

STATE OF FLORIDA  
OFFICE OF FINANCIAL REGULATION  
DIVISION OF FINANCIAL INSTITUTIONS

1/26/05  
JRK

IN RE:

CINDY DIANA HASTIE,

Administrative Proceeding No. 0184-B-1/05

\_\_\_\_\_ /

EMERGENCY ORDER OF SUSPENSION AND PROHIBITION  
WITH NOTICE OF RIGHTS

The State of Florida, Office of Financial Regulation (hereinafter "Office"), gives notice that it, having determined that Cindy Diana Hastie (hereinafter "Hastie"), a financial institution-affiliated party, has been charged with a felony violation involving fraud, embezzlement, theft, or moral turpitude, files this Emergency Order of Suspension and Prohibition with Notice of Rights (hereinafter "Emergency Order"), pursuant to the provisions of sections 655.012 and 655.037(6)(b), Florida Statutes (2004), against Hastie, immediately suspending Hastie from serving as a financial institution-affiliated party of State Employees Credit Union and any other state financial institution, subsidiary, or service corporation, and immediately prohibiting Hastie from participation in any manner in the affairs of State Employees Credit Union and any other state financial institution, subsidiary, or service corporation.

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. State Employees Credit Union is a Florida state chartered credit union, charter number 39, with its principal place of business at 401 West First Street, Jacksonville, Florida 32202, and thus a financial institution, as that term is defined in Section 655.005(1)(p), Florida Statutes.
2. During the period from approximately December 16, 1997, through August 31,

2004, and at all times material hereto, Hastie was an officer, agent, or employee for the State Employees Credit Union. Thus, Hastie was a financial institution-affiliated party, as that term is defined in section 655.005(1)(i), Florida Statutes.

3. On November 17, 2004, a Grand Jury indictment was filed in the United States

d States

v. Cindy

Hastie with

one felony count violation of Title 18, United States Code, Section 657 (18 U.S.C. § 657), alleging that Hastie “did willfully embezzle, abstract, purloin and misapply moneys, funds, credits, securities and other things of value” from State Employees Credit Union in the amount of approximately \$201,813.69. See attached Exhibit 1 which is hereby incorporated by reference as if set forth in its entirety.

4. Violation of 18 U.S.C. § 657, for amounts or values exceeding \$1000, is a felony punishable by a fine of up to \$1,000,000, imprisonment for up to 30 years, or both.

5. Violations of 18 U.S.C. § 657 involves fraud, theft, or moral turpitude.

6. The Office is responsible for the enforcement of the laws governing financial institutions authorized or chartered by the State of Florida, and financial institution-affiliated persons associated with such institutions, including but not limited to officers, employees, and agents, as well as former officers, employees, and agents. §§ 655.001, 655.005(1)(i) and (j), 655.012, 655.037(1), (6)(b), and (8), Fla. Stat.

7. Hastie’s resignation, termination of employment or participation, or separation from State Employees Credit Union on or about August 31, 2004, does not affect the jurisdiction and authority of the Office to issue any notice and proceed against Hastie under section 655.037, Florida Statutes. Section 655.037(8) states:

The resignation, termination of employment or participation, or separation from a state financial institution, subsidiary, or service corporation of the financial institution-affiliated party does not affect the jurisdiction and authority of the office to issue any notice and proceed under this section against such financial institution-affiliated party, if such notice is served before the end of the 6-year period beginning on the date such person ceases to be such a financial institution-affiliated party with respect to such state financial institution, subsidiary, or service corporation.

8. Section 655.037(6)(b), Florida Statutes, states, in pertinent part:

Whenever any financial institution-affiliated party is charged with a felony in a state or federal court, or in the courts of any foreign country with which the United States maintains diplomatic relations, and such charge alleges violation of any law involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude and the charge under such foreign law is equivalent to a felony charge under state or federal law, the office may enter an emergency order suspending such financial institution-affiliated party or restricting or prohibiting participation by such financial institution-affiliated party in the affairs of that particular state financial institution, subsidiary, or service corporation or any other financial institution, subsidiary, or service corporation, upon service of the order upon the state financial institution, subsidiary, or service corporation and the financial institution-affiliated party so charged.

