FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of ANTONIETA DE LA CRUZ, individually and an institution-affiliated party of INTERNATIONAL BANK OF COMMERCE LAREDO, TEXAS (INSURED STATE NONMEMBER BANK)	NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION FDIC-15-0006e

The Federal Deposit Insurance Corporation ("FDIC") has determined that ANTONIETA DE LA CRUZ ("Respondent"), individually, and as an institution-affiliated party of International Bank of Commerce, Laredo, Texas ("Bank"), violated laws and engaged or participated in unsafe or unsound practices; that the Bank suffered financial loss and Respondent received a benefit as a result of such violations and practices; and that such violations and practices demonstrated Respondent's personal dishonesty and willful or continuing disregard for the safety or soundness of the Bank.

The FDIC, therefore, institutes this proceeding for the purpose of determining whether an appropriate Order of Prohibition from Further Participation should be issued against Respondent pursuant to the provisions of 12 U.S.C. § 1818(e), prohibiting 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 consent of the

FDIC and such other appropriate Federal financial institutions regulatory agency, as that term is defined in 12 U.S.C. § 1818(e)(7)(D).

The FDIC hereby issues this NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION ("NOTICE TO PROHIBIT") pursuant to the provisions of 12 U.S.C. § 1818(e) and 12 C.F.R. Part 308, and alleges as follows:

I.
FINDINGS OF FACT

1. At all times pertinent to the charges herein, the Bank was a corporation existing and doing business under the laws of the State of Texas, having its principal place of business in Laredo, Texas.

2. At all times pertinent to the charges herein, the Bank has been an insured State nonmember bank, as defined in 12 U.S.C. § 1813(e), and, as such, is subject to the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1811 *et seq*., the Rules and Regulations of the FDIC, 12 C.F.R. Chapter III, and the laws of the State of Texas.

3. At all times pertinent to the charges herein, Respondent was an employee of the Bank.

4. At all times pertinent to the charges herein, Respondent worked for lending officers and prepared loan documents for Bank officer signatures.

5. At all times pertinent to the charges herein, Respondent was an "institution-affiliated party" of the Bank, as that term is defined in 12 U.S.C. § 1813(u).

6. The FDIC is the "appropriate Federal banking agency" with respect to the Bank within the meaning of 12 U.S.C. § 1813(q)(2).

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

8. From at least January of 2013 to July of 2014, Respondent misused her position at the Bank by executing unauthorized loans and advances.

9. Respondent falsified Bank records and forged loan documents in order to execute and conceal her misconduct.

10. Respondent diverted the proceeds of the unauthorized loans and advances for her own benefit.

11. The amount of loss suffered by the Bank as a result of Respondent's misconduct was at least $192,797.84.

12. On January 4, 2016, Respondent pled guilty to conspiracy to commit bank fraud, in violation of 18 U.S.C. §§ 1349 and 1344; bank fraud, in violation of 18 U.S.C. §§ 2 and 1344; and theft, embezzlement, or misapplication by a bank employee, in violation of 18 U.S.C. § 656.

13. On January 27, 2017, Respondent was sentenced to twenty-seven (27) months imprisonment and ordered to pay restitution to the Bank in the amount of $219,720.11.

II. CONCLUSIONS OF LAW

14. The above-described misconduct relating to Respondent's misappropriation of at least $192,797.84 constituted violations of law and unsafe or unsound practices.

15. By reason of Respondent's violations of law and unsafe or unsound practices, the Bank lost $192,797.84.

16. Respondent's violations of law and unsafe or unsound practices involved personal dishonesty on the part of Respondent.

17. Respondent's violations of law and unsafe or unsound practices demonstrated willful or continuing disregard by Respondent for the safety or soundness of the Bank.

18. The above-alleged acts and omissions justify the issuance of an Order of Prohibition from Further Participation against Respondent pursuant to the provisions of 12 U.S.C. 1818(e).

III.
NOTICE OF HEARING ON NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION

Notice is hereby given that a hearing shall commence at Laredo, Texas, sixty (60) days from the date of service of this NOTICE TO PROHIBIT upon Respondent, or at such place or on such date as the parties to this action and the Administrative Law Judge appointed to hear this matter may agree, for the purpose of taking evidence on the charges herein specified in order to determine whether a permanent order should be issued to prohibit Respondent from further participation in the conduct of the affairs of any insured depository institution or organization enumerated in 12 U.S.C. § 1818(e)(7)(A) without the prior permission of the FDIC and the appropriate Federal financial institutions regulatory agency, as that term is defined in 12 U.S.C. § 1818(e)(7)(D).

The hearing will be public, and in all respects conducted in accordance with the provisions of the Act, 12 U.S.C. § 1811 *et seq.*, the Administrative Procedure Act, 5 U.S.C. §§ 551-559; and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308. The hearing will be held before an Administrative Law Judge appointed by the Office of Financial Institution Adjudication ("OFIA") pursuant to 5 U.S.C. § 3105.

Respondent is hereby directed to file an answer to this NOTICE TO PROHIBIT within twenty (20) days from the date of service, as provided by 12 C.F.R. § 308.19. An original and one copy of all papers filed in this proceeding shall be served upon the Office of Financial Institution Adjudication, 3501 N. Fairfax Drive, Suite VS-D8116, Arlington, Virginia 22226-3500, pursuant to 12 C.F.R. § 308.10. Copies of all papers filed in this proceeding shall also be served upon the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., F-1058, Washington, D.C. 20429; A.T. Dill, III, Assistant General Counsel, Federal Deposit Insurance Corporation, 550 17th Street, N.W., MB 3020, Washington, D.C. 20429; and Stephen C. Zachary, Regional Counsel, Federal Deposit Insurance Corporation, 1601 Bryan Street, Dallas, Texas 75201. Pursuant to 12 C.F.R. § 308.10(b)(4), all documents required to be filed, excluding documents produced in response to a discovery request pursuant to 12 C.F.R. §§ 308.25 and 308.26, shall be filed electronically with OFIA. Respondent is hereby directed to file any answer electronically with OFIA at ofia@fdic.gov. Failure to answer within the 20-day time period shall constitute a waiver of the right to appear and contest the allegations contained in this NOTICE TO PROHIBIT and shall, upon the FDIC's motion, cause the

Administrative Law Judge or the FDIC to find the facts in this NOTICE TO PROHIBIT to be as alleged and to issue appropriate ORDERs.

Pursuant to delegated authority.

Dated at Washington, D.C. this 7th day of August, 2017.

/s/
Patricia A. Colohan
Associate Director
Division of Risk Management Supervision