



National Credit Union Administration
 UNITED STATES OF AMERICA
 NATIONAL CREDIT UNION ADMINISTRATION
 Alexandria, Virginia

_____)
 In the Matter of)
)
 KIM STREIBICH)
 _____)

Docket No.: 09-0003-R5

NOTICE OF PROHIBITION

WHEREAS on or about October 30, 2008, Kim Streibich ("Streibich") was convicted of Theft, Cal. Penal Code Title 13 § 484; Grand Theft, Cal. Penal Code Title 13 § 487(a); and Taking, damaging or destruction of property, Cal. Penal Code Title 2 § 12022.6(a)(1), in connection with her employment at Silverado Credit Union, in Mountain View, California;

WHEREAS Streibich was convicted of Theft, Cal. Penal Code Title 13 § 484; Grand Theft, Cal. Penal Code Title 13 § 487(a); and Taking, damaging or destruction of property, Cal. Penal Code Title 2 § 12022.6(a)(1), See "Sentencing Memorandum" filed October 30, 2008, Case No.: BB833231, attached hereto;

WHEREAS violations of Theft, Cal. Penal Code Title 13 § 484; Grand Theft, Cal. Penal Code Title 13 § 487(a); and Taking, damaging or destruction of property, Cal. Penal Code Title 2 § 12022.6(a)(1), are criminal offenses involving dishonesty and breach of trust;

NOW, THEREFORE, YOU ARE HEREBY NOTIFIED THAT:

1. Pursuant to 12 U.S. C. § 1785(d)(1)(A) and 12 U.S.C. § 1829(a)(1)(A), Streibich is prohibited from: becoming an "institution affiliated party" of any insured

depository institution, as defined in 12 U.S.C. § 1786(r); otherwise participating, directly or indirectly, in the conduct of the affairs of any insured depository institution; and owning or controlling, directly or indirectly, any insured depository institution;

2. Pursuant to 12 U.S. C. § 1785(d)(1)(B) and 12 U.S.C. § 1829(a)(1)(B), no insured depository institution may permit Streibich to engage in any conduct or continue in any relationship prohibited in paragraph 1 above;

3. Pursuant to 12 U.S.C. § 1785(d)(3) and 12 U.S.C. § 1829(b), whoever knowingly violates paragraph 1 or 2 above is subject to a fine of not more than \$1 million for each day such prohibition is violated, or imprisonment for not more than five (5) years, or both;

4. The "Sentencing Memorandum" filed October 30, 2008, Case No.: BB833231, is made a part hereof and is incorporated herein by reference; and

5. This Notice of Prohibition shall be effective and enforceable on the date of set forth below.

IT IS SO ORDERED this 24th day of February, 2009.

**NATIONAL CREDIT UNION
ADMINISTRATION BOARD**

By: Melinda Love
Melinda Love
Regional Director
NCUA Region V

SUPERIOR COURT
 270 GRANT AVENUE
 PALO ALTO, CA 94306
 PEOPLE VS. KIMMY LYNN STREIBICH
 L.K.A. 2423 SOUTH DR
 SANTA CLARA, CA 95051
 JUDGE HON. RISE J. PICHON
 REPORTER BARBEE MACHADO
 DEF. ATTY. WEESE, RICHARD
 CHARGES F(001)PC484/487(A)

CASE NO. BBB33231
 GEN 08022902
 DATE 10/30/2008 1:31 PM DEPT. 88
 10/20/1963 CAD1742983 CDY BK:Y
 CLERK J. MILLARD DY6619 F
 HEARING PROBATION AND SENTENCING
 AGENCY SC-04311-JB444-JOHNSTON
 STATUS 0-BB -100000/08-923 TW ?
 APO *Marsupules*
 VIOLATION DATE 03/27/2005

