

FEDERAL RESERVE BANK  
OF CHICAGO

December 18, 2008

Mr. Shane A. Habben

Every, IA 51338-7577

Dear Mr. Habben:

Subject: Criminal Conviction – Prohibition from Banking Industry

The Federal Reserve Bank of Chicago has become aware that you were convicted of Theft (Iowa Code Sections 714.1 and 714.2(2)) and Forgery (Iowa Code Section 715A.2) in connection with your employment by State Bank, Spencer, IA. A copy of your judgment of conviction is enclosed. 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(d) 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 Deanna J. Wilner in writing at this Reserve Bank.

Sincerely,



Carl Tannenbaum  
Vice President

ac

Enclosure

c: Mr. Dennis Hart, esq.

Mr. John Sandy, esq.

Mr. Stephen H. Meyer, Board of Governors of the Federal Reserve System

Ms. Deanna J. Wilner, Federal Reserve Bank of Chicago

Mr. Anthony Lowe, Federal Deposit Insurance Corporation

Mr. Thomas Gronstal, Iowa Department of Commerce – Division of Banking

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## IN THE IOWA DISTRICT COURT FOR CLAY COUNTY

STATE OF IOWA,

Plaintiff,

vs.

SHANE A. HABBEN,

Defendant.

2008 DEC 18 PM 3:40

CRIMINAL NO. FECR013680

JUDGMENT AND SENTENCE

Counts I, II, and III

FAXED

Now, on this 15th day of December, 2008, this case comes before the Court for pronouncement of judgment and sentence. The State appears by Michael J. Houchins, Clay County Attorney, and the Defendant appears in person and by his attorneys, Dennis M. Hart and John L. Sandy.

## IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. It is the judgment of the Court that the Defendant stands convicted and is guilty of the crimes of:

- a) Count I - Theft in the 2nd Degree, in violation of Iowa Code Sections 714.1 and 714.2(2);
- b) Count II - Forgery, in violation of Iowa Code Section 715A.2; and
- c) Count III - Forgery, in violation of Iowa Code Section 715A.2.

2. The Court has reviewed all pertinent information herein, and has considered all of the sentencing options available under applicable law. The Defendant is sentenced under Iowa Code Section 901.5, 902.3, and 902.9, 907.3, as follows:

The Defendant shall be confined in the custody of the Director of the Iowa Department of Corrections for an indeterminate term not to exceed:

5 years for Count I. This sentence is suspended, and the Defendant is placed on probation for a period of three years to the Third Judicial District Department of Correctional Services.

5 years for Count II. This sentence is suspended, and the Defendant is placed on probation for a period of three years to the Third Judicial District Department of Correctional Services.

5 years for Count III. This sentence is suspended, and the Defendant is placed on probation for a period of three years to the Third Judicial District Department of Correctional Services.

These sentences shall run concurrently.

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The Defendant shall pay a fine in the amount of:

\$1,500.00 for Count I, plus a 32% surcharge, plus a Law Enforcement Initiative surcharge of \$125.00. The fine and surcharges are not suspended.

\$1,500.00 for Count II, plus a 32% surcharge, plus a Law Enforcement Initiative surcharge of \$125.00. The fine and surcharges are not suspended.

\$1,500.00 for Count III, plus a 32% surcharge, plus a Law Enforcement Initiative surcharge of \$125.00. The fine and surcharges are not suspended.

3. The reasons supporting the court's sentencing include:

- X The maximum opportunity for the rehabilitation of the defendant will be provided by a period of incarceration under the terms and conditions stated in this judgment.
- X Protection of the community from further offenses by the defendant and others will be adequately provided by a period of incarceration.
- X Defendant's age.
- X Defendant's prior record as to convictions and deferments.
- X Defendant's employment circumstances.
- X Defendant's family circumstances.
- X Nature of the offense committed.
- X No use of a dangerous weapon or force.
- X Contents of the presentence investigation.
- Plea Agreement.
- The recommendation of the County Attorney.
- Comments from the victims of the crime.

5. The Defendant shall be given credit upon any sentence of confinement imposed under this judgment for such days, if any, as the Defendant has been, or is in the future, confined to the county jail or other correctional or mental institution because of failure to furnish bail in this case. The clerk shall certify to the appropriate authority the number of days so served.

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6. Appeal bond is fixed at \$5,000.00 for each Count. The Defendant's bond in the District Court shall be discharged, and the sureties, if any, exonerated upon execution of the mittimus or the filing of an appeal bond, whichever occurs first, subject to the payment of the court costs and the fine, if any.

7. The court costs are taxed to the Defendant.

8. The Defendant shall secure and maintain such employment as is approved by his supervising agent, and he shall notify his supervising agent when unemployed or when he desires to change employment.

9. The Defendant shall pay a probation supervision fee to the Department of Corrections. The Department may waive the fee in its discretion if it finds the Defendant is indigent.

10. The Defendant shall comply with any other condition or conditions established by the Third Judicial District Department of Correctional Services.

11. The Defendant was advised of his right to appeal pursuant to the Iowa Rules of Criminal Procedure, his right to counsel for the appeal, and the furnishing of a transcript if unable to pay the appeal costs. The Defendant was also advised of the necessity to comply with the statutory requirements in filing a notice of appeal.

  
DONNE COURTNEY, Judge  
Third Judicial District of Iowa

NOTICE: A term of confinement in the custody of the Director of the Iowa Department of Corrections may be reduced by as much as one-half of the maximum sentence because of statutory good conduct time, work credits and program credits. A person confined in the custody of the Director of Iowa Department of Corrections may be eligible for parole before the person's sentence is discharged. The sentences shall be served as noted above.