

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

In the Matter of:)
)
Victoria A. Toth) OCC AA-EC-09-45
Former Vice President and Branch Manager)
)
JPMorgan Chase Bank, N.A.)

DECISION AND ORDER ON ENTRY OF DEFAULT

This matter is before the Comptroller of the Currency (“Comptroller” or “OCC”) on the recommendation of the Administrative Law Judge (“ALJ”) for entry of default against Victoria A. Toth (“Respondent”), a former Vice President and Branch Manager of JPMorgan Chase Bank, N.A. A Notice of Intention to Prohibit Further Participation (“Notice”), issued by the OCC pursuant to section 8 (e) of the Federal Deposit Insurance Act (“Act”), 12 U.S.C. §1818(e), seeks an order prohibiting Respondent from further participation in the financial services industry. Upon consideration of the pleadings, the ALJ’s Recommended Decision and the entire record, the Comptroller concludes that Respondent is in default and orders that Respondent is prohibited from any further participation in the conduct of the affairs of any institution or entity set forth in 12 U.S.C. §1818(e).

I. Factual Summary and Procedural History

The uncontested facts giving rise to this decision are described in detail in the ALJ’s Recommended Decision. Briefly, until her suspension on January 4, 2008, Respondent was employed as a Vice President and Branch Manager at the JPMorgan Chase Bank branch in Nyack, New York. On occasion, she assisted an elderly couple, E. and S. Doe, with their banking services over the phone. On June 7, 2006, without authorization from either E. or S.

Doe, Respondent directed a teller to process a cashier's check for \$8,500 drawn on the Does' joint savings account. The check was payable to PHH Mortgage Services, with whom Respondent had a personal mortgage loan. The cashier's check was forwarded to PHH Mortgage Services and applied as a payment on Respondent's mortgage loan. Subsequently, Respondent repeatedly misled the Does' son who sought information about the suspect transaction. When the bank initiated an investigation, Respondent admitted that she used the cashier's check to pay down her mortgage loan. The bank reimbursed the Does with interest, and Respondent made restitution to the bank. The bank terminated Respondent's employment.

The Notice initiating this proceeding was personally served on Respondent on July 7, 2009, at her home address. When Respondent failed to file an answer or request a hearing, Enforcement Counsel moved for entry of default under 12 C.F.R. § 19.19(c)(1), and the ALJ issued an Order to Show Cause directing Respondent to appear and show good cause why the default motion should not be granted. Respondent failed to respond to either the default motion or the ALJ's Show Cause Order, whereupon the ALJ granted Enforcement Counsel's motion and recommended that the Comptroller enter a final order containing the findings and relief sought in the Notice.

II. Decision

The Comptroller agrees with the ALJ that Respondent is in default. Further, the Comptroller adopts the ALJ's Findings of Fact and his Conclusions of Law. Under the latter, Respondent engaged in unsafe or unsound practices in conducting the affairs of the bank and breached her fiduciary duty. By reason of such practices and/or breaches, the bank suffered financial loss and Respondent received financial gain or other benefit. Such practices involved

personal dishonesty on Respondent's part and/or demonstrated a willful or continuing disregard for the bank's safety or soundness.

III. Order

1. The Respondent, Victoria A. Toth, is hereby, without the prior written approval of the appropriate Federal financial institution regulatory agency, as that term is defined in section 8(e)(7)(D) of the Act, 12 U.S.C. § 1818(e)(7)(D), prohibited from:

a) participating in any manner in the conduct of the affairs of any insured depository institution, agency, or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);

b) soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any financial institution enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. § 1818(e)(7)(A);

c) violating any voting agreement previously approved by the appropriate Federal banking agency; or

d) voting for a director, or serving as an officer, director, or employee, of any financial institution or organization enumerated in section 8(e)(7)(A) of the Act, 12 U.S.C. §1818(e)(7)(A).

2. This Order will become effective upon issuance. The provisions of this Order will remain effective and enforceable except to the extent that, and until such time as, any provisions are modified, terminated, suspended, or set aside by the Comptroller of the Currency.

SO ORDERED.

Dated: 7/9/10

/s/John C. Dugan
John C. Dugan
Comptroller of the Currency