NEXT APPEARANCE

Defendant Present Not Present Arty Present Ar AD / PD / Legal Aide / Special App
 Arr'd Adv Arr Wav Amend Comp/Info Arr Plea IDC PTC Prob / Sent Interpreter Sworn
 PC977 Filed On File Repr. Adv / Wav Bail/ OR/ SORP Rect Dr Rpt FAR/ ERC Bail Apply Balance Exonerated
 NG Entered by CRT NGBRI / Adv PSet Prelim Readiness S / B MTC Bail Exonerated Forfeited Bond #
 Denies Priors/ Allegations/ Enhancements/Refusal Further Jury CT Peo / Def Wav Jury Reassumption Filed Forfeiture Set Aside Bail Rein
 TW TNW TW / WD TW Sentence Ref'd \$ _____ Costs Within 30 Days to Court
 Ref / Appt PD / AD / Legal Aide Conflict Decl APO / Prop 36 P36 Re-Assmt SORP / OR Revoked Reinstated May Post & Forfeit
 _____ Relieved _____ Appt'd Crim Proc Susp Rein BW Ordered \$ _____ Stayed To Issue
 Hrg on Motion Doubt Decl Pursuant PC 1368 No Cite Release/SCIT No Request Cash Only
 Granted Denied Submitted Off Cal Subm on Report Found BW Set Aside Recalled Filed
 Stip to Comm Drs. Appointed Max Term _____ Committed _____ Proof of _____
 Prelim Wav Certified to General Jurisdiction MDA / COM Amended to _____
 Amended to (M) VC12500(a) / VC23103(a) Pur VC23103.5 DA Stmt Filed Other: _____

PLEA Conditions: None No State Prison PC17 after 1 Yr Prob Includes VOP Add to Cal
 Jail / Prison Term of _____ Dismissal / Striking _____ Subm time of Sent Harvey Stip PC1202.1(110)

Adv Max Pen Parola/Prob Appeal Immig Reg PC290/HS11590/PC457.1/PC186.30 Future Serious Felony PC12021 (110) VC14607.8/PC666
 Wav Right to Counsel Court / Jury Trial Subpoena / Confront / Examine Witnesses Self-incrimination Written Waiver filed Plea / Absentia filed
 COP **GUILTY** **NOLO CONTENDERE** to charges & admits enhancements / allegations / priors PC17 Ar buckle Factual Basis found Findings stated
 Prop 36 Granted / Unamenable / Refused / Term DEJ Eligibility Filed DEJ Granted / Rein / Term Fee \$ _____ Guilty Plea Rendered
 Waives Referral Ref'd to APO Full Rpt **PROBATION DENIED** **FINES/FEES: PAY TO** Ref to DOR COURT TODAY
 Sentenced to _____ State Prison/County Jail Sent Suspended _____ **COUNT** \$ _____ + PA \$ _____ Purs HS11350d

PROBATION Execution Imposition of sentence suspended for probation period
 COURT **FORMAL PROBATION GRANTED** for 3 Days / Mos / Yrs
 Report to APO within 3 Days Terminated Upon Release
 Perform _____ Hrs Volunteer Work as directed PO / SAP / CAP in lieu of fine
 Not drive w/o valid DL & Ins Adv VC23600 HTO Delete FOP/MOP
 MOP FOP 12 hrs 3 mos 6 mos Enroll within _____ days
 DL Susp/ Restr'd/ Rvk'd for _____ To, from, during Work/AlcoPrg/Jail/Sch/App
 IID Not/Ordered/ Rmv'd Term _____ Yrs DSA thru APO / DOR / CRT Filed
 No contact with victim or family / co-defts unless appr by APO PC1202.05
 DVPO issued / mod / term'd Exp _____ Victim Present
 Not own/possess deadly weapons Destroy / Return Weapon
 Submit Search/Testing Educ/Voc Trng/Empl No alcohol / drugs or where sold
 Substance Abuse, DV, (Psych) Parenting, Anger Mgmt, Theft cns/ (prgm)
 PC296 (DNA) PC1202.1 HIV Test / Education
VOP: Wav Arr'd _____ Admits/Denies Viol Court Finds VOP / No VOP
 Original Terms & Conditions Except as Amended herein
 Co-terminous with _____ No Further Penalties / Reviews
 Restitution \$ _____ to _____
 To be determined by APO/Court Referred to VWAC Collect Civilly

