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

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| **In the Matter of:** | ) | |
| | ) | |
| Denton Douglas | ) | OCC AA-EC-20-39 |
| Former Vice President of Business Banking | ) | |
| | ) | |
| PNC Bank, N.A. | ) | |
| Wilmington, Delaware | ) | |

## DECISION ON ENTRY OF DEFAULT

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, order of prohibition, and assessment of civil money penalty against Denton Douglas ("Respondent"), former Vice President of Business Banking at PNC Bank, N.A., Wilmington, Delaware ("Bank"). A *Notice of Charges for Prohibition and Notice of Assessment of Civil Money Penalty*, dated June 23, 2020, ("*Notice of Charges*" or "*Notice*"), issued by the OCC pursuant to sections 8(e) and (i) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e) and (i), 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 FDIA and requiring Respondent to pay a second-tier civil money penalty in the amount of thirty-five thousand dollars ($35,000). 12 U.S.C. § 1818(e), (i). Respondent failed to respond to the *Notice* within the time limits or in the manner prescribed under the Uniform Rules of Practice and Procedure or to request a hearing regarding the assessed civil money penalty. *See* 12 C.F.R. § 19.19. Upon consideration of the pleadings, the ALJ's *Order of Default and Recommended Decision to Prohibit Further Participation and Assessment of Civil Money*

*Penalty*, dated August 18, 2020, ("*Recommended Decision*"), and the entire record, the Comptroller concludes that (1) by failing to respond to the *Notice* within the time limits or in the manner prescribed under the applicable Uniform Rules of Practice and Procedure or to request a hearing regarding the assessed civil money penalty, 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 FDIA and that Respondent should pay a civil money penalty in the amount of $35,000 pursuant to section 8(i) of the FDIA.

## I. INITIATION AND COURSE OF PROCEEDINGS

On June 23, 2020, OCC Deputy Comptroller Mark D. Richardson issued the *Notice of Charges* to Respondent. The *Notice* was based upon violations[1] that arose from Respondent's conduct in 2015 and alleges that he recklessly engaged in unsafe or unsound practices that were part of a pattern of misconduct and breached his duties of care, loyalty, and candor to the Bank by circumventing its Know Your Customer ("KYC") controls. Specifically, the *Notice* details a plan carried out by Respondent with Person A—whose business accounts were previously closed

[1] The *Notice of Charges* seeks an order of prohibition pursuant to 12 U.S.C. § 1818(e) and a second-tier civil money penalty pursuant to 12 U.S.C. § 1818(i)(2)(B) for the violations described in the *Notice*.

Twelve U.S.C. § 1818(e)(1) authorizes the prohibition of an institution-affiliated party from participating in the conduct of the affairs of any insured depository institution when (1) the party violates a law, regulation, or order; engages or participates in any unsafe or unsound practice in conducting the affairs of the depository institution; or commits or engages in any act, omission, or practice which constitutes a breach of the party's fiduciary duty; (2) the violation, practice, or breach causes the bank to suffer, or probably suffer, financial loss or other damage; prejudices the interests of depositors; or results in financial gain or other benefit to the party; and (3) the violation, practice, or breach involves personal dishonesty; or demonstrates willful or continuing disregard for the safety or soundness of the insured depository institution.

Twelve U.S.C. § 1818(i)(2)(B) authorizes the imposition of a second-tier civil money penalty against an institution-affiliated party of any insured depository institution when (1) the party violates a law, regulation, or order; recklessly engages in an unsafe or unsound practice in conducting the affairs of the depository institution; or breaches a fiduciary duty; and (2) the violation, practice, or breach causes is part of a pattern of misconduct; causes or is likely to cause more than a minimal loss to such depository institution; or results in pecuniary gain or other benefit to such party.

by the Bank because of suspicious activity—to use Person B as a "straw" account holder/signer for businesses that Respondent knew would continue to be controlled by Person A. As detailed in the *Notice* and below, the plan implemented by Respondent with Person A involved personal dishonesty—e.g., he carried out a scheme to use Person B to act as a "straw" account holder/signer for Person A and circumvent the Bank's KYC controls—and demonstrated a willful and continuing disregard for the safety or soundness of the Bank. As a result of Respondent conspiring with Person A to open these accounts, there were probable financial losses and other damages to the Bank and Respondent received a financial gain or other benefit by advancing his personal business relationship (outside of the Bank) with Person A, as detailed in the *Notice* and below.

