



Office of the Chief Counsel
Central District
425 South Financial Place, Suite 1700
Chicago, Illinois 60605

March 6, 2024

Mr. Diape Seck, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Bank of America, Charlotte, NC & TD Bank, Wilmington, DE, (Banks)

Dear Mr. Seck:

The Office of the Comptroller of the Currency (OCC) has become aware of your conviction based on conspiracy to commit bank fraud and wire fraud, and bank fraud pursuant to 18 U.S.C. §1349 and 18 U.S.C. § 1344.¹ Because your conviction is based on a crime which involves dishonesty or a breach of trust, you are subject to the prohibitions set forth in 12 U.S.C. §§ 1829 and 1785(d) by operation of law (not as a result of any OCC enforcement action under 12 U.S.C. § 1818(e)).

Section 1829 prohibits you from participating, directly or indirectly, in any manner in the conduct of the affairs of any insured depository institution, including, but not limited to, banks and savings associations. You are also prohibited from participating in the affairs of any credit union pursuant to 12 U.S.C. § 1785(d). These statutes do not prohibit you from being a normal, arm's length customer of a bank, savings association, or credit union, e.g. having a loan or checking account at such an institution.

Sections 1829 and 1785(d) provide for fines not exceeding \$1,000,000 for each day the prohibition is violated and/or a term of imprisonment of not more than five years. Should a knowing violation of sections 1829 or 1785(d) occur, both you and the institution would be subject to the penalties provided by this statute.

In order to participate in the conduct of the affairs of any insured depository institution or credit union in the future, you must receive the approval of the Federal

¹ United States District Court, District of Maryland, United States of America v. Diape Seck, Case Number TDC-8-20-CR-00317-007.

Deposit Insurance Corporation (FDIC) with respect to insured depository institutions, or the National Credit Union Administration Board with respect to credit unions.

Due to your conviction based on conspiracy to commit bank fraud and wire fraud, and bank fraud pursuant to 18 U.S.C. §1349 and 18 U.S.C. § 1344, the FDIC cannot grant such approval until June 3, 2033, ten years after the date that your conviction became final. During these ten years, approval will only be granted if, on motion of the FDIC, the court in which your conviction was entered finds that such approval is in the interests of justice.

If you believe that this letter has been sent to you in error or that 12 U.S.C. § 1829 does not apply to you (e.g., your conviction was reversed on appeal or completely expunged), please contact [REDACTED] mail: Enforcement Division Director, OCC, 400 7th Street, SW, 9E-11, Washington, DC 20219. Please be advised that a copy of this letter will be posted on the OCC's public website (www.occ.gov).

Sincerely,

//s// Digitally Signed, Dated: 2024.03.06

Damon J. Savoy
District Counsel