

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

\_\_\_\_\_  
In the Matter of )

LISA J. OLIVO, )  
individually, and as an )  
institution-affiliated party of )

THE PROVIDENT BANK )  
JERSEY CITY, NEW JERSEY )

(Insured State Nonmember Bank) )  
\_\_\_\_\_ )

NOTICE OF INTENTION TO  
PROHIBIT FROM FURTHER  
PARTICIPATION  
AND NOTICE OF HEARING

FDIC-12-648e

The Federal Deposit Insurance Corporation ("FDIC") has determined that LISA J. OLIVO ("Respondent"), individually and as an institution-affiliated party of THE PROVIDENT BANK, JERSEY CITY, NEW JERSEY ("Bank"), has directly or indirectly participated or engaged in unsafe or unsound banking practices, and/or acts, omissions or practices which constitute a breach of her fiduciary duty as an employee of the Bank; that as a result of such conduct, the Bank has suffered financial loss or other damage and the Respondent has received financial gain or other benefit by reason of those practices and/or breaches of fiduciary duty; and that such practices and/or breaches of fiduciary duty demonstrate the Respondent's personal dishonesty and willful and continuing disregard for the safety and soundness of the Bank.

The FDIC, therefore, institutes this proceeding for the purpose of determining whether an appropriate order should be issued against the Respondent under the provisions of section 8(e) of the Federal Deposit Insurance Act ("Act"), 12 U.S.C. § 1818(e), prohibiting the Respondent from further participation in the conduct of the affairs of any 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).

The FDIC hereby issues this NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION AND NOTICE OF HEARING, pursuant to section 8(e) of the Act, 12 U.S.C. § 1818(e), and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308, and alleges as follows:

#### **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 New Jersey, having its principal place of business at Jersey City, New Jersey.
2. The Bank was, at all times pertinent 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 New Jersey.
3. From on or about October 22, 2007, and at all times pertinent to the charges herein, the Respondent was a teller at the branch of the Bank located in Bloomfield, New Jersey.
4. At all times pertinent to the charges herein, the Respondent was an "institution-affiliated party" 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) and 8(j) of the Act, 12 U.S.C. §§ 1818(e)(7) and 1818(j).
5. The FDIC has jurisdiction over the Bank, the Respondent, and the subject matter of this proceeding.

### FINDINGS OF FACT

6. From on or about October 15, 2008 through April 6, 2009, the Respondent removed 37 checks without authorization totaling \$58,391 from the deposits of one of the Bank's commercial customers.

7. In each of the 37 instances, the Respondent altered the Bank's commercial customer's total deposit amount by the amount of the check that she removed from the deposit.

8. The Respondent then cashed the 37 checks totaling \$58,391 without authorization by processing the checks through other Bank customers' batch deposits.

9. On April 12, 2012, the Respondent was charged by the Essex County Prosecutor's Office with Theft by Unlawful Taking or Disposition, in violation of Title 2C of the New Jersey Code of Criminal Justice, 2C:20-3(a).

10. On August 8, 2012, after an assessment by the probation department on behalf of the Superior Court of New Jersey, the Respondent was recommended to be accepted into a pre-trial intervention program in Essex County, New Jersey.

11. On September 21, 2012, the Respondent was accepted into a pre-trial intervention program in Essex County, New Jersey.

12. The Respondent, through her acceptance into a pre-trial intervention program in Essex County, New Jersey, agreed to a postponement of further prosecution by the Essex County Prosecutor's Office for three years, during which time the Respondent agreed to waive her right to a speedy trial on the charges.

13. The Respondent, through her acceptance into a pre-trial intervention program in

Essex County, New Jersey, agreed to make full restitution to the Bank in the amount of \$58,391.

14. The Respondent, through her acceptance into a pre-trial intervention program in Essex County, New Jersey, agreed to three years of pre-trial supervision.

15. The Respondent, through her acceptance into a pre-trial intervention program in Essex County, New Jersey, agreed to perform 50 hours of community service.

### **CONCLUSIONS OF LAW**

16. As a result of the Respondent's foregoing acts, omissions and/or practices, she engaged and/or participated in unsafe or unsound banking practices in connection with the Bank.

17. As a result of the Respondent's foregoing acts, omissions and/or practices, she breached her fiduciary duty as an employee of the Bank.

18. By reason of the practices and/or breaches alleged herein, the Bank sustained financial loss.

19. By reason of the practices and/or breaches alleged herein, the Respondent received financial gain.

20. The acts, omissions and/or practices of the Respondent alleged herein demonstrate personal dishonesty and a willful or continuing disregard for the safety and soundness of the Bank.

### **NOTICE OF HEARING**

21. Notice is hereby given that, if the Respondent requests a hearing with respect to the charges alleged in this NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION, the hearing shall commence sixty (60) days from the date of service of the

NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION at Clifton, New Jersey, or on such date and at such place as may be agreed upon by the parties to this proceeding and the Administrative Law Judge appointed to hear the matter.

22. The purpose of the hearing will be for the taking of evidence on the charges, findings, and conclusions specified in the NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION and to determine whether a permanent order should be issued to prohibit the Respondent from further participation in the conduct of the affairs of any 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 12 U.S.C. § 1818(e)(7)(D).

23. The hearing will be held before an Administrative Law Judge to be appointed by the Office of Financial Institution Adjudication pursuant to 5 U.S.C. § 3105. The hearing will be public, and in all respects will be conducted in compliance with the Act, 12 U.S.C. §§ 1811-1831aa, the Administrative Procedures Act, 5 U.S.C. §§ 551-559, and the FDIC Rules of Practice and Procedure, 12 C.F.R. Part 308.

24. The Respondent is directed to file an answer to this NOTICE OF INTENTION TO PROHIBIT FROM FURTHER PARTICIPATION within twenty (20) days from the date of service, as provided by section 308.19 of the FDIC Rules of Practice and Procedure, 12 C.F.R. § 308.19.

25. An original and one copy of the answer and all other documents to be filed or served in this proceeding must be filed in writing with the Office of Financial Institution

Adjudication, 3501 N. Fairfax Drive, Suite VS-D8116, Arlington, Virginia 22226-3500, pursuant to section 308.10 of the FDIC Rules of Practice and Procedure, 12 C.F.R. § 308.10. The Respondent is encouraged to also file any answer electronically with the Office of Financial Institution Adjudication at [ofia@fdic.gov](mailto:ofia@fdic.gov).

26. Copies of all papers filed or served in this proceeding shall be served upon the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429-9990; A.T. Dill, Assistant General Counsel, Enforcement Section, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429-9990; and Ashby Hilsman, Regional Counsel, New York Regional Office, Federal Deposit Insurance Corporation, 350 Fifth Avenue, New York, New York, 10118.

**PRAYER FOR RELIEF**

27. The FDIC prays for relief in the form of issuance of an ORDER OF PROHIBITION pursuant to 12 U.S.C. § 1818(e) against the Respondent.

Pursuant to delegated authority.

Dated at Washington, D.C., this 19<sup>th</sup> day of August, 2013.

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