

STATE OF FLORIDA  
OFFICE OF FINANCIAL REGULATION  
DIVISION OF FINANCIAL INSTITUTIONS

6/28/06  
mh

IN RE:

MAYRA EUGENIA CUELLAR,  
\_\_\_\_\_ /

Administrative Proceeding No. 0312-B-06/06

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 MAYRA EUGENIA CUELLAR (hereinafter "CUELLAR"), a financial institution-affiliated party, has been charged with multiple felony violations involving fraud, currency transaction reporting, money laundering, 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 CUELLAR, immediately suspending CUELLAR from serving as a financial institution-affiliated party with any state financial institution, subsidiary, or service corporation, and immediately prohibiting CUELLAR from participation in any manner in the affairs of any state financial institution, subsidiary, or service corporation.

STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Gulf Bank was a Florida state-chartered commercial bank with its principal place of business at 3400 Coral Way, Miami, Florida, 33145, and thus a financial institution, as that term is defined in Section 655.005(1)(p), Florida Statutes. Gulf Bank closed as a commercial banking business and its state charter was cancelled in 2004.

2. During the period from approximately August 19, 1991 through July 15, 2002, and

at all times material hereto, CUELLAR was an officer, agent, or employee for Gulf Bank. Thus, CUELLAR is a financial institution-affiliated party, as that term is defined in Section 655.005(1)(i), Florida Statutes.

4. On April 28, 2006, the United States Attorney filed an information in the United States District Court, Southern District of Florida, Miami Division, in the case styled United States v. MAYRA EUGENIA CUELLAR, Case No. 06-20260-CR-Cooke. The information charged CUELLAR with nineteen felony count violations of Title 31, United States Code, Section 5324 (31 U.S.C. § 5324), alleging that CUELLAR “did knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and the regulations promulgated thereunder, cause a domestic financial institution, that is Gulf Bank, to fail to file a report required under Section 5313(a), that is a CTR (Currency Transaction Report), and the defendant’s conduct was part of a pattern of illegal activity involving more than \$100,000 in a 12-month period.” The counts allege violations on nineteen separate dates, ranging from April 6, 2001, through June 29, 2001. See attached Exhibit 1 which is hereby incorporated by reference as if set forth in its entirety.

5. A violation of Title 31, United States Code, Section 5324(a)(1), for amounts or values of more than \$100,000 in a 12-month period, is a felony punishable by a fine of up to \$500,000, imprisonment for up to 10 years, or both.

6. Violations of Title 31, United States Code, Section 5324(a)(1), involve fraud, currency transaction reporting, money laundering, 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. CUELLAR's resignation, termination of employment or participation, or separation from Gulf Bank does not affect the jurisdiction and authority of the Office to issue any notice and to proceed against CUELLAR 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 CUELLAR 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. CUELLAR is hereby IMMEDIATELY suspended from any and all positions she holds at any state financial institution, subsidiary, or service corporation.

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

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

(4) CUELLAR shall not transfer or attempt to transfer: a) any stock she 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. CUELLAR is hereby IMMEDIATELY suspended from serving as a consultant or independent contractor for any state financial institution, subsidiary, or service corporation.

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

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

(3) CUELLAR 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.

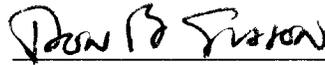
g. The Office will only rescind or otherwise modify this Emergency Order upon the issuance of an Office Order finding that CUELLAR has demonstrated through a post-suspension hearing that her service to or participation in the affairs of any state financial institution, subsidiary, or service corporation 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 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 CUELLAR 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 CUELLAR. 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 28<sup>th</sup> day of June, 2006.



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. CUELLAR 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.

CUELLAR 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

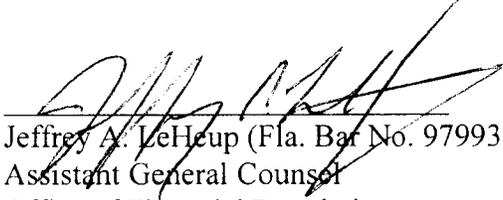
within twenty-one (21) days after CUELLAR, or her agent or representative, receives a copy of this Emergency Order. Should CUELLAR request a post-suspension hearing, she will have the right to be represented by counsel or other qualified representative; to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoenas and subpoenas duces tecum issued on CUELLAR'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 CUELLAR 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, CUELLAR 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 Ms. MAYRA EUGENIA CUELLAR,  
6595 W. 24<sup>th</sup> Court, #104, Hialeah, Florida 33016, this 28<sup>th</sup> day of June, 2006.



