



THE FEDERAL RESERVE BANK OF RICHMOND

RICHMOND • BALTIMORE • CHARLOTTE

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

September 4, 2009

Via Certified Mail

Elizabeth Ann Gray

Charlotte, North Carolina 28269-3518

Re: Entry into a Pretrial Diversion Program – Prohibition from Banking Industry

Dear Ms. Gray:

The Federal Reserve Bank of Richmond has become aware that you agreed to enter into a pretrial diversion or similar program with the District Attorney for the Twenty-Sixth Judicial District, County of Mecklenburg, State of North Carolina in connection with the prosecution of charges that you had engaged in embezzlement with respect to your employment by First Charter Bank, Charlotte, North Carolina. A copy of the terms of the agreement for deferred prosecution is attached. Because you have entered into a pretrial diversion or similar program in connection with the prosecution for such an offense, 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

Ms. Gray

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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.

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 Michael Breeding in writing at this Reserve Bank.

Sincerely,



Barbara J. Moss
Assistant Vice President

cc:

John B. Sharp
Probation/Parole Officer
800 East Fourth
Charlotte, NC 28202

Mr. Stephen H. Meyer
Assistant General Counsel
Board of Governors
Legal Division-Mail Stop 13
20th & 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

Mr. Joseph A Smith Jr.
Commissioner
316 W Edenton Street
Raleigh, NC 27603

Terms of Agreement for Deferred Prosecution, dated April 17, 2008, concerning *State of North Carolina v. Elizabeth Ann Gray*, Case No. 07CR249061, in the State of North Carolina, District Court Division, County of Mecklenburg on file.