

# FEDERAL RESERVE BANK *of* CLEVELAND

Stephen H. Jenkins  
*Senior Vice President*  
*Supervision and Regulation Department*

P.O. Box 6387  
Cleveland, OH 44101-1387

216.579.2905  
216.269.3189 *cell*  
216.579.2932 *fax*  
stephen.h.jenkins@clev.frb.org  
www.clevelandfed.org

March 5, 2009

Ms. Dawn McCarthy  
c/o Probation Officer Lindsey Smith  
Adult Probation  
225 North Clifton Avenue  
Louisville, Kentucky 40203

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Ms. McCarthy:

The Federal Reserve Bank of Cleveland has become aware that you were convicted upon a plea of guilty of Theft by Deception, in violation of Kentucky Revised Statutes: 514.040, in connection with your employment by Fifth Third Bank. A copy of your judgment of conviction is attached. Because you have been convicted of a crime involving dishonesty or breach of trust, you are automatically subject to the prohibitions set forth in Section 19 of the Federal Deposit Insurance Act, as amended (“Section 19”)(12 U.S.C. § 1829) for banking organizations and in Section 205 of the National Credit Union Act, as amended (“Section 205(d)”) (12 U.S.C. § 1785(d)) for insured credit unions.

Section 19 and Section 205(d) prohibit you from becoming or continuing as an institution-affiliated party with respect to any of the banking organizations or credit unions described below. This means that you may not, among other things, act as an employee, officer, director, or agent of these banking organizations or credit unions, nor may you otherwise participate, directly or indirectly, in the conduct of the affairs of any of these organizations. You are also prohibited from directly or indirectly owning or controlling any insured depository institution or holding company. These statutes do not prohibit you from being a normal, arms-length customer of a banking organization or credit union, such as having a loan, checking or savings account.

The prohibitions of Section 19 and Section 205(d) cover all insured depository institutions, including, but not limited to, any bank, savings association or credit union, and their holding companies, as well as Edge corporations and Agreement corporations. The Federal Deposit Insurance Corporation may grant written consent for you to engage in otherwise prohibited conduct with respect to insured depository institutions, and the Federal Reserve may grant written consent with respect to bank holding companies and Edge and Agreement corporations. The Office of Thrift Supervision may grant consent with respect to savings and loan association holding companies. The National Credit Union Administration Board may grant consent for insured credit unions. The automatic prohibition does not cover non-bank subsidiaries of bank holding companies or uninsured branches or agencies of foreign banks, unless the appropriate federal banking agency takes further action against you.

Ms. Dawn McCarthy

- 2 -

March 5, 2009

Should you engage in prohibited conduct without obtaining the required consent from the appropriate agency, you could be subject to daily criminal fines of up to \$1,000,000 or up to five years' imprisonment.

This letter will be posted on the website of the Board of Governors of the Federal Reserve System. If you believe that the prohibitions of Section 19 and Section 205(d) do not apply to you, because, for example, your conviction has been reversed on appeal, or for any other reason, please contact Jason Tarnowski of the Supervision and Regulation Enforcement Division in writing at this Reserve Bank.

Sincerely,



Stephen H. Jenkins  
Senior Vice President

SHJ/cr

cc: Mr. Steve Meyer, Board of Govenors of the Federal Reserve System  
Ms. Gail Jensen, Board of Govenors of the Federal Reserve System  
Mr. A.T. Dill, Federal Deposit Insurance Corporation  
Mr. David Coyle, Kentucky Department of Financial Institutions  
Mr. Lindsey Smith, Probation Officer

JEFFERSON CIRCUIT COURT

DIVISION NINE

JUDGE JUDITH E. McDONALD-BURKMAN

NO. 06-CR-2031

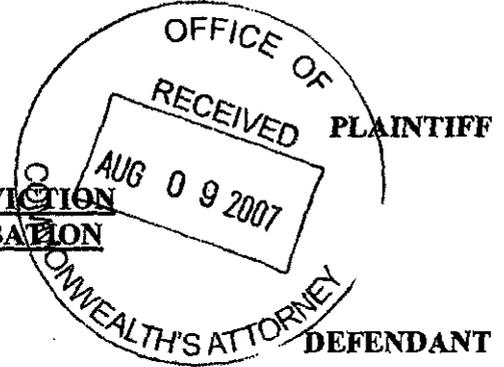
COMMONWEALTH OF KENTUCKY

v.

