

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

In the Matter of)	
)	
GERALD E. MILLIGAN II,)	AA-EC-2024-12
Former Teller)	
)	
PNC Bank, N.A.)	
Wilmington, Delaware)	

NOTICE OF CHARGES FOR PROHIBITION

Take notice that on a date to be determined by the Administrative Law Judge, a hearing will commence in the District of Delaware, unless the parties agree to another place, pursuant to 12 U.S.C. § 1818(e), concerning the charges set forth herein to determine whether an Order should be issued against Gerald E. Milligan II (“Respondent”), a Teller at PNC Bank, N.A., Wilmington, Delaware (“Bank” or “PNC”), by the Office of the Comptroller of the Currency (“OCC”), prohibiting Respondent from participating in any manner in the conduct of the affairs of any federally insured depository institution or any other institution, credit union, agency, or entity referred to in 12 U.S.C. § 1818(e).

The hearing afforded Respondent shall be open to the public unless the Comptroller, in his discretion, determines that holding an open hearing would be contrary to the public interest.

In support of this Notice of Charges for Prohibition (“Notice”), the OCC charges the following:

ARTICLE I
JURISDICTION

At all times relevant to the charges set forth below:

- (1) The Bank was an “insured depository institution” as defined in 12 U.S.C. § 1813(c)(2).
- (2) Respondent was a Teller for the Bank and was an “institution-affiliated party” of the Bank as that term is defined in 12 U.S.C. § 1813(u), having served in such capacity within six (6) years from the date hereof. *See* 12 U.S.C. § 1818(i)(3).
- (3) 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.*
- (4) The OCC is the “appropriate Federal banking agency” as that term is defined in 12 U.S.C. § 1813(q) and is therefore authorized to initiate and maintain this prohibition action against Respondent pursuant to 12 U.S.C. § 1818(e).

ARTICLE II
BACKGROUND

- (5) This Article repeats and realleges all previous Articles in this Notice.
- (6) On January 31, 2019, Respondent incorporated The Digital Marketing Network LLC as a Florida corporation.
- (7) On December 6, 2019, Respondent opened a business account at PNC for The Digital Marketing Network LLC.
- (8) Between September 28, 2020, until at least June 22, 2021, Respondent was a Teller at PNC’s Fox Trail Road branch in Royal Palm, Florida.
- (9) Respondent was obligated to comply with all applicable laws and regulations.

(10) On approximately February 24, 2021, Respondent applied for a \$141,530 Paycheck Protection Program (PPP) loan through Itria Ventures LLC for The Digital Marking Network LLC.

(11) To obtain the PPP loan, Respondent signed and submitted a PPP loan application using the internet.

(12) The PPP loan application required Respondent to attest that his small business was in operation on February 15, 2020; the average monthly payroll expenses; and the number of employees.

(13) Respondent knowingly falsely attested in his PPP loan application that The Digital Marking Network LLC employed 13 employees and its average monthly payroll expenses were \$56,612.

(14) Respondent provided false supporting documentation for his PPP loan application.

(15) As supporting documentation to his PPP loan application, Respondent provided a PNC bank statement for The Digital Marking Network LLC that he knew was false. The false PNC bank statement for The Digital Marking Network LLC contained deposits and transactions that had not occurred.

(16) Additionally, with his PPP loan application, Respondent provided an IRS Form 940 that he knew falsely listed that The Digital Marking Network LLC had \$679,354 in payroll expenses in 2020.

(17) Throughout 2020, The Digital Marking Network LLC's PNC bank account balance never exceeded \$50.

(18) Respondent falsely attested on his PPP application that any PPP loan money would be used only to retain workers and maintain payroll.

(19) Had Respondent not provided the false information referenced in paragraphs 13-18, Respondent would not have received the \$141,530.00 PPP loan.

(20) On March 1, 2021, Respondent received PPP loan proceeds in the amount of \$141,530 in The Digital Marketing Network LLC's business account at PNC.

(21) Between approximately March 1, 2021, and July 2, 2021, Respondent used the PPP loan proceeds for personal gain and not for payroll expenses of The Digital Marketing Network LLC.

(22) Among other personal transactions using PPP loan proceeds, Respondent's personal expenditures included approximately \$40,000 in checks payable to Respondent's father, \$17,000 in checks payable to cash, \$15,000 in checks payable to Respondent, \$6,500 in ATM transactions, and a \$17,000 cashier's check payable to a luxury car dealer.

ARTICLE III

LEGAL BASES FOR REQUESTED RELIEF

(23) This Article repeats and realleges all previous Articles in this Notice.

(24) By reason of Respondent's misconduct as described in Article II, the Comptroller seeks a Prohibition Order against Respondent pursuant to 12 U.S.C. § 1818(e) on the following grounds:

(a) Respondent violated the law, including 18 U.S.C. § 1001 and 18 U.S.C. § 1343;

(b) By reason of Respondent's misconduct, he received financial gain or other benefit; and

- (c) Such violation, practice, or breach involved personal dishonesty by Respondent.

ANSWER AND OPPORTUNITY FOR HEARING

Respondent is directed to file a written Answer to this Notice within twenty (20) days from the date of service of this Notice in accordance with 12 C.F.R. § 19.19(a) and (b). Any Answer shall be filed with the Office of Financial Institution Adjudication, 3501 North Fairfax Drive, Suite VS-D8113, Arlington, VA 22226-3500. Respondent is encouraged to file any Answer electronically with the Office of Financial Institution Adjudication at ofia@fdic.gov. A copy of any Answer shall also be filed with the Hearing Clerk, Office of the Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219, HearingClerk@occ.treas.gov, and with the attorney whose name appears on the accompanying certificate of service. **Failure to Answer within this time period shall constitute a waiver of the right to appear and contest the allegations contained in this Notice, and shall, upon the Comptroller's motion, cause the administrative law judge or the Comptroller to find the facts in this Notice to be as alleged, upon which an appropriate order may be issued.**

PRAYER FOR RELIEF

The Comptroller prays for relief in the form of the issuance of an Order of Prohibition against Respondent pursuant to 12 U.S.C. § 1818(e).

Witness, my hand on behalf of the Office of the Comptroller of the Currency, this 16th day of April 2024.

//s// Digitally Signed, Dated: 2024.04.16

Mark Richardson
Deputy Comptroller
Large Bank Supervision