The *Notice* states that at all times relevant to the charges set forth in the *Notice*, the following occurred or was present: The Bank is an "insured depository institution"[2] as defined in 12 U.S.C. § 1813(c)(2). *Notice of Charges*, ¶ 1. Respondent was an employee of the Bank and was therefore an "institution-affiliated party"[3] of the Bank as that term is defined in 12 U.S.C. § 1813(u), having served in such capacity within six years from the date of the Notice, *see* 12 U.S.C. § 1818(i)(3). *Id.* at ¶ 2. The Bank is a national banking association within the meaning of 12 U.S.C. § 1813(q)(1)(A), and is chartered and examined by the OCC, *see* 12 U.S.C. § 1 *et seq.* *Id.* at ¶ 3. The OCC is the "appropriate Federal banking agency"[4] as that term is defined in 12 U.S.C. § 1813(q) and is therefore authorized to initiate and maintain a prohibition and civil money penalty action against Respondent pursuant to 12 U.S.C. § 1818(e) and (i). *Id.* at ¶ 4.

[2] An insured depository institution includes "any bank . . . the deposits of which are insured by the [Federal Deposit Insurance] Corporation." 12 U.S.C. § 1813(c).
[3] An institution-affiliated party includes any "director, officer, [or] employee of . . ., or agent for, an insured depository institution." 12 U.S.C. § 1813(u).
[4] The OCC is the appropriate Federal banking agency with respect to national banking associations, Federal branches or agencies of foreign banks, and Federal savings associations. 12 U.S.C. § 1813(q)(1).

The *Notice* charges that Respondent served as a Loan Officer at the Bank beginning in August 2011 and became Vice President of Business Banking at some point prior to May 2015 until he was terminated in December 2017. *Id.* at ¶¶ 5-6. In a 2019 receivership lawsuit against the Bank,[5] Respondent testified that in or around May 2015, Person A approached Respondent about opening a new account at the Bank. *Id.* at ¶ 15. Person A told Respondent that his accounts at another bank were closed because that bank did not "understand his transactions" and it would be a "bit difficult" to open accounts for Person A at the Bank because of his history at the Bank. *Id.* The Bank previously closed Person A's business accounts for suspicious activity in July 2014. *Id.* at ¶ 13. Respondent testified that prior to the Bank closing Person A's accounts in 2014, he was aware (1) that Person A's accounts ran negative balances; (2) there were excessive wires running through those accounts; and (3) that Person A's partner also engaged in suspicious activity. *Id.* at ¶ 14.

The *Notice* charges that Respondent and Person A carried out a plan to use Person B as the nominal authorized signer on relevant KYC documentation. *Id.* at ¶ 16. Respondent and Person A also changed relevant documentation to implement the scheme and circumvent the Bank's KYC controls. Person A made elusive changes to company names (e.g., removing spaces in the names) to conceal his involvement in his businesses. *Id.* at ¶ 17. Respondent directed Person A's attorney to remove Person A from documents on the Florida Secretary of State's website—a source of KYC documentation—for at least one of Person A's businesses to further Respondent's efforts to evade KYC controls. *Id.* at ¶ 19. Between May 26, 2015 and July 29, 2015, Respondent caused the Bank to open 11 business accounts for Person A with Person B as the nominal authorized signer of the accounts and communicated with Person A, not Person B,

[5] *See* discussion of lawsuit *infra* pp. 5-6.

before, during, and after these accounts were opened. *Id.* at ¶¶ 20, 21. Almost immediately after the accounts were opened, suspicious activity began to occur in the accounts. *Id.* at ¶ 23.

In October 2015, Respondent's supervisor filed an ethics complaint against Respondent and conducted a KYC documentation review of 10 of the 11 accounts that Respondent caused the Bank to open for Person A. *Id.* at ¶ 24. The review noted that proper documentation was not gathered for many of the files, that Person A was linked to all the relationships, but that Person B, not Person A, was the sole signer for all the relationships. *Id.* The Bank issued a written warning to Respondent noting improper KYC procedures and stating that Respondent put the Bank at risk of loss when he opened accounts for Person A in 2015 knowing that Person A's accounts were shut down for suspicious activity in the previous year. *Id.* at ¶ 25. In or around December 2015, Respondent's supervisor worked with the Bank's loss prevention department to close all of Person A's business accounts. *Id.* at ¶ 26. Shortly after the Bank closed Person A's accounts, Person A filed articles of amendment for these businesses with the Florida Secretary of State to remove Person B's name and add back Person A's name to all the businesses. *Id.* at ¶ 27. In subsequent litigation, when asked whether it was Respondent's idea to use Person B's name as the authorized signer on behalf of the relevant businesses, Respondent testified "I don't know if it was mine or [Person A's]. It could have been me because of his—it could have been mine, it could have been [Person A's]. It could be either one of us." *Id.* at ¶ 18.

