

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

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In the Matter of )

Kimberly Unger )

Former Employee of )  
Spencerport Federal Credit Union )  
Spencerport, New York. )

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Docket No. 12-0057-R1

**ORDER OF PROHIBITION**

**WHEREAS**, Kimberly Unger ("Unger") 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

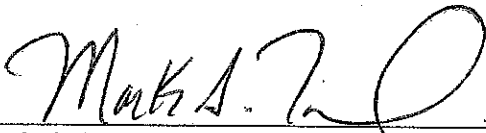
**WHEREAS**, pursuant to the FCUA and the Rules, the National Credit Union Administration Board ("NCUAB") has authority to issue a final Order where the Respondent consents to the issuance of such an Order.

**NOW THEREFORE**, the NCUAB issues this Order and prohibits Unger 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 against Unger incorporates by reference the Stipulation she executed, and is effective upon its issuance.

**NATIONAL CREDIT UNION ADMINISTRATION BOARD**

By:   
Mark A. Treichel, Regional Director

Dated: October 24, 2012

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

\_\_\_\_\_ )  
In the Matter of )

Kimberly Unger, )

An Institution-Affiliated Party of )  
Spencerport Federal Credit Union )  
Spencerport, New York. )  
\_\_\_\_\_ )

Docket No. 12-00<sup>57</sup>-R1

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

Kimberly Unger ("Unger"), former Loan Officer and institution-affiliated party of Spencerport Federal Credit Union ("SFCU"), located in Spencerport, New York, and 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").

Unger 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 action against Unger pursuant to Section 206(g) of the Federal Credit Union Act ("FCUA"), 12 U.S.C. § 1786(g). Unger, 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, Unger consents to the issuance by the 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 the NCUAB against Unger arising out of her position as Loan Officer for SFCU.

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 action against an "institution-affiliated party." Unger is an "institution-affiliated party" within the meaning of Section 206(r) of the FCUA, 12 U.S.C. § 1786(r). Accordingly, Unger admits the jurisdiction of the NCUAB over her and over the subject matter of this action.

3. Finality. Unger 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 is issued pursuant to Section 206 of the FCUA, 12 U.S.C. § 1786. 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. Unger waives her right to an administrative hearing provided by Section 206(g)(4) of the FCUA, 12 U.S.C. § 1786(g)(4). Unger further waives her 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, Unger hereby agrees that the Order is solely for the purpose of settling and resolving the NCUAB's claims against her, 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 her former or current affiliations with SFCU, 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, Unger and the NCUAB execute this Stipulation and Consent to the Issuance of an Order of Prohibition.

Kimberly J. Unger  
Kimberly Unger

Oct. 15, 2012  
Date

**NATIONAL CREDIT UNION ADMINISTRATION BOARD**

Ian M. Marena  
Ian Marena  
Office of General Counsel

October 19, 2012  
Date