



THE FEDERAL RESERVE BANK OF RICHMOND

RICHMOND ■ BALTIMORE ■ CHARLOTTE

Post Office Box 27622 · Richmond, VA 23261  
Phone 804-697-8000 · www.richmondfed.org

December 04, 2008

Benjamin Wainwright, Jr.

[REDACTED]  
Chesapeake, VA 23322

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Mr. Wainwright:

The Federal Reserve Bank of Richmond has become aware that you were convicted upon a plea of guilty of embezzlement in the Circuit Court of the City of Suffolk. A copy of your trial and sentencing order is attached. Because you have been convicted of a crime involving dishonesty or breach of trust or money laundering, 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.

Mr. Wainwright

December 04, 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.

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 Michael Breeding in writing at this Reserve Bank.

Sincerely,



Barbara J. Moss  
Assistant Vice President

cc: Moody E. Stalling, Jr., Attorney  
P.O. Box 1687  
Virginia Beach, VA 23451

Mr. Stephen H. Meyer  
Assistant General Counsel  
Board of Governors  
Legal Division-Mail Stop 13  
20<sup>th</sup> & Constitution Avenue  
Washington, D.C. 20429

Director  
Department of Supervision  
National Credit Union Administration  
1775 Duke Street  
Alexandria, VA 22314

Mr. Richard Gross  
Case Manager, Special Activities Section  
Division of Supervision  
Federal Deposit Insurance Corporation  
550 17th Street, NW  
Washington, DC 20429

E. Joseph Face, Jr.  
Commissioner  
1300 E. Main Street, Suite 800  
Richmond, Virginia 23218

TRIAL/SENTENCING ORDER

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF SUFFOLK

HEARING DATE: SEPTEMBER 26, 2008  
JUDGE: JAMES A. LUKE

COMMONWEALTH OF VIRGINIA

V. CASE NO. CR07001498-00 ENDED

BENJAMIN WAINWRIGHT, JR., DEFENDANT  
SSN: [REDACTED] DOB: [REDACTED]

This case came before the Court for trial of the defendant, who appeared in person with his counsel, Moody E. Stallings, Jr. and Edward House. The Commonwealth was represented by William Swan.

The defendant having been indicted for the following offense:

Offense Description and Indicator (F/M) and Code Section and Offense Date:

EMBEZZLEMENT (§18.2-111, 18.2-95) (FELONY) (OFFENSE DATE: DECEMBER 20, 2006) (VCC CODE: LAR-2707-F9)

A plea agreement was filed in this case.

Whereupon the accused was arraigned and after private consultation with and being advised by counsel, pleaded guilty to the indictment, which plea was tendered by the accused in person, and the Court having made inquiry and being of the opinion that the accused fully understood the nature and effect of said plea and of the penalties that may be imposed upon conviction and of the waiver of trial by jury and of appeal, and finding that said plea was voluntarily and intelligently made, proceeded to hear and determine the case without the intervention of a jury as provided by law, and upon the stipulation of facts, finds the accused guilty of **Embezzlement**, as charged in the indictment.

Pursuant to provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guideline worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court SENTENCES the defendant to:

Incarceration with the Virginia Department of Corrections for the term of Four (4) years. The total sentence imposed is Four (4) years.

This sentence shall run consecutively.

The Court SUSPENDS Two (2) years of the Four (4) year sentence, for a period of Two (2) years, upon the following conditions:

**Good Behavior.** The defendant shall be of good behavior for Two (2) years from the defendant's release from confinement.

**Supervised Probation.** The defendant is placed on probation on his release from incarceration, under the supervision of a Probation Officer for Two (2) years or unless sooner released by the court or by the probation officer. The defendant shall comply with all the rules and requirements set by the probation officer. Probation shall include substance abuse counseling and/or testing as deemed necessary by the Probation Officer.

**Costs.** The defendant shall pay costs.

**Restitution.** The defendant shall pay restitution in the amount of \$180,000.00

**DNA ANALYSIS.** The defendant is Ordered to cooperate fully in providing a sampling of blood, saliva or tissue as required for DNA analysis pursuant to Section 19.2-310.2 of the Code of Virginia.

**Credit For Time Sarved.** The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code §53.1-187.

The Court allows the defendant to depart until Saturday, November 1, 2008 at 8:00 a.m. at which time he is to report to the jail to begin serving his sentence.

