



THE FEDERAL RESERVE BANK OF RICHMOND

RICHMOND ■ BALTIMORE ■ CHARLOTTE

Post Office Box 27622 · Richmond, VA 23261

Phone 804-697-8000 · [www.richmondfed.org](http://www.richmondfed.org)

September 19, 2008

**Via Certified Mail**

Milton Lowry Hagelberger

[REDACTED]  
Sarasota, Florida 34241

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Mr. Hagelberger:

The Federal Reserve Bank of Richmond has become aware that you were convicted upon a plea of guilty of grand theft in connection with your employment by RBC Centura Bank. 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: The Law Offices of Van Ness & Van Ness  
Attn: Elizabeth S. Sinphay, Attorney  
46 N. Washington Boulevard, Suite 9  
Sarasota, Florida 34236

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

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

Ron Foisia, Fraud Investigations Manager  
RBC Centura Bank c/o Fraud Support  
P.O. Box 12  
Rocky Mount, NC 27804

\_\_\_\_ Probation Violator  
\_\_\_\_ Community Control Violator  
\_\_\_\_ Retrial  
\_\_\_\_ Resentence

**FILED**  
**R. B. SHORE**  
**MAY 29 2008**

In the Circuit Court, Twelfth Judicial Circuit,  
in and for Manatee County, Florida  
Criminal Division  
Case Number 2008 CF 000439

State of Florida v.

MILTON LOWRY HAGELBERGER **CLERK OF CIRCUIT COURT**  
Defendant

**JUDGMENT**

The defendant, MILTON LOWRY HAGELBERGER, being personally before this court represented by BETSY SINPHAY, ATTORNEY the attorney of record, and the state represented by JAMIE SETH ROSENBERG, and having

\_\_\_\_ been tried and found guilty by court of the following crime(s)  
\_\_\_\_ entered a plea of guilty to the following crime(s)  
X entered a plea of nolo contendere to the following crime(s)

Count	Crime	Offense Statute Number(s)	Degree of Crime	OBTS Number
III	FRAUDULENT ILLEGAL USE CREDIT CARDS	817.61	3F	4103817448

\_\_\_\_ and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

X and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

X and having been convicted or found guilty of, or having entered a plea of nolo contendere or guilty, regardless of Adjudication, to attempts or offenses relating to sexual battery (ch. 794), lewd and lascivious conduct (ch. 800), or murder (s.782.04), aggravated battery (s.784.045), carjacking (s.812.133), or home invasion robbery (s.812.135), or any other offense specified in section 943.325, the defendant shall be required to submit blood specimens OR OTHER APPROVED BIOLOGICAL SPECIMENS.

DONE AND ORDERED in open court in Manatee County, Florida, on this 29TH DAY OF MAY, 2008.

CIRCUIT JUDGE DIANA MORELAND

Defendant MILTON LOWRY  
HAGELBERGER

Case Number 2008 CF 000439

OBTS Number 4103817448

SENTENCE

(As to Count III )

The defendant, being personally before this court, accompanied by the defendant's attorney of record, BETSY SINPHAY, ATTORNEY, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable.)

\_\_\_\_\_ and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date.  
(date)

\_\_\_\_\_ and the Court having previously entered a judgment in this case on \_\_\_\_\_ now resentsences the defendant.  
(date)

\_\_\_\_\_ and the Court having placed the defendant on probation and having subsequently revoked the defendant's probation.

\_\_\_\_\_ balance of monetary obligations to be reduced to judgment.

It Is The Sentence Of The Court that:

\_\_\_\_\_ The defendant pay a fine of \$ \_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ as the 5% surcharge required by section 960.25, Florida Statutes.

\_\_\_\_\_ The defendant is hereby committed to the custody of the Department of Corrections.

☒ The defendant is hereby committed to the custody of the Sheriff of \_\_\_\_\_ MANATEE \_\_\_\_\_ County, Florida.

\_\_\_\_\_ The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable):

\_\_\_\_\_ For a term of natural life.

☒ For a term of 180 DAYS

\_\_\_\_\_ Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

☒ Followed by a period of 4.5 YEARS on ☒ probation \_\_\_\_\_ community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

\_\_\_\_\_ However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

Defendant MILTON LOWRY HAGELBERGER

Case Number 2008 CF 000439

**SPECIAL PROVISIONS**

(As to Count III )

By appropriate notation, the following provisions apply to the sentence imposed:

Mandatory/Minimum Provisions:

**Firearm** \_\_\_\_\_ It is further ordered that the \_\_\_\_\_ imprisonment provisions of section 775.087 Florida Statutes, is hereby imposed for the sentence specified in this count.

**Drug Trafficking** \_\_\_\_\_ It is further ordered that the \_\_\_\_\_ mandatory minimum imprisonment provisions of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

**Controlled Substance Within 1,000 Feet of School** \_\_\_\_\_ It is further ordered that the 3-year minimum imprisonment provisions of section 893. 13(1)(e) 1, Florida Statutes, is hereby imposed for the sentence specified in this count.

**Habitual Felony Offender** \_\_\_\_\_ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

**Habitual Violent Felony Offender** \_\_\_\_\_ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

**Law Enforcement Protection Act** \_\_\_\_\_ It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with section 775.0823, Florida Statutes.

**Capital Offense** \_\_\_\_\_ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes.

**Short-Barreled Rifle, Shotgun, Machine Gun** \_\_\_\_\_ It is further ordered that the 5-year minimum provisions of section 790.221(s), Florida Statutes, are hereby imposed for the sentence specified in this count.

**Continuing Criminal Enterprise** \_\_\_\_\_ It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

**Taking a Law Enforcement Officer's Firearm** \_\_\_\_\_ It is further ordered that the 3-year mandatory minimum imprisonment provision of section 775.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

Other Provisions:

**Retention of Jurisdiction** \_\_\_\_\_ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

**Jail Credit** X It is further ordered that the defendant shall be allowed a total of ALL days as credit for time incarcerated before imposition of this sentence.

**Consecutive/Concurrent As To Other Counts** X It is further ordered that the sentence imposed for this count shall run (check one) \_\_\_\_\_ consecutive to X concurrent with the sentence set forth in count I of this case.

Defendant MILTON LOWRY HAGELBERGER

Case Number 2008 CF 000439

Consecutive/Concurrent  
As To Other Convictions

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run

(check one) \_\_\_\_\_ consecutive to \_\_\_\_\_ concurrent with the following:  
\_\_\_\_\_ any active sentence being served.  
\_\_\_\_\_ specific sentences:

In the event the above sentence is to the Department of Corrections, the Sheriff of Manatee County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends: \_\_\_\_\_

DONE AND ORDERED In open court at Manatee County, Florida, this 29TH DAY OF MAY, 2008.

Judge

DIANA MORELAND



STATE OF FLORIDA, COUNTY OF MANATEE  
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

☒ This copy has no redactions ☐ This copy may have been redacted pursuant to law

Witness my hand and official seal this 12 day of September, 20 08

R.B. "CHIPS" SHORE  
Clerk of Circuit Court

By \_\_\_\_\_ D.C.