FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of: **VICTORIA L. METZ,** individually and as an institution- affiliated party of COLONY BANK, FITZGERALD, GEORGIA (INSURED STATE NONMEMBER BANK)	NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION FDIC-13-185e

The Federal Deposit Insurance Corporation (FDIC) has determined that VICTORIA L. METZ (Respondent), as an institution-affiliated party of Colony Bank, Fitzgerald, Georgia (Bank), has directly or indirectly participated or engaged in unsafe or unsound banking practices and violations of law or regulations; that as a result of such conduct, the Bank has suffered loss or other damage, or Respondent has received financial or other benefit; and that such conduct demonstrated Respondent's personal dishonesty or her 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 should be issued against Respondent under the provisions of section 8(e) of the Federal Deposit Insurance Act (Act), 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 section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A), without the prior written approval of the FDIC and such other appropriate federal financial institutions regulatory agency, as that term is defined in section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D), and alleges as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Jurisdiction and Background

1. At all times pertinent to this proceeding, the Bank was a corporation existing and doing business under the laws of the State of Georgia, having its principal place of business in Fitzgerald, Georgia. The Bank was, at all times relevant to this proceeding, an insured State nonmember bank, subject to the Act, 12 U.S.C. §§ 1811-1831aa, the Rules and Regulations of the FDIC, 12 C.F.R. Chapter III, and the laws of the State of Georgia.

2. The Bank employed Respondent as a teller from May 26, 2011, until her termination on May 16, 2012.

3. At all times pertinent to this action, Respondent was an "institution-affiliated party" (IAP) of the Bank as that term is defined in section 3(u) of the Act, 12 U.S.C. § 1813(u), and for purposes of sections 8(e)(7), 8(i) and 8(j) of the Act, 12 U.S.C. §§ 1818(e)(7), 1818(i) and 1818(j).

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

B. A. and G. M. Check

5. On or about April 5, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 4562 in the amount $3,152, made payable to "A. and G. M.," in violation of Title 18, United States Code, Sections 641 and 642.

6. On or about April 5, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully possess and use, without lawful authority, means of identification of other persons, to wit, the names and signatures of "A. and G. M.," during and in relation to the felony offense of embezzlement of government property, in violation of Title 18, United States Code, Section 1028A.

7. On January 16, 2013, Respondent was found guilty of these felony offenses by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division. On April 25, 2013, Respondent was sentenced to four-years' imprisonment, followed by three-years' supervised release, and to make restitution to the Bank in the amount $79,361.

8. By and through her commission of these felony offenses, Respondent engaged in unsafe or unsound banking practices.

9. By reason of Respondent's violations of law and unsafe and unsound banking practices in connection with the "A. and G. M." Treasury check, the Bank has suffered a financial

loss in the amount $3,152, or an amount to be proven at hearing.

10. Respondent's violations of law and unsafe and unsound banking practices in connection with the "A. and G. M." Treasury check demonstrate the following: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

C. J. H. Check

11. On or about April 5, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 9495 in the amount $3,102, made payable to "J. H.," in violation of Title 18, United States Code, Sections 641 and 642.

12. On or about April 5, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully possess and use, without lawful authority, means of identification of other persons, to wit, the name and signature of "J. H.," during and in relation to the felony offense of embezzlement of government property, in violation of Title 18, United States Code, Section 1028A.

13. On January 16, 2013, Respondent was found guilty of these felony offenses by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

14. By and through her commission of these felony offenses, Respondent engaged in unsafe or unsound banking practices.

15. By reason of Respondent's violations of law and unsafe and unsound banking practices in connection with the "J. H." Treasury check, the Bank has suffered a financial loss in the amount $3,102, or an amount to be proven at hearing.

16. Respondent's violations of law and unsafe and unsound banking practices in connection with the "J. H." Treasury check demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

D. R. and D. B. Check

17. On or about April 9, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 9491 in the amount $2,100, made payable to "R. and D. B.," in violation of Title 18, United States Code, Sections 641 and 642.

18. On January 16, 2013, Respondent was found guilty of this felony offense by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

19. By and through her commission of this felony offense, Respondent engaged in unsafe

or unsound banking practices.

20. By reason of Respondent's violation of law and unsafe and unsound banking practices in connection with the "R. and D. B." Treasury check, the Bank has suffered a financial loss in the amount $2,100, or an amount to be proven at hearing.

