

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
COMPTROLLER OF THE CURRENCY
WASHINGTON, D.C.

In the Matter of)	
)	
SARA ROMAN , Former Employee)	OCC AA-EC-2020-11
(Atlanta, Georgia branch))	
)	
Wells Fargo Bank, National Association)	
Sioux Falls, South Dakota)	
)	

DECISION ON ENTRY OF DEFAULT AND ORDER OF PROHIBITION

This matter is before the Comptroller of the Currency (“Comptroller” or “OCC”) on the Recommended Decision of the Administrative Law Judge (“ALJ”) for entry of default and order of prohibition against Sara Roman (“Respondent”), a former employee of Wells Fargo Bank, N.A., Sioux Falls, South Dakota (“Bank”). A Notice of Charges for Order of Prohibition (“Notice”), issued by the OCC pursuant to section 8(e) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. § 1818(e), seeks an order prohibiting Respondent from further participating in any manner in the conduct of the affairs of any federally insured depository institution, credit union, agency, or entity referred to in section 8(e) of the Act. 12 U.S.C. § 1818(e). Upon consideration of the pleadings, the ALJ’s Recommended Decision, and the entire record, the Comptroller concludes that (1) Respondent is in default, and (2) the record supports the conclusion that Respondent should be prohibited from any further participation in the conduct of the affairs of any institution or entity set forth in section 8(e) of the Act. 12 U.S.C. § 1818(e).

I. FACTUAL SUMMARY AND PROCEDURAL HISTORY

The ALJ’s Recommended Decision details the uncontested findings of fact giving rise to this Decision. Among those uncontested findings are the following:

Respondent was an employee of the Bank from April 2014 until her employment was terminated in or around July 2015. As a Bank employee, Respondent was obligated to comply with all applicable laws, and to carry out her duties and responsibilities in a safe and sound manner. Respondent cashed three (3) fraudulent checks between February and May 2015 totaling \$14,312.52 for Person A. On July 10, 2015, Respondent signed a written statement admitting to cashing the three checks for Person A and to receiving at least \$1,000 in financial compensation in exchange for cashing the checks. Due to Respondent's misconduct, the Bank charged off losses in the amount of \$14,311.81.

Service of the OCC's Notice initiating this proceeding on Respondent was effected when the Notice, sent by overnight mail to Respondent's current address, was delivered on March 10, 2020. In addition, Respondent was personally served on March 11, 2020. Respondent was required to file an answer to the Notice within twenty (20) days from service. *See* 12 C.F.R. § 19.19(a). Respondent failed to file an answer by March 31, 2020. Thus, Respondent failed to file an answer to the Notice within the time provided. *See id.* § 19.19(c)(1). Her failure to do so "constitutes a waiver of . . . her right to appear and contest the allegations in the [N]otice." *See id.*

On May 14, 2020, OCC Enforcement Counsel filed its Motion for Entry of Order of Default based on Respondent's failure to answer the Notice pursuant to 12 C.F.R. § 19.19(c)(1). In an Order of Default and Recommended Decision to Prohibit Further Participation, issued June 10, 2020, the ALJ granted Enforcement Counsel's motion, finding that, by failing to appear, the Respondent waived her right to appear and contest the allegations in the Notice and consented to the entry of a final order of prohibition. *See* 12 U.S.C. § 1818(e)(4); 12 C.F.R. § 19.19(c)(1).

II. DECISION

The ALJ's finding that Respondent is in default based upon her failure to appear is appropriate. Respondent has been provided with adequate notice of this proceeding and an opportunity to appear and respond. Based on the record of this proceeding, the Comptroller agrees with the ALJ that Respondent was properly served, *see* 12 C.F.R. § 19.11(b), has failed to file an Answer, *see* 12 C.F.R. § 19.19, and is in default, *see* 12 C.F.R. § 19.19(c)(1).

Moreover, the Comptroller agrees that the uncontested allegations set forth in the Notice meet the standards for prohibition under section 8(e) of the Act. 12 U.S.C. § 1818(e). Respondent's cashing fraudulent checks in exchange for compensation while an employee of the Bank constituted unsafe or unsound practices and violations of law, notably 18 U.S.C. § 656. As a result of the foregoing misconduct, the Bank suffered a "financial loss or other damage" by charging off \$14,311.81.¹ Respondent also admitted to receiving a "financial gain or benefit" as a result of this misconduct, *i.e.*, compensation of at least \$1,000.00 in exchange for cashing the checks.²

Accordingly, I find that the requirements for entry of an order prohibiting Respondent from participating in any manner in the conduct of the affairs of any insured depository institution have been met.

III ORDER

1. Respondent, Sara Roman, is hereby prohibited from:
 - a. Participating in any manner in the conduct of the affairs of any institution or agency specified in paragraph (2) of this Order;

¹ *See* 12 U.S.C. § 1818(e)(1)(B)(i).

² *See* 12 U.S.C. § 1818(e)(1)(B)(iii).

- 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 paragraph (2) of this Order;
 - c. Violating any voting agreement previously approved by the “appropriate Federal banking agency,” as defined in 12 U.S.C. § 1813(q); or
 - d. Voting for a director, or serving or acting as an “institution-affiliated party,” as defined in 12 U.S.C. § 1813(u).
2. The prohibitions in paragraph (1) of this Order apply to the following institutions and agencies:
 - a. any insured depository institution, as defined in 12 U.S.C. § 1813(c);
 - b. any institution treated as an insured bank under 12 U.S.C. 1818(b)(3), (b)(4), or (b)(5);
 - c. any insured credit union under the Federal Credit Union Act;
 - d. any institution chartered under the Farm Credit Act of 1971;
 - e. any appropriate Federal depository institution regulatory agency; and
 - f. the Federal Housing Finance Agency and any Federal Home Loan Bank
3. The prohibitions in paragraphs (1) and (2) of this Order shall cease to apply with respect to a particular institution if Respondent obtains the prior written consent of both the OCC and the institution’s “appropriate Federal financial institutions regulatory agency,” as defined in 12 U.S.C. § 1818(e)(7)(D).
4. This Order shall remain effective and enforceable except to the extent that, and until such time as, any provisions should be modified, terminated, suspended, or set aside by the OCC.

SO ORDERED.

Date: November 3, 2020

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BRIAN P. BROOKS
ACTING COMPTROLLER OF THE
CURRENCY