

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

In the Matter of:)
Eileen B. Fish)
Former Home Loan Sales Manager) AA-EC-2009-65
JP Morgan Chase Bank, N.A.)
Columbus, OH)

NOTICE OF CHARGES TO PROHIBIT FURTHER PARTICIPATION

On the 10th day of January, 2010, or such other date as determined by the Administrative Law Judge, a hearing will commence at 10:00 a.m. in Columbus, OH, pursuant to 12 U.S.C. § 1818(e)(1), concerning the charges set forth herein to determine whether an Order should be issued by the Comptroller of the Currency of the United States of America (“Comptroller”) against Eileen Boyle Fish (“Respondent”), former Home Loan Sales Manager for JP Morgan Chase Bank, N.A., Columbus, OH (“Bank”), 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), as amended.

The hearing afforded to 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 to Prohibit Further Participation, (“Notice”), the Comptroller charges the following:

Article I

Jurisdiction

At all times relevant to the charges set forth below:

(1) The Bank was a national banking association, chartered and examined by the Comptroller, pursuant to the National Bank Act of 1864, as amended, 12 U.S.C. § 1 et seq.

(2) The Bank was an “insured depository institution” as defined in 12 U.S.C. § 1813(c)(2) and within the meaning of 12 U.S.C. § 1818(i)(2).

(3) Respondent was a Home Loan Sales Manager for the Bank and is 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. § 1818(i)(3)). Therefore, Respondent is subject to the authority of the Comptroller to initiate and maintain an enforcement proceeding against Respondent pursuant to 12 U.S.C. § 1818.

(4) The Comptroller is the “appropriate Federal banking agency” within the meaning of 12 U.S.C. § 1813(q)(1) and for purposes of 12 U.S.C. § 1818(e), to initiate and maintain an enforcement proceeding against Respondent.

(5) In her capacity as a Home Loan Sales Manager, Respondent was under a statutory and fiduciary duty to conduct the Bank's affairs in accordance with all applicable laws, rules, and regulations.

Article II

Submission of Fictitious Expense Vouchers and False Entries in the Books, Reports and Statements of a National Bank

(6) Respondent caused, brought about, participated in, counseled, or aided or abetted unsafe or unsound practices, breaches of fiduciary duty, and violations of law when Respondent submitted fictitious expense request forms (“Fictitious Vouchers”) to

the Bank and deposited the amounts paid by the Bank into her personal checking account.

The facts supporting these violations, practices, and breaches are described below:

(7) Between approximately April, 2006, and August, 2006, Respondent submitted approximately nineteen (19) Fictitious Vouchers to the Bank requesting payment to a purported third party vendor of the Bank.

(8) Although the Fictitious Vouchers appeared to be signed by her supervisor, as required by Bank policy, Respondent in fact photocopied older expense vouchers to which her supervisor's signature had previously been affixed, thereby creating the appearance that the Fictitious Vouchers had been approved by her supervisor.

(9) The Bank issued checks for each of the nineteen (19) Fictitious Vouchers to a third party vendor.

(10) The checks issued to the third party vendor by the Bank were deposited into the Respondent's personal checking account at Washington Mutual Bank, Newtown, CT.

(11) The total amount of checks deposited into Respondent's checking account was \$66,000.

(12) Upon discovering the unauthorized nature of Respondent's Fictitious Vouchers, the Bank stopped payment on three (3) of the expense checks amounting to approximately \$18,000.

(13) The loss suffered by the Bank as a result of Respondent's submission of the Fictitious Vouchers and receipt of the expense checks was approximately \$48,000, exclusive of the costs of the Bank's investigation.

(14) Respondent made partial restitution to the Bank in the amount of \$32,742.32 on or about November 22, 2006.

(15) When questioned about her conduct by the Bank, Respondent admitted to “utiliz[ing] old vouchers to obtain the funds for new voucher requests” and explained that “while [her] intent may not have been to commit fraud, that, in actuality, is what occurred.” Respondent further claimed that she would provide documents demonstrating that the Fictitious Vouchers were for legitimate expenses.

(16) Respondent never supplied documentation to the Bank demonstrating the Fictitious Vouchers were legitimate expenses.

(17) Respondent’s submission of Fictitious Vouchers and obtaining Bank funds for her personal use constituted unsafe or unsound banking practices, breaches of fiduciary duty and violations of law in each and every of the above-described nineteen (19) instances in which Respondent affixed her supervisor’s signature and submitted a Fictitious Voucher to the Bank, and in each of the sixteen (16) instances where Respondent obtained Bank funds for her personal use through the deposit of expense checks. Specifically:

(18) Unsafe or Unsound Banking Practices. Respondent’s submission of Fictitious Vouchers and obtaining Bank funds for her personal use constituted unsafe or unsound banking practices as to each and every of the above-described nineteen (19) instances in which Respondent affixed her supervisor’s signature and submitted a Fictitious Voucher to the Bank, and in each of the sixteen (16) instances where Respondent obtained Bank funds for her personal use through the deposit of expense checks.

(19) Breaches of Fiduciary Duty. Respondent's submission of Fictitious Vouchers and obtaining Bank funds for her personal use constituted breaches of fiduciary duties in that Respondent was under fiduciary obligations to act in the best interests of the Bank and that her conduct in each and every of the above-described nineteen (19) instances in which Respondent affixed her supervisor's signature and submitted a Fictitious Voucher to the Bank, and in each of the sixteen (16) instances where Respondent obtained Bank funds for her personal use through the deposit of expense checks was a breach of her fiduciary obligations.

(20) Violations of Law. Respondent's submission of Fictitious Vouchers and obtaining Bank funds for her personal use constituted violations of 18 U.S.C. § 1005. Respondent made or caused false entries to be made in the books, reports, or statements of the Bank, with the intent to injure, defraud, or deceive the Bank in each and every of the above-described nineteen (19) instances in which Respondent affixed her supervisor's signature and submitted a Fictitious Voucher to the Bank, and in each of the sixteen (16) instances where Respondent obtained Bank funds for her personal use through the deposit of expense checks.

(21) Respondent's submission of the nineteen (19) Fictitious Vouchers, and Respondent's deposit of the sixteen (16) expense checks to her personal checking account, resulted in a loss to the Bank and resulted in personal gain to Respondent.

(22) Respondent's submission of the nineteen (19) Fictitious Vouchers, and Respondent's deposit of the sixteen (16) expense checks to her personal checking account evidences personal dishonesty on the part of Respondent, as well as exhibits both a willful and continuing disregard for the safety and soundness of the Bank.

Respondent is directed to file a written answer to this Notice 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 original and one copy of any answer shall be filed with the Office of Financial Institution Adjudication, Federal Deposit Insurance Corporation, 3501 N. Fairfax Drive, Suite VS-D8113, Arlington, Virginia 22226-3500. Respondent is encouraged to file any answer electronically with the Office of Financial Institution Adjudication at 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 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 Comptroller'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 Comptroller prays for relief in the form of the issuance of a final Order of Removal and Prohibition.

Witness, my hand on behalf of the Office of the Comptroller of the Currency, given at Washington, D.C. this 13th day of November, 2009.

signed

Hank Fleming
Director for Special Supervision