Entered the 3<sup>rd</sup> day of October, 2008

\_\_\_\_\_, JUDGE  
James A. Luke

**DEFENDANT IDENTIFICATION:**

Alias: unknown  
SSN: [REDACTED] DOB: [REDACTED] SEX: Male

**SENTENCING SUMMARY:**

TOTAL SENTENCE IMPOSED: Four (4) years  
TOTAL SENTENCE SUSPENDED: Two (2) years  
TOTAL TIME TO SERVE: Two (2) years

WAINWRIGHT  
CR08001498-00

TRUE COPY  
I certify that the document to which  
this authentication is affixed is a  
true copy of a record in the Suffolk  
Circuit Court, that I have custody  
of the record, and that I am the custodi-  
an of that record.  
TESTE RANDOLPH CARTER JR., CLERK  
BY: \_\_\_\_\_ D.C.  
DATE: 11-7-08

TRIAL/SENTENCING ORDER

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF SUFFOLK

HEARING DATE: SEPTEMBER 26, 2008

JUDGE: JAMES A. LUKE

COMMONWEALTH OF VIRGINIA

V. CASE NO. CR07001499-00 ENDED

BENJAMIN WAINWRIGHT, JR., DEFENDANT

SSN: [REDACTED] DOB: [REDACTED]

This case came before the Court for trial of the defendant, who appeared in person with his counsel, Moody E. Stallings, Jr. and Edward House. The Commonwealth was represented by William Swan.

The defendant having been indicted for the following offense:

Offense Description and Indicator (F/M) and Code Section and Offense Date:

EMBEZZLEMENT (§18.2-111, 18.2-95) (FELONY) (OFFENSE DATE: DECEMBER 21, 2006) (VCC CODE: LAR-2707-F9)

A plea agreement was filed in this case.

Whereupon the accused was arraigned and after private consultation with and being advised by counsel, pleaded guilty to the indictment, which plea was tendered by the accused in person, and the Court having made inquiry and being of the opinion that the accused fully understood the nature and effect of said plea and of the penalties that may be imposed upon conviction and of the waiver of trial by jury and of appeal, and finding that said plea was voluntarily and intelligently made, proceeded to hear and determine the case without the intervention of a jury as provided by law, and upon the stipulation of facts, finds the accused guilty of Embezzlement, as charged in the indictment.

Pursuant to provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guideline worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court SENTENCES the defendant to:

Incarceration with the Virginia Department of Corrections for the term of Two (2) years. The total sentence imposed is Two (2) years.

This sentence shall run consecutively.

The Court SUSPENDS ALL of the Two (2) year sentence, for a period of Two (2) years, upon the following conditions:

**Good Behavior.** The defendant shall be of good behavior for Two (2) years from the defendant's release from confinement.

**Supervised Probation.** The defendant is placed on probation on his release from incarceration, under the supervision of a Probation Officer for Two (2) years or unless sooner released by the court or by the probation officer. The defendant shall comply with all the rules and requirements set by the probation officer. Probation shall include substance abuse counseling and/or testing as deemed necessary by the Probation Officer.

**Costs.** The defendant shall pay costs.

**DNA ANALYSIS.** The defendant is Ordered to cooperate fully in providing a sampling of blood, saliva or tissue as required for DNA analysis pursuant to Section 19.2-310.2 of the Code of Virginia.

**Credit For Time Served.** The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code §53.1-187.

The Court allows the defendant to depart until Saturday, November 1, 2008 at 8:00 a.m. at which time he is to report to the jail to begin serving his sentence.

Entered the 32<sup>d</sup> day of October, 2008



JUDGE

James A. Luke

**DEFENDANT IDENTIFICATION:**

Alias: unknown  
SSN: [REDACTED] DOB: [REDACTED] SEX: Male

**SENTENCING SUMMARY:**

TOTAL SENTENCE IMPOSED: Two (2) years  
TOTAL SENTENCE SUSPENDED: Two (2) years  
TOTAL TIME TO SERVE: None

WAINWRIGHT  
CR08001499-00

TRUE COPY  
I certify that the document to which  
this authentication is affixed is a  
true copy of the record in the Suffolk  
Circuit Court of the County of  
of the County of Suffolk  
an of the County of Suffolk  
TESTED BY  
I have custody  
+ I am the custodi-  
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D.C.

TRIAL/SENTENCING ORDER

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF SUFFOLK

HEARING DATE: SEPTEMBER 26, 2008

JUDGE: JAMES A. LUKE

COMMONWEALTH OF VIRGINIA

V. CASE NO. CR07001520-00 ENDED

BENJAMIN WAINWRIGHT, JR., DEFENDANT

SSN: [REDACTED] DOB: [REDACTED]

This case came before the Court for trial of the defendant, who appeared in person with his counsel, Moody E. Stallings, Jr. and Edward House. The Commonwealth was represented by William Swan.

