

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

In the Matter of	)	
	)	
<b>ROBERTO A. GARCIA</b> , former Personal Banker	)	AA-ENF-2024-54
(North Miami, Florida branch)	)	
	)	
JPMorgan Chase Bank, N.A.	)	
Columbus, Ohio	)	

**NOTICE OF CHARGES FOR PROHIBITION**

Take notice that on a date to be determined by the Administrative Law Judge, a hearing will commence in the Southern District of Ohio, unless the parties consent to another place, pursuant to 12 U.S.C. § 1818(e), concerning the charges set forth herein to determine whether an Order should be issued against Roberto A. Garcia (“Respondent”), a former Personal Banker at JPMorgan Chase Bank, N.A., Columbus, Ohio (“Bank”), by the Comptroller of the Currency (“Comptroller”), prohibiting Respondent from participating in any manner in the conduct of the affairs of any federally insured depository institution or any other institution, credit union, agency or entity referred to in 12 U.S.C. § 1818(e).

The hearing afforded Respondent shall be open to the public unless the Comptroller, in his discretion, determines that holding an open hearing would be contrary to the public interest.

In support of this Notice of Charges for Prohibition (“Notice”), the Office of the Comptroller of the Currency (“OCC”) charges the following:

**ARTICLE I**

**JURISDICTION**

At all times relevant to the charges set forth below:

(1) The Bank was an “insured depository institution” as defined in 12 U.S.C. § 1813(c)(2).

(2) Respondent was an employee of the Bank and was an “institution-affiliated party” of the Bank as that term is defined in 12 U.S.C. § 1813(u), having served in such capacity within six (6) years from the date hereof. *See* 12 U.S.C. § 1813(i)(3).

(3) The Bank was a national banking association within the meaning of 12 U.S.C. § 1813(q)(1)(A), and is chartered and examined by the OCC. *See* 12 U.S.C. § 1 *et seq.*

(4) The OCC is the “appropriate Federal banking agency” as that term is defined in 12 U.S.C. § 1813(q) and is therefore authorized to initiate and maintain this prohibition action against Respondent pursuant 12 U.S.C. § 1818(e).

## **ARTICLE II**

### **BACKGROUND**

(5) This Article repeats and re-alleges all previous Articles in this Notice.

(6) Respondent was an employee of the Bank from approximately July 17, 2018 until the Bank terminated him on or about November 14, 2019.

(7) As a national bank employee, Respondent was obligated to carry out his duties and responsibilities in a manner consistent with safe and sound practices. Respondent was obligated to refrain from, directly or indirectly, engaging or participating in any unsafe or unsound practice in connection with the Bank.

### ARTICLE III

#### **RESPONDENT STOLE OVER \$12,000 IN CASH FROM THE BANK**

- (8) This Article repeats and re-alleges all previous Articles in this Notice.
- (9) As described herein, Respondent violated the law, including 18 U.S.C. § 656, and engaged in unsafe or unsound practices by stealing approximately \$12,948 from the Bank.
- (10) Respondent served as an Automated Teller Machine (ATM) custodian in the Bank's North Miami branch.
- (11) As ATM custodian, Respondent was responsible for loading cash into the ATMs.
- (12) In audits performed in September 2019, the Bank discovered cash shortages in three ATMs at the branch where Respondent worked.
- (13) The cash shortages, which totaled \$12,948, were as follows:
  - (a) ATM FL 1201 – short \$7,137;
  - (b) ATM FL 1202 – short \$3,036; and
  - (c) ATM FL 1203 – short \$2,775.
- (14) Between June 26, 2019 and September 4, 2019 (the “relevant time period”), Respondent made 14 cash deposits into his personal account, ranging in amount from \$500 to \$2,000.
- (15) Respondent's cash deposits totaled approximately \$12,732.
- (16) On or about November 8, 2019, Bank investigators interviewed Respondent about the missing funds.
- (17) Respondent verbally admitted to Bank investigators that he stole funds from Bank ATMs.