The *Notice* charges that in May 2017, the Federal Trade Commission and the State of Florida filed a civil lawsuit against Person A and co-defendants involved in his businesses alleging that they "engaged in a massive scheme to offer consumers phony debt relief services, including fake loans." *Id.* at ¶ 28. In April 2018, that lawsuit was settled with the entry of a monetary judgment against defendants including Person A, jointly and severally, for

$85,326,648. *Id.* at ¶ 29. The U.S. district court presiding over the lawsuit appointed a receiver for the then-defunct businesses that had been part of Person A's scheme. *Id.* at ¶ 30. On June 3, 2019, the receiver filed a lawsuit against the Bank alleging that the Bank aided and abetted Person A and his scheme by providing financial services to his businesses. *Id.* at ¶ 32. The receiver's complaint specifically references Respondent and his conduct as described in the *Notice*. *Id.*

The *Notice* charges that the Bank has suffered, or will probably suffer, financial loss arising from legal expenses and/or liability from the receiver's lawsuit and from the suspicious and unlawful activities carried out through Person A's accounts at the Bank, which features and includes Respondent's misconduct as described in the *Notice*. *Id.* at ¶¶ 31, 33. The Bank also suffered reputational damage from the suspicious and unlawful activities carried out through Person A's accounts at the Bank because media outlets reported on the receiver's lawsuit against the Bank and Respondent's conduct described in the *Notice*. *See id.* at ¶¶ 31, 34. As a result of Respondent conspiring to open accounts for Person A's businesses, Respondent advanced his personal business relationship (outside of the Bank) with Person A, such as (1) Respondent repeatedly referred loan business to Person A and, in some cases, obtained referral fees for doing so; and (2) in August 2015 (after Respondent caused the Bank to open accounts for Person A), Respondent obtained a $185,000 loan from Person A to purchase real property from one of Person A's businesses. *Id.* at ¶ 35.

A. Notice of Opportunity to Answer and to Request a Hearing

With respect to notifying Respondent of his opportunity to respond to the case against him, the *Notice of Charges* directed Respondent to file an answer to the *Notice* and to submit a written request for a hearing concerning the assessed civil money penalty within 20 days of the

date of service of the *Notice*. *Id.* at ¶¶ 39-40; *see* 12 C.F.R. § 19.19(a), (b). The *Notice* directed Respondent to file any answer or hearing request with the Office of Financial Institution Adjudication (OFIA), the OCC's Hearing Clerk, and Enforcement Counsel. *Notice of Charges*, ¶¶ 39-40. The *Notice* listed the physical and email addresses for all recipients. *Id.* The *Notice of Charges* specifically stated that a failure to file an answer or request a hearing within the 20-day time period "shall constitute a waiver of the right to appear and contest the allegations contained in [the] Notice" and "shall cause [the] assessment to constitute a final and unappealable order for a civil money penalty against Respondent pursuant to 12 U.S.C. 1818(i)." *Id.*; *see* 12 C.F.R. § 19.19(c).

B. Service of *Notice of Charges* and Proof of Service of Process

The record reflects that OCC Enforcement Counsel served a copy of the *Notice of Charges*, dated June 23, 2020, on Respondent, *pro se*, by overnight delivery to Respondent's home address. *See Motion for Entry of Default Judgment and Report on Proof of Service of Process*, dated July 24, 2020 (hereinafter referred to as either "*Motion for Entry of Default Judgment*" or "*Report on Proof of Service of Process*," as applicable), at 3. The *Notice* was delivered on June 24. *Id.* Respondent was therefore required to file his answer to the *Notice* and to request a hearing by July 14, which Respondent failed to do. Instead, on July 10, Respondent filed a *Motion to Dismiss for Improper Venue, or Alternatively, Motion to Transfer Venue* ("*Venue Motion*"). The ALJ determined that the *Venue Motion* lacked merit because it relied on jurisdictional rules and statutes applicable to federal courts and not federal administrative proceedings governed under the APA and, therefore, the ALJ properly dismissed the *Venue Motion*.[6] *See Order Regarding Respondent Denton Douglas' Motion to Dismiss for Improper*

[6] Respondent did not file exceptions to or otherwise oppose the ALJ's dismissal of the *Venue Motion* and, therefore, any objections to the dismissal are waived. *See* 12 C.F.R. § 19.39(b)(1).

