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# FEDERAL RESERVE press release



For immediate release

November 18, 1996

The Federal Reserve Board today announced the issuance of an Order to Cease and Desist and of Assessment of a Civil Money Penalty against Thomas P. Rogers, a former chief foreign exchange trader and institution-affiliated party of the New York branch of The Nippon Credit Bank, Ltd., Tokyo, Japan.

Mr. Rogers, without admitting to any allegations, consented to the issuance of the Order in connection with his alleged unsafe and unsound practices and breaches of fiduciary duties regarding his unauthorized trading activities.

A copy of the Order is attached.

Attachment

UNITED STATES OF AMERICA

BEFORE THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

WASHINGTON, D.C.

_____	)	
In the Matter of	)	Docket Nos. 95-020-B-I
	)	95-020-CMP-I
THOMAS P. ROGERS	)	
	)	Order to Cease and Desist
	)	and Order of Assessment
A Former Institution-Affiliated	)	of a Civil Money Penalty
Party of the New York Branch of	)	Issued Upon Consent
	)	Pursuant to the Federal
	)	Deposit Insurance Act,
THE NIPPON CREDIT BANK, LTD.	)	As Amended
Tokyo, Japan	)	
_____	)	

**WHEREAS**, pursuant to sections 8(b) and (i) of the Federal Deposit Insurance Act, as amended (the "FDI Act") (12 U.S.C. §§ 1818(b) and (i)), the Board of Governors of the Federal Reserve System (the "Board of Governors") issues this combined Order to Cease and Desist and Order of Assessment of a Civil Money Penalty (the "Order") against Thomas P. Rogers ("Rogers"), former chief foreign exchange trader and institution-affiliated party, as defined in sections 3(u) and 8(b)(4) of the FDI Act (12 U.S.C. §§ 1813(u) and 1818(b)(4)), of the New York branch of The Nippon Credit Bank, Ltd., Tokyo, Japan ("Nippon-NY"), in connection with alleged unsafe and unsound practices and

breaches of fiduciary duties regarding Rogers's unauthorized trading activities; and

**WHEREAS**, by affixing his signature hereunder, Rogers 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 or 12 C.F.R. Part 263, or otherwise (a) to the issuance of a notice of charges and of hearing and of a notice of assessment of a civil money penalty; (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, 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 by Rogers of any allegation made or implied by the Board of Governors in connection herewith, and solely for the purpose of settlement of this matter without protracted or extended proceedings:

**IT IS HEREBY ORDERED**, pursuant to sections 8(b) and (i) of the FDI Act, that:

1. Upon becoming an institution-affiliated party, as defined in sections 3(u) and 8(b)(3) and (4) of the FDI Act, of any institution or agency described 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, bank or thrift holding company, or U.S. agency or branch of a foreign bank, where his duties include, directly or indirectly, engaging in, managing or otherwise directing the trading activities of any such institution or agency, Rogers shall take such actions as are necessary, consistent with his responsibilities, to ensure that he will (a) comply fully with all applicable policies and procedures, particularly those policies and procedures relating to trading activities, imposed by such institution or agency, including, where applicable, the preparation and maintenance of accurate books and records, (b) engage in such trading activities in a manner that is consistent with his fiduciary duties and with safe and sound banking practices, including, but not limited to, the timely submission of records relating to his executed trades, and (c) comply fully with all applicable laws and regulations.

2. (a) Rogers is assessed and shall forfeit and pay, as hereinafter provided, a civil money penalty in the sum of \$35,000.

(b) No portion of Rogers's civil money penalty shall be, directly or indirectly, paid, advanced, reimbursed or otherwise funded by Nippon-NY or The Nippon Credit Bank, Ltd.

3. The penalty assessed by this Order shall be remitted in full, payable to the "Board of Governors of the Federal Reserve System" and forwarded, with the executed copy of this Order, to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, who shall make remittance of the same to the Treasury of the United States as required by statute.

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

(a) Mr. Donald T. Vangel  
Senior Vice President  
Federal Reserve Bank of New York  
33 Liberty Street  
New York, New York 10045

(b) Mr. Thomas P. Rogers  
145 West 67th Street  
Apartment 12E  
New York, New York 10023  
with a copy to:

Mr. Roger L. Waldman  
Moses & Singer, LLP  
1301 Avenue of the Americas  
New York, New York 10019-6076

5. 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.

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 Rogers.

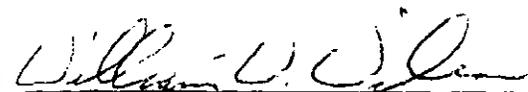
By order of the Board of Governors, effective this

14<sup>th</sup> day of November, 1996.

BOARD OF GOVERNORS OF THE  
FEDERAL RESERVE SYSTEM



Thomas P. Rogers

By:   
William W. Wiles  
Secretary of the Board