---

Jeffrey A. LeHeup (Fla. Bar No. 979937)  
Assistant General Counsel  
Office of Financial Regulation  
The Fletcher Building, Suite 526  
200 East Gaines Street  
Tallahassee, Florida 32399-0379  
Tel: (850) 410-9896

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No. **06-20280** CR-COOKE

31 U.S.C. § 5324(a)(1)

31 U.S.C. § 5324(d)(2)

18 U.S.C. § 2

MAGISTRATE JUDGE  
BROWN

UNITED STATES OF AMERICA

vs.

MAYRA EUGENIA CUELLAR,

Defendant.

FILED BY [Signature]  
2006 APR 28 AM 10:58  
CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI

INFORMATION

The United States Attorney charges that:

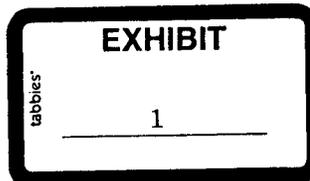
GENERAL ALLEGATIONS

At all times relevant to this Information:

1. Gulf Bank was a federally insured financial institution in Miami-Dade County, Florida. Gulf Bank was a "domestic financial institution" within the meaning of federal law governing the filing of currency transaction reports.

2. Defendant **MAYRA EUGENIA CUELLAR** was a Senior Vice-President and the Bank Secrecy Act Officer for Gulf Bank from on or about August 19, 1991 until on or about July 15, 2002.

3. A "currency transaction report" ("CTR") was a report that was filled out on a United States Department of Treasury ("Treasury"), Internal Revenue Service Form 4789. Gulf Bank was required by federal law to file a CTR with Treasury for each financial transaction that involved United States currency of more than \$10,000. Such financial transactions included deposits,



1  
MPC

withdrawals, or exchanges of currency, or other transactions involving the physical transfer of currency from one person to another.

4. As the Bank Secrecy Act Officer for Gulf Bank, **MAYRA EUGENIA CUELLAR** was responsible for compliance with the Bank Secrecy Act, including the filing of CTRs with Treasury for financial transactions involving more than \$10,000 of United States currency.

**Counts 1-19**  
**Failure To File A Currency Transaction Report**  
**(31 U.S.C. §§ 5324(a)(1) and (d)(2) and 18 U.S.C. § 2)**

1. Paragraphs 1 through 4 of the General Allegations are realleged and incorporated as though fully set forth herein.

2. On or about the dates set forth below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

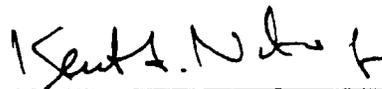
**MAYRA EUGENIA CUELLAR,**

did knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and the regulations promulgated thereunder, cause a domestic financial institution, that is Gulf Bank, to fail to file a report required under Section 5313(a), that is a CTR, and the defendant's conduct was part of a pattern of illegal activity involving more than \$100,000 in a 12-month period:

<b>COUNT</b>	<b>APPROXIMATE DATE OF FINANCIAL TRANSACTION</b>	<b>APPROXIMATE AMOUNT OF FINANCIAL TRANSACTION</b>	<b>GULF BANK CUSTOMER NAME</b>
1	April 6, 2001	\$730,000	M.C.
2	April 13, 2001	\$950,000	M.C.
3	April 17, 2001	\$18,300	T.I.

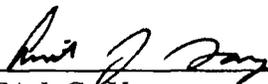
COUNT	APPROXIMATE DATE OF FINANCIAL TRANSACTION	APPROXIMATE AMOUNT OF FINANCIAL TRANSACTION	GULF BANK CUSTOMER NAME
4	April 20, 2001	\$740,000	M.C.
5	April 27, 2001	\$952,000	M.C.
6	May 4, 2001	\$872,000	M.C.
7	May 7, 2001	\$940,000	M.C.
8	May 10, 2001	\$30,000	T.I.
9	May 11, 2001	\$772,000	M.C.
10	May 18, 2001	\$872,000	M.C.
11	May 21, 2001	\$617,000	Q.I.T.I.
12	May 25, 2001	\$962,000	M.C.
13	May 31, 2001	\$79,179	E.A.T.A.
14	June 1, 2001	\$882,000	M.C.
15	June 12, 2001	\$11,000	R.E.
16	June 15, 2001	\$900,000	M.C.
17	June 18, 2001	\$18,000	T.I.
18	June 22, 2001	\$900,000	M.C.
19	June 29, 2001	\$900,000	M.C.

