

COPY



THE FEDERAL RESERVE BANK OF RICHMOND

RICHMOND ■ BALTIMORE ■ CHARLOTTE

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

August 29, 2008

Via Certified Mail

Barbara J. Evans

Bolivia, NC 28422

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Ms. Evans:

The Federal Reserve Bank of Richmond has become aware that you were convicted upon a plea of guilty of larceny by an employee in connection with your employment by Waccamaw Bank, Whiteville, North Carolina. 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.

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: Mr. Richard Hollar, Attorney
111 Pine Street
Shallottee, NC 28470

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

STATE OF NORTH CAROLINA

BRUNSWICK

County

BOLIVIA

Seat of Court

File No.

07CR557685

51

NOTE: [This form is to be used for (1) felony offense(s) and (2) misdemeanor offense(s) that are consolidated for judgment with any felony offense(s). Use AOC-CR-310 for DWI offense(s).]

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

BARBARA ANN EVANS

Race

B

Sex

F

DOB

[REDACTED]

Attorney For State

BROOKE SMITH

☐ Def. Found
Not Indigent

☐ Def. Waived
Attorney

Attorney For Defendant

RICHARD HOLLAR

☐ Appointed ☒ Retained

The defendant ☒ pled guilty to ☐ was found guilty by a jury of ☐ pled no contest to

File No.(s)	Off.	Offense Description	Offense Date	G.S. No.	F/M	CL.
07CR557685	51	LARCENY BY A EMPLOYEE	06/01/2007	14-74	F	H

The Court:

- ☒ 1. has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
- ☐ 2. makes no prior record level finding because none is required.

PRIOR RECORD LEVEL: ☒ I ☐ II ☐ III ☐ IV ☐ V ☐ VI

The Court (NOTE: Block 1 or 2 MUST be checked.):

- ☒ 1. makes no written findings because the prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).
- ☐ 2. makes the aggravating and mitigating factors Determination as set forth on the attached AOC-CR-605.
- ☐ 3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.
- ☐ 4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
- ☐ 5. finds enhanced punishment pursuant to: ☐ G.S. 90-95(e)(3) (drugs). ☐ G.S. 14-3(c) (hate crime). ☐ G.S. 50B-4.1 (domestic violence).
☐ Other: _____ This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
- ☒ 6. imposes the punishment pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
- ☐ 7. finds the above designated offense(s) is a reportable conviction, G.S. 14-208.6.
☐ a. and finds the defendant ☐ has ☐ has not been classified as a sexually violent predator, G.S. 14-208.2.
☐ b. and finds the defendant ☐ is ☐ is not a recidivist, G.S. 14-208.6.
☐ c. and finds the above designated offense(s) ☐ is ☐ is not an aggravated offense, G.S. 14-208.6
☐ d. and finds the above designated offense(s) ☐ is ☐ is not an offense against a minor, G.S. 14-208.6.
- NOTE: See Suspension Of Sentence No. 7 below.
- ☐ 8. finds that a ☐ motor vehicle ☐ commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV.
- ☐ 9. finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

for a minimum term of 5 months for a maximum term of 6 months in the custody of the N.C. DOC.

☐ This sentence shall run at the expiration of sentence imposed in file number _____

The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge(s) to be applied toward the ☐ sentence imposed above. ☐ Imprisonment required for special probation set forth on AOC-CR-603, Page Two.

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on ☒ supervised ☐ unsupervised probation for 36 months.

- ☐ 1. The Court finds that a ☐ longer ☐ shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
- ☐ 2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment.
- ☐ 3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.
- ☐ 4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.

File Number	Offense	County	Court	Date

- ☐ 5. The defendant shall comply with the conditions set forth in file number _____
- ☐ 6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)
- ☐ 7. The defendant ☐ is not required to submit to satellite-based monitoring. ☐ shall submit to satellite-based monitoring as indicated on the attached AOC-CR-615.

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule ☐ determined by the probation officer. ☐ set out by the court as follows:

Court Costs	Miscellaneous	Fine	Restitution*	Attorney's Fee	Comm. Service Fee	EHA Fee	GPS Fee	Total Amount Due
\$ 252.50	\$	\$	\$ 18,740.00	\$	\$	\$	\$	\$ 18,992.50

*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.

- ☐ All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities ☐ and before payment of community service and probation supervision fees.
- ☐ Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

AOC-CR-603, Rev. 12/07

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Material opposite unmarked squares is to be disregarded as surplusage.
(Over)

A TRUE COPY
CLERK OF SUPERIOR COURT
BRUNSWICK COUNTY
BY _____
Assistant, Deputy, Clerk Superior Court

REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)

NOTE: Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.

If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons. If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

- ☐ 11. The Court finds that the defendant is responsible for acts of domestic violence and ☐ there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program. ☐ there is not an approved abuser treatment program reasonably available. ☐ it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because _____

NOTE: See Page Two, Side Two, for Additional Conditions For Persons Convicted Of Domestic Violence.

SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- ☐ 12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of _____ or until relicensed by the Division of Motor Vehicles, whichever is later.
- ☒ 13. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision: ☒ stolen goods ☒ controlled substances ☒ contraband ☒ child pornography ☒ WEAPONS
- ☒ 14. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- ☒ 15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- ☐ 16. Successfully pass the General Education Development Test (G.E.D.) during the first _____ months of the period of probation.
- ☒ 17. Complete _____ hours of community or reparation service during the first _____ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262.4(b). ☐ pursuant to the schedule set out under monetary conditions above. ☐ within _____ days of this Judgment and before beginning service.
- ☐ 18. Report for initial evaluation by _____ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- ☒ 19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with WACCAMAW BANK. "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except _____
- ☒ 20. Other: NOT TO BE EMPLOYED BY ANY FINANCIAL INST. PROBATION OFFICES IS TO SET UP PAYMENT PLAN FOR THE RESTITUTION.

- ☐ 21. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603, Page Two.

- ☐ A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT/APEAL ENTRIES

- ☐ 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- ☐ 2. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

SIGNATURE OF JUDGE

Date 06/23/2008 Name Of Presiding Judge (Type Or Print) THOMAS D. HAIGWOOD

CERTIFICATION

- I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.
- ☐ 1. Appellate Entries (AOC-CR-350) ☐ 5. Restitution Worksheet, Notice And Order (Initial Sentencing) (AOC-CR-611)
- ☐ 2. Judgment Suspending Sentence, Page Two (Special Conditions Of Probation) (AOC-CR-603, Page Two) ☐ 6. Judicial Findings As To Required DNA Sample (AOC-CR-319)
- ☐ 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605) ☐ 7. Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Lifetime Monitoring/Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Court-Determined Monitoring Period (AOC-CR-615)
- ☐ 4. Extraordinary Mitigation Findings (AOC-CR-606)

Date Of Certification

Signature

SEAL

Date Certified Copies Delivered To Sheriff

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk Of Superior Court