

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

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In the Matter of	)	)	
NIKITA A. DASILVA, in the	)	)	ORDER GRANTING PERMISSION
Application for Consent to	)	)	TO FILE APPLICATION AND
Participate in the Conduct of	)	)	APPROVING APPLICATION FOR
the Affairs of Any Insured	)	)	CONSENT TO PARTICIPATE IN
Depository Institution	)	)	THE AFFAIRS OF ANY
	)	)	INSURED DEPOSITORY
	)	)	INSTITUTION
	)	)	
	)	)	FDIC-09-306L
	)	)	
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The Federal Deposit Insurance Corporation ("FDIC"), having 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 NIKITA A. DASILVA ("Applicant"), individually, for a waiver of the FDIC policy requirement that an insured depository institution file a section 19 application on his behalf, and for consent to participate directly or indirectly in the affairs of any insured depository institution, has determined that Applicant's request for a waiver should be granted and that Applicant's section 19 application to participate in the affairs of any insured depository institution, should be approved, based up the following:

(1) In 1997, Mr. Dasilva was 18 years old and was attending college in New York City. When Mr. Dasilva boarded the New York

Subway without paying the \$1.15 (or \$1.25) fare that he needed in order to ride to his home in Brooklyn after attending classes at New York University, he was arrested and taken to jail. Mr. Dasilva spent a few hours in jail before he was released.

(2) Mr. Dasilva was charged and convicted of a misdemeanor offense involving dishonesty. Mr. Desilva pled guilty to the crime of Theft of Services, New York State Penal Law § 165.15. According to the pertinent part of the New York City Penal Law, a person is guilty of Theft of Services when a person attempts to obtain public transportation service without payment of the charges. Theft of Services is a Class A Misdemeanor punishable by imprisonment not exceeding one year and/or a fine not exceeding \$1,000 or both.

(3) Mr. Dasilva was fined \$90 for the violation, but when he failed to pay the fine in a timely manner Mr. Dasilva was summoned to court where he was sentenced to "time served," meaning that the few hours he spent in jail at the time of his arrest was deemed by the court to be sufficient punishment for the crime committed.

(4) In the 12 years since the above-reference offense, Mr. Dasilva has moved to Texas and has taken steps toward completing his education. He is a member of the Phi Theta Kappa International Honor Society at Tarrant Community College and plans to continue his college education. Mr. Dasilva has received numerous accolades from his previous employers and

volunteers his time and money to community service organizations.

(5) Mr. Dasilva was employed as a bankruptcy specialist at a non-bank entity for over six years. Mr. Dasilva states that a job offer in 2008 was put on hold following notice of the above-referenced conviction. Although the entity considering Mr. Dasilva's employment was another non-bank subsidiary, the entity refused to recognize the non-applicability of Section 19 to the position for which Mr. Dasilva was applying and would not sponsor a waiver application on Mr. Dasilva's behalf.

(6) Mr. Dasilva has requested that the FDIC waive its policy requiring a sponsoring insured depository institution to submit a Section 19 application on his behalf and to enable Mr. Dasilva to pursue future employment with any insured depository institution.

(7) The FDIC notes that it has been over 12 years since the offense and that the Applicant has no more program entries or convictions of record that would be subject to Section 19 prohibitions.

(8) The FDIC has determined that Applicant has demonstrated satisfactory evidence of rehabilitation.

(9) The FDIC believes that Applicant's participation directly or indirectly, in the conduct of the affairs of any insured depository institution, in any position, does not appear to constitute a threat to the safety and soundness of any other insured depository institution, or to the interests of

depositors, and that such participation would not threaten to impair public confidence in any insured institution.

(10) The FDIC has determined that there is substantial good cause to waive the FDIC policy requirement that an insured depository institution file a Section 19 application on Applicant's behalf and that the Applicant be granted permission to file a Section 19 application on his own behalf.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of NIKITA A. DASILVA, as an individual, shall be permitted to file the Section 19 application submitted with respect to the above-referenced conviction; and

IT IS FURTHER ORDERED, that the Applicant's Section 19 application for consent to participate directly or indirectly in the conduct of the affairs of any insured depository institution is hereby APPROVED, provided that prior to serving in any position, Applicant disclose to any such insured depository the FDIC's approval of Applicant's Section 19 application by providing the insured depository institution with a copy of the ORDER GRANTING PERMISSION TO FILE APPLICATION AND APPROVING APPLICATION FOR CONSENT TO PARTICIPATE IN THE AFFAIRS OF ANY INSURED DEPOSITORY INSTITUTION and that Applicant be covered by a fidelity bond to the same extent as others in similar positions at the subject insured depository institution.

IT IS FURTHER ORDERED, that the permission and approval granted by the ORDER shall apply only to the offense described in paragraph (2), above.

Dated this 3<sup>rd</sup> day of November, 2009.

\_\_\_\_\_/s/\_\_\_\_\_  
Serena L. Owens  
Associate Director  
Division of Supervision and Consumer  
Protection