

Order No. 2014-001

IN THE MATTER OF:	§	BEFORE THE BANKING
	§	
	§	
JOSE MIRELES	§	COMMISSIONER OF TEXAS
	§	
	§	
WACO, TEXAS	§	AUSTIN, TRAVIS COUNTY, TEXAS

CONSENT ORDER PROHIBITING FURTHER PARTICIPATION

On this day, the matter of Jose Mireles, of Waco, Texas (“Respondent”) was submitted to me, Charles G. Cooper, Banking Commissioner of the State of Texas (“Commissioner”), for consideration and action. Respondent was Vice President, Loan Officer, at Alliance Bank Central Texas, Waco, Texas (the “Bank”).

The Texas Department of Banking (“Department”) is the appropriate state banking agency to bring this enforcement action pursuant to *Texas Finance Code* § 35.003 and the Commissioner has jurisdiction over Respondent and the subject matter of this proceeding. Respondent has been informed that he has the right to receive a proposed order that states with reasonable certainty the grounds for prohibition of Respondent. Respondent has been informed and understands that he has the right to a hearing on the alleged charges under *Texas Finance Code* §§ 35.003(c) and 35.004. Respondent waived those rights and entered into a Stipulation and Consent to the Issuance of an Order Prohibiting Further Participation (“Consent Agreement”) with the Department, and agrees to the disposition of this matter pursuant to the provisions of *Texas Government Code* § 2001.056. Respondent entered into the Consent Agreement solely for the purpose of this proceeding, and, without admitting or denying any alleged violations of law or regulations or unsafe or unsound banking practices and/or breaches of fiduciary duty, Respondent consented to the issuance of this Prohibition Order.

The Commissioner has considered the matter and believes that, based upon bank examinations and other credible evidence, that with respect to a state bank, Respondent's actions satisfy the statutory requirements for the issuance of a Prohibition Order as set forth in *Texas Finance Code* § 35.003.

In particular, the Commissioner determined he has reason to believe the following.

- (1) Respondent has committed or participated in violations of law or regulations, unsafe or unsound practices, and/or breaches of fiduciary duty with regard to the affairs of the Bank;
- (2) Because of these actions by Respondent, the Bank has suffered or will probably suffer financial loss or expense, or other damage; the interests of the depositors, creditors, or the shareholder of the Bank have been or could be prejudiced; and/or Respondent received financial gain or other benefit by reason of the actions, or likely would have if the action had not been discovered; and
- (3) Such actions involve personal dishonesty on the part of Respondent and/or demonstrate Respondent's willful and/or continuing disregard for the safety and soundness of the Bank.

The Commissioner further determined that such violations of law or regulations, unsafe or unsound practices, and/or breaches of fiduciary duty demonstrate Respondent's unfitness to serve as a director, officer, or employee of a state bank, state bank holding company, or state trust company, among other positions and entities to which this Prohibition Order applies, or to directly or indirectly participate in any manner in the affairs of such entity. Accordingly, the entry of this Prohibition Order appears to be necessary and in the best interest of the public.

I. Order of Prohibition

It is, therefore, ORDERED, ADJUDGED and DECREED that, pursuant to *Texas Finance*
Consent Order Prohibiting Further Participation

Code §§ 35.003 and 35.007, with respect to a state bank, state bank holding company, trust company, or other entity chartered, registered, permitted, or licensed by the banking commissioner under the laws of this state, including, but not limited to, a foreign bank or money services business:

JOSE MIRELES is perpetually prohibited from:

- (1) serving as a director, officer, or employee of a state bank, state bank holding company, or state trust company, or as a director, officer, or employee with financial responsibility of any other entity chartered, registered, permitted, or licensed by the Banking Commissioner under the laws of this state;
- (2) directly or indirectly participating in any manner in the management of such entity;
- (3) directly or indirectly voting for a director of such an entity; or
- (4) soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to voting rights in such an entity.

II. Effective Date

This Prohibition Order against JOSE MIRELES is effective February 6, 2014, and is final and nonappealable as of that date. The provisions of this Prohibition Order will remain effective and in force except in the event that, and until such time as, this Prohibition Order shall have been modified, terminated, suspended, or set aside in accordance with *Texas Finance Code* § 35.0071.

It is so ORDERED.

Signed this 6th day of February, 2014.

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

APPROVED AS TO FORM:

/s/Artie G. Giotes _____

Artie Giotes
Attorney for Respondent

Date

/s/Daniel Wood
Daniel Wood
Assistant General Counsel
Texas Department of Banking

February 5, 2014
Date