

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

IN THE MATTER OF)	
)	
SULTAN K. WILLIAMS,)	
Courier)	AA-EC-99-23
)	
United National Bank)	
Bridgewater, New Jersey)	

DECISION AND ORDER

This matter is before the Comptroller of the Currency (“Comptroller”) on the recommendation of the Administrative Law Judge (“ALJ”) for entry of default against Respondent Sultan K. Williams, a courier at United National Bank, Bridgewater, New Jersey, in cease and desist proceedings under 12 U.S.C. § 1818(b). After considering the pleadings, the ALJ’s Recommended Decision and the entire record, the Comptroller concludes that Respondent is in default and issues the Order described herein.

FACTUAL SUMMARY AND PROCEDURAL HISTORY

The facts giving rise to this matter are described in detail in the ALJ’s Recommended Decision, and are briefly summarized here. On June 28, 2000, the Office of the Comptroller of the Currency issued a Notice of its intention to issue a cease and desist order against Respondent. The Notice alleged that Respondent engaged in an unsafe and unsound practice when he stole four checks payable to various bank customers, endorsed one of the checks in his own name and deposited it to his account at United National Bank. Bank management became suspicious and interviewed Respondent, who orally confessed to stealing the checks and returned the three remaining checks.

According to the ALJ, the Notice was served on Respondent by overnight courier. However, Respondent failed to file an Answer, as required by 12 C.F.R. § 19.19(a). Enforcement Counsel then moved for a default judgment, and its motion was again served on Respondent by overnight courier. Respondent failed to respond to the motion. On August 16, 2000, ALJ issued an Order directing Respondent to appear and show cause why the motion for default should not be granted. According to the ALJ, the show cause order was served by overnight delivery and by certified mail, and Respondent personally signed for the certified letter on August 23, 2000. Respondent failed to file a response to the ALJ's show cause order.

DECISION

The Comptroller agrees with the ALJ that Respondent is in default. Under 12 C.F.R. § 19.19(c)(1), a Respondent's failure to file an answer within the time provided constitutes a waiver of his or her right to appear and contest the allegations in the Notice. If Enforcement Counsel moves for default and the ALJ finds no good cause for Respondent's failure to answer, the ALJ is required to file with the Comptroller a recommended decision containing the findings and the relief sought in the Notice. Accordingly, the Comptroller adopts the ALJ's findings of fact and conclusions of law, and issues the Order below.

ORDER

Pursuant to 12 U.S.C. § 11818(b), the Comptroller orders Respondent to take affirmative action in that if he is again employed by an insured depository institution, as defined in 12 U.S.C. § 1813(c)(2), he must:

- (a) immediately notify the insured depository institution that he previously failed to follow United National Bank's policies on defalcation, and previously engaged in an unsafe and unsound practice while employed by the bank;

- (b) strictly adhere to all his employer's policies; and
- (c) refrain from violations of law and unsafe or unsound practices.

SO ORDERED, this 23rd day of December, 2002

/s _____
John D. Hawke, Jr.
Comptroller of the Currency