9. Although it is unnecessary to find or demonstrate that the reasons for concluding that the procedures employed herein are fair under the circumstances, since this action is in the context of an emergency suspension and prohibition pursuant to the provisions of sections 655.031 and 655.037(6)(b), Florida Statutes, the Office nevertheless finds that the procedures used are fair, since the Office has merely used the procedures contained within the provisions of sections 655.031 and 655.037(6)(b), Florida Statutes.

10. The Office concludes, pursuant to section 655.0321, Florida Statutes, that this Emergency Order shall be a public document, and should Hastie request a post-suspension hearing or appeal this Emergency Order, said hearings and proceedings shall be conducted as public proceedings, and that all documents related to such hearing be public documents unless

subject to a protective order or made confidential pursuant to federal or Florida law.

AGENCY ACTION

11. Based on the foregoing Statement of Facts and Conclusions of Law, it is ORDERED that:

a. Hastie is hereby IMMEDIATELY suspended from any and all positions she holds at any state financial institution, subsidiary, or service corporation.

b. Hastie is hereby IMMEDIATELY suspended from serving in the capacity of a financial institution-affiliated party, as the term is defined in section 655.005(1)(i), Florida Statutes, for any state financial institution, subsidiary, or service corporation.

c. Hastie is hereby IMMEDIATELY prohibited from serving in the capacity of a financial institution-affiliated party, as the term is defined in section 655.005(1)(i), Florida Statutes, for any state financial institution, subsidiary, or service corporation.

d. Hastie is hereby IMMEDIATELY prohibited from participation in any manner in the affairs of any state financial institution, subsidiary, service corporation, or affiliate. This prohibition includes, but is not limited to, matters of corporate governance and the following prohibitions regarding stock ownership, transfer, and voting:

(1) Hastie shall not vote any stock she owns or controls in any state financial institution, subsidiary, service corporation, or affiliate, without the prior written permission of the Office.

(2) Hastie shall not solicit, procure, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any state financial institution, subsidiary, service corporation, or affiliate.

(3) Hastie shall not solicit or procure any additional stock in any other state financial institution, subsidiary, service corporation, or affiliate.

(4) Hastie shall not transfer or attempt to transfer: a) any stock she owns or controls in any state financial institution, subsidiary, service corporation, or affiliate, without the prior written permission of the Office; or b) any proxy, consent, or authorization with respect to any voting rights in any state financial institution, subsidiary, service corporation, or affiliate, without the prior written permission of the Office.

e. Hastie is hereby IMMEDIATELY suspended from serving as a consultant or independent contractor for any state financial institution, subsidiary, service corporation, or affiliate.

f. Hastie is hereby IMMEDIATELY prohibited from serving as a consultant or independent contractor, or other similar position, for any state financial institution, subsidiary, service corporation, or affiliate, unless, prior to accepting appointment with, and prior to providing any services to, any state financial institution, subsidiary, or service corporation as a consultant or independent contractor, or other similar position:

(1) Hastie provides a copy of this Emergency Order to the chief executive officer of the state financial institution, subsidiary, service corporation, or affiliate, with which Hastie seeks to serve as a consultant or independent contractor, or other similar position; and

(2) Hastie, and the chief executive officer and the chairman of the board of directors of the state financial institution, subsidiary, service corporation, or affiliate, with which Hastie seeks to serve as a consultant or independent contractor, or other similar position, provides written notification to the Office describing in detail the duties and responsibilities of the services Hastie desires to provide to the state financial institution, subsidiary, service corporation, or affiliate; and

(3) the Office, in its sole discretion, authorizes Hastie to accept appointment with the

state financial institution, subsidiary, service corporation, or affiliate, as a consultant or independent contractor, or other similar position.

g. The Office will only rescind or otherwise modify this Emergency Order upon the issuance of an Office Order finding that Hastie has demonstrated through a post-suspension hearing that her service to or participation in the affairs of any state financial institution, subsidiary, or service corporation does not pose a threat to the interests of the state financial institution's depositors, members, or stockholders, or threaten to impair public confidence in the state financial institution.