All in violation of Title 31, United States Code, Sections 5324(a)(1) and 5324(d)(2) and Title 18, United States Code Section 2.



---

R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY



---

ANITA J. GAY  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

MAYRA EUGENIA CUELLAR,

CERTIFICATE OF TRIAL ATTORNEY\*

Defendant.

\_\_\_\_\_

Superseding Case Information:

Court Division: (Select One)

X Miami \_\_\_\_\_ Key West  
\_\_\_\_\_ FTL \_\_\_\_\_ WPB \_\_\_\_\_ FTP

New Defendant(s) Yes \_\_\_\_\_ No \_\_\_\_\_  
Number of New Defendants \_\_\_\_\_  
Total number of counts \_\_\_\_\_

FILED BY \_\_\_\_\_  
2006 APR 28 AM 11:08  
CLERK OF DISTRICT COURT  
S.D. OF FLORIDA

I do hereby certify that:

- I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
- I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) Yes  
List language and/or dialect Spanish

4. This case will take 0 days for the parties to try.

5. Please check appropriate category and type of offense listed below:  
(Check only one) (Check only one)

I	0 to 5 days	<u>X</u>	Petty	_____
II	6 to 10 days	_____	Minor	_____
III	11 to 20 days	_____	Misdem.	_____
IV	21 to 60 days	_____	Felony	<u>X</u>
V	61 days and over	_____		

6. Has this case been previously filed in this District Court? (Yes or No) No

If yes:  
Judge: \_\_\_\_\_ Case No. \_\_\_\_\_

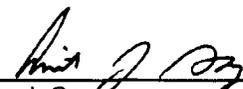
(Attach copy of dispositive order)  
Has a complaint been filed in this matter? (Yes or No) \_\_\_\_\_

If yes:  
Magistrate Case No. \_\_\_\_\_

Related Miscellaneous numbers: \_\_\_\_\_  
Defendant(s) in federal custody as of \_\_\_\_\_  
Defendant(s) in state custody as of \_\_\_\_\_  
Rule 20 from the \_\_\_\_\_ District of \_\_\_\_\_

Is this a potential death penalty case? (Yes or No) No

- Does this case originate from a matter pending in the U.S. Attorney's Office prior to April 1, 2003? X Yes \_\_\_\_\_ No
- Does this case originate from a matter pending in the U. S. Attorney's Office prior to April 1, 1999? \_\_\_\_\_ Yes X No  
If yes, was it pending in the Central Region? \_\_\_\_\_ Yes \_\_\_\_\_ No
- Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No
- Does this case originate from a matter pending in the Narcotics Section (Miami) prior to May 18, 2003? \_\_\_\_\_ Yes X No

  
Anita J. Gay  
ASSISTANT UNITED STATES ATTORNEY  
Florida Bar No. 0745227

\*Penalty Sheet(s) attached

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: Mayra Eugenia Cuellar

Case No: \_\_\_\_\_

Counts #: 1-19

Failure to File a Currency Transaction Report

31 U.S.C. §§ 5324(a)(1) and 5324(d)(2)

\* Max. Penalty: Ten years' imprisonment as to each count

Count #: 2

\* Max. Penalty:

Count #: 3

\* Max. Penalty:

Count #: 4

\* Max. Penalty:

FILED BY  
2006 APR 28 AM 10:58  
CLERK OF DISTRICT COURT  
S.D. OF FLORIDA MIAMI

**\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms, or forfeitures that may be applicable.**

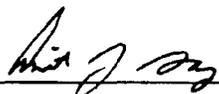
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

BOND RECOMMENDATION

DEFENDANT: Mayra Eugenia Cuellar

\$50,000 Personal Surety Bond

FILED BY  
2008 APR 28 AM 10:59  
CLERK OF DISTRICT COURT  
S.D. OF FL. - MIAMI

By: 

ANITA J. GAY  
ASSISTANT UNITED STATES ATTORNEY

Last Known Address: 6595 W. 24<sup>th</sup> Court, #104, Hialeah, Florida 33016

What Facility: \_\_\_\_\_

Agent(s): Laurie A. Bender, Board of Governors of the Federal Reserve System,  
Washington, D.C.