

FEDERAL DEPOSIT INSURANCE CORPORATION

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In the Matter of )  
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) ORDER GRANTING PERMISSION  
) TO FILE SECTION 19  
) APPLICATION AND  
) APPROVING APPLICATION FOR  
ROBERT EUGENE STEWART, II, ) CONSENT TO PARTICIPATE  
) IN THE AFFAIRS OF ANY  
) INSURED DEPOSITORY  
In the Application for ) INSTITUTION  
Waiver and Consent to )  
Participate in the Conduct ) FDIC-08-189L  
of the Affairs of any )  
Insured Depository Institution )  
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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 Robert Eugene Stewart, II ("Applicant") for permission to file an application and for consent to participate directly or indirectly in the conduct of the affairs of any insured depository institution, has determined that Applicant's Section 19 application should be granted based upon the following:

- 1) On December 8, 2005, when Applicant was 24 years old he pled nolo contendere to charges of obtaining property in return for a worthless check of less than \$150.00 pursuant to Fla. Stat. Ann. § 832.05(4)(a) (2005). He was sentenced to 2 days unsupervised probation, 2 days

in jail, and ordered to pay court costs of \$220.00.

The court entered a final holding of adjudication withheld.

- 2) Because the court placed the Applicant on probation and additionally sentenced him to jail time, the adjudication withheld here is most properly considered a pretrial diversion.
- 3) In Florida, a worthless check charge involving a check of less than \$150.00 is a misdemeanor of the first degree punishable by up to one year in prison and a \$1,000.00 fine. Payment of the funds is not grounds for dismissal.
- 4) Applicant was 24 at the time of his conviction and he is now 28 years old. He has not been convicted of any crime, or subject to any pretrial diversion, covered by Section 19 since the worthless check charge in 2005.
- 5) The FDIC has determined that the Applicant has demonstrated satisfactory evidence of rehabilitation.
- 6) 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 the institution or to the interests of

its depositors, and such participation would not threaten or impair public confidence in the institution.

- 7) 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 institution file an application on Applicant's behalf; 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 in any position is hereby APPROVED, provided that prior to serving, Applicant discloses to his employer 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 his employer; and

IT IS FURTHER ORDERED, that the permission and approval granted by this ORDER shall apply only to the offense described in paragraphs 1-3.

Dated at Washington, D.C. this 2<sup>nd</sup> day of June, 2010.

/s/  
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Serena L. Owens  
Associate Director  
Supervision and Applications  
Branch