

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of	)	ORDER OF PROHIBITION FROM
	)	FURTHER PARTICIPATION AND
SALVADOR VILLAR, individually, and as an	)	ORDER TO PAY
institution-affiliated party of	)	
	)	
BANAMEX USA	)	FDIC-16-0144e
CENTURY CITY, CALIFORNIA	)	FDIC-16-0145k
	)	
(INSURED STATE NONMEMBER BANK)	)	
_____	)	

Salvador Villar (“Respondent”) has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION and a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY (collectively “NOTICE”) issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the violations for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY (“ORDER”) may issue, and has been further advised of the right to a hearing on the allegations under 12 U.S.C. §§ 1818(e) and 1818(i) and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY (“CONSENT AGREEMENT”) with a representative of the Legal Division of the FDIC, whereby solely for the purpose of this proceeding and without admitting any violations, Respondent consented to the issuance of an ORDER by the FDIC.

The FDIC has determined, and Respondent does not admit, that:

- (a) The Respondent, in his capacity as the Chief Executive Officer and Chairman of

the Board of Banamex USA, Century City, California (“Bank”), engaged or participated in violations as an institution-affiliated party of the Bank;

(b) The Respondent’s actions or inactions caused the Bank to violate the Bank Secrecy Act, as amended (31 U.S.C. § 5311 *et seq.*).

(c) By reason of such violations, the Bank has suffered financial loss or other damage; and

(d) Such violations demonstrate Respondent’s continuing disregard for the safety or soundness of the Bank.

The FDIC further determined that such violations demonstrate 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).

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the violation by Respondent, the history of previous violations by Respondent, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION

1. Salvador Villar is hereby prohibited from:
  - (a) participating in any manner in the conduct of the affairs of any financial institution or agency 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. Nothing herein shall preclude any proceedings brought by the FDIC to enforce the terms of this Order, and nothing herein constitutes a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof to bring other actions deemed appropriate.

3. 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.

4. The prohibitions in paragraph 1 above shall cease to apply to Respondent if Respondent obtains the prior written permission of both the FDIC and the “appropriate” Federal financial institutions regulatory agency as defined in 12 U.S.C. §1818(e)(7)(D).

#### ORDER TO PAY

It is hereby ordered, that by reason of the violations set forth in paragraph 2 of the CONSENT AGREEMENT, a penalty of \$90,000 is assessed against Salvador Villar. Respondent shall pay the civil



FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of	)	ORDER OF PROHIBITION FROM
	)	FURTHER PARTICIPATION AND
DONALD NOSEWORTHY, individually, and	)	ORDER TO PAY
as an institution-affiliated party of	)	
	)	
BANAMEX USA	)	FDIC-16-0148e
CENTURY CITY, CALIFORNIA	)	FDIC-16-0149k
	)	
(INSURED STATE NONMEMBER BANK)	)	
_____	)	

Donald Noseworthy (“Respondent”) has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION and a NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY (collectively “NOTICE”) issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the violations for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY (“ORDER”) may issue, and has been further advised of the right to a hearing on the allegations under 12 U.S.C. §§ 1818(e) and 1818(i) and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER PARTICIPATION AND ORDER TO PAY (“CONSENT AGREEMENT”) 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, Respondent consented to the issuance of an ORDER by the FDIC.

The FDIC has determined that:

- (a) The Respondent has engaged or participated in violations as an institution-

affiliated party of Banamex USA, Century City, California (“Bank”);

(b) The Respondent’s actions or inactions caused the Bank to violate the Bank Secrecy Act, as amended (31 U.S.C. § 5311 *et seq.*), and its implementing regulations.

(c) By reason of such violations, the Bank has suffered financial loss or other damage; and

(d) Such violations demonstrate Respondent’s continuing disregard for the safety or soundness of the Bank.

The FDIC further determined that such violations demonstrate 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).

