

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of:

Gregory P. Healey
Former Chairman and Chief Executive Officer
Cashgate, Inc., Former Independent Contractor of
National State Bank of Metropolis
Metropolis, Illinois

OCC-AA-EC-04-05

DECISION and ORDER

Pending before the Comptroller of the Currency is Enforcement Counsel's motion to vacate the Recommended Decision of the Administrative Law Judge ("ALJ") and dismiss the proceedings. For the reasons explained below, the Comptroller grants the motion.

This proceeding arises out of a Notice of Charges for the Issuance of an Order to Cease and Desist for Affirmative Relief and Notice of Assessment of a Civil Money Penalty ("Notice"). The Notice, issued by the Office of the Comptroller of the Currency on May 21, 2004, sought a civil money penalty of \$50,000 and a cease and desist order against Respondent for his actions as a former independent contractor of National State Bank of Metropolis, Metropolis, Illinois.

On October 15, 2004, the ALJ issued a Recommended Decision finding Respondent in default for failing to file an Answer or request a hearing within the time prescribed by the applicable regulations. 12 C.F.R. §§ 19.19(c)(1) & (c)(2). In accordance with the regulations, the ALJ recommended the relief sought in the Notice. However, unknown to the ALJ, the Respondent and Enforcement Counsel had previously agreed to settle the proceedings and Respondent had executed a Stipulation and Consent to the Issuance of an Order to Cease and

Desist for Affirmative Relief and for the Assessment of a Civil Money Penalty. The Comptroller's delegate executed the Consent Order on October 19, 2004, after the ALJ had issued the Recommended Decision.

The Consent Order makes the relief sought in the Notice unnecessary. Accordingly, the Comptroller vacates the Recommended Decision and dismisses the proceedings.

So Ordered, this 22 day of November, 2004.

Julie L. Williams
Acting Comptroller of the Currency