

UNITED STATES OF AMERICA  
NATIONAL CREDIT UNION ADMINISTRATION  
NATIONAL CREDIT UNION ADMINISTRATION BOARD

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IN THE MATTER OF )  
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Thomas Gerald Hayes )  
Former Executive-President )  
Burton, Michigan )  
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 )  
\_\_\_\_\_ )

Docket No. 08 - 0035 - R1

**ORDER OF PROHIBITION**

Pursuant to Section 206 (i)(1)(C)(i) of the Federal Credit Union Act, 12 U.S.C. § 1786 (i)(1)(C)(i), you are hereby notified that you are prohibited from participating in any manner in the affairs of any federally insured credit union. This prohibition is effective immediately upon service. In accordance with Section 206 (g)(7)(A) of the Federal Credit Union Act, 12 U.S.C. § 1786 (g)(7)(A) this Order shall constitute a prohibition from further participation in any manner in the affairs of any federally insured financial institution, or other entity identified therein, without the written permission of the appropriate federal regulatory agency. This Order has been issued based upon the following information:

On October 3, 2007, you were convicted of Embezzlement by a Credit Union Officer or Employee. In connection with your conviction, you were sentenced to serve twenty-one months in prison, submit to four years of supervised probation and pay restitution totaling \$130,301.00 of which \$2,000.00 was to be paid to the credit union.

The conviction of Embezzlement by a Credit Union Officer or Employee resulted from dishonest acts perpetrated by you against the credit union. Due to the circumstances and nature of the offenses to which you pled guilty, your continued participation in the affairs of any federally insured credit union may pose a threat to the interests of credit union members and threaten to impair public confidence in the credit union involved.

## NOTICE OF HEARING

Pursuant to Section 206 (i)(3) of the Federal Credit Union Act, 12 U.S.C. § 1786 (i)(3), you may request in writing, within thirty days of service of this Order, an opportunity for a hearing at which you may present evidence and argument that your continued participation in the affairs of any federally insured credit union is not, or would not be likely to, pose a threat to the interests of that credit union's members or threaten to impair public confidence in the credit union. Pursuant to 12 C.F.R. § 747.306 your request must state with particularity the relief desired, the grounds, and must include supporting evidence.

Any such request should be sent to: Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314 - 3428, with a copy sent to Associate General Counsel John K. Ianno at the same address. This hearing will be held in the Washington, D.C. metropolitan area, or such other place as designated by the Board, in accordance with Subpart D of Part 747 of the National Credit Union Administration's Rules and Regulations, 12 C.F.R. § 747.301 *et seq.*

Should you request a hearing it will commence 30 days after receipt of your request. The procedure to be followed is contained in 12 C.F.R. § 747.307. You may appear at the hearing personally, through counsel, or personally with counsel. The proceedings will be recorded and you will be entitled to a transcript after payment of the costs thereof. Witnesses may be called at the discretion of the NCUA Board. If witnesses are permitted, both parties will have the ability to cross-examine those witnesses. The Presiding Officer of the hearing will make his or her recommendations to the NCUA Board, where possible, within ten business days following the close of the record.

**PENALTY FOR VIOLATION OF ORDER OF PROHIBITION**

Pursuant to Section 206 (k)(2) of the Federal Credit Union Act, 12 U.S.C. § 1786 (k)(2), any violation of this Order may subject you to a civil money penalty. In addition, pursuant to Section 206 (l) of the Federal Credit Union Act, 12 U.S.C. § 1786 (l), any violation of this Order is a felony offense that is punishable by imprisonment of up to five years and a fine of up to \$1,000,000.

**National Credit Union Administration**

By Anthony LaCusa

Date 10.2.08

Ⓜ Mark Treichel, Regional Director  
National Credit Union Administration