

STATE OF FLORIDA
OFFICE OF FINANCIAL REGULATION



IN RE:

ROBERT E. LEE

Admin. Proceeding No.: 0712-FI-01/10

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 Robert E. Lee (hereinafter "Lee"), a financial institution-affiliated party, has been charged with a felony violation involving theft, 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, against Lee, immediately suspending Lee from serving as an employee of City County Employees Credit Union ("Credit Union"), and as a financial institution-affiliated party of any state financial institution, subsidiary, or service corporation, and immediately prohibiting Lee 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. City County Employees Credit Union is a state chartered credit union, charter number 81, with its principal place of business at 719 South Missouri Avenue, Clearwater, Florida 33756, and is a state financial institution, as the term is defined in Section 655.005(1)(p), Florida Statutes.
2. During the period from June 29, 2007 until January 12, 2010, Lee was an employee of the Credit Union, making him a financial institution-affiliated party as that term is defined in Section 655.005(1)(i), Florida Statutes.

3. During his tenure at the Credit Union, Lee was a teller, routinely taking in and paying out cash deposited and withdrawn by members. Throughout his period of employment, Lee had access to the vault where the Credit Union's supply of cash was stored.
4. On March 3, 2010, the Office of the State Attorney, Sixth Judicial Circuit, filed a one count Information charging that on or between June 1, 2008 and January 12, 2010, Lee "did knowingly and unlawfully obtain or use, or endeavor to obtain or use, the property of another, to wit: U.S. currency, of the value of \$20,000.00 or more but less than \$100,000.00," which was the property of City County Employees Credit Union, in violation of Section 812.014(2)(b)(1), Florida Statutes. The case, styled State of Florida vs. Robert E. Lee, was assigned clerk number CRC10-00659CFANO-C. The Information, which is attached as Exhibit 1, is hereby incorporated by reference as if set forth in its entirety.
5. A violation of Section 812.014(2)(b)(1) is grand theft, a felony of the second degree, punishable by up to fifteen years in prison.
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, employees. §§ 655.001, 655.005(1)(i) and (j), 655.012, 655.037(1), (6)(b), and (8), Florida Statutes.
7. Lee's resignation, termination of employment or participation, or separation from City County Employees Credit Union on January 12, 2010, does not affect the jurisdiction and authority of the Office to issue any notice and proceed against Lee 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. The possibility of Lee again gaining employment as a financial institution-affiliated party of a state financial institution, subsidiary or service corporation, poses a threat to the interests of the state financial institution, subsidiary, or service corporation, and poses a threat to the interests of the state financial institution's, subsidiary's, or service corporation's depositors, members, or stockholders. Furthermore, Lee again gaining employment as a financial institution-affiliated party of a state financial institution, subsidiary, or service corporation impairs public confidence in the state financial institution, subsidiary, or service corporation, and the state financial institution system in general.

10. Although it is unnecessary to find or demonstrate that an immediate danger to the public health, safety, or welfare exists in the context of an emergency suspension and prohibition pursuant to the provisions of Section 655.037(6)(b), Florida Statutes, the Office nevertheless finds that an immediate danger to the public welfare exists.

11. 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 655.012(3) 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 655.012(3) and 655.037(6)(b), Florida Statutes.

12. The Office concludes that this Emergency Order is appropriate and authorized pursuant to Section 655.037(6)(b), Florida Statutes, because Lee is charged with committing a felony involving theft while he was a financial institution affiliated party.

13. The Office further concludes, pursuant to Section 655.0321, Florida Statutes, that this Emergency Order shall be a public document, and should Lee 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

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

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

b. Lee 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, of any state financial institution, subsidiary, or service corporation he may be a financial institution-affiliated party of.

c. Lee 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, of

any state financial institution, subsidiary, or service corporation.

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

(2) Lee 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, or any subsidiary, service corporation or affiliate.

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

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

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

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

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

(3) the Office, in its sole discretion, authorizes Lee to accept appointment with the state financial institution, or 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 Lee has demonstrated through a post suspension hearing that his continued service to or participation in the affairs of the 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 Lee 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 the Court enters an adjudication of guilt.

j. This Emergency order will dissolve in the event of an acquittal, or the final, unappealed dismissal of all charges against Lee. 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 10th day of March, 2010.


J. Thomas Cardwell, 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. Lee 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.

Lee 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

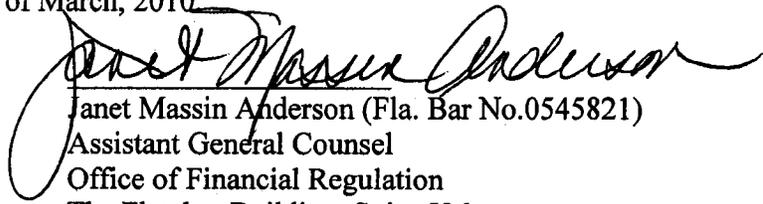
within twenty-one (21) days after Lee, or his agent or representative, receives a copy of this Emergency Order. Should Lee request a post-suspension hearing, he will have the right to be represented by counsel or other qualified representative; to offer testimony, either written or oral; to call and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

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, Lee 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 Rights has been furnished via Certified U.S. Mail, Delivery to Addressee Only, return receipt requested, to: Robert E. Lee, 1226 South Missouri Avenue, Apartment 1016, Clearwater, Florida 33756, and Sandra Morrison, President and Chief

Executive Officer, City County Employees Credit Union, 719 South Missouri Avenue,
Clearwater, Florida, 33756, this 10th day of March, 2010.



Janet Massin Anderson (Fla. Bar No.0545821)
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 FOR THE SIXTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR PINELLAS COUNTY - FALL TERM, 2009

STATE OF FLORIDA

CRC10-00659CFANO-C

VS.

FELONY INFORMATION

ROBERT LEE

GRAND THEFT, 2° F

SPN 03015734

W/M; DOB: [REDACTED]

SSN: [REDACTED]

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

BERNIE McCABE, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, prosecuting for the State of Florida, in the said County, under oath, Information makes that

ROBERT LEE

in the County of Pinellas and State of Florida, on or between the 1st day of June, 2008 and the 12th day of January, in the year of our Lord, two thousand ten, did knowingly and unlawfully obtain or use, or endeavor to obtain or use, the property of another, to-wit: U.S. currency, of the value of \$20,000 or more but less than \$100,000, with intent to deprive that certain business entity known as City and County Employees Credit Union of a right to the property or benefit therefrom, or with intent to appropriate the property to his own use or to the use of any person not entitled thereto; contrary to Chapter 812.014(2)(b)1, Florida Statutes, and against the peace and dignity of the State of Florida. [IE]/6

STATE OF FLORIDA
PINELLAS COUNTY

Personally appeared before me, BERNIE McCABE, State Attorney for the Sixth Judicial Circuit of Florida, in and for Pinellas County, or his duly designated Assistant State Attorney, who being first duly sworn, says that the allegations as set forth in the foregoing information are based upon facts that have been sworn to as true, and which if true, would constitute the offense therein charged; hence this information is filed in good faith in instituting this prosecution, and that he has received testimony under oath from the material witness or witnesses for the offense.

The foregoing instrument was acknowledged before me
this _____ day of _____, 2010
by _____, who
is personally known to me and who did take an oath.

M.R. McGarry

MAR 03 2010

Assistant State Attorney for the Sixth
Judicial Circuit of the State of Florida,
Prosecuting for said State

NOTARY PUBLIC

CW10-003606 C-JA/0222dm22

