

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

IN THE MATTER OF)
)
KIRBY DELA CRUZ)
)
Former Employee of the)
San Mateo Credit Union)
Redwood City, CA)
_____)

Docket No.: 05-0801-V

ORDER OF PROHIBITION

WHEREAS, Kirby Dela Cruz has executed a Stipulation and Consent to issuance of an Order of Prohibition, which is accepted and approved by the National Credit Union Administration acting through its counsel; and

WHEREAS, Kirby Dela Cruz in the Stipulation has consented and agreed to the issuance of this Order of Prohibition pursuant to Section 206(g) of the Federal Credit Union Act, 12 U.S.C. §1786(g), and Part 747 of the National Credit Union Administration Rules and Regulations.

NOW THEREFORE, IT IS ORDERED THAT:

1. Kirby Dela Cruz is an institution-affiliated party in that he was employed by San Mateo Credit Union as a Member Service Advisor.
2. The Stipulation and Consent to the Issuance of this Order of Prohibition is made a part hereof and is incorporated herein by reference.

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

IN THE MATTER OF)
)
KIRBY DELA CRUZ)
)
Former Employee of)
San Mateo Credit Union)
Redwood City, CA)
_____)

Docket No.: 05-0801-V

STIPULATION AND CONSENT TO ISSUANCE OF
ORDER OF PROHIBITION

The National Credit Union Administration Board (“NCUA Board”), by and through its undersigned counsel, and Kirby Dela Cruz, institution-affiliated party of San Mateo Credit Union, Redwood City, California hereby stipulate and agree as follows:

1. Consideration. The National Credit Union Administration is of the opinion that grounds exist to initiate an administrative prohibition against Kirby Dela Cruz pursuant to Section 206 of the Federal Credit Union Act, 12 U.S.C. §1786. Kirby Dela Cruz, without admitting or denying 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, Kirby Dela Cruz consents to the issuance by NCUA Board of an Order of Prohibition (“Order”) and hereby stipulates and agrees to the following terms in consideration of the settlement, compromise and resolution of all potential administrative claims and charges that have been or might be asserted by the NCUA Board against Kirby

Dela Cruz arising out of his position as a member services advisor of San Mateo Credit Union.

2. Jurisdiction.

(a) Kirby Dela Cruz is an "institution-affiliated party" within the meaning of Section 206(r) of the Federal Credit Union Act, 12 U.S.C. §1786(r).

(b) Pursuant to the authority vested in the Board of the National Credit Union Administration under Section 206(g) of the Federal Credit Union Act, 12 U.S.C. §1786(g), and Part 747 of the National Credit Union Administration Rules and Regulations, it is an appropriate Federal agency to maintain enforcement proceedings against such institution-affiliated party. Therefore, Kirby Dela Cruz is subject to the authority of the National Credit Union Administration to initiate and maintain prohibition proceedings against him.

3. Consent. Kirby Dela Cruz consents to the issuance by the National Credit Union Administration Board of the accompanying Order of Prohibition. He further agrees to comply with its terms upon issuance and stipulates that the Order complies with all requirements of the Federal Credit Union Act.

4. Waivers. Kirby Dela Cruz waives his right to the administrative hearing provided for in Section 206(g)(4) of the Federal Credit Union Act, 12 U.S.C. §1786(g)(4). He further waives his right to seek judicial review of the Order of Prohibition or otherwise challenge the validity or legality of the Order.

5. Other Actions. Pursuant to this Stipulation, the Order settles and resolves any NCUA Board claims, known and unknown, against Kirby Dela Cruz as provided by paragraph 1 of this Stipulation. The Stipulation, however, does not

release, discharge, compromise, settle, dismiss, resolve, or in any way effect any actions, claims, charges against, or liabilities that arise and that may be or have been brought in the name of San Mateo Credit Union, or any federal or state government agency or entity other than the NCUA Board.

6. Finality. The Order of Prohibition is issued pursuant to Section 206(g) of Federal Credit Union Act, 12 U.S.C. §1786(g). Upon its issuance by the National Credit Union Administration Board, it shall be a final Order, effective and fully enforceable by the National Credit Union Administration.

WHEREFORE, in consideration of the foregoing the undersigned, on behalf of the National Credit Union Administration, and Kirby Dela Cruz execute this Stipulation and Consent to Issuance of an Order of Prohibition.

By: /s/
Margaret E. McPartlin
Trial Attorney
Office of General Counsel

8-17-05
Date

/s/
Kirby Dela Cruz

8/10/05
Date