

**UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY**

In the Matter of:)	
)	
Claudia Russ Anderson)	
Former Community Bank Group Risk Officer)	AA-EC-2019-81
)	
David Julian)	
Former Chief Auditor)	AA-EC-2019-71
)	
Paul McLinko)	
Former Executive Audit Director)	AA-EC-2019-72
)	
Wells Fargo Bank, N.A.)	
Sioux Falls, South Dakota)	
)	

**ORDER REGARDING ENFORCEMENT COUNSEL'S REPORT AND REQUEST
THAT ADDITIONAL DOCUMENTS BE ADDED TO THE CERTIFIED RECORD AND
NOTICE OF SUBMISSION**

On April 18, 2023, Respondents filed a motion requesting that the Comptroller direct OFIA to file a corrected record and index and listed 61 documents that should be added to the record. Following receipt of Respondent's motion and Enforcement's opposition thereto, the Comptroller issued an Order on May 15, 2023 taking official notice of the 61 documents and providing the parties ten additional days to review the record and request any further additions before the record would be deemed complete. Both parties filed responses on May 31, 2023. Enforcement Counsel filed a response containing a chart listing 135 documents or categories of documents that they request be added to the record. Respondents did not request that any additional documents be added.

In short, both parties have now identified certain documents or categories of documents that they believe should have been included in the certified record; however, not all of the

requested documents are required to be included in the record under the Uniform Rules of Practice and Procedure (“Uniform Rules”). *See* 12 C.F.R. §19.38 (“the record must include the administrative law judge's recommended decision, recommended findings of fact, recommended conclusions of law, and proposed order; all prehearing and hearing transcripts, exhibits, and rulings; and the motions, briefs, memoranda, and other supporting papers filed in connection with the hearing). A majority of the documents that Enforcement Counsel request be added to the record fall outside the scope of the record as set forth in the Uniform Rules, and the Comptroller therefore denies Enforcement Counsel’s request to add into the record the following categories of documents: (a) emails; (b) subpoenas, (c) daily scheduling proposals, and (d) proofs of service.

The Comptroller has requested and received copies from OFIA of the remainder of the documents Enforcement Counsel identified. Pursuant to 12 C.F.R. § 19.4 the Comptroller hereby takes official notice of these additional documents and will consider them in his assessment of party exceptions to the Recommended Decisions. Specifically, the record in this matter consists of the following: (1) the documents listed in the original certified index; (1) the 61 documents listed in Attachment A of the Order issued on May 15, 2023; and (3) the specific documents or groups of documents requested by Enforcement Counsel listed in new Attachment B. *See* Attachment.

Pursuant to 12 U.S.C. § 1818(h)(1) and 12 C.F.R. § 19.40(a), notice is hereby given that this matter has been submitted for final decision. Due to the complexity of this matter, the over 6,000 pages of exceptions filed by the parties, and the size of the overall record, the 90-day timeframe set forth in the Uniform Rules to issue a final decision will not be met, *see* 12 C.F.R.

§ 19.40(c)(2), and the Comptroller hereby *sua sponte* extends the deadline for an additional 90 days.¹

SO ORDERED:

Michael J. Hsu Digitally signed by Michael J. Hsu
Date: 2023.07.05 08:14:45
-04'00'

MICHAEL J. HSU
ACTING COMPTROLLER OF THE CURRENCY

¹ The Comptroller will notify the parties if any further extension should be required prior to the conclusion of the 90-day extension.