

Document Name: 3045-B-4/92

DBF B 1993-325 DOCKETED 7/2/93

STATE OF FLORIDA
DEPARTMENT OF BANKING AND FINANCE
DIVISION OF BANKING

IN RE:

Denise A. Maltby,)
a/k/a Denise A. Flippen) Administrative Proceeding
)
Respondent.) No. 3045-B
_____)

FINAL ORDER

Gerald Lewis, as Comptroller of the State of Florida and Head of the Department of Banking and Finance ("Department"), having the power to administer and provide for the enforcement of Title XXXVIII, Florida Statutes -- the "Financial Institutions Codes" -- and upon due consideration and being fully advised of the subject matter herein, ORDERS;

That pursuant to Section 655.012 and 655.037, Florida Statutes, and pursuant to the Stipulation (Administrative Proceeding Number 3045-B-4/92 which is hereby incorporated by reference) entered into between the Department and Denise A. Maltby; Respondent, is hereby deemed ineligible for election to any official position in or employment by a Florida chartered financial institution except with prior written consent of the Department from the effective date of this Final Order.

DONE AND ORDERED in Tallahassee, Leon County, Florida this 2nd day of July, 1993.

/S/ _____
GERALD LEWIS, as Comptroller of the
State of Florida and Head of the
Department of Banking and Finance

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by Certified U.S. Mail, Return Receipt Requested, to Denise A. Maltby a/k/a Denise A. Flippen at 1221 Hudson Street; Orlando, Florida 32808 on this 2nd day of July, 1993.

/S/ _____
JEFFREY D. JONES
Assistant General Counsel
Office of the Comptroller
The Capitol, Suite 1302
Tallahassee, FL 32399-0350
(904) 488-9896

STATE OF FLORIDA
DEPARTMENT OF BANKING AND FINANCE
DIVISION OF BANKING

IN RE:

Denise A. Maltby,)
 a/k/a Denise A. Flippen)
) Administrative Proceeding
 Respondent.) No. 3045-B-4/92
 _____)

STIPULATION AND CONSENT TO ISSUANCE OF
 AN ORDER OF REMOVAL AND **PROHIBITION**

The Florida Department of Banking and Finance, Division of Banking ("Department"), and Denise A. Maltby a/k/a Denise A. Flippen, former branch manager and loan officer of the Florida Credit Union of Gainesville, Florida ("FCU") agree to the following on the dates last executed below:

1. Consideration. The Department, based on information made available to it, is of the opinion that grounds exist to initiate administrative proceedings against Denise A. Maltby, pursuant to Section 655.037, Florida Statutes. This information includes, but is not limited to, the fact that Respondent has pleaded guilty to one count of bank fraud (ss. 18 U.S.C. 1344) which occurred at FCU and the existence of a signed confession by Respondent concerning her fraudulent activities at FCU. It is the desire of Denise A. Maltby to cooperate with the Department and to also avoid the expense of administrative litigation. As such, Denise A. Maltby stipulates and agrees to the following terms in consideration of the Department's forbearance from initiating such administrative litigation.
2. Jurisdiction. The Florida Credit Union of Gainesville, Florida (charter No. 312) is a state-chartered institution which is under the jurisdiction of the Florida Department of Banking and Finance. Denise A. Maltby, as a former financial institution- affiliated party of a state-chartered financial institution, is subject to the Department's authority to initiate and maintain removal and **prohibition** proceedings against her pursuant to Section 655.037, Florida Statutes.
3. Consent. Denise A. Maltby consents to the issuance, by the Department, of the accompanying Final Order of **Prohibition** (Administrative Proceeding No. 3045-B) making her ineligible for election to any official position in or employment by a financial institution in this State, except with the written consent of the Department, from the effective date of the Department's Final Order. Respondent further agrees to comply with the Final Order of **Prohibition's** ("Order") terms upon issuance and stipulates that the Order complies with the applicable requirements

of law.

4. Finality. The Order is issued pursuant to Section 655.037, Florida Statutes, and upon its issuance shall be a final administrative order.

5. Effectiveness. The Order is effective upon its issuance by the Department. It is fully enforceable by the Department under the provisions of Section 655.031 and 655.037, Florida Statutes, as well as Chapter 120, Florida Statutes.

6. Waivers. Denise A. Maltby, knowingly and voluntarily waives: (1) her right to receipt of an Administrative Complaint and Notice of Rights pursuant to either Section 655.037 or Chapter 120, Florida Statutes; (2) any right to an administrative hearing provided by Section 655.037 or Chapter 120, Florida Statutes; (3) any requirement that the Department's Final Order contain separately stated Findings of Fact and Conclusions of Law or Notice of Rights; (4) any right to issuance of a Recommended Order by a Hearing Officer from the Division of Administrative Hearings or from the Department; and (5) any and all rights to object to or challenge in any judicial proceeding or forum, including but not limited to, an appeal pursuant to Section 120.68, Florida Statutes, any aspect, provision or requirement concerning the content, issuance, procedure or timeliness of the Department's Final Order.

WHEREFORE, in consideration of the foregoing, the Department and Denise A. Maltby a/k/a Denise A. Flippen executed this Stipulation and Consent to Issuance of a Final Order of Removal and **Prohibition**, as attached hereto, on the date last executed below.

/S/_____ 6/24/93
DENISE A. MALTBY Date

/S/_____ 6/30/93_
TERENCE STRAUB, Director Date
Division of Banking
DEPARTMENT OF BANKING
AND FINANCE

