

**FEDERAL DEPOSIT INSURANCE CORPORATION**

**WASHINGTON, D.C.**

**In the Matter of**

**LESLIE KIRBY, individually and as an  
institution-affiliated party of**

**FIRST MIDWEST BANK OF POPLAR BLUFF )  
POPLAR BLUFF, MISSOURI )**

**(INSURED STATE NONMEMBER BANK) )**

**ORDER OF  
PROHIBITION FROM  
FURTHER PARTICIPATION**

**FDIC-13-0411e**

Leslie Kirby (“Respondent”) has been advised of the right to receive a NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION (“NOTICE”) issued by the Federal Deposit Insurance Corporation (“FDIC”) detailing the violations of law or regulations, unsafe or unsound practices, and/or breaches of fiduciary duty for which an ORDER OF PROHIBITION FROM FURTHER PARTICIPATION (“ORDER”) may issue, and has been further advised of the right to a hearing on the charges under section 8(e) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. § 1818(e), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308. Having waived those rights, Respondent entered into a STIPULATION AND CONSENT TO THE ISSUANCE OF AN ORDER OF PROHIBITION FROM FURTHER PARTICIPATION (“CONSENT AGREEMENT”), whereby solely for the purpose of this proceeding and without admitting or denying any violations of law or regulations, unsafe or unsound practices, and/or breaches of fiduciary duty, Respondent consented to the issuance of an ORDER by the FDIC.

Upon due consideration, the FDIC determined it had reason to believe that:

- a. Respondent has engaged or participated in violations of law or regulations, unsafe or unsound practices, and/or breaches of fiduciary duty as an institution-affiliated party of First Midwest Bank of Poplar Bluff, Poplar Bluff, Missouri ("Bank").
- b. By reason of such violations, practices, and/or breaches, the Bank has suffered or probably will suffer financial loss or other damage and/or Respondent has received financial gain or other benefit.
- c. Such violations, practices, and/or breaches involved personal dishonesty on the part of Respondent and/or demonstrated Respondent's willful and/or continuing disregard for the safety or soundness of the Bank.

The FDIC further determined that such violations, practices, and/or breaches demonstrate Respondent's unfitness to serve as a director, officer, person participating in the conduct of the affairs, or as an institution-affiliated party of the Bank, of any other insured depository institution, or of any other agency or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A).

The FDIC, therefore, accepts the CONSENT AGREEMENT and issues the following:

**ORDER OF PROHIBITION FROM FURTHER PARTICIPATION**

1. Unless she receives the prior written approval of the FDIC and the appropriate federal financial institutions regulatory agency, as that term is defined in section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D), Respondent is hereby prohibited from:

- (a) participating in any manner in the conduct of the affairs of any financial institution or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);

- (b) soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent or authorization with respect to any voting rights in any financial institution enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);
- (c) violating any voting agreement previously approved by the appropriate federal banking agency; or
- (d) voting for a director, or serving or acting as an institution-affiliated party.

2. This ORDER will become effective immediately upon its issuance. The provisions of this ORDER will remain effective and enforceable except to the extent that, and until such time as, any provision of this ORDER shall have been modified, terminated, suspended, or set aside by the FDIC.

Pursuant to delegated authority.

Dated this 30<sup>th</sup> day of April, 2014.

/s/

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Christopher J. Newbury  
Associate Director  
Division of Risk Management Supervision