

UNITED STATES OF AMERICA
BEFORE THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
WASHINGTON, D.C.

<hr/>	:	Docket No. 98-010-E-I
	:	
FRED J. SMILEK	:	Order of Prohibition
	:	Issued Upon Consent
A Former Institution-Affiliated	:	Pursuant to the Federal
Party of	:	Deposit Insurance Act,
	:	As Amended
CHEMICAL BANK	:	
New York, New York	:	
	:	
A Former State Member Bank	:	
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WHEREAS, pursuant to sections 8(e) and 8(i)(3) of the Federal Deposit Insurance Act, as amended (the "Act") (12 U.S.C. 1818(e) and (i)(3)), the Board of Governors of the Federal Reserve System (the "Board of Governors") issues this Order of Prohibition (the "Order") against Fred J. Smilek ("Smilek"), a former institution-affiliated party, as defined in section 3(u) of the Act (12 U.S.C. 1813(u)), of the Chemical Bank, New York, New York (the "Bank"), a former State member bank, due to his alleged misappropriation of approximately \$275,000 during the period when he was an officer of the Bank; and

WHEREAS, by affixing his signature hereunder, Smilek has consented to the issuance of this Order by the Board of

Governors and has waived any and all rights he might otherwise have pursuant to 12 U.S.C. 1818 or 12 CFR Part 263, or otherwise: (a) to the issuance of a notice of intent to prohibit; (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 or enforceability of this Order or any provision hereof.

NOW, THEREFORE, before the taking of any testimony or adjudication of or finding on any issue of fact or law herein; 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, without protracted or extended hearings or testimony:

IT IS HEREBY ORDERED, pursuant to sections 8(e), (i)(3) and (j) of the Act (12 U.S.C. 1818(e), (i)(3) and (j)), that:

1. Smilek, without the prior written approval of the Board of Governors and, where necessary pursuant to section 8(e)(7)(B) of the Act (12 U.S.C. 1818(e)(7)(B)), another

Federal financial institution regulatory agency, is hereby and henceforth prohibited from:

(a) Participating in any manner in the conduct of the affairs of any institution or agency specified in section 8(e)(7)(A) of the Act (12 U.S.C. 1818(e)(7)(A)), including without limitation, any insured depository institution or holding company thereof;

(b) soliciting, procuring, transferring, attempting to transfer, voting or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any institution described in section 8(e)(7)(A) of the Act, including without limitation, any insured depository institution or holding company thereof;

(c) violating any voting agreement previously approved by any federal banking agency; or

(d) voting for a director, or serving as an institution-affiliated party, such as an officer, director or employee, of any institution described in section 8(e)(7)(A) of the Act.

2. Any violation of this Order shall separately subject Smilek to appropriate criminal or civil penalties or both under section 8 of the Act (12 U.S.C. 1818).

3. This Order, and each and every provision hereof, is and shall remain fully effective and enforceable until expressly stayed, modified, terminated or suspended in writing by the Board of Governors.

4. All communications regarding this Order shall be addressed to:

(a) Mr. Christopher J. McCurdy
Senior Vice President
Federal Reserve Bank of New York
33 Liberty Street
New York, New York, 10045

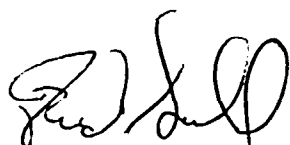
(b) Mr. Fred J. Smilek
50 Columbus Avenue, Apt. 711
Tuckahoe, NY 10707

5. The provisions of this Order shall not bar, estop or otherwise prevent the Board of Governors or any federal or

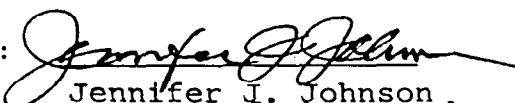
state agency or department from taking any other action affecting Smilek.

By order of the Board of Governors effective this 14th day of December, 1998.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM



Fred J. Smilek

By: 
Jennifer J. Johnson
Secretary of the Board