*Venue, or Alternatively, Motion to Transfer Venue*, dated July 27, 2020. Moreover, the *Venue Motion* did not respond to the allegations in the *Notice*.

On July 17, after Respondent's deadline to file an answer to the *Notice* and to request a hearing passed, the ALJ issued an *Order Regarding Proof of Service of Process* and directed the parties to report by July 31, 2020 whether Respondent was served with the *Notice of Charges*. The Order also stated that "if appropriate, Enforcement Counsel shall inform [the] Tribunal whether they intend to seek a default judgment in the event service of process has been established and no Answer or Request for Hearing has timely been filed." *Order Regarding Proof of Service of Process*, at 2. On July 24, Enforcement Counsel filed a report confirming that the *Notice* was delivered to Respondent's current home address on June 24. *Report on Proof of Service of Process*, at 3. Enforcement Counsel stated that they learned the address was Respondent's current home address based on a Westlaw CLEAR search and because Respondent previously replied to several UPS Next Day Air packages sent to the address. *Id.* Also on July 24—10 days after he was required to answer the *Notice* and request a hearing—Respondent emailed a document titled *Notice of Receipt* to OFIA and the OCC's Hearing Clerk, asserting that the *Notice of Charges* was delivered to his apartment on June 24 but that he was not aware of delivery until July 9. Respondent did not explain, however, (1) his failure to file a timely answer or request a hearing after he received the *Notice* on July 9, (2) his failure to make the ALJ aware of any delay in receipt of the *Notice of Charges* before he was required to respond to the *Notice* by July 14, or (3) why he was able to file his *Venue Motion* addressing the *Notice* before July 14 but could not file a timely answer or request for hearing responding to the *Notice*.[7]

[7] Further, Respondent's statement in his *Notice of Receipt* that he was not aware of the *Notice of Charges* until July 9 is contradicted by Enforcement Counsel's sworn statement that Respondent replied to the *Notice* by email on June 25. *Declaration of Grant Swanson in Support of Enforcement Counsel's Motion for Entry of an Order of Default and Report on Service of Notice of Charges*, dated July 24, 2020, ¶ 5.

C. Entry of Default

Following Respondent's failure to file a timely answer to the *Notice* or submit a timely request for a hearing, Enforcement Counsel filed a *Motion for Entry of Default Judgment*. It was not until July 27, 2020—almost two (2) weeks after Respondent was required to file his answer and request a hearing—that Respondent submitted a filing purporting to address the allegations in the *Notice of Charges* and seeking dismissal of the *Notice*. *See Response to Notice of Charges for Prohibition and Notice of Assessment of Civil Money Penalty*, filed July 27, 2020 ("*July 27 Response*").[8] On August 18, the ALJ entered his *Recommended Decision*. The ALJ determined that Respondent failed to file an answer to the *Notice of Charges* within the time limits or in the manner prescribed under the Uniform Rules of Practice and Procedure or request a hearing, and, therefore, Respondent is in default. *Recommended Decision*, at 1-3. Moreover, the ALJ concluded that Respondent's belated *July 27 Response* did not specifically respond to "each paragraph or allegation of fact contained in the [N]otice," and "did not admit, deny, or state that [Respondent] lacks sufficient information to admit or deny each allegation of fact," as required under 12 C.F.R. § 19.19(b). *Id.* at 2-3. The *July 27 Response* also did not request a hearing regarding the assessed civil money penalty. *Id.* at 3.

The ALJ therefore recommended issuance of a final decision by the Comptroller of the Currency prohibiting Respondent from further participation in the banking industry and ordering Respondent to pay a civil money penalty in the amount of $35,000.

[8] Specifically, the very brief (less than two-pages) *July 27 Response* requested dismissal of the *Notice* and civil money penalty and generally denied all the allegations in the *Notice*. It also stated that Respondent followed written Bank protocols and customary guidelines, denied that Person A engaged in suspicious activity, denied that Respondent received improper financial gain or benefit, and disputed his employment title. The *July 27 Response*, however, was untimely, with no good cause shown for the delay, and did not respond to the specific allegations in the *Notice* as required under 12 C.F.R. § 19.19.