JUDGMENT OF CONVICTION  
SENTENCE OF PROBATION

DAWN MCCARTHY

(DOB: ; SS# XXX-XX-5434)



\* \* \* \*

A hearing was held before this Court on August 6, 2007 at which the Defendant, Dawn McCarthy, appeared in person and with counsel, Honorable Ron Schwoeppe, with the Commonwealth being represented by Assistant Commonwealth's Attorney, Honorable Dave Lewis, standing in for Ryane Conroy.

The proceeding was officially recorded on video tape 30-09-07-VCR-041.

The Defendant having pled guilty on May 30, 2007 to the charges of:

**Theft by Deception Over \$300;**

The Court sentences the Defendant as follows: **Theft by Deception Over \$300 - Five (5) years to serve;**

The Defendant having moved the Court to withhold rendition of the judgment herein and place her on probation, and the Court having duly considered the foregoing, and being otherwise sufficiently advised;

Defendant is hereby placed on probation by the Division of Probation and Parole for a period

of five (5) years. Further,

- 1) Defendant will be placed on high supervision and will abide by all rules, regulations and requests of Probation and Parole;
- 2) Defendant will remain on good behavior and refrain from further violation of the law in any respect;
- 3) Defendant will remain drug and alcohol free and will submit to random and frequent screenings at her own expense;
- 4) Defendant will be evaluated for any substance abuse problem and successfully complete any recommended treatment;
- 5) Defendant will maintain full time employment;
- 6) Defendant will pay restitution to Fifth Third Bank in the amount of \$30,866.00, payable at the rate of \$514.00 per month beginning August 15, 2007;
- 7) Defendant will not own or have in her possession a firearm of any kind, or ammunition for same;
- 8) Defendant will pay a Supervision Fee to Probation and Parole in the amount of Ten (\$10.00) Dollars per month;
- 9) Defendant will pay Court costs of \$125.00 by October 1, 2007;
- 10) The minimum fine of \$1,000.00 pursuant to KRS 534.030 is hereby waived so long as restitution and fines imposed are paid in full and timely;

ENTERED IN COURT  
DAVID L. THOMPSON CLERK

AUG 07 2007

BY

DEPUTY CLERK

  
STEPHEN P. RYAN, SENIOR STATUS JUDGE  
JEFFERSON CIRCUIT COURT

cc: **Ryane Conroy, Commonwealth's Attorney**  
**Ron Schwoeppe, Counsel for Defendant**  
**Probation and Parole**

**JEFFERSON CIRCUIT COURT**

**DIVISION ELEVEN**

**JUDGE JUDITH E. McDONALD-BURKMAN**

NO. 06-CR-2031

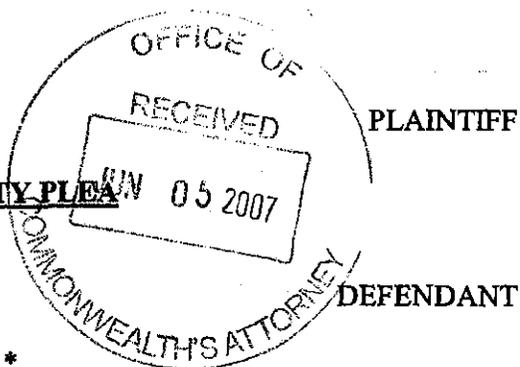
COMMONWEALTH OF KENTUCKY

v.

**ORDER ON GUILTY PLEA**

**DAWN MCCARTHY**

(DOB: █████ SS#: XXX-XX-5434)



\* \* \* \*

This May 30, 2007 the Defendant appeared in open Court with her attorney, Hon. Ronald Schwoeppe, and the Commonwealth was represented by Assistant Commonwealth's Attorney, Hon. Ryane Conroy. By agreement of the Attorney for the Commonwealth, the Defendant, with advice of counsel, filed "Waiver of Further Proceedings with Petition to Enter a Plea of Guilty" and entered a plea of guilty to the charge of: **Theft by Deception over \$300**; said plea having been recorded by video tape No. 30-09-07 VCR 020 and preserved by the Circuit Court Clerk's Office.

