

FEDERAL RESERVE BANK *of* CLEVELAND

Stephen H. Jenkins
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Supervision and Regulation Department

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March 5, 2009

Mr. Jacob Chudzinski
Register #43679-060
FCI Morgantown
Federal Correctional Institution
P.O. Box 1000
Morgantown, West Virginia 26507

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Mr. Chudzinski:

The Federal Reserve Bank of Cleveland has become aware that you were convicted upon a plea of guilty of Wire Fraud, 18 U.S.C. § 1343, in connection with your employment by Fifth Third Bank. A copy of your judgment of conviction is attached. Because you have been convicted of a crime involving dishonesty or breach of trust [or money laundering], you are automatically subject to the prohibitions set forth in Section 19 of the Federal Deposit Insurance Act, as amended (“Section 19”)(12 U.S.C. § 1829) for banking organizations and in Section 205 of the National Credit Union Act, as amended (“Section 205(d)”)(12 U.S.C. § 1785(d)) for insured credit unions.

Section 19 and Section 205(d) prohibit you from becoming or continuing as an institution-affiliated party with respect to any of the banking organizations or credit unions described below. This means that you may not, among other things, act as an employee, officer, director, or agent of these banking organizations or credit unions, nor may you otherwise participate, directly or indirectly, in the conduct of the affairs of any of these organizations. You are also prohibited from directly or indirectly owning or controlling any insured depository institution or holding company. These statutes do not prohibit you from being a normal, arms-length customer of a banking organization or credit union, such as having a loan, checking or savings account.

The prohibitions of Section 19 and Section 205(d) cover all insured depository institutions, including, but not limited to, any bank, savings association or credit union, and their holding companies, as well as Edge corporations and Agreement corporations. The Federal Deposit Insurance Corporation may grant written consent for you to engage in otherwise prohibited conduct with respect to insured depository institutions, and the Federal Reserve may grant written consent with respect to bank holding companies and Edge and Agreement corporations. The Office of Thrift Supervision may grant consent with respect to savings and loan association holding companies. The National Credit Union Administration Board may grant consent for insured credit unions. The automatic prohibition does not cover non-bank subsidiaries of bank holding companies or uninsured branches or agencies of foreign banks, unless the appropriate federal banking agency takes further action against you.

Mr. Jacob Chudzinsky

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Should you engage in prohibited conduct without obtaining the required consent from the appropriate agency, you could be subject to daily criminal fines of up to \$1,000,000 or up to five years' imprisonment.

This letter will be posted on the website of the Board of Governors of the Federal Reserve System. If you believe that the prohibitions of Section 19 and Section 205(d) do not apply to you, because, for example, your conviction has been reversed on appeal, or for any other reason, please contact Jason Tarnowski of the Supervision and Regulation Enforcement Division in writing at this Reserve Bank.

Sincerely,

A black rectangular redaction box covering the signature of Stephen H. Jenkins.

Stephen H. Jenkins
Senior Vice President

SHJ/cr

cc: Mr. Steve Meyer, Board of Governors of the Federal Reserve System
Ms. Gail Jensen, Board of Governors of the Federal Reserve System
Mr. A.T. Dill, Federal Deposit Insurance Corporation
Mr. Kenneth Koher, Ohio Division of Financial Institutions
Mr. Martin J. McManus, Attorney

United States District Court Northern District of Ohio

UNITED STATES OF AMERICA

v.

Jacob Chudzinski

JUDGMENT IN A CRIMINAL CASE

Case Number: **3:07cr317**

USM Number: **43679-060**

Martin J. McManus

Defendant's Attorney

RECORDED
10/31/07
11:11 AM

THE DEFENDANT:

- pleaded guilty to count(s): 1 of the information.
- pleaded nolo contendere to counts(s) ___ which was accepted by the court.
- was found guilty on count(s) ___ after a plea of not guilty.

The defendant is adjudicated guilty of these offense(s):

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|--------------------------|----------------------|--------------|
| 18 USC 1343 | Wire Fraud | 4/25/2005 | 1 |

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on counts(s) ___.
- Count(s) ___ (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and the United States Attorney of material changes in the defendant's economic circumstances.

