

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

<b>In the Matter of:</b> Walter F. Mills Former Personal Banking Representative  Santander Bank, N.A. Wilmington, Delaware	) ) ) ) ) ) )	AA-EC-2019-11
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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 Walter F. Mills (“Respondent”), former personal banking representative at Santander 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 was 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 was 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 approximately March 2012 through his termination in February 2014.

(7) At all relevant times, Respondent served as a personal banking representative at Bank branches in Massachusetts.

(8) Respondent worked at various Bank locations, and was sometimes reassigned due to staffing needs.

(9) Respondent’s location assignments at the Bank included branch numbers 717, 662, and 396.

(10) At all relevant times, Respondent maintained personal deposit accounts at Bank of America, N.A., Charlotte, North Carolina (“Bank of America”).

(11) At all relevant times, 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 CUSTOMER FUNDS AND CREATED FALSE BANK ENTRIES**

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

(13) As described in paragraphs (14) through (50), Respondent engaged in unsafe or unsound practices and violated the law, including 18 U.S.C. §§ 656 and 1005, by conducting unauthorized withdrawals from customers' deposit accounts and depositing the funds into his own deposit account at another financial institution.

(14) Between June 2013 and January 2014, Respondent conducted or directed at least 17 withdrawals totaling \$46,027 on the deposit accounts of four Bank customers (individually: Customer A, Customer B, Customer C, and Customer D; collectively: the Customers).<sup>1</sup>

(15) These withdrawals were not requested or authorized by the Customers.

(16) Respondent converted the withdrawals, or caused the withdrawals to be converted, into official Bank checks payable to the Customer whose account had been drawn.

(17) These official checks each bear a signature on the back but no indication of an endorsement to any other payee.

(18) The official checks also list the Bank branch at which the check was created.

(19) Each withdrawal is memorialized by an advice of debit form that identifies the date, time, amount, and account of the withdrawal, the relevant Bank branch number, and the

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<sup>1</sup>The names of individuals described by alias herein will be separately disclosed to Respondent.

name of the customer. The form also contains boxes to indicate the Bank employees who prepared and approved the debit.

(20) On the advice of debit form for each of the 17 withdrawals, the handwritten initials “WFM” appear in the “APPROVED BY” box.

(21) Each advice of debit form also bears a handwritten notation that the transaction was made at the customer’s request, which was untrue. Respondent wrote these notations or caused them to be written.

(22) Respondent deposited or attempted to deposit the official Bank checks to his personal deposit account at Bank of America.

(23) Respondent successfully deposited \$33,483 into his Bank of America account, despite the fact that the official checks were made payable to the Customers.

**Customer A**

(24) Respondent conducted a total of 11 withdrawals on Customer A’s accounts, two of which were dormant. The withdrawals on Customer A’s accounts totaled \$16,372, and took place between June 19, 2013, and December 21, 2013.

(25) Eight of the 11 withdrawals on Customer A’s accounts occurred at branch 717, which was Respondent’s primary branch at the time of the transactions.

(26) Respondent deposited the 11 checks into his account at a Bank of America automated teller machine in Shrewsbury, Massachusetts.

(27) Respondent generally deposited the Customer A checks on the same day as the withdrawal, and at most within three days.

(28) Customer A signed affidavits for 10 of these transactions disputing the withdrawal and alleging the endorsement on the check was either forged or unauthorized.

## **Customer B**

(29) Respondent conducted one \$2,000 withdrawal on an account held by Customer B and her husband on December 31, 2013.

(30) This transaction occurred at branch 717, Respondent's primary branch at the time.

(31) Respondent deposited the check at a Bank of America automated teller machine in Shrewsbury, Massachusetts, on the same day as the withdrawal.

(32) On January 13, 2014, Respondent conducted a \$2,000 cash deposit into Customer B's account at the Bank. This transaction occurred at branch 662, Respondent's primary branch at the time.

(33) Respondent called Customer B in January or February 2014 and told her there was a "\$2,000 error" that he had found in her account but that it was "all fixed now."

(34) In February 2014, Customer B told the Bank she had not requested the \$2,000 withdrawal.

## **Customer C**

(35) Respondent conducted three withdrawals on Customer C's accounts, all of which were dormant. The withdrawals totaled \$10,111 and occurred on January 9 and January 16, 2014.

(36) These three transactions occurred at branch 662, which was Respondent's primary branch at the time.

(37) Respondent deposited the checks into his account at a Bank of America automated teller machine in Shrewsbury, Massachusetts, on January 9 and January 21, 2014.

## **Customer D**

(38) On January 24, 2014, Respondent conducted two withdrawals in the amount of \$17,544 on Customer D's accounts. These withdrawals were converted into three official checks in the amounts of \$5,000, \$5,000, and \$7,544.

(39) Customer D was deceased and his accounts were dormant.

(40) These two withdrawals occurred at branch 662, which was Respondent's primary branch at the time.

(41) On January 24, 2014, Respondent attempted to deposit the \$7,544 check and one of the \$5,000 checks at a Bank of America automated teller machine in Shrewsbury, Massachusetts. Bank of America returned the items.

(42) Three days later, Respondent successfully deposited the other \$5,000 check at the counter at a Bank of America location.

(43) In order to make the deposit, Respondent falsely provided Customer D's name but his own home address and account number.

(44) On February 4, 2014, Respondent opened a deposit account at the Bank in the name of Customer A with Customer D listed as beneficiary. Respondent completed—though did not sign—multiple forms on behalf of Customer A, including a personal signature card, an overdraft opt-in notice, and a Know Your Customer questionnaire.

(45) The personal signature card listed a living individual with the same first and last name as Customer D, but with an address in Tampa, Florida.

(46) On the same day, Respondent deposited the two checks returned by Bank of America into the joint Customer A and Customer D account.

(47) The deposit slips indicate these transactions occurred at branch 396, Respondent's primary branch at the time.

**Conclusion**

(48) The Bank terminated Respondent's employment in February 2014.

(49) On May 29, 2014, the Bank charged off \$16,372 related to the unauthorized withdrawals. On October 31, 2014, the Bank charged off a further \$10,111. The Bank charged off an additional \$5,000 on November 17, 2014.

(50) In total, the Bank charged off \$31,483 due to Respondent's misconduct.

(51) 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 and 1005;

(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](mailto: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 7<sup>th</sup> Street SW, Washington, DC 20219, [hearingclerk@occ.treas.gov](mailto: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, DC this 20th day of May, 2019.

Digitally signed by Greg Coleman, 5/20/19

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Greg Coleman  
Deputy Comptroller  
Large Bank Supervision