21. Respondent's violation of law and unsafe and unsound banking practices in connection with the "R. and D. B." Treasury check, as described above, demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

E. K. M. Check

22. On or about April 9, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 9483 in the amount $2,305, made payable to "K. M.," in violation of Title 18, United States Code, Sections 641 and 642.

23. On January 16, 2013, Respondent was found guilty of this felony offense by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

24. By and through her commission of this felony offense, Respondent engaged in unsafe or unsound banking practices.

25. By reason of Respondent's violation of law and unsafe and unsound banking practices in connection with the "K. M." Treasury check, the Bank has suffered a financial loss in the amount $2,305, or an amount to be proven at hearing.

26. Respondent's violation of law and unsafe and unsound banking practices in connection with the "K. M." Treasury check, as described above, demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

F. T. H. Check

27. On or about April 13, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 2657 in the amount $1,857, made payable to "T. H.," in violation of Title 18, United States Code, Sections 641 and 642.

28. On January 16, 2013, Respondent was found guilty of this felony offense by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

29. By and through her commission of this felony offense, Respondent engaged in unsafe or unsound banking practices.

30. By reason of Respondent's violation of law and unsafe and unsound banking practices

in connection with the "T. H." Treasury check, the Bank has suffered a financial loss in the amount $1,857, or an amount to be proven at hearing.

31. Respondent's violation of law and unsafe and unsound banking practices in connection with the "T. H." Treasury check, as described above, demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

G. D. and L. H. Check

32. On or about April 13, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 7588 in the amount $3,788, made payable to "D. and L. H.," in violation of Title 18, United States Code, Sections 641 and 642.

33. On or about April 13, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully possess and use, without lawful authority, means of identification of other persons, to wit, the names and signatures of "D. and L. H.," during and in relation to the felony offense of embezzlement of government property, in violation of Title 18, United States Code, Section 1028A.

34. On January 16, 2013, Respondent was found guilty of these felony offenses by a jury

empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

35. By and through her commission of these felony offenses, Respondent engaged in unsafe or unsound banking practices.

36. By reason of Respondent's violations of law and unsafe and unsound banking practices in connection with the "D. and L. H." Treasury check, the Bank has suffered a financial loss in the amount $3,788, or an amount to be proven at hearing.

37. Respondent's violations of law and unsafe and unsound banking practices in connection with the "D. and L. H." Treasury check, as described above, demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

H. P. W. Check

38. On or about April 16, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 5590 in the amount $1,932, made payable to "P. W.," in violation of Title 18, United States Code, Sections 641 and 642.

39. On January 16, 2013, Respondent was found guilty of this felony offense by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

40. By and through her commission of this felony offense, Respondent engaged in unsafe or unsound banking practices.

41. By reason of Respondent's violation of law and unsafe and unsound banking practices in connection with the "P. W." Treasury check, the Bank has suffered a financial loss in the amount $1,932, or an amount to be proven at hearing.

42. Respondent's violation of law and unsafe and unsound banking practices in connection with the "P. W." Treasury check, as described above, demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

I. T. G. and M. M. Check

43. On or about April 19, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 8464 in the amount $5,622, made payable to "T. G. and M. M.," in violation of Title 18, United States Code, Sections 641 and 642.

44. On or about April 19, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully possess and use, without lawful authority, means of identification of other persons, to wit, the names and signatures of

"T. G. and M. M.," during and in relation to the felony offense of embezzlement of government property, in violation of Title 18, United States Code, Section 1028A.

45. On January 16, 2013, Respondent was found guilty of these felony offenses by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

46. By and through her commission of these felony offenses, Respondent engaged in unsafe or unsound banking practices.

47. By reason of Respondent's violations of law and unsafe and unsound banking practices in connection with the "T. G. and M. M." Treasury check, the Bank has suffered a financial loss in the amount $5,622, or an amount to be proven at hearing.

48. Respondent's violations of law and unsafe and unsound banking practices in connection with the "T. G. and M. M." Treasury check, as described above, demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

J. D. W. Check

49. On or about May 9, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than

the true owner, a United States Treasury check numbered 7687 in the amount $1,252, made payable to "D. W.," in violation of Title 18, United States Code, Sections 641 and 642.

50. On or about May 9, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully possess and use, without lawful authority, means of identification of other persons, to wit, the name and signature of "D. W.," during and in relation to the felony offense of embezzlement of government property, in violation of Title 18, United States Code, Section 1028A.

