

UNITED STATES OF AMERICA

BEFORE THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

WASHINGTON, D.C.

_____	)	
In the Matter of	)	Docket No. 97-013-CMP-I
	)	
	)	
G.A. POLING, JR.	)	Order of Assessment of a
	)	Civil Money Penalty Issued
An Officer and Institution-	)	Upon Consent Pursuant to
Affiliated Party of	)	Section 8(i) of the Federal
	)	Deposit Insurance Act
ZIA NEW MEXICO BANK	)	
Tucumcari, New Mexico	)	
_____	)	

WHEREAS, pursuant to section 8(i) of the Federal Deposit Insurance Act, as amended (the "FDI Act") (12 U.S.C. 1818(i)), the Board of Governors of the Federal Reserve System (the "Board of Governors") issues this consent Order of Assessment of a Civil Money Penalty (the "Order") against G.A. Poling, Jr. ("Poling"), the president and an institution-affiliated party, as defined in section 3(u) of the FDI Act (12 U.S.C. 1813(u)), of the Zia New Mexico Bank, Tucumcari, New Mexico (the "Bank"), a state member bank, in connection with his participation in the Bank's alleged violations of section 9 of the Federal Reserve Act (12 U.S.C. 324) relating to the filing of misleading Call Reports; and

WHEREAS, by affixing his signature hereunder, Poling has consented to the issuance of this Order by the Board of Governors and waived any and all rights he might have otherwise

pursuant to 12 U.S.C. 1818(i), 12 C.F.R. Part 263 or otherwise:

(a) to the issuance of a notice of assessment of a civil money penalty; (b) to a hearing for the purpose of taking evidence with respect to any matter implied or set forth in this Order; (c) to obtain judicial review of this Order or any provision hereof; and (d) to challenge or contest in any manner the basis, issuance, validity, terms, effectiveness, collectibility or enforceability of this Order or any provision hereof.

NOW, THEREFORE, prior to the taking of any testimony or adjudication of or finding on any issue of fact or law implied or set forth herein, and without this Order constituting an admission of any allegation made or implied by the Board of Governors in connection with this proceeding, and solely for the purpose of settlement of this proceeding and without protracted or extended hearings or testimony:

IT IS HEREBY ORDERED, pursuant to 8(i) of the FDI Act and section 263.63(a) of the Board of Governors' Rules and Procedures for Assessment and Collection of Civil Money Penalties (12 C.F.R. 263.63(a)), that:

1. Poling is assessed and shall forfeit and pay as hereinafter provided a civil money penalty in the sum of \$5,000 for his participation in the Bank's alleged violations of section 9 of the Federal Reserve Act.

2. No portion of Poling's civil money penalty shall be, directly or indirectly, paid, advanced, reimbursed or otherwise funded by the Bank, or any of its successors or assigns.

3. The penalty assessed by this Order shall be remitted in full, at the time of Poling's execution of this Order, payable to the "Board of Governors of the Federal Reserve System" and shall be forwarded, with the executed copy of this Order, to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, who shall make remittance of the same to the Treasury of the United States as required by statute.


4. The provisions of this Order shall not bar, estop, or otherwise prevent the Board of Governors, or any federal or state agency or department, from taking any other action affecting Poling, provided, however, that the Board of Governors shall not take any further action against Poling based on any

information presently known to the Board of Governors relating to the matters addressed by this Order.

By order of the Board of Governors, this 30<sup>th</sup> day of December, 1997.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM

  
\_\_\_\_\_  
G.A. Poling, Jr.

By:   
\_\_\_\_\_  
William W. Wiles  
Secretary of the Board