10/26/07

Date of Imposition of Judgment



Signature of Judicial Officer

JACK ZOUHARY, United States District Judge

Name & Title of Judicial Officer

10/31/07

Date

AO 245B (Rev. 6/05) Sheet 2 - Imprisonment

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DEFENDANT: Jacob Chudzinski

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 33 months.

The defendant shall participate in the Bureau of Prison's Inmate Financial Responsibility Program. It is also recommended that the Bureau of Prisons perform an alcohol/drug assessment.

The court makes the following recommendations to the Bureau of Prisons:
That the defendant be placed in the following facility FCI Milan, MI (closest to family).

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.
 at ___ on ____.
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 before 2:00 p.m. on ____.
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

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DEFENDANT: *Jacob Chudzinski*

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

- The above drug testing condition is suspended, based on the court's determination that the defendant has no history of substance abuse and the offense is not drug related.
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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DEFENDANT: Jacob Chudzinski

SPECIAL CONDITIONS OF SUPERVISED RELEASE

- The defendant shall provide the probation officer access to all requested financial information.
- The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- Any balance of restitution which remains unpaid at the time of defendant's release from custody shall be paid during term of Supervised Release. Payments are to begin no later than 60 days from release from custody and shall be paid in equal monthly payments of at least 10% of defendant's gross monthly income.

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 DEFENDANT: Jacob Chudzinski

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

| | | | |
|---------|-------------------|-------------|--------------------|
| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
| Totals: | \$ 100.00 | \$ -0- | \$ 734,076.71 |

- The determination of restitution is deferred until __. An amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment unless specified otherwise in the priority order of percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u> | <u>*Total Loss</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|---|----------------------|----------------------------|-------------------------------|
| Lincoln National Life Ins. Co. c/o Howard Polk, II, Vice President Law Department - 7C00, 1300 South Clinton St. Fort Wayne, Indiana 46802 | \$545,799. | \$545,799. | |
| Fifth Third Bank c/o Kelly Doran 606 Madison Ave. Toledo, OH 43604 | \$188,277.71 | \$188,277.71 | |
| <u>TOTALS:</u> | <u>\$ 734,076.71</u> | <u>\$ 734,076.71</u> | |

- Restitution amount ordered pursuant to plea agreement \$_____
- The defendant must pay interest on restitution and a fine of more than \$2500, unless the restitution or fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - The interest requirement is waived for the fine restitution.
 - The interest requirement for the fine restitution is modified as follows:

* Based on a review of the defendant's financial condition as set forth in the Presentence Report, the Court finds that the defendant does not have the ability to pay a fine. The Court waives the fine in this case.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A Restitution in the amount of \$734,076.71 due and payable immediately. The defendant shall pay 25% of his Gross monthly income through the Federal Bureau of Prisons Inmate Financial Responsibility Program. If a Restitution balance remains upon release from imprisonment, payment is to commence as follows:
 - not later than or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C D, or F below); or
- C Payment in equal installments of \$ over a period of , to commence days after the date of this judgment; or
- D Payment in equal installments of \$ over a period of , to commence days after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within 60 days after release from imprisonment. Payments shall be at least 10% of defendant's gross monthly income during term of Supervised Release. Notwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon property of the defendant discovered before and after the date of this Judgment.
- F Special instructions regarding the payment of criminal monetary penalties:
 - A special assessment of \$100.00 is due in full immediately as to count 1. PAYMENT IS TO BE MADE PAYABLE AND SENT TO THE CLERK, U.S. DISTRICT COURT, 1716 Spielbusch Avenue, Room 114, Toledo, OH 43604.
 - After the defendant is release from imprisonment, and within 30 days of the commencement of the term of supervised release, the probation officer shall recommend a revised payment schedule to the Court to satisfy any unpaid balance of the restitution. The Court will enter an order establishing a schedule of payments.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several (Defendant name, Case Number, Total Amount, Joint and Several Amount and corresponding payee):
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment; (2) restitution principal; (3) restitution interest; (4) fine principal; (5) fine interest; (6) community restitution; (7) penalties; and (8) costs, including cost of prosecution and court costs.