



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)

April 23, 2009

Thomas W. Mastin, III (Register number 34591-183)  
FCI Morgantown  
Federal Correctional Institution  
P.O. Box 1000  
Morgantown, WV 26507

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Mr. Mastin:

The Federal Reserve Bank of Richmond has become aware that you were convicted upon a plea of guilty of bank fraud in connection with your employment by Capital One Bank, Glenn Allen, Virginia. A copy of your Judgment in a Criminal Case 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

Mr. Mastin

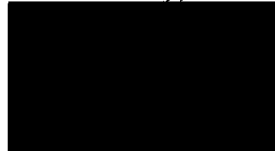
April 23, 2009

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: Robert James Wagner  
Office of the Federal Public Defender  
701 E Broad Street  
Suite 3600  
Richmond, VA 23219

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

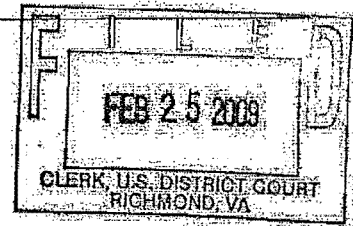
Director  
Department of Supervision  
National Credit Union Administration  
1775 Duke Street  
Alexandria, VA 22314

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

AO 245B (Rev. 2/03) (VAED rev. 2) Sheet 1: Judgment in a Criminal Case

UNITED STATES DISTRICT COURT  
Eastern District of Virginia  
Richmond Division



UNITED STATES OF AMERICA

v.

Case Number: 3:08cr00394-001

USM Number: 34591-183

THOMAS W. MASTIN, III  
Defendant.

Defendant's Attorney:  
ROBERT WAGNER, ESQ.

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Count(s) 1 of the Indictment.

The defendant is adjudicated guilty of these offenses:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Class</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. 1344	BANK FRAUD	Felony	7/2007	1

On motion of the United States, the Court has dismissed Count(s) 2 of the Indictment.

The defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

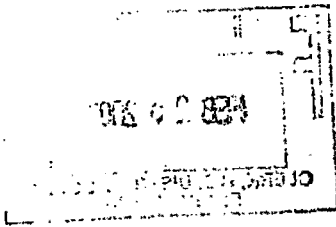
It is ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

02/25/2009

Date of Imposition of Judgment

/s/  
James R. Spencer  
Chief United States District Judge

02/25/2009



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James H. Spencer  
Chief United States District Judge

Case Number: 3:08cr00394-001  
Defendant's Name: THOMAS W. MASTIN, III

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: TWELVE (12) MONTHS AND ONE (1) DAY.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  
before 2 p.m. on 03/23/2009.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By

\_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

Case Number: 3:08cr00394-001  
Defendant's Name: THOMAS W. MASTIN, III

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of FIVE (5) YEARS.

The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

### **STANDARD CONDITIONS OF SUPERVISION**

The defendant shall comply with the standard conditions that have been adopted by this court set forth below:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or any narcotic or other controlled substance or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer for a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make notifications and to confirm the defendant's compliance with such notification requirement.

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Case Number: 3:08cr00394-001  
Defendant's Name: THOMAS W. MASTIN, III

### **SPECIAL CONDITIONS OF SUPERVISION**

While on supervised release, pursuant to this Judgment, the defendant shall also comply with the following additional special conditions:

- 1) The defendant shall not incur new credit card charges or open additional lines of credit without the approval of the probation officer.
- 2) The defendant shall provide the probation officer with access to requested financial information.
- 3) The defendant shall pay the balance owed on any court-ordered financial obligations in monthly installments of not less than \$300, starting 60 days after supervision begins until paid in full.
- 4) As directed by the probation officer, the defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
- 5) The defendant is prohibited from engaging in any aspect of the banking business, or any similar occupation where he/she would have access to money or access to the personal identifiers of others.



Case Number: 3:08cr00394-001  
 Defendant's Name: THOMAS W. MASTIN, III

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
1	\$100.00	\$0.00	\$90,370.87
<b>TOTALS:</b>	<b>\$100.00</b>	<b>\$0.00</b>	<b>\$90,370.87</b>

No fines have been imposed in this case.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below. If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. Section 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Count</u>	<u>Total Loss</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Capital One Services, Attention: Joan McMichael, 15030 Capital One Drive,	1		\$90,370.87	
<b>TOTALS:</b>		<b>\$0.00</b>	<b>\$90,370.87</b>	

Payments of Restitution are to be made payable to Clerk, U.S. District Court.

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Defendant's Name: THOMAS W. MASTIN, III  
Case Number: 3:08cr00394-001

### **SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

Payment to begin immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment (2) restitution principal (3) restitution interest (4) fine principal (5) fine interest (6) community restitution (7) penalties and (8) costs, including cost of prosecution and court costs.

Nothing in the court's order shall prohibit the collection of any judgment, fine, or special assessment by the United States.

The defendant shall forfeit the defendant's interest in the following property to the United States:  
PURSUANT TO THE CONSENT ORDER OF FORFEITURE ENTERED 2/25/09.