

UNITED STATES OF AMERICA
BEFORE
THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
WASHINGTON, D.C.

In the Matter of)	Docket Nos. 03-0040-B-I
)	03-0040-E-I
SCOTT SMOLINSKI)	
)	Order of Prohibition and Order to
A Former Officer and Institution-Affiliated)	Cease and Desist
Party of James Monroe Bank,)	Issued Upon Consent
Arlington, Virginia)	Pursuant to the Federal Deposit
)	Insurance Act as Amended
)	
)	

WHEREAS, pursuant to sections 8(b)(6), (e), and (i)(3) of the Federal Deposit Insurance Act, as amended (the “FDI Act”) (12 U.S.C. 1818(b)(6), (e), and (i)(3)), the Board of Governors of the Federal Reserve System (the “Board of Governors”) issues this consent Order of Prohibition and Order to Cease and Desist (the “Order”) against Scott Smolinski (“Smolinski”), a former vice president and institution-affiliated party, as defined in section 3(u) of the FDI Act (12 U.S.C. 1813(u)), of James Monroe Bank, Arlington, Virginia (the “Bank”) a state-chartered bank that is a member of the Federal Reserve System, based on Smolinski’s alleged participation in violations of law and unsafe or unsound practices regarding identity theft, falsification of bank records, misapplication of bank funds, self-dealing and violations of institutional internal controls that resulted in losses and other damage to the Bank and personal gain to Smolinski; and

WHEREAS, by affixing his signature hereunder, Smolinski has consented to the issuance of this Order by the Board of Governors and has waived any and all rights he might otherwise have pursuant to 12 U.S.C. 1818 and 12 C.F.R. Part 263, or otherwise (a) to the issuance of a notice of intent to prohibit and notice of charges and of hearing on any matter set forth in this Order; (b) to a hearing for the purpose of taking evidence with respect to any matter implied or set forth in this Order; (c) to obtain judicial review of this Order or any provision hereof; and (d) to challenge or contest in any manner the basis, issuance, validity, terms, effectiveness or enforceability of this Order or any provision hereof.

NOW, THEREFORE, prior to the taking of any testimony or adjudication of or finding on any issue of fact or law implied or set forth herein, and without this Order constituting an admission of any allegation made or implied by the Board of Governors in connection herewith:

IT IS HEREBY ORDERED, pursuant to sections 8(b)(6), (e), (i)(3), and (j) of the FDI Act (12 U.S.C. 1818(b)(6), (e), (i)(3), and (j)), that:

Restitution

1. Within 10 days of this Order, Smolinski shall make restitution to the Bank in the sum of \$9,700 in principal, plus interest accrued to the date of restitution as calculated by the Bank.

Prohibition from Banking

2. Smolinski, without the prior written approval of the Board of Governors and, where necessary pursuant to section 8(e)(7)(B) of the FDI Act (12 U.S.C. 1818(e)(7)(B)), another federal financial institution regulatory agency, is hereby and henceforth prohibited:

(a) From participating in any manner in the conduct of the affairs of any institution or agency specified in section 8(e)(7)(A) of the FDI Act (12 U.S.C. 1818(e)(7)(A)), including, but not limited to, any insured depository institution, or depository institution holding company;

(b) from soliciting, procuring, transferring, attempting to transfer, voting or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any institution described in section 8(e)(7)(A) of the FDI Act;

(c) from violating any voting agreement previously approved by any federal banking agency; or

(d) from voting for a director, or serving or acting as an institution-affiliated party, as defined in section 3(u) of the FDI Act, such as an officer, director or employee, in any institution described in section 8(e)(7)(A) of the FDI Act.

3. Any violation of this Order shall separately subject Smolinski to appropriate criminal or civil penalties or both under section 8 of the FDI Act (12 U.S.C. 1818).

4. This Order, and each and every provision hereof, is and shall remain fully effective and enforceable until expressly stayed, modified, terminated or suspended in writing by the Board of Governors.

5. All communications regarding this Order shall be addressed to:

(a) Mr. Malcolm C. Alfriend
Senior Vice President
Federal Reserve Bank of Richmond
701 East Byrd Street
Richmond, Virginia 23219

(b) Scott Smolinski
4875 Old Dominion Drive
Arlington, Virginia 22203

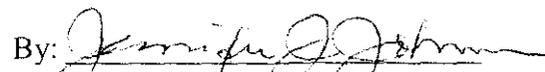
6. The provisions of this Order shall not bar, estop, or otherwise prevent the Board of Governors or any federal or state agency or department from taking any other action affecting Smolinski, provided, however, that the Board of Governors shall not take any further action against Smolinski based upon information presently known by the Board of Governors relating to the matters addressed by this Order.

By order of the Board of Governors effective this 7th day of

January, 200~~3~~⁴.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM


Scott Smolinski

By: 
Jennifer J. Johnson