P/INVEST \$ 450 Fine / Fees Deemed Satisfied Commuted
 CJAF \$ 12975 P/SUP \$ NTE 64 Mo Waived
 Jail / Prison Term of _____ See Attach'mt Pg for Add'l Orders, Charges, PC1385 Reasons
 County Jail

Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Styd / Strkn	HRS / DAYS / MOS
1	F	PC484/487(A)		PC1202.1(110)		9 mths

Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total
										9 mths

CTS = 2 ACT + 0 / PC4019 PC2933.1 = 3 TOTAL DAYS TOTAL TERM 9 mths
 Straight time In Camp WW PC1209 Fees Waived Court Rec. (All) Except EMP/PSP/WF/ERP/DRP/Co Parole/NP
 Sent Deemed Served Rpt to Local Parole Adv of _____ Yrs Parole/Appeal Rights Consec Conc to
 Bal CJ Susp All but _____ Hrs/Days/Mos On Cond Complete Residential Treatment Prgm Serve Consec MO/UW/TH/FR/SA/SU
 Pre-process 11-19-08 (AM/PM) Stay / Surrender / Transport to 2-9-09 @ 6 AM/PM or Sooner

REMANDED-BAIL \$ _____ NO BAIL COMMITTED RELEASED OR SORP DOC TO CONTACT JAC FOR ASSMT P36
 AS COND OF SORP BAIL INCREASED / REDUCED TO PRGM AS REC BY JAC-DOC TO TRANSPORT FOR BALANCE OF JAIL UPON AVAIL BED
 I will appear at all times and places as ordered by the Court, and have read and understood all conditions set forth on the reverse side.

1 RICHARD WEESE, SBN 195394
2 P.O. Box 71056
3 Sunnyvale, CA 94086
4 (510) 316-9944
5 (510) 439-2855 Facsimile
6 Attorney for Defendant

FILED

OCT 30 2008

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY: *[Signature]* DEPUTY

6 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 IN AND FOR SANTA CLARA COUNTY

8 PEOPLE OF THE STATE OF CALIFORNIA,)

Case No.: BB833231

9)
10 Plaintiff,

SENTENCING MEMORANDUM

11 vs.

12)
13 Kim Streibich,

10/30/08
1:30
D.88

14)
15 Defendant.

16 The following is submitted for consideration of sentencing in the above-referenced
17 matter. The comments contained herein are made by defense counsel on behalf of Ms. Streibich.

18 **STATEMENT OF FACTS**

19 Ms. Streibich plead no contest to a felony count of violating Penal Code section
20 484/487(a). She also admitted the allegation pursuant to Penal Code section 12022.6(a)(1).

21 **PROCEDURAL HISTORY**

22 Ms. Streibich entered a plea of no contest on August 8, 2008. She was referred to
23 Probation for a report and is currently on for sentencing.

24 **CRITERIA AFFECTING PROBATION**

25 Rule 4.414 contains criteria affecting the Court's decision to grant or deny probation.
26 The following comments are submitted for consideration in the determination of a grant of
27 probation in this matter:
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Facts Relating to the Crime

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(1) The nature, seriousness, and circumstances of the crime as compared to other instances of the same crime.

This factor favors a grant of probation. This case involves small amounts of money taken over a period of time. While the total amount is large, there is nothing about this case that makes this more serious than other embezzlement cases.

(2) Whether Ms. Streibich was armed with or used a weapon.

This factor favors a grant of probation. No weapon was used here.

(3) Whether Ms. Streibich inflicted physical injury.

This factor again favors a grant of probation. There were no physical injuries inflicted here. There were no threats of physical injury in this matter.

(4) Whether the crime was committed due to unusual circumstances which are unlikely to recur.

