



## **NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION**

The FDIC issues this Notice of Intention To Prohibit from Further Participation and Findings of Fact and Conclusions of Law (collectively, Notice of Charges) under 12 U.S.C. § 1818(e) and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308, subparts A and B. This proceeding will determine whether an order should be issued against Respondent under 12 U.S.C. § 1818(e), to prohibit Respondent from further participation in the conduct of the affairs of the Bank, and any other insured depository institution or organization listed in 12 U.S.C. § 1818(e)(7)(A) without the prior written approval of the FDIC and other appropriate Federal financial institutions regulatory agency.

## **NOTICE OF ASSESSMENT OF CIVIL MONEY PENALTY**

The FDIC further issues this Notice of Assessment of Civil Money Penalty, Findings of Fact and Conclusions of Law, and Order to Pay (collectively, Notice of Assessment) under 12 U.S.C. § 1818(i)(2), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308, subparts A and B. This proceeding assesses a \$35,000 civil money penalty against the Respondent under 12 U.S.C. § 1818(i)(2), unless the Respondent formally objects by timely requesting a hearing under 12 U.S.C. § 1818(i)(2)(H).

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The FDIC makes the following allegations against Respondent:

### **I. Jurisdiction**

1. From its establishment in September 1891 until December 6, 2019, the Bank (then known as SunTrust) was a corporation existing and doing business under the laws of the State of Georgia with its principal place of business in Atlanta, Georgia.

2. As of December 6, 2019, the Bank (now known as Truist Bank) is a corporation existing and doing business under the laws of the State of North Carolina with its principal place of business in Charlotte, North Carolina.

3. Until December 6, 2019, the Bank was an insured State member bank, subject to 12 U.S.C. §§ 1811-1831aa, 12 C.F.R. Chapter III, and the laws of the State of Georgia.

4. As of December 6, 2019, the Bank is an insured State nonmember bank, subject to 12 U.S.C. §§ 1811-1831aa, 12 C.F.R. Chapter III, and the laws of the State of North Carolina.

5. At all Relevant Times, Respondent was employed as a Personal Banker at the Bank.

6. At all Relevant Times, Respondent was an “institution-affiliated party” of the Bank under 12 U.S.C. § 1813(u), and for purposes of 12 U.S.C. §§ 1818(e)(7) and 1818(j).

7. The FDIC has jurisdiction over the Bank, Respondent, and the subject matter of this proceeding.

## **II. Respondent Abused His Position at Truist Bank to Repeatedly Steal from the Deposit Accounts of Elderly and Deceased Customers Leading to His Arrest and Criminal Conviction**

### **A. Respondent’s Criminal Conduct at Truist Bank**

8. At all Relevant Times, Respondent was employed as a Personal Banker at Truist Bank and was principally assigned to the branch located at 3577 Fruitville Road, Sarasota, Florida (the Branch).

9. As a Personal Banker at the Bank, Respondent owed a fiduciary duty to the Bank.

10. As a Personal Banker at the Bank, Respondent was required to comply with the Bank’s procedures and Code of Ethics, which require Bank employees, *inter alia*, to act in the

best interest of Bank customers.

11. During the Relevant Times, Respondent accessed the accounts of five Bank customers: EY (Customer No. 1); HE (Customer No. 2); VN (Customer No. 3); LP (Customer No. 4); and SG (Customer No. 5). Respondent ordered unauthorized debit and credit cards (Bank cards) for all five of these customers, which he caused to be mailed to himself at the Branch.

12. Respondent then fraudulently used the Bank cards to steal funds from the accounts of Customers No. 2-4 by making cash withdrawals at various Bank branch automated teller machines (ATMs). Respondent also repeatedly used the fraudulently-obtained Bank cards of Customers No. 1 and 2 to make fraudulent points of sale (POS) transactions.

13. In total, over the course of approximately one year, Respondent made 52 unauthorized cash withdrawals from the accounts of Customers No. 2-4 using the fraudulently-obtained Bank cards and 139 POS transactions using the fraudulently-obtained Bank cards of Customers 1 and 2.

14. During a subsequent investigation by the Bank, investigators discovered surveillance footage showing Respondent making fraudulent withdrawals from the accounts of Customers No. 2 and 3 at various Bank branch ATMs.

15. Customers No. 1 and 4 were deceased at the time Respondent made the fraudulent transactions on their accounts.

16. Customer No. 2 was alive when Respondent began stealing funds from his account, and Respondent continued to make fraudulent cash withdrawals from the customer's account after the customer died.

17. Customer No. 3 was 86 years old at the time of Respondent's theft. Respondent

stole cash from the account of this customer alone on 28 occasions.

18. Respondent's fraudulent conduct during the Relevant Times resulted in an aggregate theft of \$44,187.18, resulting in a gain in this amount to Respondent.

19. Following the Bank's discovery of Respondent's fraudulent conduct in or about June 2020, the Bank terminated Respondent and referred the matter to law enforcement.

20. The Bank subsequently reimbursed Customers No. 1-4 for their losses caused by Respondent's fraud, which resulted in a loss to the Bank of \$44,187.18.

21. On June 15, 2020, Respondent provided Bank investigators a signed confession, admitting that he fraudulently ordered a replacement credit card for Customer No. 1 and made unauthorized transactions for his personal gain.

22. On June 17, 2020, Respondent confessed during a telephone interview with Bank investigators to fraudulently converting the funds of "four or five" Bank customers in total.

