

STATE OF FLORIDA  
OFFICE OF FINANCIAL REGULATION  
DIVISION OF FINANCIAL INSTITUTIONS



IN RE:

JAMES DANIEL GUMINSKI,

Administrative Proceeding No. 0256-B-11/05

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 James Daniel Guminski (hereinafter "Guminski"), a financial institution-affiliated party, has been charged with multiple felony violations 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 (2005), against Guminski, immediately suspending Guminski from serving as a financial institution-affiliated party of Envision Credit Union, United Solutions Company, and any other state financial institution, subsidiary, or service corporation, and immediately prohibiting Guminski from participation in any manner in the affairs of Envision Credit Union, United Solutions Company, and any other state financial institution, subsidiary, or service corporation.

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Envision Credit Union is a Florida state-chartered credit union, charter number 254, with its principal place of business at 440 M. Monroe Street, Tallahassee, Florida, 32314-5198, and thus a financial institution, as that term is defined in Section 655.005(1)(p), Florida Statutes.
2. United Solutions Company is a Credit Union Service Organization ("CUSO"), with

its principal place of business at 1605 E. Plaza Drive, Suite 102, Tallahassee, Florida 32308.

United Solutions Company is a corporation organized to perform services related or incidental to the business of financial institutions, and is partially owned by Envision Credit Union, and is thus a service corporation, as that term is defined in Section 655.005(1)(o), Florida Statutes.

3. During the period from approximately December 2004 through August 2005, and at all times material hereto, Guminski was an officer, agent, or employee for United Solutions Company, a service corporation partially owned by Envision Credit Union. Thus, Guminski is a financial institution-affiliated party, as that term is defined in Section 655.005(1)(i), Florida Statutes.

4. On December 12, 2005, an Information was filed by the State Attorney for the Second Judicial Circuit of the State of Florida in the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, in the case styled State of Florida v. James D. Guminski, Case No. 05CF04014, SPN 178795. The Information charged Guminski with twelve felony count violations of Section 812.014(2)(c)1, Florida Statutes, alleging in each count that Guminski "did knowingly obtain, use, or did endeavor to obtain or use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto." The counts allege violations on twelve separate dates, ranging from December 31, 2004, through August 15, 2005. See attached Exhibit 1 which is hereby incorporated by reference as if set forth in its entirety.

5. A violation of Section 812.014(2)(c)1, Florida Statutes, for amounts or values of \$300 or more, but less than \$5000, is a felony punishable by a fine of up to \$5000, imprisonment

for up to 5 years, or both.

6. Violations of Section 812.014(2)(c)1, Florida Statutes, involve fraud, theft, or moral turpitude.

7. 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 parties associated with such institutions, their subsidiaries, and service corporations, including but not limited to officers, employees, and agents, as well as former officers, employees, and agents. §§ 655.001, 655.005(1)(i), (j), and (o), 655.012, 655.037(1), (6)(b), and (8), Fla Stat.

8. Guminski's resignation, termination of employment or participation, or separation from Envision Credit Union or United Solutions Company does not affect the jurisdiction and authority of the Office to issue any notice and to proceed against Guminski under Section 655.037, Florida Statutes, which 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.

9. 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.

10. 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 used the very procedures contained within the provisions of Sections 655.031 and 655.037(6)(b), Florida Statutes.

11. The Office concludes, pursuant to Section 655.0321, Florida Statutes, that this Emergency Order shall be a public document, and should Guminski 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 will be public documents unless subject to a protective order or made confidential pursuant to federal or Florida law.

#### AGENCY ACTION

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

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

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

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

(2) Guminski 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, or service corporation.

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

(4) Guminski shall not transfer or attempt to transfer: a) any stock he owns or controls in any state financial institution, subsidiary, or service corporation, 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, or service corporation, without the prior written permission of the Office.

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

f. Guminski is hereby IMMEDIATELY prohibited from serving as a consultant or independent contractor, or other similar position, for any state financial institution, subsidiary, or service corporation, 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) Guminski provides a copy of this Emergency Order to the chief executive officer of the state financial institution, subsidiary, or service corporation, with which Guminski seeks to serve as a consultant or independent contractor, or other similar position; and

(2) Guminski, and the chief executive officer and the chairman of the board of directors of the state financial institution, subsidiary, or service corporation with which Guminski 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 Guminski desires to provide to the state financial institution, subsidiary, or service corporation; and

(3) Guminski is authorized by the Office, at its sole discretion, to accept the appointment with the state financial institution, subsidiary, or service corporation, 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 Guminski has demonstrated through a post-suspension hearing that his 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 or the financial institution system.