This factor favors a grant of probation. Ms. Streibich provided Probation with a statement detailing the circumstances surrounding the events that led to these criminal charges.

Ms. Streibich does not wish to excuse her behavior, nor does she want the Court to accept that what she did was okay. She does however, wish to explain why she made the bad choice she did. Financial difficulties and responsibilities overwhelmed Ms. Streibich and she wants and needs professional assistance to overcome this.

She has lived a life free from arrest until now. Ms. Streibich was forthcoming and honest in her disclosures to Probation regarding her need for assistance and her acceptance of full responsibility for her actions. She realizes it is a problem and is more than willing to address it.

(5) Whether the manner in which the crime was carried out demonstrates criminal sophistication or professionalism on the part of Ms. Streibich.

This factor favors a grant of probation. There was no planning, nothing sophisticated or professional involved here. To the contrary, everything here indicates impaired judgment. She felt overwhelmed and made the wrong decision. Again, this is not meant to excuse the behavior

1 but rather to explain how this could have occurred.

2 Kim was the sole employee of the branch and took small amounts of money over a period
3 of time. There was no plan, no criminal sophistication present here.

4 **Factors Relating to the Defendant**

5 (1) Prior record of criminal conduct.

6 This factor favors a grant of probation. Ms. Streibich has no record of criminal conduct.

7 (2) Prior performance on probation or parole.

8 This factor favors a grant of probation. Ms. Streibich has never been placed on probation
9 or parole.

10 (3) Willingness to comply with the terms of probation.

11 This factor favors a grant of probation. Ms. Streibich is willing to comply with any and
12 all terms of probation. In fact, she intends to use her time on probation to attempt to rebuild her
13 reputation, restore trust, and prove her character to everyone affected by this terrible mistake.

14 (4) Ability to comply with the terms of probation.

15 This factor favors a grant of probation. Ms. Streibich has the ability to comply with any
16 and all terms imposed on her.

17 (5) The likely effect of imprisonment on Ms. Streibich and her family.

18 This factor favors a grant of probation. She and her family would be devastated by her
19 incarceration. Should the Court deem it necessary to impose a jail sentence, Ms. Streibich is
20 asking that she be considered for alternative sentencing.

21 Further, as Ms. Streibich has never been incarcerated before the effect of imprisonment
22 would be substantial.

23 (6) The likely adverse effect a felony conviction would have on future employment.

24 This factor favors a grant of probation. Ms. Streibich will suffer the consequences and
25 adverse effects of suffering a felony conviction. Allowing her the opportunity to prove herself on
26 probation will lessen this effect.

27 (7) Whether Ms. Streibich is remorseful.

28 This factor favors a grant of probation. Ms. Streibich has expressed how strongly she

1 feels about her actions. She accepts complete responsibility for her behavior. As is indicated in
2 the probation report, Ms. Streibich accepts responsibility for her actions.

3 Furthermore, Ms. Streibich accepted responsibility to the victim prior to her arrest, prior
4 to charges being filed, and prior to any benefit to her. She did so to express how badly she feels
5 for this incident.

6 (8) The likelihood that Ms. Streibich will be a danger to others if not imprisoned.

7 This factor favors a grant of probation. Nothing in her background indicates that Ms.
8 Streibich poses a danger to anyone. She has nothing in her history to indicate anything more than
9 that this was a terrible mistake.

10 **Conclusion**

11 The above factors warrant a grant of probation for Ms. Streibich.

12 **CIRCUMSTANCES IN AGGRAVATION**

13 Rule of Court 4.421 includes circumstances in aggravation for consideration in
14 sentencing. The following comments are submitted for consideration in the determination of the
15 sentence to be imposed:

16 **Factors Relating to the Crime**

17 (1) The crime involved great violence. The crime involved great bodily harm. The crime
18 involved threat of great bodily harm. The crime involved cruelty, viciousness, or callousness.

19 No such factors exist here.

20 (2) The defendant was armed with or used a weapon.

