

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

)	
In the Matter of)	
)	ORDER TO PAY
BADGER BANK)	CIVIL MONEY PENALTY
FORT ATKINSON, WISCONSIN)	
)	FDIC-19-0039k
(Insured State Nonmember Bank))	
)	

BADGER BANK, FORT ATKINSON, WISCONSIN ("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 the 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 May 24, 2019, whereby, solely for the purpose of this proceeding and without admitting or denying the violations of law, 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 violations of the FDPA and the notice requirements under section 1364 of

the National Flood Insurance Act of 1968, 42 U.S.C. 4104a, and Part 339 of the FDIC's Rules and Regulations, 12 C.F.R. Part 339 as follows:

- 12 C.F.R. § 339.3(a), by failing to obtain flood insurance on a building securing a designated loan at the time of the origination of four (4) loans;
- 12 C.F.R. § 339.3(a), by failing to obtain adequate flood insurance for five (5) loans;
- 12 C.F.R. § 339.3(a), by failing to maintain flood insurance for three (3) loans;
- 12 C.F.R. § 339.5, by failing to require the escrow of all premiums and fees for required flood insurance when it required the escrow of taxes, insurance premiums, fees, or any other charges for a loan secured by residential improved real estate for three (3) loans;
- 12 C.F.R. § 339.7, by failing to follow force placement flood insurance procedures for five (5) loans;
- 12 C.F.R. § 339.9(a), by failing to provide to borrowers a Notice of Special Flood Hazard and Availability of Federal Disaster Relief Assistance when making, increasing, extending or renewing a loan on six (6) occasions; and
- 12 C.F.R. § 339.9(c), by failing to provide to borrowers a Notice of Special Flood Hazard and Availability of Federal Disaster Relief Assistance within a reasonable time before the completion of the transaction on one (1) loan.

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 penalty of \$19,600.00 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 director, officer, employee, agent, successor, assignee, or other current or former institution-affiliated parties, as that term is defined in section 3(u) of the Federal Deposit Insurance Act, 12 U.S.C. § 1813(u), of the Bank.

Pursuant to delegated authority.

Dated at Chicago, Illinois this 7th day of June, 2019.

/s/
John P. Conneely
Regional Director