

ORDER NO. 2019-008b

IN THE MATTER OF:	§	BEFORE:
	§	
CATANA GRAY	§	THE BANKING
	§	COMMISSIONER OF TEXAS
	§	
AMARILLO, TEXAS	§	AUSTIN, TRAVIS COUNTY, TEXAS

CONSENT ORDER PROHIBITING FURTHER PARTICIPATION AND IMPOSING A PENALTY

On this day, the matter of CATANA GRAY (Gray or Respondent) located in Amarillo, Texas, was submitted to me, Charles G. Cooper, banking commissioner of the State of Texas (Commissioner), for consideration and action.

1. Gray began employment at Herring Bank (Bank), Amarillo in 2003. Gray’s position at the Bank was terminated on October 5, 2017. At the time of her termination, Gray was the Vice President of the Corporate Trust Department.
2. The Texas Department of Banking (Department) is the appropriate state banking agency to bring this enforcement action pursuant to Texas Finance Code (Finance Code) §§ 35.003, 35.009 and 35.010, and the Commissioner has jurisdiction over Gray and the subject matter of this proceeding.
3. Gray has been informed of her right to receive a proposed order setting out with reasonable certainty the grounds for prohibition and for imposition of a penalty. Gray was informed that she has the right to a hearing on the charges under Finance Code §§ 35.003(c), 35.004, and 35.010 and Texas Government Code § 2001.051. Gray waives both of those rights and agrees to the disposition of this matter pursuant to the provisions of Texas Government Code § 2001.056.
4. Gray agrees to this Consent Order Prohibiting Further Participation and Imposing a Penalty (Consent Order) without admitting or denying any violations of law or regulations, unsafe

or unsound banking practices, breaches of fiduciary duty, or any other allegations against her.

For purposes of this proceeding, Gray waives:

- a. service upon Respondent of this Order;
 - b. receipt of a Proposed Order detailing specific charges;
 - c. the right to present defenses to the allegations;
 - d. notice and a hearing to take evidence on the allegations;
 - e. the filing 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. review by the Texas Finance Commission of the Prohibition Order; and
 - h. judicial review of the Prohibition Order as provided by Texas Government Code § 2001.171 et seq., and any other challenge to the validity of the Prohibition Order.
5. Any violation of this Consent Order could subject Gray to additional regulatory or enforcement actions authorized by the Finance Code. Nothing in this Consent Order diminishes the regulatory or enforcement powers of the Department, the Commissioner, or the Finance Commission of Texas.
6. The Commissioner has considered the matter and believes that, based upon credible evidence, with respect to a state bank, Gray's alleged actions satisfy the statutory requirements for the issuance of a prohibition order as set forth in Finance Code § 35.003.
7. The Commissioner has determined that such alleged violations of laws or regulations, unsafe or unsound practices, and/or breaches of fiduciary duty demonstrate Gray's unfitness to serve as a director, officer, or employee of a state bank, holding company of a state bank, or state trust company, among other positions to which this order applies, or to

directly or indirectly participate in any manner in the management of such entity. Accordingly, the entry of this Prohibition Order appears to be necessary and in the best interest of the public.

8. The Commissioner has considered the matter and believes that, based upon credible evidence, Gray's actions satisfy the statutory requirements for the imposition of a penalty as set forth in Finance Code §§ 35.009 and 35.010.
9. The Commissioner has considered the factors listed in Finance Code § 35.010(b) and determined that it is appropriate for Gray to pay a penalty in the amount of \$50,000.00.
10. This Consent Order supersedes Order No. 2019-008a, previously issued on April 15, 2019.

I. Order of Prohibition and Imposing a Penalty

It is, therefore, ORDERED, ADJUDGED and DECREED that, pursuant to Finance Code §§ 35.003 and 35.007, without prior written approval of the banking commissioner, with respect to a state bank, holding company of a state bank, state trust company, or other entity chartered, registered or licensed by the banking commissioner under the laws of this state, including, but not limited to, a foreign bank or money services business, Gray is perpetually prohibited from:

1. serving as a director, officer, or employee of a state bank, holding company of a state bank, 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.

It is further ORDERED that, pursuant to Finance Code §§ 35.009 and 35.010, not later than thirty (30) days from the effective date of this order, Gray shall pay \$50,000.00 to the Texas Department of Banking.

II. Effective Date

This Consent Order against Respondent CATANA GRAY is effective June 7, 2019, and is final and nonappealable as of that date. The Commissioner may enforce this Consent Order pursuant to Finance Code §§ 35.009 and 35.011(c). If the Commissioner has reason to believe that Gray has violated or is about to violate a provision of this Consent Order in regard to prohibition, the Commissioner may take appropriate action authorized under Finance Code § 35.009. The provisions of this Consent Order in regard to prohibition will remain effective and in force except in the event that, and until such time as, the provisions in regard to prohibition shall have been modified, terminated, suspended, or set aside in accordance with Finance Code § 35.0071.

It is so ORDERED.

Signed on this 7th day of June, 2019.

/s/ Charles G. Cooper

Charles G. Cooper
Texas Banking Commissioner

AGREED AS TO FORM AND SUBSTANCE:

/s/ Catana Gray
Catana Gray
Respondent

State of Texas §
 §
County of Travis §

Sworn to and subscribed before me on the 7th day of June, 2019, by Catana Gray.

(S E A L)

/s/ Sheila R. Martinez
Notary Public

APPROVED AS TO FORM:

/s/ Marcus Adams
Marcus Adams
Assistant General Counsel
Texas Department of Banking
Date: June 7, 2019

/s/ Bruce Heitz
Bruce Heitz
Attorney for Catana Gray
Date: