

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

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In the Matter of:)	
)	
Mouaaz Elkhebri)	AA-ENF-2023-51
Customer Service Representative)	
)	
TD Bank, N.A.)	
Wilmington, Delaware)	
<hr/>)	

ORDER OF PROHIBITION

WHEREAS, TD Bank, N.A., Wilmington, Delaware (“Bank”) is an “insured depository institution” as that term is defined in 12 U.S.C. § 1813(c)(2) and a national banking association within the meaning of 12 U.S.C. § 1813(q)(1)(A);

WHEREAS, Mouaaz Elkhebri (“Respondent”) was an employee of 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 of this Order. *See* 12 U.S.C. § 1818(i)(3);

WHEREAS, on June 17, 2022, Respondent was convicted of violating 18 U.S.C. § 1956. *See* Judgment in a Criminal Case, *United States v. Mouaaz Elkhebri*, Case Docket No. 1:21-cr-200-CMH (D. VA. June 17, 2022), attached hereto as Exhibit A;

WHEREAS, 12 U.S.C. § 1818(g)(1)(C)(ii) provides that, in the case of a judgment of conviction or agreement against an institution-affiliated party in connection with a criminal violation of 18 U.S.C. §§ 1956, 1957, or 1960 or 31 U.S.C. §§ 5322 or 5324, “the appropriate Federal banking agency shall issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of any depository institution without the prior written consent of the appropriate agency”;

WHEREAS, the Office of the Comptroller of the Currency (“OCC”) is the “appropriate Federal banking agency” as that term is defined in 12 U.S.C. § 1813(q) and is therefore required to issue and serve upon Respondent this prohibition order pursuant to 12 U.S.C. § 1818(g)(1)(C)(ii).

NOW, THEREFORE, the Comptroller of the Currency, through his duly authorized representative, hereby ORDERS that Respondent shall not, without the OCC’s prior written consent, hold any office in, or participate in any manner in the conduct of the affairs of (1) any insured depository institution; (2) any institution treated as an insured bank under 12 U.S.C. § 1818(b)(3) or (b)(4); (3) any insured credit union under the Federal Credit Union Act, 12 U.S.C. § 1751 *et seq.*; (4) any institution chartered under the Farm Credit Act of 1971, 12 U.S.C. § 2001 *et seq.*; (5) any appropriate Federal depository institution regulatory agency; and (6) the Federal Housing Finance Agency and any Federal home loan bank.

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IMMEDIATE EFFECT OF ORDER

This order shall remain effective and outstanding unless terminated by the OCC or until the completion of any hearing or appeal authorized under 12 U.S.C. § 1818(g)(3). If Respondent, without the OCC's prior written approval, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited by this order or in 12 U.S.C. § 1818(e)(6)) in the conduct of the affairs of (1) any insured depository institution; (2) any institution treated as an insured bank under 12 U.S.C. § 1818(b)(3) or (b)(4); (3) any insured credit union as defined in 12 U.S.C. § 1752(7); or (4) any institution chartered under the Farm Credit Act of 1971, 12 U.S.C. § 2001 *et seq.*, Respondent shall be fined not more than \$1,000,000, imprisoned for not more than 5 years, or both. *See* 12 U.S.C. § 1818(j). Violation of this order may result in additional action, including the assessment of civil money penalties, pursuant to 12 U.S.C. § 1818(i).

OPPORTUNITY TO REQUEST AN INFORMAL HEARING

Respondent has the right to request in writing, to be received by the OCC within 30 (thirty) days from the date Respondent was served with this Order, an informal hearing as provided in 12 U.S.C. § 1818(g)(3) and 12 C.F.R. § 19.111. The written request must state specifically the relief desired and the grounds on which that relief is based and be sent by certified mail to, or served personally with a signed receipt on, Michael R. Brickman, Deputy Comptroller for Specialty Supervision, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. A copy of the request should also be sent by email to [REDACTED].

IT IS SO ORDERED.

//s// Digitally Signed, Dated: 2023.11.15

Michael (Tim) McDonald
Deputy Comptroller
Large Bank Supervision

EXHIBIT A

Judgement in a Criminal Case

UNITED STATES DISTRICT COURT
Eastern District of Virginia
Alexandria Division

UNITED STATES OF AMERICA) **JUDGMENT IN A CRIMINAL CASE**
)
 v.) Case Number: 1:21-cr-00200-CMH-3
)
 MOUAAZ ELKHEBRI,) USM Number: 59427-509
)
) Joan C. Robin
) Defendant's Attorney

The defendant pleaded guilty to Count 1 of the Superseding Indictment.

The defendant is adjudged guilty of these offenses:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1956(h)	Conspiracy to Commit Money Laundering	05/31/2020	1

The defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Count(s) 18, 19 and 20 of the Superseding Indictment are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

June 17, 2022
Date of Imposition of Judgment

Claude M. Hilton
Signature of Judge

Claude M. Hilton, United States District Judge
Name and Title of Judge

June 17, 2022
Date

Case Number: 1:21-cr-00200-CMH-3
Defendant's Name: ELKHEBRI, MOUAAZ

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of FIFTEEN (15) MONTHS.

The defendant shall voluntarily surrender for service of sentence at the institution designated by the Bureau of Prisons/U.S. Marshal, as directed by the Probation Officer.

RETURN

I have executed this judgment as follows: _____

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

Case Number: 1:21-cr-00200-CMH-3
Defendant's Name: ELKHEBRI, MOUAAZ

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of THREE (3) YEARS.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

Case Number: 1:21-cr-00200-CMH-3
Defendant's Name: ELKHEBRI, MOUAAZ

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov

Defendant's Signature _____ Date _____

Case Number: 1:21-cr-00200-CMH-3
Defendant's Name: ELKHEBRI, MOUAAZ

SPECIAL CONDITIONS OF SUPERVISION

- 1) The defendant is prohibited from engaging in any aspect of the banking business, or any similar occupation where the defendant would have access to money without the advance approval of the probation office.
- 2) The defendant shall provide the probation officer access to any requested financial information.

Case Number: 1:21-cr-00200-CMH-3
 Defendant's Name: ELKHEBRI, MOUAAZ

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>
TOTALS	\$ 100.00	\$ 0.00	\$ 0.00

The Court granted the parties request as part of the plea agreement to delay restitution until after sentencing.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

- the interest requirement is waived for the fine restitution.
- the interest requirement for the fine restitution is modified as follows:

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

The special assessment and restitution shall be due in full immediately.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.