23. At the time Respondent's fraudulent scheme was uncovered, the Bank discovered the death certificates for 13 clients on Respondent's desk, including Customers No. 2 and 4, indicating that Respondent intended to continue the scheme, defraud many more Bank customers, and cause additional losses to the Bank.

#### **B. Respondent's Criminal Conviction**

24. On May 18, 2022, the United States charged Respondent in the District Court for the Middle District of Florida by Criminal Information on the basis of Theft or Embezzlement by a Bank Employee in violation of 18 U.S.C. § 656, and Access Device Fraud, in violation of 18 U.S.C. § 1029(a)(2).

25. Responded pleaded guilty to the criminal charges, and on October 4, 2022,

Respondent was convicted and sentenced to a term of imprisonment of 12 months and one day and was ordered to make restitution. The Court also entered an Order of Forfeiture the same day, in the full amount of Respondent's theft, \$44,187.18.

### **III. Conclusions of Law**

26. Based on the misconduct described above, Respondent violated laws and regulations under 12 U.S.C. §§ 1818(e) and (i)(2).

27. Based on the misconduct described above, Respondent engaged in unsafe or unsound practices in connection with the Bank under 12 U.S.C. §§ 1818(e) and (i)(2).

28. Respondent's acts described above were breaches of Respondent's fiduciary duties as an officer of the Bank under 12 U.S.C. §§ 1818(e) and (i)(2).

29. Respondent's violations described above resulted in financial loss to the Bank under 12 U.S.C. §§ 1818(e) and (i)(2).

30. Respondent's violations described above resulted in Respondent's financial gain under 12 U.S.C. §§ 1818(e) and (i)(2).

31. Respondent's violations described above demonstrate Respondent's personal dishonesty under 12 U.S.C. § 1818(e).

32. Respondent's violations described above demonstrate Respondent's willful and continuing disregard for the safety and soundness of the Bank under 12 U.S.C. § 1818(e).

### **ORDER TO PAY**

Based on the above Findings of Fact and Conclusions of Law, the FDIC determined that Respondent's violations, practices, and breaches merit a civil money penalty. After taking into account the appropriateness of the penalty with respect to the following mitigating factors under

12 U.S.C. § 1818(i)(2)(G): size of the Respondent's financial resources and good faith, the gravity of the violations, the history of previous violations, and such other matters as justice may require, it is:

ORDERED that by reason of Respondent's violations, practices, and breaches listed above, a \$35,000 penalty is assessed against Elias Israel Roblero Rangel under 12 U.S.C. § 1818(i)(2); and it is

FURTHER ORDERED that the Order to Pay is stayed until 20 days after the date of service of this Notice of Assessment to allow Respondent time to object to the Order to Pay.

If Respondent wants to object to the Order to Pay, Respondent must formally request a hearing in writing within 20 calendar days after service of this Notice of Assessment, as explained at 12 U.S.C. § 1818(i)(2)(H). Respondent may object to the Order to Pay by requesting a hearing in a formal Answer, as specified in 12 C.F.R. § 308.19. **If Respondent fails to request a hearing to object to the Order to Pay within 20 calendar days from the date of service of this Notice of Assessment, the penalty assessed against Respondent will be final and unappealable under 12 U.S.C. § 1818(i)(E)(ii) and 12 C.F.R. § 308.19(c)(2), and must be paid within 60 calendar days after the date of service of this Notice of Assessment.**

#### NOTICE OF HEARING

Respondent must file an Answer to object to the Notice of Charges within 20 days from the date of service under 12 C.F.R. § 308.19. A formal hearing on the Notice of Charges will be held. The hearing will be held before an Administrative Law Judge (ALJ) assigned by Office of Financial Institution Adjudication (OFIA) under 5 U.S.C. § 3105. The hearing on the Notice of Charges will begin on a date set by the ALJ in Charlotte, North Carolina, or in another location

set by the ALJ. The hearing will be public and conducted in accordance with 12 U.S.C. §§ 1811-1831aa, the Administrative Procedure Act, 5 U.S.C. §§ 551-559, and 12 C.F.R. Part 308, subparts A and B.

An original and one copy of all papers filed in this proceeding must be served upon OFIA, 3501 N. Fairfax Drive, Suite VS-D8116, Arlington, VA 22226-3500, in the manner specified at 12 C.F.R. § 308.10. Also, copies of all papers filed in this proceeding must be served upon the following: FDIC Administrative Officer, 550 17th Street, N.W., Washington, D.C. 20429; Seth P. Rosebrock, Assistant General Counsel, Enforcement Section, Legal Division, FDIC, 1776 F Street, N.W., Washington, D. C. 20006; Frank C. Salamone, Senior Counsel, Enforcement Section, Legal Division, FDIC, 1776 F Street, N.W., Washington, D. C. 20006; and Sean P. Greene-Delgado, Counsel, Enforcement Section, Legal Division, FDIC, 1776 F Street, N.W., Washington, D. C. 20006. Respondent is encouraged to file any subsequent documents electronically with OFIA at [ofia@fdic.gov](mailto:ofia@fdic.gov).

**PRAYER FOR RELIEF**

The FDIC prays that an Order of Prohibition under 12 U.S.C. § 1818(e) and an Order to Pay, in the amount of \$35,000, and assessed under 12 U.S.C. § 1818(i)(2), be issued against Elias Israel Roblero Rangel.

Issued under delegated authority.

Dated: June 25, 2024.

/s/ \_\_\_\_\_  
Doreen R. Eberley  
Director  
Division of Risk Management Supervision