

DBF B 1992-471
Citizens Bank of
Wakulla

STATE OF FLORIDA
DEPARTMENT OF BANKING AND FINANCE
DIVISION OF BANKING



DEPARTMENT OF BANKING AND FINANCE,
DIVISION OF BANKING,

Petitioner,

Administrative Proceeding
Number: 3008-B-1/92

vs.

TOMMY ROWELL,

Respondent.

FINAL ORDER

GERALD LEWIS, Comptroller of the State of Florida and Head of the Department of Banking and Finance, Division of Banking (Department), having the power to administer and provide for the enforcement of Title XXXVIII, Florida Statutes, upon due consideration of the subject matter herein and being fully advised in the premises, pursuant to Sections 655.012 and 655.037, Florida Statutes, and based upon the Department and **TOMMY ROWELL** ("ROWELL"), having entered into a Stipulation of Removal, fully executed on December 8, 1992, resolving the allegations contained in the Administrative Complaint for Removal and Prohibition with Notice of Rights, does hereby enter this Final Order.

Accordingly, it is hereby **ORDERED** and **ADJUDGED**:

1. **ROWELL** is removed from office pursuant to the provisions of Section 655.037(7), Florida Statutes, and is prohibited from engaging in the conduct specified therein and is not eligible for any official position in any financial institution in this

state without the written consent of the Department.

2. ROWELL shall otherwise comply with the terms and conditions of the Stipulation of Removal entered in this cause, the entirety of which is incorporated herein by reference although not attached hereto.

3. This Final Order resolves the administrative proceeding now pending between the Department and ROWELL, except as otherwise provided in the Stipulation, and absent a violation of this Order, the Department will not institute any further administrative proceeding arising out of the allegations contained in the Complaint.

DONE and ORDERED in Tallahassee, Leon County, Florida, this 14th day of December, 1992.



GERALD LEWIS, as Comptroller of the
State of Florida and Head of the
Department of Banking and Finance

Copy furnished to:

Counsel of record

STATE OF FLORIDA
DEPARTMENT OF BANKING AND FINANCE
DIVISION OF BANKING

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FINANCE, DIVISION OF BANKING,

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STIPULATION OF REMOVAL

This Stipulation of Removal ("Stipulation") is entered into between the Department of Banking and Finance, Division of Banking ("Department") and **TOMMY ROWELL** ("ROWELL"), on the last date executed below:

1. The Department originally issued an Administrative Complaint for Removal and Prohibition with Notice of Rights ("Complaint"), on May 11, 1992. The Complaint was received by **ROWELL** by certified mail on May 14, 1992. The Complaint, although not attached hereto, is incorporated herein by reference.
2. **ROWELL**, thereafter, timely filed a Petition for Formal Administrative Proceeding ("Petition") with the Department pursuant to the provisions of Section 120.57(1), Florida Statutes.
3. **ROWELL** neither admits nor denies any of the allegations in the Complaint and enters into this Stipulation in an effort to avoid the costs associated with this litigation. In resolution of the charges in the Complaint, **ROWELL** agrees to abide by the following terms and conditions:

a. **ROWELL** voluntarily withdraws his petition for Formal Administrative Proceeding and waives his right to an administrative hearing regarding all matters raised in the Department's Complaint, Administrative Proceeding Number: 3008-B.

b. Pursuant to Section 655.037(7), Florida Statutes, **ROWELL** is not, and shall not be, eligible for re-election as an officer, director, committeeman or holder of any official position, and is, and shall be, barred from future services as an officer, director, committee member or employee of any financial institution, as that term is defined by Section 655.005(1)(b), Florida Statutes for a period of five (5) years from date of the entry of the Final Order in this matter. After the five (5) years has expired, Rowell may be eligible for reelection and future services, as set out above, only upon receiving written permission to do so from the Department.

4. The Department and **ROWELL** herein agree to the entry of the Final Order attached hereto, incorporating the above terms after this Stipulation is executed by **ROWELL** and the Department.

5. **ROWELL** agrees that the Final Order issued by the Department incorporating this Stipulation shall constitute a valid Final Order duly rendered by the Department and **ROWELL** waives any right to separately stated findings of fact and conclusions of law and further waives all right to an administrative or judicial determination thereof.

7. **ROWELL** agrees that the final order shall constitute final agency action by the Department for which the Department may seek enforcement pursuant to the provisions of Chapters 120, 655, and 658, Florida Statutes, and **ROWELL** does hereby

voluntarily and knowingly waive any right to contest the finality of that order or the validity of any term, condition, obligation or duty created in the order, or in any administrative or judicial forum, including appellate review thereof.

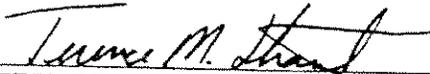
8. Each party herein shall be solely responsible for their separate costs and attorney fees incurred up to the entry of the Final Order in this matter.

9. **ROWELL** waives and releases the Department and its agents, representatives, and employees from any and all causes of action that he now has or may have in the future, including but not limited to, any action for libel, slander, violation of a constitutionally protected right, tortious interference with an advantageous contractual relationship, and the like arising out of the filing of this Stipulation or the Final Order issued in conjunction herewith or the removal proceeding. The Department agrees to accept this release without acknowledging, and expressly denies, that any such cause of action exists.

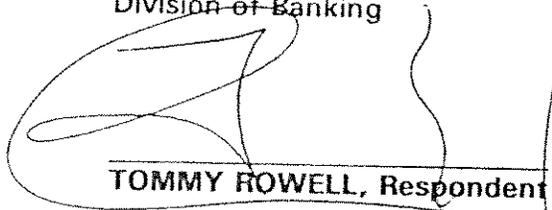
IN WITNESS THEREOF, the parties have signed this Stipulation effective on the date last executed below:

DEPARTMENT OF BANKING
AND FINANCE, DIVISION
OF BANKING

DATE 12/8/92


TERENCE M. STRAUB, Director
Division of Banking

DATE 11/20/92


TOMMY ROWELL, Respondent