

Order No. 2020-002

IN THE MATTER OF:

§ BEFORE THE BANKING

§

§

JUSTIN L. HOLT

§

COMMISSIONER OF TEXAS

§

§

TYLER, TEXAS

§

AUSTIN, TRAVIS COUNTY, TEXAS

CONSENT ORDER

On this day, the matter of Justin L. Holt of Tyler, Texas (Respondent) was submitted to me, Charles G. Cooper, Banking Commissioner of the State of Texas (Commissioner), for consideration and action.

1. Respondent is a former employee, officer and member of the advisory Board of Directors of Bank of Tyler (Bank).
2. The Bank is now called UBank and is chartered in Texas under charter number 1912-16.
3. The Bank and Respondent are, and at all times pertinent to the allegations in this proceeding were, subject to the provisions of the Texas Banking Act (Banking Act), Texas Finance Code (Finance Code) Title 3, Subtitle A.
4. The Commissioner has jurisdiction over Respondent and the subject matter of this proceeding.
5. The Commissioner has the authority to bring this enforcement action pursuant to Finance Code §§35.009 and 35.010, and issue this Consent Order (Order) pursuant to Finance Code §31.201(d) and Texas Government Code (Government Code) §2001.056.
6. Respondent has been properly notified of his right to an administrative hearing under Finance Code §§35.004 and 35.010, and Government Code §§2001.051 and 2001.171. Respondent waives this right and agrees to the disposition of this matter pursuant to the provisions of Finance Code §31.201(d) and Government Code §2001.056.
7. Respondent and the Commissioner agree to this Order solely for the purpose of this proceeding and without Respondent admitting or denying any violations of law or regulations. This Order does not constitute an admission by Respondent that the Banking Act, or a rule adopted, or order issued under the Banking Act, has been violated.
8. For purposes of this proceeding, Respondent knowingly and voluntarily waives:
 - a. service upon Respondent of this Order;
 - b. the right to present defenses to the allegations in this proceeding;

- c. notice and hearing prior to imposition of this Order;
 - d. the filing of proposed findings of fact and conclusions of law;
 - e. the issuance of a proposal for decision by an administrative law judge;
 - f. the filing of exceptions and briefs with respect to such proposal for decision;
 - g. any review of this Order by the Texas Finance Commission (Finance Commission); and
 - h. judicial review of this Order as provided by Government Code §2001.171 et seq., and any other challenge to the validity of this Order.
9. Any violation of this Order could subject Respondent to additional regulatory or enforcement actions authorized by the Finance Code and other provisions of Texas law. Nothing in this Order diminishes the regulatory or enforcement powers of the Department, the Commissioner or the Finance Commission, or other applicable law.
10. The Commissioner has considered the matter and, based upon credible evidence, reasonably believes that Respondent's actions satisfy the statutory requirements for the issuance of a consent order as set forth in Finance Code §§35.009 and 35.010.
11. In particular, the Commissioner has determined that Respondent:
- a. engaged in a breach of his fiduciary duty;
 - b. conducted business in an unsafe or unsound manner; and
 - c. violated the Banking Act or another applicable law of this state and, as a result of that violation, exposed or could have exposed the Bank or the Bank's depositors, creditors or shareholders to harm.
12. Respondent does not admit or deny the allegations set forth in paragraph 11 above.
13. Pursuant to Finance Code §35.010(b), the Commissioner finds that it is appropriate for Respondent to pay an administrative penalty in the amount of \$10,000.
14. Respondent agrees that he will not seek or accept indemnification from the Bank for the administrative penalty assessed and paid in this matter.
15. Respondent consents to the issuance of this Consent Order and agrees to comply with the terms that are set out in the Order below.

ORDER

It is, therefore, ORDERED, ADJUDGED and DECREED that, pursuant to Finance Code §35.010, Respondent shall pay an administrative penalty in the amount of \$10,000 to the Texas Department of Banking within 30 days of the effective date of this Order.

It is further ORDERED that Respondent is prohibited from seeking or accepting indemnification from the Bank for the administrative penalty paid in this matter.

EFFECTIVE DATE

This Order against Respondent is effective on the date signed by the Commissioner and is final and non-appealable as of that date. The provisions of this Order will remain effective and in force except in the event that, and until such time as, appropriate portions of this Order are modified, terminated, suspended or set aside in accordance with applicable law.

It is so ORDERED.

Signed this 5th day of February 2020.

/s/ Charles G. Cooper
Charles G. Cooper
Banking Commissioner of the State of Texas

AGREED AND APPROVED AS TO FORM AND SUBSTANCE:

/s/ Justin L. Holt
Justin L. Holt

1-30-2020
Date

APPROVED AS TO FORM:

/s/ Alice E. Geyer
Alice E. Geyer
Assistant General Counsel
Texas Department of Banking

2-4-2020
Date

/s/ Buck Files
Buck Files
Bain, Files, Jarrett & Harrison
Attorney for Respondent

1-30-2020
Date