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

In the Matter of

FRANK E. SMITH and MARK A. KIOLBASA

Docket No. 18-036-E-I

Institution-affiliated parties of FARMERS STATE BANK Pine Bluffs, Wyoming, a state member bank

## **ORDER OF PROHIBITION OF FRANK E. SMITH**

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WHEREAS, pursuant to section 8(e) of the Federal Deposit Insurance Act, as amended, (the "FDI Act") (12 U.S.C. § 1818(e)), the Board of Governors of the Federal Reserve System (the "Board") is of the opinion, for the reasons set forth in the accompanying Final Decision, that a final Order of Prohibition should issue against FRANK E. SMITH ("Smith"), an institutionaffiliated party, as defined in Section 3(u) of the FDI Act (12 U.S.C. § 1813(u)), of Farmers State Bank, Pine Bluffs, Wyoming,

NOW THEREFORE, IT IS HERBY ORDERED, pursuant to section 8(e) of the FDI Act, 12 U.S.C. § 1818(e), that:

1. Respondent Smith is prohibited, without the prior written approval of the Board, and any other appropriate Federal financial institutions regulatory agency where necessary pursuant to section 8(e)(7)(B) of the FDI Act, 12 U.S.C. § 1818(e)(7)(B), from:

a. 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, any insured depository institution holding company or subsidiary of such holding company, or

any foreign bank or company to which subsection (a) of 12 U.S.C. § 3106 applies and any subsidiary of such foreign bank or company;

- 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 institution or agency enumerated in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A);
- c. violating any voting agreement previously approved by any appropriate Federal banking agency; or
- voting for a director, or serving or acting as an institution-affiliated party, as that term is defined in section 3(u) of the FDI Act, 12 U.S.C. § 1813(u), such as an officer, director, or employee, in any institution described in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A).

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

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

This ORDER shall become effective at the expiration of thirty days after service is made. By Order of the Board of Governors, this 24th day of March, 2021.

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

/s/

Ann E. Misback Secretary of the Board