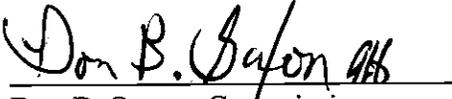
h. This Emergency Order will remain in effect, unless otherwise rescinded or modified by Office Order, until the criminal charges are disposed of.

i. This Emergency Order shall become final if Guminski 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 Guminski. 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 day of January 10, 2006.

  
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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. Guminski 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.

Guminski 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, 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 Guminski, or his agent or representative, receives a copy of this Emergency Order. Should Guminski request a post-suspension hearing, he 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 Guminski'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 Guminski 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, Guminski 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 Mr. James Daniel Guminski, 1121 Bonnie Drive, Tallahassee, Florida 32304, and via certified U.S. Mail, return receipt requested, to Envision Credit Union, through Ray E. Cromer, Jr., President, at 440 N. Monroe Street, Tallahassee, Florida 32314-5198, and via certified U.S. Mail, return receipt requested, to United Solutions Company, through its registered agent, F. Palmer Williams, at 2010 Delta Boulevard, Tallahassee, Florida 32303, this 10<sup>th</sup> of January, 2006.



Bruce Kuhse (Fla. Bar No. 0308470)  
Assistant General Counsel  
Office of Financial Regulation  
The Fletcher Building, Suite 526  
200 East Gaines Street  
Tallahassee, Florida 32399-0379  
Tel: (850) 410-9896

IN THE CIRCUIT COURT OF THE  
SECOND JUDICIAL CIRCUIT, IN  
AND FOR LEON COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO. 05CF04014  
SPN 178795

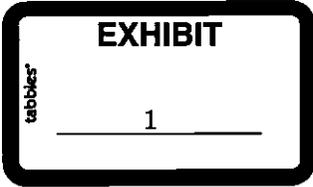
vs.

\*\*INFORMATION\*\*

James D. Gurninski



Defendant(s).



INFORMATION FOR:

12 counts GRAND THEFT (F3) (ref. #4088)

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

WILLIAM N. MEGGS, State Attorney for the Second Judicial Circuit of the State of Florida, charges that in Leon County, Florida, the above-named defendant(s):

COUNT I: On December 31, 2004, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT II: On January 5, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT III: On March 10, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT IV: On March 23, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT V: On April 12, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT VI: On May 9, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

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James D Guminski

COUNT VII: On May 24, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT VIII: On June 20, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT IX: On July 13, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT X: On July 19, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT XI: On August 2, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

COUNT XII: On August 15, 2005, did knowingly obtain, use, or did endeavor to obtain or to use United States currency of the value of \$300 or more, the property of United Solutions Company, with the intent to either temporarily or permanently deprive the other person of a right to the property or a benefit therefrom or to appropriate the property to his or her own use or to the use of any person not entitled thereto, contrary to Section 812.014(2)(c)1, Florida Statutes.

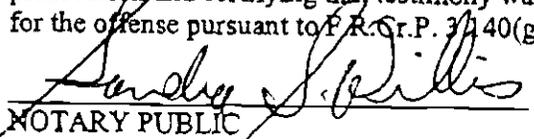
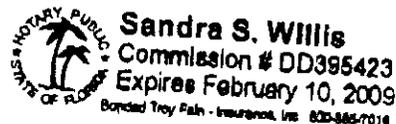
STATE OF FLORIDA  
COUNTY OF LEON

WILLIAM N. MEGGS, STATE ATTORNEY  
SECOND JUDICIAL CIRCUIT



Neil C. Chamelin  
Designated Assistant State Attorney

The foregoing instrument was acknowledged before me on December 12, 2005, by Neil C. Chamelin, Designated Assistant State Attorney by William N. Meggs, State Attorney for the Second Judicial Circuit of the State of Florida, who is known to me and did take an oath stating good faith in instituting the prosecution and certifying that testimony was received under oath from the material witness or witnesses for the offense pursuant to F.R.Cr.P. 31.40(g).

  
NOTARY PUBLIC

Sandra S. Willis  
Commission # DD395423  
Expires February 10, 2009  
Bonded Troy Pahn - Insurance, Inc. 825-445-7014

ARRAIGNMENT JANUARY 5, 2006 in Courtroom 3E ASA Neil C. Chamelin