

UNITED STATES OF AMERICA  
BEFORE THE  
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM  
WASHINGTON, D.C.

In the Matter of

BRENT H. HARNESS,

A Former Institution-Affiliated Party of

SIMMONS BANK,  
Pine Bluff, Arkansas,

a State Member Bank.

Docket No. 21-020-E-I

Order of Prohibition Issued  
Upon Consent Pursuant to  
Section 8(e) of the Federal  
Deposit Insurance Act, as  
Amended

WHEREAS, the Board of Governors of the Federal Reserve System (the “Board of Governors”), pursuant to sections 8(e) and 8(i)(3) of the Federal Deposit Insurance Act, as amended (the “FDI Act”), 12 U.S.C. §§ 1818(e) and 1818(i)(3), issues this Order of Prohibition (“Order”) upon the consent of Respondent Brent H. Harness (“Harness”), a former employee and institution-affiliated party, as defined in sections 3(u) and 8(i)(3) of the FDI Act, 12 U.S.C. §§ 1813(u) and 1818(i)(3), of Simmons Bank (“Simmons” or the “Bank”), a state-member bank;

WHEREAS, between December 2018 and September 2019 (the “Relevant Period”), while employed as Community President of the Bank, based at its Ardmore Branch, in Ardmore, Oklahoma, Harness initiated multiple unauthorized advances on a commercial customer’s line of credit, transferred the proceeds from these advances to an unrelated customer’s account, and authorized multiple overdrafts on a customer’s account in excess of his authority;

WHEREAS, Harness’s conduct violated the Bank’s lending policy and constituted

violations of law or regulation, unsafe or unsound practices, and breaches of fiduciary duty;

WHEREAS, the Bank suffered a financial loss of approximately \$25,000 resulting from Harness's conduct during the Relevant Period; and

WHEREAS, by affixing his signature hereunder, Harness has consented to the issuance of this Order by the Board of Governors and has agreed to comply with each and every provision of this Order, and has waived any and all rights he might have pursuant to 12 U.S.C. § 1818, 12 C.F.R. Part 263, or otherwise: (a) to the issuance of a notice of intent to prohibit on any other matter implied or set forth in this Order; (b) to a hearing for the purpose of taking evidence with respect to any matter implied or set forth in this Order; (c) to obtain judicial review of this Order or any provision hereof; and (d) to challenge or contest in any manner the basis, issuance, terms, validity, effectiveness, or enforceability of this Order or any provision hereof.

NOW, THEREFORE, before the filing of any notices, or the taking of any testimony or adjudication of or finding on any issue of fact or law herein, and without Harness admitting or denying any allegation made or implied by the Board of Governors in connection herewith, and solely for the purpose of settlement of this matter without a formal proceeding being filed and without the necessity for protracted litigation or extended hearings,

IT IS HEREBY ORDERED that:

1. Harness, without the prior written approval of the Board of Governors and, where necessary pursuant to section 8(e)(7)(B) of the FDI Act, 12 U.S.C. § 1818(e)(7)(B), another Federal financial institutions regulatory agency, is hereby and henceforth prohibited from:

- a. participating in any manner in the conduct of the affairs of any institution or agency specified in section 8(e)(7)(A) of the FDI Act, 12

U.S.C. § 1818(e)(7)(A), including, but not limited to, any insured depository institution or any holding company of an insured depository institution, or any subsidiary of such holding company, or any foreign bank or company to which subsection (a) of 12 U.S.C. § 3106 applies and any subsidiary of such foreign bank or company;

- 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 institution described in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A);
- c. violating any voting agreement previously approved by any Federal banking agency; or
- d. voting for a director, or serving or acting as an institution-affiliated party, as defined in sections 3(u) and 8(b)(3) of the FDI Act, 12 U.S.C. §§ 1813(u) and 1818(b)(3), such as an officer, director or employee, in any institution described in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A).

2. All communications regarding this Order shall be addressed to:

- (a) Richard Ashton, Esq.  
Deputy General Counsel  
David Williams, Esq.  
Associate General Counsel  
Board of Governors of the Federal Reserve System  
20th & C Streets, N.W.  
Washington, DC 20551
- (b) Brent H. Harness

3. Any violation of this Order shall separately subject Harness to appropriate civil or criminal penalties, or both, under sections 8(i) and (j) of the FDI Act, 12 U.S.C.

§§ 1818(i) and (j).

4. The provisions of this Order shall not bar, estop, or otherwise prevent the Board of Governors, or any other Federal or state agency or department, from taking any other action affecting Harness; provided, however, that the Board of Governors shall not take any further action against Harness on any matters concerning or arising from the matters addressed by this Order based upon facts presently known by the Board of Governors. This release and discharge shall not preclude or affect (i) any right of the Board of Governors to determine and ensure compliance with this Order, or (ii) any proceedings brought by the Board of Governors to enforce the terms of this Order.

5. Each provision of this Order shall remain fully effective and enforceable until expressly stayed, modified, terminated, or suspended in writing by the Board of Governors.

By order of the Board of Governors of the Federal Reserve System, effective this 16th day of September, 2021.

BOARD OF GOVERNORS  
OF THE FEDERAL  
RESERVE SYSTEM

          -S-            
Brent H. Harness

          -S-            
By: Ann E. Misback  
Secretary of the Board