

FEDERAL DEPOSIT INSURANCE CORPORATION

WASHINGTON, D.C.

In the Matter of	)	
	)	
TONY McELVEEN, SR., an institution-affiliated	)	
party of	)	ORDER OF PROHIBITION FROM
	)	FURTHER PARTICIPATION
Branch Banking and Trust Company,	)	
Winston-Salem, North Carolina, n.k.a. Truist	)	FDIC-19-0128e
Bank, Charlotte, North Carolina	)	
	)	
(Insured State Nonmember Bank)	)	
	)	
Respondent's NMLS UI# 1534361	)	
	)	

Tony McElveen, Sr. (Respondent) was advised of the right to receive a Notice of Intention to Prohibit from Further Participation (Notice) detailing Respondent's violations of law, unsafe or unsound banking practices, and breaches of fiduciary duties for which an Order of Prohibition from Further Participation (Prohibition Order) may be issued under 12 U.S.C. § 1818(e).

Respondent was further advised of the right to a hearing on the Notice under 12 U.S.C. § 1818(e) and 12 C.F.R. Part 308, subparts A & B. Respondent waived certain rights under those provisions on April 11, 2022, and consented to the issuance of the Prohibition Order by entering into a Stipulation and Consent to the Issuance of an Order of Prohibition from Further Participation (Consent Agreement) with a representative of the Federal Deposit Insurance Corporation's (FDIC) Legal Division.

The FDIC determined and Respondent neither admits nor denies the following:

1. Respondent, between July 24, 2017 and October 17, 2017, used his position as a Branch Banker with Branch Banking and Trust Company, now known as Truist Bank (Bank), to

establish a line of credit and obtain multiple credit cards in the name of an elderly Bank customer; made multiple draws on the line of credit, and multiple charges to the credit card accounts; and misappropriated funds from the customer's certificate of deposit, savings and checking accounts, all without the knowledge, authority or consent of the customer.

Furthermore, Respondent's misconduct resulted in personal gain to Respondent and loss to the Bank of at least \$87,800.

2. As described in paragraph 1, Respondent violated laws, engaged or participated in unsafe or unsound practices in connection with the Bank, and breached Respondent's fiduciary duties owed to the Bank.

3. Respondent's violations, practices and breaches caused the Bank to suffer financial loss, or other damage, and Respondent received financial gain or other benefit.

4. Respondent's violations, practices and breaches involved personal dishonesty and demonstrated Respondent's willful and/or continuing disregard for the safety or soundness of the Bank.

The FDIC accepts the Consent Agreement and issues the following:

#### **ORDER OF PROHIBITION FROM FURTHER PARTICIPATION**

5. Tony McElveen, Sr. is prohibited from:
- a. participating in any manner in the conduct of the affairs of any financial institution or organization listed in 12 U.S.C. § 1818(e)(7)(A);
  - b. soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any financial institution enumerated in 12 U.S.C. § 1818(e)(7)(A);

c. violating any voting agreement previously approved by the appropriate Federal banking agency; and

d. voting for a director or serving or acting as an institution-affiliated party.

6. The Prohibition Order is effective upon issuance and will remain effective and enforceable until the FDIC, and any “appropriate Federal financial institutions regulatory agency,” defined at 12 U.S.C. § 1818(e)(7)(D), decide in writing to modify, terminate, suspend, or set aside the Order under 12 U.S.C. § 1818(e)(7)(B).

7. The Prohibition Order is enforceable under 12 U.S.C. § 1818(i), and any violation of the Prohibition Order may result in additional penalties under 12 U.S.C. § 1818(j).

8. The Prohibition Order does not waive any right, power, or authority of the United States; federal, state, or local agencies; or the FDIC as Receiver.

Issued under delegated authority.

Dated: May 23, 2022

/s/\_\_\_\_\_  
Patricia Colohan  
Associate Director  
Division of Risk Management Supervision