

FEDERAL RESERVE BANK
OF CLEVELAND

STEPHEN H. JENKINS
SENIOR VICE PRESIDENT

P.O. BOX 6387
CLEVELAND, OHIO 44101-1387
AREA CODE 216-579-2905

September 19, 2008

Ms. Kimberly Fair
c/o Ms. Katie Kohler
Adult Probation
1 Courthouse Sq.
Newark, Ohio 43055

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Ms. Fair:

The Federal Reserve Bank of Cleveland has become aware that you were convicted upon a plea of guilty of Theft, in violation of ORC §2513.02(A)(1), in connection with your employment by Heartland 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. Kimberly Fair

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September 19, 2008

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 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 Governors of the Federal Reserve System
Ms. Gail Jensen, Board of Governors of the Federal Reserve System
Mr. Robert E. True, Ohio Division of Financial Institutions
Mr. S.T. Dill, Federal Deposit Insurance Corporation
Mr. David Stansbury, Esq.
Ms. Katie Kohler, Licking Co. Adult Probation

In the Court of Common Pleas, Licking County, Ohio

State of Ohio,

Plaintiff,

vs.

Kimberly A. Fair,

Defendant.

LICKING COUNTY
COMMON PLEAS COURT

2008 APR -4 P 1:41

Case No. 07 CR 785

GARY R. WALTERS
CLERK

JUDGMENT ENTRY

On the 4th day of April, 2008, came the State of Ohio through Assistant Prosecutor Brian Waltz, and also came the defendant, personally, and with legal counsel, David Stansbury, and this cause came on for hearing the defendant having been charged with five counts of Grand Theft (Over \$5,000.00) (Elderly person) (Without consent/Beyond the scope/By deception), in violation of O.R.C. Section 2913.02(A)(1) and/or (A)(2) and/or (A)(3), felonies of the third degree.

The defendant, thereupon, asked leave of the Court to waive the right to a jury trial and to enter a plea(s) of guilty to the charge(s) herein.

The Court advised the defendant of all Constitutional Rights, and being satisfied that the defendant understood the Constitutional Rights, and being further satisfied with the factual basis for the plea(s), accepted the plea(s) of guilty and finds the defendant guilty as charged.

The defendant having been found guilty as charged, the Court ordered and received a Presentence Investigation. The Court then afforded counsel an opportunity to speak on behalf of the defendant and addressed the defendant personally, affording the defendant an opportunity to make a statement in the form of mitigation and to present information regarding the existence or nonexistence of the factors the Court has considered and weighed.

The Court has considered the purposes and principles of sentencing set forth in R.C. 2929.11 and the factors set forth in R.C. 2929.12. In addition, the Court has weighed the factors as set forth in the applicable provisions of R.C. 2929.13 and R.C. 2929.14. The Court further finds that a prison term is not mandatory pursuant to R.C. 2929.13(F).

The Court hereby imposes a period of Community Control for five years. Further, the defendant serve 180 days in the Licking County Justice Center with work release privileges. In addition to the provisions of R.C. 2951.02 and the general requirements of the Licking County Adult Court Services Department, as authorized by the Common

Judge
Joe A. Spahr
740-670-5770

Judge
Thomas H. Macdonald
740-670-5777

Courthouse
Zelma, OH 43055

711-001

CLERK OF COURTS
LICKING COUNTY, OHIO

Pleas Court and as given to the defendant in writing, the Court imposes Nonresidential Community Control sanctions and financial sanctions as reflected in Exhibit A attached hereto.

After the imposition of Community Control, the Court, pursuant to R.C. 2929.19(B)(4), notified the defendant orally and in writing what could happen if the defendant violates Community Control. The Court further indicated that if the defendant violates Community Control, the Court could impose a longer period of community control, could impose greater restrictions, or the defendant would receive a prison term of one year on each count to run consecutive.

The Court informed the defendant that if sentenced to prison in this case, upon release from prison she would be subject to postrelease control for three years unless sooner terminated by the Adult Parole Authority. The Court further notified the defendant that if she violates the conditions of postrelease control imposed by the Parole Board under Ohio Revised Code Section 2967.28, she could be returned to prison for up to nine months for those violations, and if the violation is a new felony, she could be returned to prison on the new felony as well.



Jon R. Spahr
Judge of Common Pleas Court

cc: Licking County Prosecutor
Adult Court Services Department
David Stansbury, Esq.

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Name: Kimberly A. Fair

Case No. 07-CR-785 (S)

Length of Term of Community Control: Five (5) months

RESIDENTIAL SANCTIONS:

- The defendant shall enter into and successfully complete an approved **Community Based Correctional Facility** program. 180
- The defendant shall serve 90 days in the **Licking County Justice Center**.
- The defendant shall enter into and successfully complete a term in an approved **halfway house** program.
- The defendant shall be incarcerated in the Licking County Justice Center until transported to LMCCC.

LICKING COUNTY
 CLERK OF COURTS
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 GARY R. WALTERS
 CLERK

NON-RESIDENTIAL SANCTIONS:

- The defendant shall be placed on a term of monitored probation time.
- The defendant shall be placed on a term of basic probation supervision.
- The defendant shall be placed on a term of chemical **dependency** probation supervision.
- The defendant shall be placed on a term of **sexual offender** probation supervision.
- The defendant shall be placed on a term of **intensive probation** supervision.
- The defendant shall be placed on a term of **drug and alcohol use monitoring**.
- The defendant shall enter into and successfully complete an approved **drug treatment program**.
- The defendant shall enter into and successfully complete an approved **mental health treatment program**.
- The defendant shall enter into and successfully complete an approved **counseling program** due to the offender committing Domestic Violence, Felonious Assault, Aggravated Assault or Assault in the vicinity of the offender or victim's child.
- The defendant shall complete **100 hours of community service**.
- The defendant shall be placed on a term of **house arrest** with/without electronic monitoring.
- The defendant shall be placed on a term of **electronic monitoring**.
- The defendant shall be placed on a **curfew**.
- The defendant shall **obtain and/or retain employment**.
- The defendant shall complete his/her education or obtain a GED.
- The defendant shall not consume, have in his possession, residence, or automobile any alcoholic beverage or drug of abuse.
- The defendant shall not enter **any establishment** that serves alcohol.
- The defendant shall attend as many **AA and/or NA meetings** per week as recommended by his/her counselor, and shall submit proof of attendance.
- The defendant's operator's **license** is suspended from _____.
- The defendant shall have **no contact** with the victim in this case without written permission from the ACSD.
- The defendant shall not have any contact with any **co-defendant's** in this case.

FINANCIAL SANCTIONS:

- The defendant shall make restitution in an amount determined by the court of **\$25,000.00 to Heartland Bank, \$14,579.00 to Travelers Insurance.**
- The defendant shall reimburse Licking County Adult Court Services for the **cost of supervision** in the amount of \$300.
- The defendant shall pay all **fees and costs** associated with the attendance at all programs, which the defendant is ordered to attend.
- The defendant shall pay the sum of _____ as a fine.
- The defendant shall pay the court **costs** in this action.
- The defendant shall pay the court **appointed attorney fees**.

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