

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of:	)	
	)	ORDER OF PROHIBITION
GARY A. GARDNER, individually, and as an	)	FROM FURTHER PARTICIPATION
institution-affiliated party of	)	AND ORDER TO PAY
	)	
SILVER STATE BANK	)	
HENDERSON, NEVADA	)	FDIC-11-605e
	)	FDIC-11-606k
	)	
INSURED STATE NON-MEMBER (IN	)	
RECEIVERSHIP)	)	
_____	)	

Gary A. Gardner (Respondent) has been advised of his right to receive a Notice of Intention to Prohibit From Further Participation and a Notice of Assessment of Civil Money Penalty, Findings of Fact and Conclusions of Law (collectively Notice), issued by the Federal Deposit Insurance Corporation (FDIC) detailing the violations of law, regulations, unsafe or unsound banking practices; and/or breaches of fiduciary duty for which an Order of Prohibition from Further Participation and an Order to Pay a civil money penalty (collectively Order) may issue, and has been further advised of the right to a hearing on the alleged charges under Sections 8(e) and 8(i) of the Federal Deposit Insurance Act (Act), 12 U.S.C. §§ 1818(e), 1818(i), and the FDIC Rules of Practice and Procedures, 12 C.F.R. Part 308. Having waived those rights, the Respondent entered into a Stipulation and Consent to the Issuance of an Order of Prohibition from Further Participation and an Order to Pay a Civil Money Penalty (Consent Agreement) with a representative of the Legal Division of the FDIC, whereby solely for the purpose of this proceeding and without admitting or denying any violations, unsafe or unsound banking practices, and/or any breaches of fiduciary duty, Respondent consented to the issuance of an Order by the FDIC. The FDIC considered the matter and determined it had reason to believe

that:

(a) The Respondent engaged or participated in violations of law or regulations, unsafe or unsound banking practices, and/or breaches of fiduciary duty, as an institution-affiliated party of Silver State Bank, Henderson, Nevada (Bank);

(b) By reason of such violations, practices, and/or breaches of fiduciary duty, the Bank has suffered financial loss, will suffer potential losses, or other damage, and/or Respondent received financial gain or other benefit; and

(c) Such violations, practices, and/or breaches of fiduciary duty involved personal dishonesty on the part of Respondent and/or demonstrated Respondent's willful and/or continuing disregard for the safety or soundness of the Bank.

The FDIC also determined that such violations, practices, and/or breaches of fiduciary duty demonstrate the Respondent's unfitness to serve as a director, officer, person participating in the conduct of the affairs, or as an institution-affiliated party of the Bank, any other insured depository institution, or any other agency or organization enumerated in Section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A).

Further, the FDIC after taking into account the Consent Agreement, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the alleged violation by Respondent, the history of previous violations by Respondent, and such other matters as justice may require, the FDIC accepts the Consent Agreement and issues the following Order:

1. Gary A. Gardner is hereby, without the prior written approval of the FDIC and the appropriate Federal financial institutions regulatory agency, as that term is defined in Section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D), prohibited from:

(a) participating in any manner in the conduct of the affairs of any financial institution or organization enumerated in Section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);

(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 financial institution enumerated in Section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);

(c) violating any voting agreement previously approved by the appropriate Federal banking agency; or

(d) voting for a director, or serving or acting as an institution-affiliated party.

2. Pursuant to the terms and conditions of the Consent Agreement, a penalty of \$1,000 be, and hereby is, assessed against Gary A. Gardner. The Respondent shall pay the civil money penalty to the Treasury of the United States.

3. The Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

This Order will become effective upon its issuance by the FDIC. The provisions of this Order will remain effective and enforceable except to the extent that, and until such time as, any provision of this Order shall have been modified, terminated, suspended, or set aside by the FDIC.

Pursuant to delegated authority.

Dated this 20<sup>th</sup> day of December, 2011.

/s/ \_\_\_\_\_  
Serena L. Owens  
Associate Director  
Division of Risk Management Supervision