

FEDERAL RESERVE BANK OF CLEVELAND

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January 3, 2018

Bonnie R. Tracy
REDACTED

Frankfort, KY 40601-1009

Re: Pretrial Diversion - Prohibition from Banking Industry

Dear Ms. Tracy:

The Federal Reserve Bank of Cleveland has become aware that you entered into a pretrial diversion program in connection with the resolution of an indictment that charged you with theft by unlawful taking or disposition in connection with your employment by Whitaker Bank. A copy of the court document reflecting your entry into the program is attached. Because you have agreed to enter into a pretrial diversion or similar program in connection with the prosecution 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, 12 U.S.C. § 1829 ("Section 19"), for financial organizations and in Section 205 of the National Credit Union Act, 12 U.S.C. § 1785(d) ("Section 205(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 financial organizations 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 Act 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 and savings and loan holding companies and Edge Act and Agreement corporations. The National Credit Union Administration Board may grant consent

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for insured credit unions. The automatic prohibition does not cover affiliation with a subsidiary of a bank holding company that is not itself a bank holding company, or a subsidiary of a savings and loan holding company that is not itself a savings and loan holding company, or uninsured branches or agencies of foreign banks, unless the appropriate federal banking agency takes further action against you.

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 public 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 Allen M. Brown, Banking Supervisor, in writing at this Reserve Bank.

Sincerely,

REDACTED

Nadine M. Wallman

cc: Marvin Coles, Attorney for the Defendant
A.T. Dill, Assistant General Counsel, FDIC
Charles A. Vice, Commissioner, KDFI
Legal-Section 19Letters@frb.org

Order Granting Pretrial Diversion of a Class D Felony, dated September 22, 2017, concerning *Commonwealth of Kentucky v. Bonnie Rogers Tracy*, Case No. 17-CR-00251, in the Franklin County Circuit Court on file.