

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

In the Matter of
Westerra Credit Union
Charter Number: 65788
Denver, CO 80209

Docket No. 15-0150-R4

ORDER OF ASSESSMENT OF CIVIL MONEY PENALTY

WHEREAS, Westerra Credit Union, Denver, CO, executed a Stipulation and Consent to Issuance of an Order of Assessment of Civil Money Penalty (“Stipulation”), and agreed and consented to the issuance of this Order of Assessment of Civil Money Penalty (“Order”), pursuant to Section 202(a)(3) of the Federal Credit Union Act (“FCUA”), 12 U.S.C. § 1782(a)(3); and

WHEREAS, pursuant to the FCUA, the National Credit Union Administration Board (“NCUA”) has authority to issue a final Order where the Respondent consents to the issuance of such an Order.

NOW THEREFORE, IT IS ORDERED that within ten (10) calendar days of the date of this Order, Westerra Credit Union shall pay the sum of \$10,000.00 by tendering a certified check (or guaranteed equivalent) made payable to the order of the “U.S. Department of Treasury,” together with a copy of the executed Order and a cover letter referencing the assessment. The payment should be sent to the National Credit Union Administration, c/o Division of Analysis and Surveillance, Office of Examination and Insurance, 1775 Duke Street, Alexandria, Virginia 22314.

FURTHERMORE, all technical words or terms used in this Order have meanings defined in the FCUA, the NCUA's Rules and Regulations, 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 Westerra Credit Union incorporates the referenced Stipulation, and the Order is effective upon its issuance.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

By: *Larry Fazio*
Larry Fazio
Director, Office of Examination and Insurance

Dated: *12/29/2015*

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NATIONAL CREDIT UNION ADMINISTRATION
NATIONAL CREDIT UNION ADMINISTRATION BOARD**

In the Matter of
Westerra Credit Union
Charter Number: 65788
Denver, CO 80209

Docket No. 15-0150-R4

**STIPULATION AND CONSENT TO ISSUANCE OF
AN ORDER OF ASSESSMENT OF CIVIL MONEY PENALTY**

Westerra Credit Union, Denver, CO (“Westerra”), and the National Credit Union Administration Board (“NCUA”), acting by and through its Director of the Office of Examination and Insurance, hereby make this Stipulation and Consent to Issuance of an Order of Assessment of Civil Money Penalty (“Stipulation”).

Westerra and the NCUA hereby stipulate and agree as follows:

1. Consideration. The NCUA is of the opinion that Westerra violated 12 U.S.C. § 1782 of the Federal Credit Union Act (“FCUA”), and 12 C.F.R. § 741.6(a)(2) of the NCUA’s Rules and Regulations (“Rules”) by failing to timely file required reports due on October 23, 2015 covering the September 2015 Call Report and Profile. Accordingly, the NCUA is of the opinion that grounds exist to assess a civil money penalty against Westerra pursuant to 12 U.S.C. § 1782(a)(3). Westerra, 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, Westerra consents to the issuance by NCUA of an Order of Assessment of Civil Money Penalty (“Order of Assessment”) in consideration of the settlement, compromise, and resolution of all potential administrative claims and charges that

have been or might be asserted by NCUA against Westerra arising out of its required filings under the FCUA and Rules for the period specified in the first sentence of this paragraph.

2. Jurisdiction. Pursuant to its authority under the FCUA, 12 U.S.C. §§ 1782, 1786, the NCUA is the appropriate Federal agency to maintain an administrative action against an “insured credit union.” Westerra is an “insured credit union” within the meaning of the FCUA, 12 U.S.C. § 1752(7). Accordingly, Westerra admits the jurisdiction of the NCUA over itself and the subject matter of this action.

3. Finality. Westerra consents to the issuance of the Order of Assessment, and agrees to comply with all of its terms. This Stipulation is contingent upon Westerra compliance with the resultant Order of Assessment, including timely payment of the civil money penalty. NCUA reserves the right to seek a higher assessment amount if Westerra fails to comply with this Stipulation or the Order of Assessment. The Order of Assessment complies with all requirements of law, and issues pursuant to the FCUA, 12 U.S.C. § 1782(a)(3). Upon its issuance, the Order of Assessment is final, effective, and fully enforceable by the NCUA. The laws of the United States of America govern the construction and validity of this Stipulation and the Order of Assessment, and the section and paragraph headings do not affect the interpretation of this Stipulation or the Order of Assessment.

4. Waivers. Westerra waives its right to an administrative hearing provided by the FCUA, 12 U.S.C. §§ 1782(a)(3), 1786(j), 1786(k)(2). Westerra further waives its right to seek judicial review of the Order of Assessment, or otherwise challenge the validity or legality of the Order of Assessment.

5. Other Actions. Pursuant to this Stipulation, Westerra hereby agrees that the Order of Assessment is solely for the purpose of settling and resolving NCUA’s claims against it, as

provided by paragraph 1, and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, claims, charges against, or liabilities that may be or have been brought by any other Federal or state government agency or entity other than the NCUA.

6. Counterparts and Electronic Copies. This Stipulation may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same instrument. A facsimile version, photocopy, and/or an electronically scanned image of a signature shall be deemed an original and shall be enforceable as if it is an original signature.

WHEREFORE, in consideration of the foregoing, Westerra Credit Union and the National Credit Union Administration Board execute this Stipulation and Consent to the Issuance of an Order of Assessment of Civil Money Penalty.

Westerra Credit Union
By a majority of its Directors

<u>James W. Kullhem</u> Director - Print	<u>James W. Kullhem</u> Sign	<u>12-15-15</u> Date
<u>LARRY A. OTTELE</u> Director - Print	<u>Larry A. Ottele</u> Sign	<u>12/15/15</u> Date
<u>Karin A. Riggins</u> Director - Print	<u>Karin A. Riggins</u> Sign	<u>12/15/15</u> Date
<u>BARRY BEAL JR</u> Director - Print	<u>Barry Beal Jr</u> Sign	<u>12/15/15</u> Date
<u>Katherine J Betts</u> Director - Print	<u>Katherine J Betts</u> Sign	<u>12-15-15</u> Date
<u>ANDREW A. RAICEVICH</u> Director - Print	<u>Andrew A. Raicevich</u> Sign	<u>12/15/15</u> Date

provided by paragraph 1, and does not release, discharge, compromise, settle, dismiss, resolve, or in any way affect any actions, claims, charges against, or liabilities that may be or have been brought by any other Federal or state government agency or entity other than the NCUA.

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WHEREFORE, in consideration of the foregoing, Westerra Credit Union and the National Credit Union Administration Board execute this Stipulation and Consent to the Issuance of an Order of Assessment of Civil Money Penalty.

Westerra Credit Union
By a majority of its Directors

<u>WILLIAM S. ABBEY</u>	<u>William S. Abbey</u>	<u>12-16-15</u>
Director - Print	Sign	Date

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NATIONAL CREDIT UNION ADMINISTRATION BOARD

Larry Fazio

Larry Fazio
Director, Office of Examination and Insurance

12/28/2015

Date