51. On January 16, 2013, Respondent was found guilty of these felony offenses by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

52. By and through her commission of these felony offenses, Respondent engaged in unsafe or unsound banking practices.

53. By reason of Respondent's violations of law and unsafe and unsound banking practices in connection with the "D. W." Treasury check, the Bank has suffered a financial loss in the amount $1,252, or an amount to be proven at hearing.

54. Respondent's violations of law and unsafe and unsound banking practices in connection with the "D. W." Treasury check, as described above, demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

K. J. C. Check

55. On or about May 9, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully embezzle, steal, purloin, and convert to her use and the use of another, a United States Treasury check, without authority to convey and dispose of any money and thing of value of the United States and any department thereof, to wit, Respondent caused to be negotiated for the benefit of a person other than the true owner, a United States Treasury check numbered 5731 in the amount $5,969, made payable to "J. C.," in violation of Title 18, United States Code, Sections 641 and 642.

56. On or about May 9, 2012, Respondent, acting in her capacity as a teller of the Bank, aided and abetted by others known and unknown, did knowingly and willfully possess and use, without lawful authority, means of identification of other persons, to wit, the name and signature of "J. C.," during and in relation to the felony offense of embezzlement of government property, in violation of Title 18, United States Code, Section 1028A.

57. On January 16, 2013, Respondent was found guilty of these felony offenses by a jury empaneled in the United States District Court for the Middle District of Georgia, Albany Division.

58. By and through her commission of these felony offenses, Respondent engaged in unsafe or unsound banking practices.

59. By reason of Respondent's violations of law and unsafe and unsound banking practices in connection with the "J. C." Treasury check, the Bank has suffered a financial loss in the amount $5,969, or an amount to be proven at hearing.

60. Respondent's violations of law and unsafe and unsound banking practices in

connection with the "J. C." Treasury check, as described above, demonstrate: personal dishonesty on the part of Respondent; her willful disregard for the safety or soundness of the Bank; or with numerous other transactions, as described throughout this Notice, her continuing disregard for the safety or soundness of the Bank.

L. Financial Gain

61. By reason of Respondent's violations of law and unsafe and unsound banking practices, described above, Respondent has received financial gain or other benefit, to wit, the use and benefit of approximately $15,000 of the total proceeds from the Treasury checks she cashed, as consideration for her participation in the scheme.

II. PRAYER FOR RELIEF UNDER 12 U.S.C § 1818(e)

Based on the charges and the acts, omissions, or practices described above, the FDIC requests an order prohibiting Respondent from participating, in any manner, in the conduct of the affairs of the Bank, or any other insured depository institution, organization or agency specified in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A), without the prior written consent of the FDIC or other appropriate Federal financial institutions regulatory agency, as defined in section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D).

III. NOTICE OF HEARING UNDER 12 U.S.C. § 1818(e)

Respondent is directed to file an answer to the NOTICE TO PROHIBIT within 20 days from the date of service, as provided by 12 C.F.R. § 308.19. Failure to answer within the twenty-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.

Only if Respondent requests a hearing with respect to the charges alleged in the NOTICE TO PROHIBIT, the hearing shall commence 60 days from the date of receipt of the NOTICE TO PROHIBIT in Atlanta, Georgia or at a time and place set by the Administrative Law Judge, or on such other date, time, or place as the parties to this proceeding and the Administrative Law Judge may agree. The purpose of the hearing will be for taking evidence on the charges, findings, and conclusions specified in the NOTICE TO PROHIBIT, 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. § § 1811-1831aa, the Administrative Procedure Act, 5 U.S.C. §§ 551-559, and the FDIC Rules, 12 C.F.R. Part 308. The hearing will be held before an Administrative Law Judge to be appointed by the Office of Financial Institution Adjudication under 5 U.S.C. § 3105.

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, VA 22226-3500. Copies of all papers filed in this proceeding shall be served upon the following: Robert E. Feldman, Executive Secretary Section, FDIC, 550 17th Street, N.W., (NYA-5070), Washington, D.C. 20429-9990; A.T. Dill, III, Assistant General Counsel, Legal Division, Enforcement Section, FDIC, 550 17th Street, N.W., (MB-3020), Washington, D. C. 20429-9990; and Andrea Fulton Toliver, Regional Counsel, FDIC, Atlanta Regional Office, Ten 10th Street, NE, Suite 800, Atlanta, GA 30309-3906.

Under delegated authority.

Dated at Washington, D.C., this 29th day of April, 2016.

/s/
Christopher J. Newbury
Associate Director
Division of Risk Management Supervision