

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

_____)	
In the Matter of)	
)	ORDER GRANTING PERMISSION
)	TO FILE APPLICATION AND
)	
ERICKA EUGENA TELLO,)	APPROVING APPLICATION FOR
)	CONSENT TO PARTICIPATE
)	IN THE AFFAIRS OF ANY
in the Application for)	INSURED DEPOSITORY
Waiver and Consent to)	INSTITUTION
Participate in the Conduct of)	
the Affairs of Any Insured)	FDIC-08-191L
Depository Institution)	
_____)	

The Federal Deposit Insurance Corporation ("FDIC"), has fully considered all the facts and information relating to the application filed pursuant to Section 19 of the Federal Deposit Insurance Act, 12 U.S.C. § 1829 ("Section 19"), by Ericka Eugena Tello ("Applicant") for consent to participate directly or indirectly in the conduct of the affairs of Bank of America ("Bank"). After considering the application, and the facts below, the application will be treated as a request for consent to participate directly or indirectly in the affairs of any insured depository institution and the FDIC has determined that Applicant's Section 19 application should be granted based upon the following:

- 1) When Applicant was 22 years old she was convicted of a worthless check charge pursuant to Fla. Stat. §

832.05(4)(a). This conviction occurred on March 11, 1998. Applicant claims that she was going through a separation from her common law husband at the time the worthless check charge occurred, and she was unaware of the notices about the check due to a change of address.

2) On March 30, 1998, Applicant was convicted of a second worthless check charge pursuant to Fla. Stat. § 832.05(4)(a); she was 23 at the time. This worthless check charge arose out of the event described in paragraph 1 above.

3) In Florida a worthless check charge involving a check of less than \$150 is a misdemeanor of the first degree punishable by up to one year in prison and a \$1000 fine. Applicant's adjudication was withheld on both charges, and she underwent probation for both checks. She paid the balance of both checks and was not issued a fine or a jail sentence.

4) Applicant was 22 and 23 at the time of her convictions and she is now 33 years old. She has not been convicted of any crime since these two bad check charges.

5) Applicant claims to have worked in the mortgage industry from 2004-2007 as a broker. She worked for the Bank on contract as a loan processor for

approximately one year. When she applied for a permanent position, it was discovered that she could not be hired due to the prior convictions, and she was terminated.

- 6) The FDIC has determined that the Applicant has provided sufficient proof of rehabilitation.
- 7) The FDIC believes that Applicant's participation, directly or indirectly in the conduct of the affairs of an insured depository institution would not constitute a threat to the safety and soundness of the institution or to the interests of its depositors, and such participation would not threaten or impair public confidence in the institution.
- 8) The FDIC has determined that the FDIC policy requirement that an insured depository institution file a Section 19 application on Applicant's behalf should be waived.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that Applicant, as an individual, shall be permitted to file the Section 19 application submitted without requiring that an insured depository institution file an application on Applicant's behalf; and

IT IS FURTHER ORDERED, that the Applicant's Section 19 application will be treated as a request for consent to participate directly or indirectly in the affairs of any depository institution and is hereby APPROVED, provided that prior to employment, Applicant disclose to any such insured depository institution the FDIC's approval of Applicant's Section 19 application by providing a copy of this ORDER GRANTING PERMISSION TO FILE APPLICATION AND APPROVING APPLICATION FOR CONSENT TO PARTICIPATE IN THE CONDUCT OF THE AFFAIRS OF ANY INSURED DEPOSITORY INSTITUTION; and

IT IS FURTHER ORDERED, that Applicant be covered by a fidelity bond to the same extent as others in similar positions at the subject insured depository institution; and

IT IS FURTHER ORDERED, that the permission and approval granted by this ORDER shall apply only to the offenses described in paragraphs 1 and 2 above.

Dated at Washington, D.C. this 14TH day of
January, 2009.

Serena L. Owens
Associate Director
Supervision and Applications Branch