21 No weapon was used here.

22 (3) The victim was particularly vulnerable.

23 The company is not a vulnerable victim.

24 (4) The defendant induced others to participate in a crime.

25 No such factor exists here.

26 (5) The defendant induced a minor to commit a crime.

27 No such factor exists here.

1 (6) The defendant threatened witnesses. The defendant prevented or dissuaded witnesses
2 from testifying. The defendant suborned perjury. The defendant interfered in the judicial
3 process.

4 None of these factors exist here.

5 (7) The defendant was convicted of other crimes that could affect sentencing.

6 No such factor exists here.

7 (8) The manner in which the crime was carried out demonstrates planning, sophistication,
8 or professionalism.

9 No such factor exists here. To the contrary, this crime was discovered easily once an
10 audit was done. It would have been discovered sooner but for Ms. Streibich being the only
11 employee at that location.

12 (9) The crime involved taking of great monetary value.

13 The total taken was large but small amounts were taken over a period of time.

14 (10) The crime involved a large quantity of contraband.

15 No such factor exists here.

16 **Factors Relating to the Defendant**

17 (1) The defendant has engaged in violent conduct indicating a serious danger to others.

18 No such factor exists here. There was no violence involved here.

19 (2) The defendant's prior convictions are numerous or of increasing seriousness.

20 Ms. Streibich has no prior conviction, therefore this factor does not exist.

21 (3) The defendant has served a prior prison sentence.

22 No such factor exists here.

23 (4) The defendant was on probation or parole when the crime was committed.

24 Ms. Streibich has never been placed on probation or parole prior to this offense.

25 **Conclusion**

26 These factors favor a lenient sentence in the present case.

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1 **CIRCUMSTANCES IN MITIGATION**

2 Rule of Court 4.423 specifies circumstances in mitigation. The following comments are
3 submitted for consideration of sentencing in this matter:

4 **Factors Relating to the Crime**

5 (1) The crime was committed due to unusual circumstances, partially excusable but not
6 amounting to a defense.

7 Ms. Streibich provided a statement to probation accepting full responsibility for her
8 actions. However, she does wish to explain to the Court what the circumstances were that led to
9 her poor decision.

10 Ms. Streibich's feeling of overwhelming financial pressure altered her judgment and left
11 her feeling she had no other choice. She wants professional help to overcome this issue and
12 return to her family as the woman she truly is.

13 (2) Ms. Streibich did not physically harm anyone during the commission of this offense.

14 (3) The defendant was motivated by a desire to provide for her family.

15 While misguided, Kim's intent was to provide financial support for her family. She felt
16 at the time that she had no other means of doing so. No luxury items were bought and the money
17 was used to pay bills and provide necessities for her and her family.

18 **Factors Relating to Ms. Streibich**

19 (1) Ms. Streibich has a no prior criminal record.

20 (2) Ms. Streibich acknowledged wrongdoing at an early stage.

21 Ms. Streibich admitted her actions to the police. She acknowledged her actions to the
22 victim prior to her arrest. She entered a plea to the offense prior to Preliminary Hearing. She
23 fully accepts responsibility for her actions.

24 **Conclusion**

25 The circumstances in mitigation favor a lenient sentence in this matter.
26 that the appropriate treatment is for alcohol abuse.

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1 **ALTERNATIVE SENTENCING**

2 Ms. Streibich has never been arrested before, has no prior criminal history, and has never
3 been in jail.

4 She accepted responsibility for her actions right away, prior to any benefit to her.

5 There is a large amount of restitution owed in this matter and Kim would like to repay all
6 that she owes.

7 She is asking the Court to consider her a candidate for alternative sentencing.

8 **Conclusion**

9 Please consider the above factors in imposing a lenient sentence and allow the defendant
10 to serve that sentence on electronic monitoring.

11 Dated: October 29, 2008

12 *Richard Weese*
13 RICHARD WEESE
14 Attorney for Defendant
15 Kim Streibich
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