D. Submission of Record to the Comptroller for Final Decision

Respondent did not file exceptions to the *Recommended Decision* and the record was submitted to the Comptroller for a final Decision on October 22, 2020.

## II. DECISION

The Comptroller affirms the ALJ's finding that Respondent is in default based upon Respondent's failure to submit a timely answer to the *Notice of Charges* or to request a hearing. The record reflects that the *Notice of Charges* was delivered to Respondent on June 24, 2020. The *Notice* informed Respondent that he was required to file an answer to the *Notice* and request a hearing regarding the civil money penalty within 20 days of being served the *Notice*, which was July 14. Respondent was also warned that failing to file a timely answer or request for hearing could result in a default judgment. Respondent received the *Notice*, did not submit a timely response, and has not shown good cause for his failures. Respondent's July 24 *Notice of Receipt* filing asserting that, although the *Notice of Charges* was delivered to Respondent's address on June 24, he was not aware of it until July 9 does not show good cause for his failures. Even if Respondent did not receive the *Notice* until July 9, Respondent has not attempted to explain why he did not file a timely answer or request a hearing after he received the *Notice*, why he did not make the ALJ aware of any delay in receipt of the *Notice* before he was required to respond on July 14, or why he was able to submit his *Venue Motion* addressing the *Notice* before July 14 but could not file a timely answer or request a hearing responding to the *Notice*.[9] Moreover, the Comptroller agrees with the ALJ's determination that Respondent's late *July 27 Response* purporting to address the allegations in the *Notice of Charges* (1) did not specifically respond to "each paragraph or allegation of fact contained in the [N]otice," and "did not admit,

[9] Furthermore, Respondent's assertion that he did not receive it until July 9 is contradicted by evidence in the record. *See supra* note 7.

deny, or state that [Respondent] lacks sufficient information to admit or deny each allegation of fact," as required under 12 C.F.R. § 19.19(b); and (2) did not request a hearing regarding the assessed civil money penalty, as required under 12 C.F.R. § 19.19(a). *Recommended Decision*, at 2-3.

The Uniform Rules of Practice and Procedure state that "[f]ailure of a respondent to file an answer required by this section within the time provided constitutes a waiver of his or her right to appear and contest the allegations in the notice." 12 C.F.R. § 19.19(c)(1). Further, if "no good cause has been shown for the failure to file a timely answer, the administrative law judge shall file with the Comptroller a recommended decision containing the findings and the relief sought in the notice" and "[a]ny final order issued by the Comptroller based upon a respondent's failure to answer is deemed to be an order issued upon consent." *Id.* Similarly, if a respondent "fails to request a hearing as required by law within the time provided, the notice of assessment constitutes a final and unappealable order." *Id.* at § 19.19(c)(2).

Based on the record of this proceeding, the Comptroller agrees with the ALJ's findings that Respondent was served with the *Notice*, *see* 12 C.F.R. § 19.11(b), has failed to file an answer within the time limits or in the manner prescribed under the Uniform Rules of Practice and Procedure or request a hearing, *see* 12 C.F.R. § 19.19, and is in default, *see* 12 C.F.R. § 19.19(c). Further, Respondent did not file any exceptions challenging the ALJ's *Recommended Decision* and any objections thereto are waived. *See* 12 C.F.R. § 19.39(b)(1). Therefore, Respondent waived his right to contest the allegations in the *Notice of Charges* and the *Notice's* assessment of a civil money penalty constitutes a final and unappealable order. For these reasons, the uncontested *Notice*, as detailed herein, supports the conclusions 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 FDIA and that Respondent should pay a civil money penalty in the amount of $35,000 pursuant to section 8(i) of the FDIA.

## III. CONCLUSION

For the foregoing reasons, the Administrative Law Judge's recommended finding that Respondent be found in default based upon his failure to file an answer or to request a hearing is affirmed. Upon consideration of the entire record in this proceeding, the Comptroller finds that (1) Respondent is in default and has waived his right to request a hearing or contest the findings in the *Notice of Charges*, (2) 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 FDIA, 12 U.S.C. § 1818(e); and (3) Respondent should be ordered to pay a $35,000 civil money penalty pursuant to section 8(i) of the FDIA, 12 U.S.C. § 1818(i). The Comptroller will issue an Order of Prohibition and an Assessment of a Civil Money Penalty contemporaneously with this final Decision.

