

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of	)	
	)	ORDER TO PAY
STERLING STATE BANK	)	CIVIL MONEY PENALTY
AUSTIN, MINNESOTA	)	
	)	FDIC-07-240k
(INSURED STATE NONMEMBER BANK)	)	
_____	)	

STERLING STATE BANK, AUSTIN, MINNESOTA ("Bank"), has been advised of its right to receive a notice of assessment of civil money penalty, findings of fact and conclusions of law, order to pay, and notice of hearing ("NOTICE OF ASSESSMENT") issued by the Federal Deposit Insurance Corporation ("FDIC") detailing the violations for which a civil money penalty may be assessed against the Bank pursuant to the Flood Disaster Protection Act of 1973 ("Flood Act"), as amended, 42 U.S.C. § 4012a, section 8(i)(2) of the Federal Deposit Insurance Act ("FDI Act"), 12 U.S.C. § 1818(i)(2), and Part 339 of the FDIC's Rules and Regulations, 12 C.F.R. Part 339 ("Part 339"), and has been further advised of its right to a hearing on the charges under the Flood Act, 42 U.S.C. § 4012a(f)(4), and Part 308 of the FDIC's Rules of Practice and Procedure, 12 C.F.R. Part 308.

Having waived those rights, the Bank entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY ("CONSENT AGREEMENT"), dated November 15, 2007, 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 of law for which a civil money penalty may be assessed, the Bank consented and agreed to pay a civil money penalty of \$1,400 related to the violations of the Flood

Act and Part 339. The FDIC has reason to believe that the Bank has violated the Flood Act and Part 339 in that:

(a) The Bank has made, increased, extended, or renewed a loan secured by a building or mobile home located or to be located in a special flood hazard area without requiring that the collateral be covered by flood insurance, 12 C.F.R. § 339.3(a);

(b) The Bank has made, increased, extended, or renewed loans secured by a building or mobile home located or to be located in a special flood hazard area without requiring that the collateral be covered by sufficient flood insurance, 12 C.F.R. § 339.3(a);

(c) The Bank has made, increased, extended, or renewed a loan secured by a building or mobile home located or to be located in a special flood hazard area without furnishing a written notice to the borrower and to the servicer whether flood insurance is available under the Flood Act for the collateral securing the loan, 12 C.F.R. § 339.9(a); and

(d) The Bank has made, increased, extended, or renewed a loan secured by a building or mobile home located or to be located in a special flood hazard area without furnishing a written notice to the borrower whether flood insurance is available under the Flood Act for the collateral securing the loan, within a reasonable time before the completion of the transaction, and to the servicer as promptly as practicable after it provides notice to the borrower and in any event no later than the time it provides similar notices to the servicer regarding hazard insurance and taxes, 12 C.F.R. § 339.9(c); which violations were identified at the FDIC's June 11, 2007 examination.

After taking into account the CONSENT AGREEMENT, the appropriateness of the civil money penalty with respect to the

financial resources and good faith of the Bank, the gravity of the violations by the Bank, the history of any previous violations by the Bank, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY CIVIL MONEY PENALTY

IT IS HEREBY ORDERED that STERLING STATE BANK, AUSTIN, MINNESOTA, be, and hereby is, assessed a civil money penalty of \$1,400 pursuant to the Flood Act, 42 U.S.C. § 4012a, section 8(i)(2) of the FDI Act, 12 U.S.C. § 1818(i)(2), and Parts 308 and 339 of the FDIC Rules and Regulations, 12 C.F.R. Parts 308 and 339. The Bank shall pay the civil money penalty to the Treasury of the United States.

This Order to Pay Civil Money Penalty shall be effective upon its issuance.

Pursuant to delegated authority.

Dated at Washington, D.C., this 31<sup>ST</sup> day of March, 2008.

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Scott D. Strockoz  
Acting Associate Director  
Division of Supervision and  
Consumer Protection