h. This Emergency Order will remain in effect, unless otherwise rescinded or modified by Office Order, until the criminal charges are disposed of.

i. This Emergency Order shall become final if Hastie is convicted or pleads guilty or nolo contendere to any felony involving fraud, currency transaction reporting, money laundering, theft, or moral turpitude, whether or not an adjudication of guilt is entered by the Court.

j. This Emergency Order will dissolve in the event of an acquittal, or the final, unappealed dismissal of all charges against such person. However, such dissolution does not prohibit the Office from instituting proceedings under section 655.037(1), Florida Statutes.

DONE AND ORDERED in Tallahassee, Florida, this 20<sup>th</sup> day of January, 2005.

  
Don B. Saxon, Commissioner  
Office of Financial Regulation

NOTICE OF RIGHTS

NOTICE IS HEREBY provided that the foregoing Emergency Order is entered pursuant

to section 655.037(6)(b), Florida Statutes, and is accordingly effective immediately. Hastie is entitled to seek judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure, and are commenced by filing the original notice of appeal with the Clerk of the Office of Financial Regulation, Legal Services Office, The Fletcher Building, Suite 526, 200 East Gaines Street, Tallahassee, Florida 32399-0379, and a copy of the notice of appeal, accompanied by the filing fees prescribed by law, with the First District Court of Appeal, 301 Martin Luther King, Jr. Blvd., Tallahassee, Florida 32399, or the District Court of Appeal in the appellate district where the party resides, or as otherwise provided by law. The notice of appeal must be filed within thirty (30) days of rendition of the Emergency Order.

Hastie may also request a post-suspension hearing, to be conducted in accordance with the provisions of sections 120.569 and 120.57, Florida Statutes. Requests for such a post-suspension hearing must comply with the provisions of Rule 28-106.104(2) and either Rule 28-106.201(2) or 28-106.301(2), Florida Administrative Code, and must be filed with:

Clerk  
Office of Financial Regulation  
Legal Services Offices  
The Fletcher Building, Suite 526  
200 East Gaines Street  
Tallahassee, Florida 32399-0379  
(850) 410-9896

within twenty-one (21) days after Hastie, or her agent or representative, receives a copy of this Emergency Order. Should Hastie request a post-suspension hearing, she will have the right to be represented by counsel or other qualified representative; to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoenas and subpoenas duces tecum issued on Hastie's behalf. Failure to respond within twenty-one (21) days of receipt of this

Emergency Order shall be deemed to be a waiver of all rights to a post-suspension hearing, and this Emergency Order shall, without further notice, remain in effect until the criminal charges are disposed of. If Hastie is convicted of or pleads guilty or nolo contendere to the charges alleged, regardless of whether an adjudication of guilt is entered by the court, the Emergency Order shall become final.

Note that the acquittal of the financial institution-affiliated party charged, or the final unappealed dismissal of all charges against such person, will dissolve the Emergency Order, but will not prohibit the Office from instituting proceedings under section 655.037(1), Florida Statutes. Pursuant to section 120.573, Florida Statutes, Hastie is advised that mediation is not available.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Order of Suspension and Prohibition with Notice of Rights has been furnished via certified U.S. Mail, return receipt requested, delivery to addressee only, to Cindy Diana Hastie, 1506 Waterbridge Court, Orange Park, Florida 32003, and via certified U.S. Mail, return receipt requested, to State Employees Credit Union, through its President and Chief Executive Officer, Paul W. Callen, at 401 West First Street, Jacksonville, Florida 32202, this day of January 26, 2005.



Bruce Kuhse  
Assistant General Counsel  
Office of Financial Regulation  
Legal Services Offices  
The Fletcher Building, Suite 526  
200 East Gaines Street  
Tallahassee, Florida 32399-0379

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

FILED  
11-17-04  
CLERK, U. S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

CASE NO. 3:04-cr- 328 J 99 TEM  
Ct. 1: 18 U.S.C. § 657  
Forfeiture: 18 U.S.C. § 982

v.

