

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

In the Matter of)
)

JOSEPH HERBST,)

Docket No. 12-0023-CO)

Former Employee or)
Institution-Affiliated Party of)
U.S. Central Federal Credit Union)
Lenexa, Kansas)
)
)

**STIPULATION AND CONSENT
TO CEASE AND DESIST ORDER**

Joseph Herbst ("Herbst"), former employee or institution-affiliated party of U.S. Central Federal Credit Union ("U.S. Central"), Lenexa, Kansas, and the National Credit Union Administration Board ("NCUAB"), acting by and through its Counsel, hereby make this Stipulation and Consent to Cease and Desist Order ("Stipulation").

Herbst and the NCUAB hereby stipulate and agree as follows:

1. **Consideration.** The NCUAB is of the opinion that grounds exist to initiate an administrative cease and desist action against Herbst pursuant to Section 206 of the Federal Credit Union Act, 12 U.S.C. § 1786. Herbst, without admitting 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, Herbst consents to this Stipulation and subsequent issuance by the NCUAB of a Cease and Desist Order ("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 Herbst arising out of his position with U.S. Central.

2. Jurisdiction. Pursuant to its authority under Section 206 of the Federal Credit Union Act, 12 U.S.C. § 1786, the NCUAB is the appropriate Federal agency to maintain an administrative action against an "institution-affiliated party." Herbst is an "institution-affiliated party" within the meaning of Section 206(r) of the Federal Credit Union Act, 12 U.S.C. § 1786(r). Accordingly, Herbst admits the jurisdiction of the NCUAB over him and over the subject matter of this action.

3. Consent. Herbst consents to the issuance by the NCUAB of the accompanying Order containing the following terms and conditions: Effective immediately, Herbst shall not:

a. Become an employee of, hold any office in, or otherwise participate in any manner in the conduct of the affairs of any federally-insured corporate credit union;

b. Consult or advise any federally-insured corporate credit union on any matters involving or relating to investment securities, investment policy or investment strategy; or

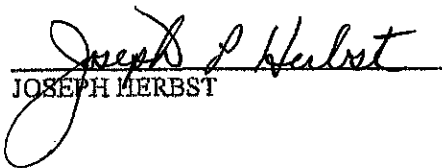
c. Sell any investment securities to any federally-insured corporate credit union.

4. Waivers. Herbst waives his right to an administrative hearing to the Order as provided for in Section 206 of the Federal Credit Union Act, 12 U.S.C. § 1786. He further waives his right to seek judicial review of the Order or otherwise challenge the validity or legality of the Order.

5. Finality. Herbst 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 Federal Credit Union Act, 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.

WHEREFORE, in consideration of the foregoing, Herbst and the NCUAB execute this Stipulation and Consent to Cease and Desist Order.


JOSEPH HERBST

5/4/2012
Date

NATIONAL CREDIT UNION ADMINISTRATION BOARD


JON J. CANERDAY
Office of General Counsel

5/4/2012
Date

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

In the Matter of

JOSEPH HERBST,

Former Employee or
Institution-Affiliated Party of
U.S. Central Federal Credit Union
Lenexa, Kansas

Docket No. 12-0023-C0

ORDER TO CEASE AND DESIST

WHEREAS, Joseph Herbst ("Herbst") has executed a Stipulation and Consent to Order to Cease and Desist ("Stipulation and Consent") and agreed and consented to the issuance of this Order to Cease and Desist ("Order"), pursuant to Section 206(e) of the Federal Credit Union Act, 12 U.S.C. § 1786(e), and Part 747 of the National Credit Union Administration Rules and Regulations, 12 C.F.R. § 747, *et seq.*; and

WHEREAS, the National Credit Union Administration Board ("NCUA Board") has jurisdiction over Herbst pursuant to Sections 206(e) and (r) of the Federal Credit Union Act; and

WHEREAS, pursuant to the Federal Credit Union Act and the National Credit Union Administration Rules and Regulations, the NCUA Board has authority to issue a final Order where the Respondent consents to the issuance of such an Order; and

WHEREAS, the NCUA Board has considered the terms and conditions agreed to in the Stipulation and Consent;

NOW THEREFORE, IT IS ORDERED THAT:

Effective immediately, Joseph Herbst shall not:

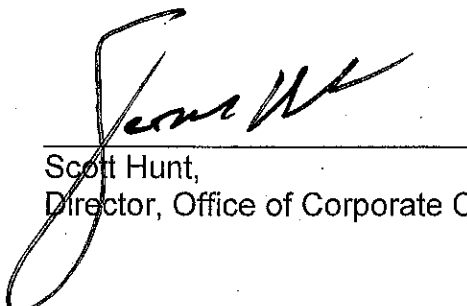
- Become an employee of, hold any office in, or otherwise participate in any manner in the conduct of the affairs of any federally-insured corporate credit union;
- Consult or advise any federally-insured corporate credit union on any matters involving or relating to investment securities, investment policy or investment strategy; or
- Sell any investment securities, directly or indirectly, to any federally-insured corporate credit union.

FURTHERMORE, all technical words or terms used in this Order have meanings defined in the Federal Credit Union Act, 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 Herbst incorporates by reference the Stipulation and Consent he executed, and is effective upon its issuance.

FOR THE NATIONAL CREDIT UNION ADMINISTRATION BOARD

BY:



Scott Hunt,
Director, Office of Corporate Credit Unions

5/4/12
Date