The defendant having been indicted for the following offense:

Offense Description and Indicator (F/M) and Code Section and Offense Date:

EMBEZZLEMENT (§18.2-111, 18.2-95) (FELONY) (OFFENSE DATE: DECEMBER 12, 2006) (VCC CODE: LAR-2707-F9)

A plea agreement was filed in this case.

Whereupon the accused was arraigned and after private consultation with and being advised by counsel, pleaded guilty to the indictment, which plea was tendered by the accused in person, and the Court having made inquiry and being of the opinion that the accused fully understood the nature and effect of said plea and of the penalties that may be imposed upon conviction and of the waiver of trial by jury and of appeal, and finding that said plea was voluntarily and intelligently made, proceeded to hear and determine the case without the intervention of a jury as provided by law, and upon the stipulation of facts, finds the accused guilty of Embezzlement, as charged in the indictment.

Pursuant to provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guideline worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court SENTENCES the defendant to:

Incarceration with the Virginia Department of Corrections for the term of Two (2) years. The total sentence imposed is Two (2) years.

This sentence shall run consecutively.

The Court SUSPENDS ALL of the Two (2) year sentence, for a period of Two (2) years, upon the following conditions:

**Good Behavior.** The defendant shall be of good behavior for Two (2) years from the defendant's release from confinement.

**Supervised Probation.** The defendant is placed on probation on his release from incarceration, under the supervision of a Probation Officer for Two (2) years or unless sooner released by the court or by the probation officer. The defendant shall comply with all the rules and requirements set by the probation officer. Probation shall include substance abuse counseling and/or testing as deemed necessary by the Probation Officer.

**Costs.** The defendant shall pay costs.

**DNA ANALYSIS.** The defendant is Ordered to cooperate fully in providing a sampling of blood, saliva or tissue as required for DNA analysis pursuant to Section 19.2-310.2 of the Code of Virginia.

**Credit For Time Served.** The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code §53.1-187.

The Court allows the defendant to depart until Saturday, November 1, 2008 at 8:00 a.m. at which time he is to report to the jail to begin serving his sentence.

Entered the 3<sup>rd</sup> day of October, 2008

\_\_\_\_\_, JUDGE

James A. Luke

**DEFENDANT IDENTIFICATION:**

Alias: unknown  
SSN: [REDACTED] DOB: [REDACTED] SEX: Male

**SENTENCING SUMMARY:**

TOTAL SENTENCE IMPOSED: Two (2) years  
TOTAL SENTENCE SUSPENDED: Two (2) years  
TOTAL TIME TO SERVE: None

WAINWRIGHT  
CR08001520-00

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this authentication is affixed is a  
true copy of a record in the Suffolk  
Circuit Court, that I have custody  
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BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
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D.C.

TRIAL/SENTENCING ORDER

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF SUFFOLK

HEARING DATE: SEPTEMBER 26, 2008

JUDGE: JAMES A. LUKE

COMMONWEALTH OF VIRGINIA

V. CASE NO. CR07001523-00 ENDED

BENJAMIN WAINWRIGHT, JR., DEFENDANT

SSN: [REDACTED] DOB: [REDACTED]

This case came before the Court for trial of the defendant, who appeared in person with his counsel, Moody E. Stallings, Jr. and Edward House. The Commonwealth was represented by William Swan.

The defendant having been indicted for the following offense:

Offense Description and Indicator (F/M) and Code Section and Offense Date:

OBTAIN MONEY OR PROPERTY BY FALSE PRETENSE (§18.2-178)  
(FELONY) (OFFENSE DATE: DECEMBER 12, 2006) (VCC CODE: LAR-2743-F9)

A plea agreement was filed in this case.

Whereupon the accused was arraigned and after private consultation with and being advised by counsel, pleaded guilty to the indictment, which plea was tendered by the accused in person, and the Court having made inquiry and being of the opinion that the accused fully understood the nature and effect of said plea and of the penalties that may be imposed upon conviction and of the waiver of trial by jury and of appeal, and finding that said plea was voluntarily and intelligently made, proceeded to hear and determine the case without the intervention of a jury as provided by law, and upon the stipulation of facts, finds the accused guilty of Obtain Money or Property By False Pretense, as charged in the indictment.

Pursuant to provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guideline worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a

part of the record in this case.

Before pronouncing sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court SENTENCES the defendant to:

Incarceration with the Virginia Department of Corrections for the term of Two (2) years. The total sentence imposed is Two (2) years.

This sentence shall run consecutively.

