

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

and

STATE OF ILLINOIS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF BANKING

SPRINGFIELD, ILLINOIS

In the Matter of	)	
	)	
NEW CITY BANK	)	CONSENT ORDER
CHICAGO, ILLINOIS	)	
	)	
(Illinois Chartered	)	FDIC-11-33b
Insured Nonmember Bank)	)	2011-DB-08
	)	

New City Bank, Chicago, Illinois ("Bank"), having been advised of its right to a NOTICE OF CHARGES AND OF HEARING detailing the unsafe or unsound banking practices and violations of law or regulation alleged to have been committed by the Bank, and of its right to a hearing on the charges under section 8(b) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(b), and under 38 Ill. Adm. Code Section 392 et seq., regarding hearings before the Illinois Department of Financial and Professional Regulation, Division of Banking, ("Division"), and having waived those rights, entered into a STIPULATION AND

CONSENT TO THE ISSUANCE OF A CONSENT ORDER ("STIPULATION") with counsel for the Federal Deposit Insurance Corporation ("FDIC") and the Division dated January 25, 2011, whereby, solely for the purpose of this proceeding and without admitting or denying the charges of unsafe or unsound banking practices or violations of law or regulation, the Bank consented to the issuance of a CONSENT ORDER ("ORDER") by the FDIC and the Division.

The FDIC and the Division considered the matter and decided to accept this STIPULATION.

Having also determined that the requirements for issuance of an order under 12 U.S.C. § 1818(b) and Section 48(6), 205 ILCS 5/48(6) have been satisfied, the FDIC and the Division HEREBY ORDER that the Bank, its institution-affiliated parties, as that term is defined in section 3(u) of the Act, 12 U.S.C. § 1813(u), and its successors and assigns, take affirmative action as follows:

1. From the date of this ORDER, the Bank shall cease providing third party payment processing for deposit customers and their associated accountholders, customers, and clients and otherwise sever its relationship with such customers, until the Regional Director of the FDIC's Chicago Regional Office ("Regional Director") and the Division have provided their prior written consent for the Bank to resume such activity.

2. From the date of this ORDER the Bank shall not enter

into any new line of business without the prior written consent of the Regional Director and the Division.

3. From the date of this ORDER the Bank shall take all necessary steps to maintain adequate reserves for any potential charge backs or other liabilities arising from its third party payment processing.

4. Within five (5) days from the date of this ORDER the Bank shall develop, adopt and implement a plan for assessing the adequacy of the reserve balances for liabilities arising from its third party payment processing and shall submit the plan to the Board, Regional Director and Division within twenty-four (24) hours of implementation.

5. During each week this ORDER is in effect the Bank shall submit a report to the Board, Regional Director and the Division detailing the volume of charge back activity arising from prior third party payment processing and the adequacy of the reserve balance. The report shall be in a format acceptable to the Regional Director and the Division.

6. Within twenty (20) days from the date of this ORDER, the Bank shall send to its shareholder a copy of this ORDER.

7. Within thirty (30) days from the end of the first calendar quarter following the date of this ORDER, and within thirty (30) days after the end of each successive calendar quarter thereafter, the Bank shall furnish written progress

reports to the Regional Director and the Division detailing the form and manner of any action taken to secure compliance with this ORDER and the results thereof.

The effective date of this ORDER shall be the date of its issuance by the FDIC and the Division.

The provisions of this ORDER shall be binding upon the Bank, its institution-affiliated parties, successors, and assigns.

The provisions of this ORDER shall 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 and the Division.

Pursuant to delegated authority.

Dated this 24<sup>th</sup> day of February, 2011.

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M. Anthony Lowe  
Regional Director  
Chicago Regional Office  
Federal Deposit Insurance  
Corporation

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Jorge A. Sclis/  
Director  
Illinois Department of  
Financial and Professional  
Regulation, Division of  
Banking