The Court finding that the Defendant understands the nature of the charges against her, that the Defendant understands the elements of the charge against her and elements of any lesser included offenses and any defenses available to her at trial, that the Defendant's plea is voluntary, that the Defendant knowingly and voluntarily waives her right to trial by jury, privilege against self-incrimination and right of confrontation, and that there is a factual basis for the Defendant's plea,

**IT IS ORDERED** that the Petition be filed and that the Defendant's plea of "GUILTY" BE ACCEPTED AND ENTERED AS PRAYED IN THE Petition and as recommended in the certificate of counsel,

**IT IS, THEREFORE, ORDERED BY THE COURT** that the Defendant is guilty of the crime of: **Theft by Deception over \$300**; and the Court notes of record the Commonwealth's recommendation of a sentence of: **Theft by Deception over \$300 - Two (2) years to serve, five (5) years if probated. The Commonwealth will object to probation based on the amount of money involved in the case. However, should Defendant be probated, she is required to pay full restitution plus interest. However, entry of the judgment imposing sentence is hereby postponed and suspended pending a Presentence Investigation. A hearing shall be held on July 2, 2007, at 11:00 A.M. for the purpose of determining whether the Defendant should receive a sentence of probation, a sentence of probation with an alternative sentencing plan, a sentence of imprisonment or a sentence of conditional discharge, and the Division of Probation and Parole is hereby ORDERED to prepare a written report of its Presentence Investigation of the Defendant. The Presentence Investigation Report is to be reviewed prior to the sentencing time.**

ENTERED IN COURT  
DAVID C. [REDACTED] CLERK

MAY 31 2007

BY [REDACTED]  
DEPUTY CLERK

[REDACTED]  
JUDITH E. McDONALD-BURKMAN, JUDGE  
JEFFERSON CIRCUIT COURT

DATE: 5-31-07

cc: Ryane Conroy, Commonwealth's Attorney  
Ron Schwoeppe, Counsel for Defendant  
Probation and Parole



COMMONWEALTH'S OFFER  
ON A PLEA OF GUILTY

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

DAWN MCCARTHY

DEFENDANT

1. **Charges and Penalties:**

Charge Theft by Deception over \$300

Penalty 1-5 years

Charge \_\_\_\_\_

Penalty \_\_\_\_\_

2. **Amended Charges (if any):**

Amended Charge \_\_\_\_\_

Penalty \_\_\_\_\_

3. Reason(s) for amended charge(s) (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Facts of the case:

Between 6/5/05 and 2/6/06, in Jefferson County KY, the defendant unlawfully embezzled \$30,866.25 while employed as the branch manager of Fifth Third Bank located at 3711 Diann Marie Road.

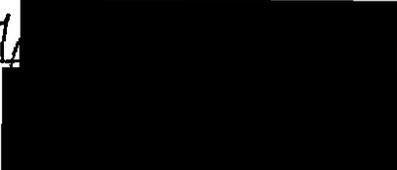
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\_\_\_\_\_

5. Recommendations of a Plea of Guilty (Plea Agreement):

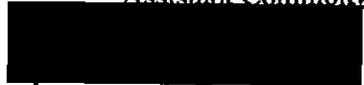
The Commonwealth recommends a sentence of 2 years to serve, 5 years if probated. The Commonwealth will object to probation based on the amount of money involved in the case. However, should the defendant be probated, she is required to pay full restitution plus interest.

\_\_\_\_\_  
\_\_\_\_\_

6. Offered this 30<sup>th</sup> day of May, 20 07



Commonwealth's Attorney or  
Assistant Commonwealth's Attorney



Defense Attorney



Defendant

Prosecuting Witness

Police Officer

Prosecuting Witness

Police Officer

AOC-491      Doc. Code: EGP Rev. 2-02 Page 1 of 2 Commonwealth of Kentucky Court of Justice RCR 8.08, 8.10	 <b>MOTION TO ENTER  GUILTY PLEA</b>	Case No. <u>06CR2031</u> Court <u>CIRCUIT 9</u> County <u>JEFFERSON</u>
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COMMONWEALTH OF KENTUCKY PLAINTIFF

VS.

