

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, DC

In the Matter of	)	
	)	
MICHAEL W. PERRY	)	ORDER OF PROHIBITION FROM
individually, and as an	)	FURTHER PARTICIPATION
institution-affiliated party of	)	
	)	
INDYMAC BANK, F.S.B.	)	
PASADENA, CALIFORNIA	)	FDIC-12-642e
	)	
(INSURED FEDERAL SAVINGS BANK -	)	
IN RECEIVERSHIP)	)	

Michael W. Perry (“Respondent”) has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION to be issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the unsafe or unsound banking practices for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION (“ORDER”) may issue, and has been further advised of the right to a hearing on the alleged charges under section 8(e) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. § 1818(e), and the FDIC’s Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER PARTICIPATION (“CONSENT AGREEMENT”) with a representative of the Legal Division of the FDIC, which has the authority to proceed under section 8(t) of the Act, 12 U.S.C. § 1818(t), whereby solely for the purpose of this proceeding and without admitting or denying any unsafe or unsound banking practices, Respondent consented to the issuance of an ORDER by the FDIC.

The FDIC considered the matter and has reason to believe that:

- (a) Respondent engaged or participated in unsafe or unsound banking practices as an institution-affiliated party of IndyMac Bank, F.S.B., Pasadena, California (In Receivership) (the “Bank”);
- (b) By reason of such practices, the Bank suffered financial loss or other damage; and
- (c) Such practices demonstrate Respondent’s willful and/or continuing disregard for the safety or soundness of the Bank.

The FDIC further determined that such practices demonstrate Respondent’s unfitness to serve as a director, officer, person participating in the conduct of the affairs, or as an institution-affiliated party of the Bank, any other insured depository institution, or any other agency or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A).

The FDIC, therefore accepts the CONSENT AGREEMENT and issues the following:

ORDER OF PROHIBITION  
FROM FURTHER PARTICIPATION

1. Respondent is hereby, without the prior written approval of the FDIC and the appropriate Federal financial institutions regulatory agency, as that term is defined in section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D), prohibited from:

- (a) participating in any manner in the conduct of the affairs of any financial institution or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);
- (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 financial institution enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. §1818(e)(7)(A);

(c) violating any voting agreement previously approved by the appropriate Federal banking agency; or

(d) voting for a director, or serving or acting as an institution-affiliated party.

2. This ORDER will become effective upon its issuance by the FDIC. The provisions of this ORDER will remain effective and enforceable except to the extent that, and until such time as, any provision of this ORDER shall have been modified, terminated, suspended, or set aside by the FDIC.

Pursuant to delegated authority.

Dated this 14<sup>th</sup> day of December, 2012.



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Lori J. Quigley  
Acting Associate Director  
Division of Risk Management Supervision