

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of: )	
WILLAMETTE VALLEY BANK )	ORDER TO PAY
SALEM, OREGON )	CIVIL MONEY PENALTY
(INSURED STATE NONMEMBER BANK) )	FDIC-22-0049k
_____ )	

WILLAMETTE VALLEY BANK (“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 8(i)(2) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. § 1818(i)(2), and has been further advised of the right to a hearing with respect to the foregoing, under section 8(i) of the Act, 12 U.S.C. § 1818(i), and the FDIC’s 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 October 25, 2022, whereby, solely for the purpose of this proceeding and without admitting or denying the violations of law or 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 violated the following:

1. Section 8(a) of the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2607(a), and 12 C.F.R. § 1024.14(b), by entering into mortgage lead generation arrangements with the operator of a real estate website and the operator of an online loan marketplace that were used to facilitate and disguise referral payments for mortgage business;
2. Section 5 of the Federal Trade Commission Act (“Section 5”), 15 U.S.C. § 45(a)(1), by making deceptive and misleading representations in three of the Bank’s prescreened offers of credit; and
3. Section 604(f) of the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. §1681b(f), by obtaining the consumer reports of former loan clients with recent credit inquiries without a legally permissible purpose.

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 violation(s) of law and regulation set forth herein, and after taking into account the appropriateness of the penalty with respect to the size of financial resources and good faith of the Bank, the gravity and the number of the violations, the history of previous violations by the Bank, and such other matters as justice may require, pursuant to 12 U.S.C. § 1818(i)(2), a penalty of \$425,000.00 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 its 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

of the Bank's current or former institution-affiliated parties, as that term is defined in Section 3(u) of the Act, 12 U.S.C. § 1813(u).

Pursuant to delegated authority.

Dated at Washington, D.C. this 14<sup>th</sup> day of November, 2022.

/s/

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G. Chris Finnegan  
Acting Senior Deputy Director  
Division of Depositor and Consumer Protection