DAWN MCCARTHY DEFENDANT

Comes the Defendant, in person and with aid of counsel, and respectfully moves this Court to allow him/her to withdraw his/her former plea of "NOT GUILTY" and enter a plea of "GUILTY" as set forth below. In support of this motion, the Defendant states as follows:

1. My full name is Dawn Maria McCarthy  
I am the same person named in the indictment. DOB: [REDACTED] SS No.: [REDACTED]  
Address: [REDACTED] Louisville Ky 40241 Highschool: \_\_\_\_\_ (Juvenile only)
2. My judgement is not now impaired by drugs, alcohol or medication.
3. I have reviewed a copy of the indictment and told my attorney all the facts known to me concerning my charges. I believe he/she is fully informed about my case. We have fully discussed and I understand my charges and any possible defenses to them.
4. I understand that I may plead "NOT GUILTY" to any charge against me.
5. I further understand the Constitution guarantees me the following rights:
  - (a) The right not to testify against myself;
  - (b) The right to a speedy and public trial by jury at which I would be represented by counsel and the Commonwealth would have to prove my guilt beyond a reasonable doubt;
  - (c) The right to confront and cross-examine all witnesses called to testify against me;
  - (d) The right to produce any evidence, including attendant of witnesses, in my favor;
  - (e) The right to appeal my case to a higher court.

**I understand that if I plead "GUILTY," I waive these rights.**

5. I understand that if I plead "GUILTY," the Court may impose any punishment within the range provided by law and that although it may consider the Commonwealth's recommendation, the Court may reject it. The legal penalty ranges are set forth on the attached "Commonwealth's Offer on a Plea of Guilty (AOC-491.1)" which I have reviewed and signed.
6. I understand that if the Court rejects the plea agreement, it must so inform me. If this occurs, I may either persist in my guilty plea and possibly receive harsher treatment than I bargained for or I may withdraw my guilty plea and proceed to trial. I further understand the Court shall not impose a sentence for a felony, other than a capital offense, without first ordering a presentence investigation. The Court will consider a written report of the presentence investigation before it informs me whether it will accept the plea agreement.

7. In return for my guilty plea, the Commonwealth has agreed to recommend to the Court the sentence(s) set forth in the attached "Commonwealth's Offer on a Plea of Guilty." Other than that recommendation, no one, including my attorney, has promised me any other benefit in return for my guilty plea nor has anyone forced or threatened me to plead "GUILTY."
8. Because I am **GUILTY**, and make no claim of innocence, I wish to plead "GUILTY" in reliance on the attached "Commonwealth's Offer on a Plea of Guilty."
9. I declare my plea of "GUILTY" is freely, knowingly, intelligently and voluntarily made; that I have been represented by counsel; that my attorney has fully explained my constitutional rights to me, as well as the charges against me and any defenses to them; and that I understand the nature of this proceeding and all matters contained in this document.

Signed in open court in the presence of my attorney this 30 day of May, 2007.



Defendant's Signature

#### CERTIFICATE OF COUNSEL

1. To the best of my knowledge and belief, the defendant understands the allegations contained in the indictment and any amendments thereto. I have fully discussed with the defendant the charges and any possible defenses to them. I believe that he/she fully understands the charges and possible defenses. I have reviewed with defendant the attached "Commonwealth's Offer on a Plea of Guilty" and the foregoing "Motion to Enter a Plea of Guilty," and I believe that he/she understands these documents.
2. To the best of my knowledge and belief, his/her plea of "GUILTY" is made freely, knowingly, intelligently and voluntarily. I have fully explained the defendant's constitutional rights to him/her and I believe that he/she understands them.
3. The plea of "GUILTY" as offered by the defendant is consistent with my advice to him/her, and I recommend to the Court that his/her plea be accepted.

Signed by me in open court in the presence of the defendant this 30 day of May, 2007.



Attorney for Defendant