Date: 1/8 , 2021

//s// Brian P. Brooks
BRIAN P. BROOKS
ACTING COMPTROLLER OF THE CURRENCY

**UNITED STATES OF AMERICA**
**DEPARTMENT OF THE TREASURY**
**COMPTROLLER OF THE CURRENCY**
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| PNC Bank, N.A. | ) | |
| Wilmington, Delaware | ) | |

## ORDER OF PROHIBITION

On June 23, 2020, Mark D. Richardson, Deputy Comptroller for Large Bank Supervision for the Office of the Comptroller of the Currency ("OCC") issued a *Notice of Charges for Prohibition and Notice of Assessment of Civil Money Penalty* ("*Notice of Charges*" or "*Notice*") to Denton Douglas ("Respondent") which, *inter alia*, sought the issuance of 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 Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(e).

As set forth in the *Decision on Entry of Default* ("*Decision*"), Respondent failed to submit a timely answer to the *Notice* and failed to request a hearing on assessment of a civil money penalty. Respondent was found to be in default and waived his right to request a hearing or to contest the findings in the *Notice of Charges*, which support 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 FDIA. Accordingly, I found 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.

1. Respondent, Denton Douglas, is hereby prohibited from:

a. Participating in any manner in the conduct of the affairs of any institution, agency, or organization specified in paragraph (2) of this Order;

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 any institution, agency, or organization enumerated in Section 8(e)(7)(A) of the FDIA, 12 U.S.C. § 1818(e)(7)(A), including the following institutions, agencies, or organizations:

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 only 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 will become effective thirty (30) days from the date of its issuance.
5. This Order shall remain effective and enforceable except to the extent that, and until such time as, any provisions have been modified, terminated, suspended, or set aside by the OCC.

**IT IS SO ORDERED.**

Date: 1/8 ,2021

//s// Brian P Brooks
BRIAN P. BROOKS
ACTING COMPTROLLER OF THE CURRENCY

**UNITED STATES OF AMERICA**
**DEPARTMENT OF THE TREASURY**
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| Wilmington, Delaware | ) | |

## ASSESSMENT OF A CIVIL MONEY PENALTY

On June 23, 2020, Mark D. Richardson, Deputy Comptroller for Large Bank Supervision for the Office of the Comptroller of the Currency ("OCC") issued a *Notice of Charges for Prohibition and Notice of Assessment of Civil Money Penalty* ("*Notice of Charges*" or "*Notice*") to Denton Douglas ("Respondent") which, *inter alia*, sought the imposition of a Civil Money Penalty against Respondent, an institution affiliated party of PNC Bank, N.A., Wilmington, Delaware. The *Notice of Charges* sought imposition of a thirty-five thousand dollars ($35,000) civil money penalty against Respondent pursuant to Section 8(i)(2)(B) of the Federal Deposit Insurance Act ("FDIA"), 12 U.S.C. § 1818(i)(2)(B).

As set forth in the *Decision on Entry of Default* ("*Decision*"), Respondent failed to submit a timely answer to the *Notice* and failed to request a hearing on assessment of a civil money penalty. Respondent was found to be in default and waived his right to request a hearing or to contest the findings in the *Notice of Charges*. Respondent's failure to request a hearing caused the assessment in the *Notice* to "constitute a final and unappealable order" for a civil money penalty against Respondent pursuant to Section 8(i)(2)(E) of the FDIA, 12 U.S.C. § 1818(i)(2)(E).

Accordingly, pursuant to Section 8(i) of the Federal Deposit Insurance Act, 12 U.S.C. § 1818(i):

IT IS HEREBY ORDERED that Respondent, Denton Douglas, be assessed a civil money penalty in the amount of Thirty-Five Thousand Dollars ($35,000).

Remittance of the civil money penalty shall be payable to the Treasury of the United States and delivered to the Comptroller of the Currency, Washington, D.C. If Respondent has questions about how to remit payment, he should contact Enforcement counsel whose names and email addresses appear on the accompanying certificate of service.

IT IS FURTHER ORDERED that Respondent is prohibited from seeking or accepting indemnification from any insured depository institution for the civil money penalty assessed and paid in this matter.

This Order will become effective thirty (30) days from the date of its issuance.

The provisions of this Order will remain effective and in force 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 OCC.

**IT IS SO ORDERED.**

Date: 1/8, 2021

//s// Brian P. Brooks
BRIAN P. BROOKS
ACTING COMPTROLLER OF THE CURRENCY