the Division of Banking before any change or modification related to the Bank’s senior management or any person who has significant influence over or who participates in major policy making decisions on behalf of the Bank;
5. That on or about November 16, 2005, the Bank’s board of directors conducted a meeting whereby a vote of the majority of the Bank’s board of directors approved the appointment of three new and additional directors;

6. That the above referenced November 16, 2005 actions of the Bank's board of directors resulting in the appointment of three new and additional directors constitutes a change or modification to the Bank's senior management personnel or directors and that each of the new and additional directors appointed on November 16, 2005 had the ability to significantly influence or participate in major policy making decisions on behalf of the Bank;
7. That the above referenced November 16, 2005 actions of the Bank's board of directors resulting in the appointment of three new and additional directors were made without the prior written approval of the Director or the Division of Banking as is required pursuant to Section 13 of the Act and pursuant to the terms and conditions imposed by the Director upon the Bank under the provisions of the Charter Order;
8. That by virtue of the actions described above, the Bank violated the provisions of Section 13 of the Act and the terms and conditions imposed by the Director upon the Bank under the provisions of the Charter Order; and
9. That Section 48(8) of the Act authorized the Director to impose civil monetary penalties of up to \$10,000 for each violation of any provision of the Act or any Order issued by the Director.

### **CONCLUSIONS OF LAW**

Based on the above Findings of Fact, the Director makes the following CONCLUSIONS:

1. That by virtue of the above referenced violation of Section 13 of the Act and the terms and conditions imposed by the Director upon the Bank under the provisions of the Charter Order, the Bank is subject to the imposition of a civil monetary penalty in an amount of up to \$10,000; and

2. That the imposition of a civil monetary penalty is authorized and appropriate, pursuant to the authority provided under Section 48(8) of the Act.

**NOW THEREFORE IT IS HEREBY ORDERED:**

1. AztecAmerica Bank shall be and hereby is assessed a civil monetary penalty in the amount of \$3,500.00;
2. The civil monetary penalty in the amount of \$3,500.00 shall be paid no later than sixty (60) days after service of this Order; and
3. The civil monetary penalty in the amount of \$3,500.00 shall be paid by means of a certified check or money order made payable to the Illinois Department of Financial and Professional Regulation, Division of Banking.

**ORDERED THIS 30<sup>TH</sup> DAY OF OCTOBER, 2006.**

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State  
of Illinois;  
DEAN MARTINEZ, SECRETARY

DIVISION OF BANKING

By:

D. Lorenzo Padron  
Director

You are hereby notified that this Order is an administrative decision. Pursuant to 38 Ill. Adm. Code, Section 392, any party may file a request for a hearing on an administrative decision. The request for a hearing shall be filed within 10 days after the receipt of an administrative decision. A hearing shall be held within 30 days after the receipt of a request for a hearing. Absent a request for a hearing, this Order shall constitute a final administrative Order subject to the Administrative Review Law [735 ILCS 5/3-101 *et seq.*].