

**UNITED STATES OF AMERICA  
NATIONAL CREDIT UNION ADMINISTRATION  
NATIONAL CREDIT UNION ADMINISTRATION BOARD**

In the Matter of	)	
DAVID J. HAMILTON,	)	
Institution-affiliated party of	)	
Oteen VA Federal Credit Union	)	Docket No. 97-0601-III
Federal Credit Union	)	
Asheville, North Carolina	)	

**ORDER OF PROHIBITION**

WHEREAS, David J. Hamilton ("Hamilton") executed a Stipulation and Consent to Issuance of an Order of Prohibition ("Stipulation"), and agreed and consented to the issuance of this Order of Prohibition ("Order"), pursuant to Section 206(g) of the Federal Credit Union Act ("FCUA"), 12 U.S.C. § 1786(g), and Part 747 of the National Credit Union Administration Rules and Regulations ("Rules"), 12 C.F.R. §§ 747, *et seq.*; and

**WHEREAS**, the National Credit Union Administration Board ("NCUAB") delegated to the Regional Directors of the National Credit Union Administration the authority to issue Orders on behalf of the NCUAB where Respondents consent to the issuance of the Orders.

**NOW THEREFORE**, this Order prohibits Hamilton from participating in any manner in the conduct of the affairs of any federally insured credit union, and from continuing or commencing to hold any office, or participate in any manner, in the conduct of the affairs of any other institution or agency set forth in Section 206(g)(7) of the FCUA, 12 U.S.C. § 1786(g)(7).

**FURTHERMORE**, all technical words or terms used in this Order have meanings defined in the FCUA, the Rules, Title 12 of the United States Code, and any such words or terms undefined in the foregoing have meanings that accord with the best customs and usage in the credit union industry.

**FURTHERMORE**, this Order incorporates by reference the Stipulation, and is effective on its date of issuance.

**NATIONAL CREDIT UNION ADMINISTRATION BOARD**

By: \_\_\_\_\_

H. Allen Carver, Regional Director

Dated: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

This certifies that I served the foregoing Order of Prohibition against David J. Hamilton by certified mail, return receipt requested, addressed to:

David J. Hamilton  
21 Pleasant Ridge Dr.  
Asheville, NC 28805-2621

and

President  
Oteen VA Federal Credit Union  
V.A. Medical Center  
Asheville, NC 28805

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Gerard S. Poliquin,  
Trial Attorney

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	)	

**STIPULATION AND CONSENT TO  
ISSUANCE OF AN ORDER OF PROHIBITION**

David J. Hamilton ("Hamilton"), former institution-affiliated party of Oteen VA Federal Credit Union, Asheville, North Carolina ("Oteen"), and by The National Credit Union Administration Board ("NCUAB"), acting by and through its Counsel, hereby make this Stipulation and Consent to Issuance of an Order of Prohibition ("Stipulation").

Hamilton and the NCUAB hereby stipulate and agree as follows:

1. Consideration. The NCUAB is of the opinion that grounds exist to initiate an administrative prohibition against Hamilton pursuant to Section 206(g) of the Federal Credit Union Act ("FCUA"), 12 U.S.C. § 1786(g). Hamilton, without admitting or denying that said grounds exist (except those set forth as to Jurisdiction in paragraph 2), desires to avoid the time, cost and expense of administrative litigation. Accordingly, Hamilton consents to the issuance by NCUAB of an Order of Prohibition ("Order") in consideration of the settlement, compromise and resolution of all potential administrative claims and charges that have been or might be asserted by NCUAB against Hamilton arising out of his position with Oteen.
2. Jurisdiction. Pursuant to its authority under Section 206 of the FCUA, 12 U.S.C. § 1786, the NCUAB is the appropriate Federal agency to maintain an administrative prohibition action against an "institution-affiliated party." Hamilton is an "institution-affiliated party" within the meaning of Section 206(r) of the FCUA, 12 U.S.C. § 1786(r). Accordingly, Hamilton admits the jurisdiction of the NCUAB over him and over the subject matter of this action
3. Finality. Hamilton consents to the issuance of the Order, and agrees to comply with all of its terms. The Order complies with all requirements of law, and issues pursuant to Section 206(g) of the FCUA, 12 U.S.C. § 1786(g). Upon its issuance, the Order is final, effective and fully enforceable by the NCUAB. The laws of the United States of America govern the construction and validity of this Stipulation and the Order, and the section and paragraph headings do not affect the interpretation of this Stipulation or the Order.
4. Waivers. Hamilton waives his right to an administrative hearing provided by Section 206(g)(4) of the FCUA, 12 U.S.C. § 1786(g)(4). Hamilton further waives his right to seek judicial review of the Order, or otherwise challenge the validity or legality of the Order.

5. Other Actions. Pursuant to this Stipulation, Hamilton hereby agrees that the Order is solely for the purpose of settling and resolving NCUAB's claims against him, as provided by paragraph 1 of this Stipulation, and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, claims, charges against, or liabilities that arise in connection with his former or current affiliations with Oteen, or any affiliate thereof, and that may be or have been brought by any other Federal or state government agency or entity other than the NCUAB.

**WHEREFORE**, in consideration of the foregoing, David J. Hamilton and the National Credit Union Administration Board execute this Stipulation and Consent to the Issuance of an Order of Prohibition.

\_\_\_\_\_  
David J. Hamilton

\_\_\_\_\_  
Date

**NATIONAL CREDIT UNION ADMINISTRATION BOARD**

\_\_\_\_\_  
Gerard S. Poliquin

\_\_\_\_\_  
Date

Office of General Counsel