

Federal Reserve Bank of Minneapolis



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Minneapolis, Minnesota 55480-0291

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DIANN G. TOWNSEND  
ASSISTANT VICE PRESIDENT

May 17, 2010

Mr. Patrick Dalzell

[REDACTED]  
Lemmon, SD 57638

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Mr. Dalzell:

The Federal Reserve Bank of Minneapolis has become aware that you entered a plea of guilty to two counts of forgery in violation of SDCL 22-39-36, in connection with your employment by Dacotah Bank, Lemmon, South Dakota. A copy of the Order Suspending Sentence issued by the Circuit Court for the Fourth Judicial Circuit, County of Perkins, State of South Dakota is attached. Because the Order Suspending Sentence constitutes an agreement to enter a pretrial diversion or similar program in connection with a prosecution for a criminal offense 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.

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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, you have been successful in an appeal, or for any other reason, please contact the undersigned in writing at this Reserve Bank.

Sincerely,

  
*for* Diann G. Townsend  
Assistant Vice President

Attachment  
cc (w/attachment):

Stephen Meyer  
Assistant General Counsel  
Board of Governors  
Legal Division – Mail Stop 13  
Washington, DC 20551

Special Activities Section  
Federal Deposit Insurance Corporation  
Division of Supervision  
550 17<sup>th</sup> Street NW  
Washington, DC 20429

Roger Novotny  
Director of the Division of Banking and Finance  
217 ½ West Missouri Avenue  
Pierre, SD 57501-4590

Matthew J. Kinney  
Attorney at Law  
121 West Hudson  
P.O. Box 729  
Spearfish, SD 57783

Judgment and Disposition Order, dated May 10, 2010 concerning *State of South Dakota v. Patrick Dalzell*, Crim. No. 09-28 in the Circuit Court for the Fourth Judicial Circuit, County of Perkins, South Dakota on file.