

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

\_\_\_\_\_  
IN THE MATTER OF )  
 )  
Thomas H. Sunderland )  
An Institution-Affiliated )  
Party )  
\_\_\_\_\_ )

**Docket No. 00-12-03-VI**

**STIPULATION AND CONSENT TO ISSUANCE OF  
ORDER OF PROHIBITION**

The National Credit Union Administration (NCUA), by and through its undersigned counsel, and Thomas H. Sunderland, hereby stipulate and agree as follows:

1. Consideration. The NCUA, based upon information reported to it, is of the opinion that grounds exist to initiate an administrative prohibition / civil money penalty proceeding against Thomas H. Sunderland pursuant to Sections 206(g) and 206(k)(2) of the Federal Credit Union Act, 12 U.S.C. §1786(g), (k)(2). Thomas H. Sunderland denies that such grounds exist, but desires to avoid the time, cost and expense of such administrative litigation and, without admitting that such grounds exist, hereby stipulates and agrees to the following terms in consideration of the forbearance of the NCUA from initiating such administrative litigation against him.

2. Jurisdiction.

(a) Thomas H. Sunderland was associated with San Clemente Securities “SCS” from on or about January 18, 1995, to on or about June 21, 2000. At all relevant times, Sunderland was Executive Vice-President of SCS, as well as owner of approximately 44 percent of the Firm. On or about July 16, 1997, Sunderland signed a Stipulation and Consent to Issuance of a Cease and Desist Order by the NCUA Board against him. On October 22, 1997, the NCUA Board entered an Order against Sunderland, which Order remains in full force and effect. Sunderland is an institution-affiliated party as that term is defined in Section 206(r) of the Federal Credit Union Act, 12 U.S.C. §1786(r), and subject to the jurisdiction of the NCUA Board as a result of the entry of the NCUA Board’s Order against him.

(b) Pursuant to Sections 206(g), (k)(1) of the Federal Credit Union Act, 12 U.S.C. §1786(g), (k)(1) and Part 747 of the National Credit Union Administration's Rules and Regulations, 12 C.F.R. Part 747, the NCUA is empowered to maintain enforcement proceedings against federally insured credit unions and institution-affiliated parties. Thomas H. Sunderland is subject to the authority of NCUA to initiate and maintain an administrative action against him.

3. Consent. Thomas H. Sunderland consents to the issuance by the Board of the NCUA 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 law.

4. Cooperation. Thomas H. Sunderland agrees to cooperate fully with any NCUA investigation into investment activities at credit unions, including but not limited to, providing full and complete answers to questions by NCUA in connection therewith.

5. Waivers. Thomas H. Sunderland waives his right to a Notice of Prohibition and administrative hearing as 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 to otherwise challenge the validity or legality of the Order.

6. Finality. The Order of Prohibition is issued pursuant to Section 206(g) of the 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, immediately effective and fully enforceable by the National Credit Union Administration.

7. Other federally insured financial institutions. In accordance with Section 206(g)(7)(A) of the Federal Credit Union Act, 12 U.S.C. §1786(g)(7)(A), the Order of Prohibition shall constitute a prohibition from further participation in any manner in the affairs of any federally insured financial institution, or other entity identified therein, including but not limited to selling or placing investments with federally insured credit unions or providing investment advice to them, without the written permission of the NCUA Board and the appropriate federal financial institutions regulatory agency.

**WHEREFORE**, in consideration of the foregoing, the undersigned counsel, on behalf of the National Credit Union Administration, and Thomas H. Sunderland execute this Stipulation and Consent to Issuance of Order of Prohibition.

By: \_\_\_\_\_ /s/ \_\_\_\_\_

\_\_\_\_\_ /s/ \_\_\_\_\_

**NATIONAL CREDIT UNION  
ADMINISTRATION**

**THOMAS H. SUNDERLAND**

Date: 12/27/00

Date: 12-18-00

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