

FEDERAL DEPOSIT INSURANCE CORPORATION
WASHINGTON, D.C.

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In the Matter of)	
)	ORDER TO PAY
SOUTHWEST CAPITAL BANK)	CIVIL MONEY PENALTY
ALBUQUERQUE, NEW MEXICO)	
)	FDIC-18-0092k
(Insured State Nonmember Bank))	
_____)	

SOUTHWEST CAPITAL BANK, Albuquerque, New Mexico (“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 issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the violations of law and regulation for which a civil money penalty may be assessed against the Bank pursuant to section 102(f)(1) of the Flood Disaster Protection Act of 1973, as amended (“FDPA”), 42 U.S.C. § 4012a(f)(1), and has been further advised of its right to a hearing with respect to the foregoing under section 102(f)(4) of the FDPA, 42 U.S.C. § 4012a(f)(4), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308. The Bank, having waived those rights, entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER TO PAY CIVIL MONEY PENALTY (“CONSENT AGREEMENT”) with counsel for the FDIC dated June 13, 2018, whereby, solely for the purpose of this proceeding and without admitting or denying the violations of law and regulation, the Bank consented to the issuance of this ORDER TO PAY CIVIL MONEY PENALTY (“ORDER”) by the FDIC.

The FDIC considered the matter and determined that the Bank has engaged in a pattern or practice of committing: (1) four violations of section 102(b)(1) of the FDPA, 42 U.S.C. §

4012a(b)(1), and section 339.3(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.3(a), for failure to obtain flood insurance at or before loan origination or renewal; (2) two violations of section 102(b)(1) of the FDPA, 42 U.S.C. § 4012a(b)(1), and section 339.3(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.3(a), for failure to maintain flood insurance for the term of the loan; (3) three violations of section 102(e)(1) of the FDPA, 42 U.S.C. § 4012a(e)(1), and section 339.7(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.7(a), for failure to notify the borrower to obtain flood insurance when the Bank determines a designated loan is not covered by flood insurance; and (4) three violations of section 102(e)(2) of the FDPA, 42 U.S.C. § 4012a(e)(2), and section 339.7(a) of the FDIC Rules and Regulations, 12 C.F.R. § 339.7(a), for failure to purchase flood insurance on the borrower's behalf within 45 days after notification.

The FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER TO PAY CIVIL MONEY PENALTY

IT IS HEREBY ORDERED that, by reason of the violations of law set forth herein, pursuant to section 102(f) of the FDPA, 42 U.S.C. § 4012a(f), a civil money penalty of \$10,800.00 is assessed against the Bank. The Bank shall pay such amount to the "Treasury of the United States."

IT IS FURTHER ORDERED that the Bank is prohibited from seeking or accepting indemnification from any third party for the civil money penalty assessed and paid in this matter.

This ORDER shall become effective upon issuance by the FDIC.

The provisions of this ORDER shall not bar, estop, or otherwise prevent the FDIC or any other federal or state agency or department from taking any other action against the Bank or any director, officer, employee, agent, successor, assignee, or other current or former institution-