CINDY DIANA HASTIE

**INDICTMENT**

The Grand Jury charges:

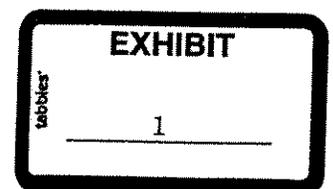
**COUNT ONE**

During the period on or about December 16, 1997 through on or about August 31, 2004, at Jacksonville, in the Middle District of Florida,

CINDY DIANA HASTIE

defendant herein, being then an officer, agent and employee of State Employee's Federal Credit Union, the deposits of which were then insured by the National Credit Union Administration Board, with intent to defraud and injure State Employee's Federal Credit Union, did willfully embezzle, abstract, purloin and misapply moneys, funds, credits, securities and other things of value belonging to State Employee's Federal Credit Union, to wit: approximately \$201,813.69 in moneys belonging to State Employee's Federal Credit Union.

All in violation of Title 18, United States Code, Section 657.



## FORFEITURE

1. The allegations contained in Count One of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 982.

2. The defendant, CINDY DIANA HASTIE, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982, any and all right, title, and interest she may have in any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such violations of 18 U.S.C. § 657, including but not limited to the following:

- a. a sum of money equal to \$201,813.69 in United States currency, representing the amount of proceeds obtained as a result of the offense, 18 U.S.C. § 657;
- b. a 1998 Ford Expedition vehicle, Florida license J766Q, vehicle identification number 1FMRU17L1WLC00681;
- c. a 2003 GMC Envoy vehicle, Florida license J767Q, vehicle identification number 1GKDS13SX32324813;
- d. a 2002 Nissan Sentra vehicle, Florida license I00HKU, vehicle identification number 3N1AB51D62L703849;
- e. a 1996 Monterey Explorer boat, vehicle identification number RGFR0497K596, Florida No. FL1450JV;
- f. a 2002 Magic Tilt boat trailer, vehicle identification number 1M5BU222121E65814; and
- g. the single family residence located at 1506 Waterbridge Court, Orange Park, Clay County, Florida, Parcel No. 31-04-26-021262-000-00, more particularly described as:

Lot 20, WATERS EDGE AT EAGLE HARBOR, according to plat thereof recorded in Plat Book 36, pages 1 through 8, of the public records of Clay County, Florida.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

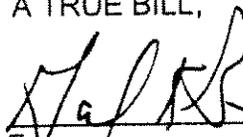
the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), including but not limited to:

- a. a 1998 Ford Expedition vehicle, Florida license J766Q, vehicle identification number 1FMRU17L1WLC00681;
- b. a 2003 GMC Envoy vehicle, Florida license J767Q, vehicle identification number 1GKDS13SX32324813;
- c. a 2002 Nissan Sentra vehicle, Florida license I00HKU, vehicle identification number 3N1AB51D62L703849;
- d. a 1996 Monterey Explorer boat, vehicle identification number RGFR0497K596, Florida No. FL1450JV;
- e. a 2002 Magic Tilt boat trailer, vehicle identification number 1M5BU222121E65814; and

- f. the single family residence located at 1506 Waterbridge Court, Orange Park, Clay County, Florida, Parcel No. 31-04-26-021262-000-00, more particularly described as:

Lot 20, WATERS EDGE AT EAGLE HARBOR, according to plat thereof recorded in Plat Book 36, pages 1 through 8, of the public records of Clay County, Florida.

A TRUE BILL,

  
Foreperson

PAUL I. PEREZ  
United States Attorney

By:   
JOHN J. SCIORTINO  
Assistant United States Attorney

By:   
BRIAN M. KANE  
Assistant United States Attorney  
Chief, Jacksonville Division

No.

UNITED STATES DISTRICT COURT

Middle District of Florida  
Jacksonville Division

THE UNITED STATES OF AMERICA

vs.

CINDY DIANA HASTIE

INDICTMENT

Violations:

18 U.S.C. § 657

A true bill,

  
Foreperson

Filed in open court this 17<sup>th</sup> day

of November, A.D. 2004.

  
Clerk

Bail \$ \_\_\_\_\_