

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of	)	
	)	ORDER GRANTING PERMISSION
	)	TO FILE APPLICATION AND
	)	APPROVING APPLICATION FOR
JAMES A. SMEDLEY, Jr.,	)	CONSENT TO PARTICIPATE IN
	)	THE AFFAIRS OF ANY INSURED
	)	DEPOSITORY INSTITUTION
in the Application for	)	
Waiver and Consent to	)	
Participate in the Conduct of	)	
the Affairs of Any Insured	)	FDIC-09-502L
Depository Institution	)	
_____	)	

The Federal Deposit Insurance Corporation ("FDIC"), having fully considered all the facts and information relating to the application filed pursuant to section 19 of the Federal Deposit Insurance Act ("section 19"), 12 U.S.C. § 1829, by James A. Smedley, Jr. ("Applicant"), individually, for a waiver of the FDIC policy requirement that an insured depository institution file a section 19 application on his behalf, and for consent to participate directly or indirectly in the affairs of any insured depository institution, has determined that Applicant's request for a waiver should be granted and that Applicant's section 19 application to participate in the affairs of any insured depository institution, should be approved, based upon the following:

- (1) Applicant pled guilty to making a false statement to a Federal government agency, a violation of 18 U.S.C. Sec 1010 on XXXX, XX, 1986. This is the only conviction covered by this application.
- (2) The FDIC notes that more than 20 years has elapsed since the conviction and the Applicant has had no further program entries or convictions subject to section 19.
- (3) Applicant seeks to work in the banking industry and requested that the FDIC waive its policy requiring that a sponsoring insured depository institution submit a section 19 application on his behalf to enable Applicant to pursue employment with any insured depository institution.
- (4) The FDIC has determined that Applicant has demonstrated satisfactory evidence of rehabilitation.
- (5) The FDIC believes that Applicant's participation, directly or indirectly, in the conduct of the affairs of any insured depository institution, in any position, does not appear to constitute a threat to the safety and soundness of any insured depository institution, or to the interests of depositors, and that such participation would not threaten to impair public confidence in any insured depository institution.

(6) The FDIC has determined that the FDIC policy requirement that an insured depository institution file a section 19 application on Applicant's behalf should be waived.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that James A. Smedley, as an individual, shall be permitted to file the section 19 application submitted with respect to any insured depository institution, without requiring that the insured depository institution file such an application on Applicant's behalf; and

IT IS FURTHER ORDERED, that the Applicant's section 19 application for consent to participate directly or indirectly in the conduct of the affairs of any insured depository institution is hereby APPROVED, provided that prior to serving in any position, Applicant disclose to any such insured depository institution the FDIC's approval of Applicant's section 19 application by providing the insured depository institution with a copy of this ORDER GRANTING PERMISSION TO FILE APPLICATION AND APPROVING APPLICATION FOR CONSENT TO PARTICIPATE IN THE AFFAIRS OF ANY INSURED DEPOSITORY INSTITUTION; and

IT IS FURTHER ORDERED, that Applicant be covered by a fidelity bond to the same extent as others in similar positions at the subject insured depository institution.

IT IS FURTHER ORDERED, that the permission and approval granted by this ORDER shall apply only to the offense described in paragraphs (1) and (2), above.

Dated at Washington, D.C., this 18<sup>TH</sup> day of December, 2009.

\_\_\_\_\_/s/\_\_\_\_\_  
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Serena L. Owens  
Associate Director  
Division of Supervision and  
Consumer Protection