

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

<hr/>)	
In the Matter of:)	
Emily M. Niedwiecky)	
Former Senior Customer Service Representative)	
)	AA-ENF-2024-30
Wells Fargo Bank, National Association)	
Sioux Falls, South Dakota)	
<hr/>)	

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 District of South Dakota, unless the parties agree 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 by the Comptroller of the Currency (“Comptroller”) against Emily M. Niedwiecky (“Respondent”), former Senior Customer Service Representative at Wells Fargo Bank, N.A., Sioux Falls, South Dakota (“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).

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 Order of 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 is 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. § 1818(i)(3).
- (3) The Bank is 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 to 12 U.S.C. § 1818(e).

ARTICLE II
BACKGROUND

- (5) This Article repeats and realleges all previous Articles in this Notice.
- (6) Respondent was employed by the Bank from on or about December 11, 2019 until her termination on or about March 30, 2023.
- (7) At all relevant times, Respondent served as a Senior Customer Service Representative at the Wells Fargo Auto Operations Center in Raleigh, North Carolina. Wells Fargo Auto Operations Center is part of the Consumer Lending division of the Bank.
- (8) As a Bank employee, Respondent was obligated to comply with all applicable laws and regulations.

(9) From at least May 22, 2021, to March 20, 2023, Respondent sought reimbursements from the Bank by falsely disputing \$22,157.95 in purchases she made with her personal debit cards.

ARTICLE III

RESPONDENT DEFRAUDED THE BANK BY FALSELY DISPUTING HER AUTHORIZED PURCHASES TO OBTAIN REIMBURSEMENTS

(10) This Article repeats and realleges all previous Articles in this Notice.

(11) As described in this Article, Respondent violated the law, specifically 18 U.S.C. § 1344 (“Bank fraud”), by seeking reimbursements which she was not entitled to from the Bank by falsely disputing purchases that she authorized on her personal debit cards.

(12) As detailed in the chart below, from on or about May 22, 2021, through March 20, 2023, Respondent filed \$22,157.95 in fraud claims with the Bank for purchases made with her debit cards that ranged in amount from \$50.30 to \$5,381.57. Each of the claims submitted by Respondent was fraudulent because Respondent purchased the goods or services. In total, the Bank reimbursed \$14,287.29 in fraudulent claims made by Respondent.

Merchant	Claim Date	Claim Amount	Loss Amount	Type
American Airlines	5/22/2021	\$198.80	\$198.80	Fraud
Family Dollar, Walmart	6/19/2021	\$604.04	\$604.04	Fraud
Grid App	9/7/2021	\$60.00	\$0.00	Fraud
Brigit and Earnin Active	10/1/2021	\$460.99	\$0.00	Fraud
Dave Inc	10/28/2021	\$75.00	\$75.00	Fraud
Rent a Center	11/2/2021	\$72.48	\$72.48	Fraud
Floatme Fund and Dave, Inc.	11/2/2021	\$54.99	\$0.00	Fraud
Food Lion	11/27/2021	\$868.92	\$0.00	Denied
StubHub	4/23/2022	\$111.81	\$111.81	Fraud
Klover Boost, Klover Care	5/17/2022	\$275.11	\$275.11	Fraud
Line and Empower Inc	5/17/2022	\$117.00	\$0.00	Denied
CashApp	7/16/2022	\$1,317.00	\$1,317.00	Fraud
Sonesta Es Suites	10/10/2022	\$300.33	\$300.33	Fraud
Tomocredit	10/15/2022	\$595.30	\$372.65	Fraud

Tomocredit	10/15/2022	\$5,381.57	\$2,621.49	Fraud
Sonesta Es Suites	10/27/2022	\$379.20	\$379.20	Fraud
Enterprise Rent a Car	11/18/2022	\$523.49	\$523.49	Fraud
CashApp	11/21/2022	\$150.00	\$0.00	Fraud
CashApp	11/21/2022	\$880.00	\$880.00	Fraud
AMF, Circle K, AMF	12/5/2022	\$223.77	\$0.00	Denied
Cook Out, Belk, Boxcar Bar, WF Raleigh, Campus Family, AMF, Capital Buy Sell Trades, Boxcar Bar, Walmart, Wendy's, Straighttalk, etc.	12/5/2022	\$1,433.72	\$0.00	Denied
YSI Qual Ridge	12/8/2022	\$1,068.66	\$1,068.66	Fraud
Quail Ridge	12/8/2022	\$1,052.39	\$1,052.39	Fraud
YSI Quail Ridge	12/9/2022	\$3,066.65	\$0.00	Denied
YSI Quail Ridge	12/9/2022	\$2,110.30	\$0.00	Denied
Apple Cash, Bojangles	12/9/2022	\$50.30	\$0.00	Denied
Capital Buy Sell	3/20/2023	\$160.88	\$160.88	Fraud
Priceline (\$118.97) Bridgepointe Hotel (\$135.25)	3/20/2023	\$254.22	\$254.22	Fraud
Capital Buy Sell Trade	3/20/2023	\$311.03	\$311.03	Fraud
Total		\$22,157.95	\$10,578.58	

(13) On or around March 23, 2023, Respondent verbally admitted to Bank investigators that she filed false fraud claims on her accounts. She admitted that she experienced financial hardship from May 2022 to December 2022 which was the motivating factor for her to obtain illegitimate reimbursements for transactions that she made.

(14) On or about March 30, 2023, the Bank terminated Respondent for dishonesty and fraud in filing false fraud claims in violation of the Bank's Code of Ethics and Business Conduct.

(15) The Bank denied \$7,870.66 of Respondent's fraud claims. Of the \$14,287.29 in fraudulent claims that the Bank reimbursed Respondent, it was able to recover \$3,708.71.

(16) Following those denials and recoveries, the Bank suffered a net loss of approximately \$10,578.58 due to Respondent's fraudulent claims.

ARTICLE IV

LEGAL BASES FOR REQUESTED RELIEF

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

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

(a) Respondent violated the law, including 18 U.S.C. § 1344;

(b) By reason of Respondent's misconduct, the Bank suffered or was likely to suffer financial loss and Respondent received financial gain; and

(c) Respondent's misconduct involved personal dishonesty.

ANSWER AND OPPORTUNITY FOR HEARING

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 Answer shall be filed with the Office of Financial Institution Adjudication, 3501 North Fairfax Drive, Suite D8115A, Arlington, VA 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, 400 7th Street SW, Washington, DC 20219, 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 pursuant to 12 U.S.C. § 1818(e).

Witness, my hand on behalf of the OCC, given this 21st day of November 2024.

//s// Digitally Signed, Dated: 2024.11.21

Mark Richardson
Deputy Comptroller
Large Bank Supervision