After taking into account the CONSENT AGREEMENT, the appropriateness of the penalty with respect to the financial resources and good faith of Respondent, the gravity of the violation by Respondent, the history of previous violations by Respondent, and such other matters as justice may require, the FDIC accepts the CONSENT AGREEMENT and issues the following:

ORDER OF PROHIBITION FROM FURTHER PARTICIPATION

1. Donald Noseworthy is hereby prohibited from:
  - (a) participating in any manner in the conduct of the affairs of any financial institution or agency 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. Nothing herein shall preclude any proceedings brought by the FDIC to enforce the terms of this Order, and nothing herein constitutes a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof, including the Department of Justice or the FDIC as Receiver, to bring other actions deemed appropriate.

3. 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.

4. The prohibitions in paragraph 1 above shall cease to apply to Respondent if Respondent obtains the prior written permission of both the FDIC and the “appropriate” Federal financial institutions regulatory agency as defined in 12 U.S.C. §1818(e)(7)(D).

#### ORDER TO PAY

It is hereby ordered, that by reason of the violations set forth in paragraph 2 of the CONSENT AGREEMENT, a penalty of \$70,000 is assessed against Donald Noseworthy. Respondent shall pay the civil money penalty to the Treasury of the United States no later than February 15, 2017.

It is further ordered that Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

Nothing herein shall preclude any proceedings brought by the FDIC to enforce the terms of this Order, and nothing herein constitutes a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof, including the Department of Justice or the FDIC as Receiver, to bring other actions deemed appropriate.

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 this 14th day of February, 2017.

/s/  
\_\_\_\_\_  
Patricia A. Colohan  
Associate Director  
Division of Risk Management Supervision



FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

_____	)	
In the Matter of	)	
	)	
JORGE FIGUEROA, individually, and as an	)	ORDER TO PAY
institution-affiliated party of	)	
	)	
BANAMEX USA	)	FDIC-16-0151k
CENTURY CITY, CALIFORNIA	)	
	)	
(INSURED STATE NONMEMBER BANK)	)	
_____	)	

Jorge Figueroa (“Respondent”) and a representative of the Legal Division of the Federal Deposit Insurance Corporation (“FDIC”) executed a Stipulation and Consent to the Issuance of an Order to Pay (“CONSENT AGREEMENT”) dated December 19, 2016, whereby, solely for the purpose of this proceeding and without admitting or denying any breach of fiduciary duty, Respondent consented to the issuance of this Order to Pay (“ORDER”) issued pursuant to 12 U.S.C. § 1818(i) and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. Part 308.

The FDIC considered the matter and determined it had reason to believe that:

- (a) At all times relevant to this proceeding, Respondent has served as the Executive Vice President of Corporate and International Banking at Banamex USA, Century City, California (“Bank”). As such, Respondent is an institution-affiliated party of the Bank as defined in 12 U.S.C. § 1813(u).
- (b) As an institution-affiliated party of the Bank, Respondent breached his fiduciary duty to the Bank during the 2011–2012 time period. Specifically, Respondent failed to ensure his staff fully

complied with the Bank Secrecy Act, 31 U.S.C. §§ 5311–5332, and its implementing regulations.

(c) Respondent’s breach of his fiduciary duty was likely to cause more than a minimal loss to the Bank.

After taking into account the CONSENT AGREEMENT, the appropriateness of the civil money penalty with respect to the financial resources and good faith of Respondent, the gravity of the breach of fiduciary duty by Respondent, the history of previous violations by Respondent, and such other matters as justice may require, the FDIC accepts the Consent Agreement and issues the following:

ORDER TO PAY

IT IS HEREBY ORDERED, that by reason of the breach set forth in paragraph 2 of the CONSENT AGREEMENT, a penalty of \$30,000 is assessed against Jorge Figueroa. Respondent shall pay the civil money penalty to the Treasury of the United States no later than February 15, 2017.

It is further ordered that Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

Nothing herein shall preclude any proceedings brought by the FDIC to enforce the terms of this Order, and nothing herein constitutes a waiver of any right, power, or authority of any other representatives of the United States or agencies thereof, including the Department of Justice or the FDIC as Receiver, to bring other actions deemed appropriate.

This ORDER will become effective upon its issuance by the FDIC.

Pursuant to delegated authority.

Dated this 14<sup>th</sup> day of February, 2017.

/s/  
\_\_\_\_\_  
Patricia A. Colohan  
Associate Director  
Division of Risk Management Supervision