

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

_____)	
In the Matter of)	
)	
SCOTT A. MOSS,)	
individually, and as an institution-)	ORDER OF REMOVAL AND
affiliated party of)	PROHIBITION FROM
)	FURTHER PARTICIPATION
FIRST STATE BANK)	
SHELTON, NEBRASKA)	
)	
(Insured State Nonmember Bank))	FDIC-08-266e

SCOTT A. MOSS (“Respondent”) has been advised of the right to receive a NOTICE OF INTENTION TO REMOVE AND PROHIBIT FROM FURTHER PARTICIPATION (“NOTICE”) issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the unsafe or unsound banking practices and/or breaches of fiduciary duty for which an ORDER OF REMOVAL AND PROHIBITION FROM FURTHER PARTICIPATION (“ORDER”) may issue, and has been further advised of the right to a hearing on the alleged charges under 12 U.S.C. § 1818(e) and the FDIC’s Rules of Practice and Procedure, 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 REMOVAL AND PROHIBITION FROM FURTHER PARTICIPATION (“CONSENT AGREEMENT”) with a representative of the Legal Division of the FDIC dated September 9, 2009, whereby, solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound banking practices and/or 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 has engaged or participated in unsafe or unsound banking practices and/or breaches of fiduciary duty as an institution-affiliated party of First State Bank, Shelton, Nebraska (“Bank”);

(b) By reason of such practices and/or breaches of fiduciary duty, the Bank suffered financial loss or other damage, and the interests of the Bank’s depositors have been or could have been prejudiced; and

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

The FDIC further determined that such practices and/or breaches of fiduciary duty demonstrated 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 12 U.S.C. § 1818(e)(7)(A).

The FDIC, therefore, accepted the CONSENT AGREEMENT and issued the following:

ORDER OF REMOVAL AND PROHIBITION FROM FURTHER PARTICIPATION

1. SCOTT A. MOSS is hereby removed from his position with Pathway Bank, Cairo, Nebraska, and, without the prior written approval of the FDIC and the appropriate Federal financial institutions regulatory agency, as that term is defined in 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 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 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. 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 at Washington, D.C., this 15th day of January, 2010.

/s/

Serena L. Owens
Associate Director
Division of Supervision and Consumer Protection