The Court SUSPENDS ALL of the Two (2) year sentence, for a period of Two (2) years, upon the following conditions:

**Good Behavior.** The defendant shall be of good behavior for Two (2) years from the defendant's release from confinement.

**Supervised Probation.** The defendant is placed on probation on his release from incarceration, under the supervision of a Probation Officer for Two (2) years or unless sooner released by the court or by the probation officer. The defendant shall comply with all the rules and requirements set by the probation officer. Probation shall include substance abuse counseling and/or testing as deemed necessary by the Probation Officer.

**Costs.** The defendant shall pay costs.

**DNA ANALYSIS.** The defendant is Ordered to cooperate fully in providing a sampling of blood, saliva or tissue as required for DNA analysis pursuant to Section 19.2-310.2 of the Code of Virginia.

**Credit For Time Served.** The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code §53.1-187.

Entered the 3<sup>rd</sup> day of October, 2008

 \_\_\_\_\_, JUDGE  
James A. Luke

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true copy of  
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BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
CLERK  
K DC

DEFENDANT IDENTIFICATION:

Alias: unknown  
SSN: ██████████ DOB: ██████████ SEX: Male

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: Two (2) years  
TOTAL SENTENCE SUSPENDED: Two (2) years  
TOTAL TIME TO SERVE: None

WAINWRIGHT  
CR08001523-00

TRIAL/SENTENCING ORDER

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF SUFFOLK

HEARING DATE: SEPTEMBER 26, 2008

JUDGE: JAMES A. LUKE

COMMONWEALTH OF VIRGINIA

V. CASE NO. CR07001525-00 ENDED

**BENJAMIN WAINWRIGHT, JR., DEFENDANT**

SSN: [REDACTED] DOB: [REDACTED]

This case came before the Court for trial of the defendant, who appeared in person with his counsel, Moody E. Stallings, Jr. and Edward House. The Commonwealth was represented by William Swan.

The defendant having been indicted for the following offense:

Offense Description and Indicator (F/M) and Code Section and Offense Date:

OBTAIN MONEY OR PROPERTY BY FALSE PRETENSE (§18.2-178)  
(FELONY) (OFFENSE DATE: FEBRUARY 8, 2007) (VCC CODE: LAR-2743-F9)

A plea agreement was filed in this case.

Whereupon the accused was arraigned and after private consultation with and being advised by counsel, pleaded guilty to the indictment, which plea was tendered by the accused in person, and the Court having made inquiry and being of the opinion that the accused fully understood the nature and effect of said plea and of the penalties that may be imposed upon conviction and of the waiver of trial by jury and of appeal, and finding that said plea was voluntarily and intelligently made, proceeded to hear and determine the case without the intervention of a jury as provided by law, and upon the stipulation of facts, finds the accused guilty of Obtain Money or Property By False Pretense, as charged in the indictment.

Pursuant to provisions of Code §19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guideline worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a

part of the record in this case.

Before pronouncing sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

The Court SENTENCES the defendant to:

Incarceration with the Virginia Department of Corrections for the term of Two (2) years. The total sentence imposed is Two (2) years.

This sentence shall run consecutively.

The Court SUSPENDS ALL of the Two (2) year sentence, for a period of Two (2) years, upon the following conditions:

**Good Behavior.** The defendant shall be of good behavior for Two (2) years from the defendant's release from confinement.

**Supervised Probation.** The defendant is placed on probation on his release from incarceration, under the supervision of a Probation Officer for Two (2) years or unless sooner released by the court or by the probation officer. The defendant shall comply with all the rules and requirements set by the probation officer. Probation shall include substance abuse counseling and/or testing as deemed necessary by the Probation Officer.

**Costs.** The defendant shall pay costs.

**DNA ANALYSIS.** The defendant is Ordered to cooperate fully in providing a sampling of blood, saliva or tissue as required for DNA analysis pursuant to Section 19.2-310.2 of the Code of Virginia.

**Credit For Time Served.** The defendant shall be given credit for time spent in confinement while awaiting trial pursuant to Code §53.1-187.

Entered the 31<sup>st</sup> day of October, 2008

 JUDGE  
James A. Luke

TRUE COPY  
I certify that the document to which  
this authentication is affixed is a  
true copy of a record in the Suffolk  
Circuit Court, that I have custody  
of the record, and that I am the custodi-  
an of that record.  
TESTE  
BY:  
DAT

DEFENDANT IDENTIFICATION:

Alias: unknown  
SSN: [REDACTED] DOB: [REDACTED] SEX: Male

SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: Two (2) years  
TOTAL SENTENCE SUSPENDED: Two (2) years  
TOTAL TIME TO SERVE: None

WAINWRIGHT  
CR08001525-00