(18) Respondent further told Bank investigators that cash deposits in amounts over \$500 to his personal account during the relevant time period were deposits of stolen funds.

(19) Respondent's actions caused loss to the Bank in the amount of approximately \$12,948.

(20) As described in this Article, Respondent violated the law, including 18 U.S.C. § 656, and engaged in unsafe or unsound practices, by converting Bank funds to his own personal use.

#### **ARTICLE IV**

##### **RESPONDENT ENGAGED IN CUSTOMER ACCOUNT TAKEOVERS**

(21) This Article repeats and re-alleges all previous Articles in this Notice.

(22) From approximately September 23, 2019 to October 26, 2019, Respondent engaged in account takeovers of Bank customer accounts.

(23) Respondent accessed eight customer accounts and changed the phone numbers on file from the customers' numbers to his own personal cellular phone number.

(24) On six of the eight accounts, Respondent enrolled the customers' debit or credit cards in his personal digital Apple Pay Wallet.

(25) After Respondent enrolled each customer's card into his Apple Pay Wallet, he attempted various transactions for his personal benefit.

(26) In total, Respondent attempted over \$7,000 in fraudulent transactions.

(27) Approximately \$2,473 of the fraudulent transactions were processed successfully.

(28) Respondent's actions caused loss to the Bank in the amount of approximately \$2,473 when the Bank reimbursed the accounts of affected customers.

(29) As described in this Article, Respondent violated the law, including 18 U.S.C. § 656, and engaged in unsafe or unsound practices, by converting customer funds entrusted to the Bank to his own personal use.

## **ARTICLE V**

### **LEGAL BASES FOR REQUESTED RELIEF**

(30) This Article repeats and re-alleges all previous Articles in this Notice.

(31) By reason of Respondent's misconduct as described in Articles III and IV, the OCC seeks an Order of Prohibition against Respondent pursuant to 12 U.S.C. § 1818(e) on the following grounds:

- (a) Respondent violated the law, including 18 U.S.C. § 656, and/or engaged in unsafe or unsound practices in conducting the affairs of the Bank;
- (b) By reason of Respondent's misconduct, the Bank suffered financial loss or other damage and/or Respondent received financial gain or other benefit; and
- (c) Respondent's violations and unsafe or unsound practices involved personal dishonesty and/or demonstrated a willful disregard for the safety or soundness of the Bank.

## **ANSWER AND OPPORTUNITY FOR HEARING**

Respondent is directed to file a written Answer within twenty (20) days from the date of service of this Notice in accordance with 12 C.F.R. § 19.19(a) and (b). The Answer shall be filed with the Office of Financial Institution Adjudication, 3501 North Fairfax Drive, Suite VS-D8113, Arlington, VA 22226-3500. Respondent is encouraged to file any Answer electronically with the Office of Financial Institution Adjudication at [ofia@fdic.gov](mailto:ofia@fdic.gov). A copy of any Answer shall also be filed with the Hearing Clerk, Office of the Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219, [HearingClerk@occ.treas.gov](mailto:HearingClerk@occ.treas.gov), and with the attorney whose name appears on the accompanying certificate of service. **Failure to Answer within this time period shall constitute a waiver of the right to appear and contest the allegations contained in this Notice, and shall, upon the OCC's motion, cause the Administrative Law Judge or the Comptroller to find the facts in this Notice to be as alleged, upon which an appropriate order may be issued.**

**PRAYER FOR RELIEF**

The OCC prays for relief in the form of the issuance of an Order of Prohibition against Respondent pursuant to 12 U.S.C. § 1818(e).

Witness, my hand on behalf of the Office of the Comptroller of the Currency, given at Washington, D.C. this 29th day of July, 2024.

//s// Digitally Signed, Dated: 2024.07.29

Bethany A. Dugan  
Deputy Comptroller  
Large Bank Supervision