

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

In the Matter of: Eric M. Clevenger Former Teller PNC Bank, N.A. Wilmington, Delaware)))))))	AA-EC-2019-63
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NOTICE OF CHARGES FOR ORDER OF 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 Respondent consents 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 by the Comptroller of the Currency (“Comptroller”) against Eric M. Clevenger (“Respondent”), former teller at PNC Bank, N.A., Wilmington, Delaware (“Bank”), 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 Order of Prohibition (“Notice”), the Office of the Comptroller of the Currency (“OCC”) charges the following:

ARTICLE I

JURISDICTION

At all times relevant to the charges set forth below:

- (1) The Bank is an “insured depository institution” as defined in 12 U.S.C. § 1813(c)(2).
- (2) 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 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).
- (4) Accordingly, 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) Respondent was employed by the Bank from at least September 1, 2014 to his termination on December 18, 2014.
- (7) At all relevant times, Respondent served as a teller at the Symmes Township Bank branch in Cincinnati, Ohio.
- (8) As a Bank employee, Respondent was obligated to comply with all applicable laws and regulations and to carry out his duties and responsibilities in a manner consistent with safe and sound banking practices.

ARTICLE III

RESPONDENT MISAPPROPRIATED BANK FUNDS

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

(10) As described in paragraphs (11) through (17), Respondent engaged in unsafe or unsound practices and violated the law, including 18 U.S.C. § 656, by misappropriating cash from his teller drawer and an automated teller machine (ATM), over both of which he had sole control.

(11) Between September 11, 2014 and December 15, 2014, Respondent removed funds from his teller drawer, over which he had sole control, on eleven (11) separate occasions and in the total amount of \$7,346.23.

(12) On December 16, 2014, Respondent removed \$4,640 in cash from an ATM that was under his sole control.

(13) The cash withdrawals from Respondent's teller drawer and ATM were not requested or authorized by the Bank or any customer of the Bank.

(14) After an audit of Respondent's teller drawer and ATM, the Bank discovered the shortages and terminated Respondent's employment on December 18, 2014.

(15) From September 11, 2014 to December 11, 2014, Respondent deposited a total of approximately \$9,900.97 in cash into his checking and savings accounts. At least one cash deposit of \$3,200, on December 8, 2015, into Respondent's savings account was the result of an unauthorized direct transfer from Respondent's teller drawer.

(16) Respondent provided a signed, written statement dated December 18, 2014 to Bank investigators, admitting that he misappropriated funds from the Bank.

(17) Due to Respondent's actions, the Bank suffered a total loss of \$11,986.23.

Respondent has not reimbursed the Bank for these losses.

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

(a) Respondent engaged in unsafe or unsound practices in connection with the Bank and violated the law, including 18 U.S.C. § 656;

(b) By reason of Respondent's misconduct, the Bank suffered or was likely to suffer financial loss and Respondent received financial gain; and

(c) Respondent's misconduct involved personal dishonesty and demonstrated a willful or continuing disregard on his part for the safety or soundness of the Bank.

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). The original and one copy of any Answer shall be filed with the Office of Financial Institution Adjudication, 3501 North Fairfax Drive, Suite D8115A, 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, 400 7th Street SW, Washington, DC 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 OCC'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 OCC prays for relief in the form of the issuance of an Order of Prohibition pursuant to 12 U.S.C. § 1818(e).

Witness, my hand on behalf of the OCC, given at Washington, D.C. this 26th day of August, 2019.

//s// Digitally Signed, Date: 2019.08.26

Mark D. Richardson
Deputy Comptroller
Large Bank Supervision