

UNITED STATES OF AMERICA
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
WASHINGTON, D.C.

In the Matter of

SHAN HANES,

A Former Institution-Affiliated Party of

HEARTLAND TRI-STATE BANK,
Elkhart, Kansas,

A State Member Bank.

Docket No. 24-032-E-I

Order of Prohibition Issued Upon
Consent Pursuant to Section 8(e) of
the Federal Deposit Insurance Act, as
Amended

WHEREAS, the Board of Governors of the Federal Reserve System (the “Board of Governors”), pursuant to section 8(e) of the Federal Deposit Insurance Act, as amended (the “FDI Act”), 12 U.S.C. § 1818(e), issues this Order of Prohibition (the “Order”) upon the consent of Respondent Shan Hanes (“Hanes”), a former employee and institution-affiliated party, as defined in sections 3(u) and 8(b)(3) of the FDI Act, 12 U.S.C. §§ 1813(u) and 1818(b)(3), of Heartland Tri-State Bank (the “Bank”), a state member bank;

WHEREAS, Hanes was the Chief Executive Officer of the Bank in Elkhart, Kansas from August 28, 2017, until July 28, 2023;

WHEREAS, from May 30, 2023, to July 7, 2023, Hanes initiated a series of ten wire transfers totaling \$47.1 million of the Bank’s funds to his personal cryptocurrency wallet and thereafter to cryptocurrency accounts controlled by unidentified third parties;

WHEREAS, Hanes asserted that he was investing in lucrative digital currency products, but was in fact transferring the Bank’s funds to fraudulent actors;

WHEREAS, Hanes's conduct resulted in the loss of \$47.1 million of the Bank's funds and led to the Bank becoming insolvent and failing on July 28, 2023;

WHEREAS, Hanes's conduct was an unauthorized and improper use of the Bank's assets in an attempt to secure a personal financial benefit;

WHEREAS, Hanes's conduct was contrary to the Bank's written policies and procedures and constituted violations of law or regulation, unsafe or unsound banking practices, and a breach of fiduciary duties;

WHEREAS, Hanes's conduct caused the Bank to suffer financial loss and posed financial, legal, and reputational risks to the Bank;

WHEREAS, on May 23, 2024, Hanes pleaded guilty in federal district court to embezzlement by a bank officer and agreed to make restitution in the amount of up to and approximately \$60.5 million;

WHEREAS, by affixing his signature hereunder, Hanes has consented to the issuance of this Order by the Board of Governors and has agreed to comply with each and every provision of this Order, and has waived any and all rights he might have pursuant to 12 U.S.C. § 1818, 12 C.F.R. Part 263, or otherwise: (a) to the issuance of a notice of intent to prohibit on any other matter implied or set forth in this Order; (b) to a hearing for the purpose of taking evidence with respect to any matter implied or set forth in this Order; (c) to obtain judicial review of this Order or any provision hereof; and (d) to challenge or contest in any manner the basis, issuance, terms, validity, effectiveness, or enforceability of this Order or any provision hereof.

NOW THEREFORE, before the filing of any notices, or the taking of any testimony or adjudication of or finding on any issue of fact or law herein, and without Hanes admitting or denying any allegation made or implied by the Board of Governors in connection herewith, and solely for the purpose of settlement of this matter without a formal proceeding being filed and without the necessity for protracted litigation or extended hearings,

IT IS HEREBY ORDERED that:

1. Hanes, without the prior written approval of the Board of Governors and, where necessary pursuant to section 8(e)(7)(B) of the FDI Act, 12 U.S.C. § 1818(e)(7)(B), another Federal financial institutions regulatory agency, is hereby and henceforth prohibited from:

- a. participating in any manner in the conduct of the affairs of any institution or agency specified in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A), including, but not limited to, any insured depository institution or any holding company of an insured depository institution, or any subsidiary of such holding company, or any foreign bank or company to which subsection (a) of 12 U.S.C. § 3106 applies and any subsidiary of such foreign bank or company;
- b. soliciting, procuring, transferring, attempting to transfer, voting or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any institution described in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A);
- c. violating any voting agreement previously approved by any Federal banking agency;
- d. voting for a director, or serving or acting as an institution-affiliated party, as defined in sections 3(u) and 8(b)(3) of the FDI Act, 12 U.S.C. §§ 1813(u) and 1818(b)(3), such as an officer, director or employee, in any institution described in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A).

2. All communications regarding this Order shall be addressed to:

a. Richard M. Ashton, Esq.
Deputy General Counsel
David Williams, Esq.
Senior Associate General Counsel
Board of Governors of the Federal Reserve System
20th & C Streets, N.W.
Washington, DC 20551

b. Shan Hanes
Attn: John Stang
Hulnick, Stang, Gering, and Leavitt
310 West Central Avenue
Suite 111
Wichita, KS 67202

3. Any violation of this Order shall separately subject Hanes to appropriate civil or criminal penalties, or both, under sections 8(i) and (j) of the FDI Act, 12 U.S.C §§ 1818(i) and (j).

4. The provisions of this Order shall not bar, estop, or otherwise prevent the Board of Governors, or any other Federal or state agency or department, from taking any other action affecting Hanes; provided, however, that the Board of Governors shall not take any further action against Hanes on any matters concerning or arising from the matters addressed by this Order based upon facts presently known by the Board of Governors. This release and discharge shall not preclude or affect (i) any right of the Board of Governors to determine and ensure compliance with this Order, or (ii) any proceedings brought by the Board of Governors to enforce the terms of this Order.

5. Each provision of this Order shall remain fully effective and enforceable until expressly stayed, modified, terminated, or suspended in writing by the Board of Governors.

By order of the Board of Governors of the Federal Reserve System, effective this 18th day
of November, 2024.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM

/s/ Shan Hanes

Shan Hanes

By: /s/ Ann E. Misback

Ann E. Misback
Secretary of the Board