UNITED STATES OF AMERICA
NATIONAL CREDIT UNION ADMINISTRATION
Alexandria, Virginia

In the Matter of	)	
	)	
Jane Dearth	)	Docket No.: 15-0063-R2
	)	

NOTICE OF PROHIBITION

WHEREAS on or about April 3, 2015, Jane Dearth ("Dearth") was sentenced the charge of Theft, Ohio Rev. Code §§ 2913.02(A)(1)(2)(3)&(B)(1)(2), a charge to which she had previously pleaded guilty, in connection with her employment at Riverview Credit Union, in the Court of Common Pleas for Washington County, Ohio;

WHEREAS a violation of Ohio Rev. Code §§ 2913.02(A)(1)(2)(3)&(B)(1)(2) is a criminal offense involving dishonesty and breach of trust;

NOW, THEREFORE, YOU ARE HEREBY NOTIFIED THAT:

1. Pursuant to 12 U.S. C. § 1785(d)(1)(A) and 12 U.S.C. § 1829(a)(1)(A), Dearth is prohibited from becoming an "institution affiliated party" of any insured depository institution, as defined in 12 U.S.C. § 1786(r); otherwise participating, directly or indirectly, in the conduct of the affairs of any insured depository institution; and owning or controlling, directly or indirectly, any insured depository institution;

2. Pursuant to 12 U.S. C. § 1785(d)(1)(B) and 12 U.S.C. § 1829(a)(1)(B), no insured depository institution may permit Dearth to engage in any conduct or continue in any relationship prohibited in paragraph 1 above;

3. Pursuant to 12 U.S.C. § 1785(d)(3) and 12 U.S.C. § 1829(b), whoever knowingly violates paragraph 1 or 2 above is subject to a fine of not more than $1 million for each day such prohibition is violated, or imprisonment for not more than five (5) years, or both;

4. The "Journal Entry: Sentencing Hearing" document, Case No. 14 CR 259, is made a part hereof and is incorporated herein by reference; and

5. This Notice of Prohibition shall be effective and enforceable on the date set forth below.

IT IS SO ORDERED this 2nd day of June, 2015.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

By: Jane Walters

Jane Walters
Regional Director
NCUA Region II

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2015 APR -3 PM 2:15
WASHINGTON CO. OHIO

IN THE WASHINGTON
COUNTY COMMON PLEAS COURT
GENERAL DIVISION

THE STATE OF OHIO	*	CASE NO. 14 CR 259
Plaintiff	*	
vs.	*	JUDGE LANE
JANE A. DEARTH	*	JOURNAL ENTRY: SENTENCING HEARING
Defendant	*	
	*	

This case came on for a Sentencing Hearing this 12th day of March, 2015. Present in open court were Defendant, Jane A. Dearth, accompanied by her attorney George J. Cosenza; Washington County Prosecuting Attorney James E. Schneider was present for the State of Ohio.

The Court notes for the record that on January 23, 2015, Defendant appeared in Court and plead Guilty to **Theft**, a felony of the fifth degree, in violation of Ohio Revised Code section 2913.02(A)(1)(2)(3)&(B)(1)(2), as charged in the Amended Indictment.

The Court continued the case to this day for a pre-sentence investigation and report by the Pre-Sentence Investigation Unit, which report was submitted to the

Court on March 3, 2015.

The Court inquired of Attorney Schneider if he wanted to make a statement as to sentencing, and Attorney Schneider did make a statement as to sentencing, and also advised the Court that he had been advised that the victim's Attorney Thomas Webster, and Defendant's Attorney George J. Cosenza had agreed upon a final restitution figure, and thus the Court would not need to have a restitution hearing.

The Court inquired of Attorney Cosenza if he wanted to make a statement on behalf of the Defendant as to sentencing, and Attorney Cosenza did make a statement on the Defendant's behalf, and advised the Court that the restitution agreement was $37,000.00. He further advised the Court that Defendant had given him a check in that amount today, and that after this hearing he will deposit same in his trust account, and when it clears, he will write a check in that amount to the victim, and will deliver same to the victim.

The Court inquired of the Defendant if she wanted to make a statement on her own behalf or present any information in mitigation of punishment, and Defendant Jane A. Dearth, did make a statement to the Court.

The Court notes that a representative of the victim was present, but upon inquiry by the Court he declined to make a statement.

The Court has considered the record of this case, the oral statements made this day, and the pre-sentence report, as well as the principles and purposes of

sentencing pursuant to O.R.C. sections 2929.11 through 2929.19, as to the sentence to be imposed for felony crimes.

Specifically, as to this felony crime, being a fifth degree felony violation of O.R.C. section 2913.02(A)(1)(2)&(B)(1)(2)(3), the Court made the following determinations:

[A] The Court FINDS that the Defendant was convicted of non-violent felony of the fifth degree, and that community control is mandatory unless:

(1) Physical harm was caused, and it was not;

(2) Defendant has served a felony prison sentence, or a misdemeanor jail sentence for a crime involving physical harm within two years of this crime and Defendant has done neither;

(3) A firearm was possessed or used during this crime and, it was not;

(4) The Defendant violated her bond conditions, and she did not violate bond in this case.

[B] The Court FINDS there are no prison factors present in this case.

[C] The Court FINDS the following factors are present which makes this crime more serious than the norm:

(1) The Defendant caused serious economic harm to the victim;

(2) The Defendant's relationship to the victim facilitated the offense.

[D] The Court FINDS the following factor is present which makes this crime

less serious than the norm: the Defendant did not cause or expect to cause physical harm to a person or property.

[E] The Court FINDS there are no factors present which make this Defendant more likely to recidivate.

[F] The Court FINDS the following factor is present that makes this Defendant less likely to recidivate:

(1) The Defendant has no prior criminal juvenile or adult convictions;

(2) The Defendant has led a law abiding life for a significant amount of years.

[G] The Court has weighed the seriousness and recidivism factors and has considered the over-riding purposes of felony sentencing to protect the public from future crime by this offender and others, and to punish this offender using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources, and to achieve these purposes the court has considered the need for incapacitating this offender and deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, or to the public, or both. Thereupon the Court FINDS that the sentence it is about to impose is reasonably calculated to achieve these purposes, and is commensurate with, and does not demean the seriousness of the offender's conduct, and its impact upon the victim, and is consistent with sentences imposed for similar crimes committed by

similar offenders.

[H] The Court further FINDS that the Defendant is amenable to community control sanctions.

Therefore, be it ORDERED and ADJUDGED that upon consideration of the pre-sentence investigation and report, and upon the statements made in Court this day, and upon consideration of the factors set forth in Ohio Revised Code sections 2929.11, through 2929.19, and upon Defendant's Guilty plea to the crime of **Theft,** a felony of the fifth degree, in violation of Ohio Revised Code section 2913.02(A)(1)(2)(3)&(B)(1)(2), as charged in the Amended Indictment, the Defendant, **Jane A. Dearth,** is sentenced to **three (3) years of COMMUNITY CONTROL** subject to the general supervision and control of the Washington County Adult Probation Department.

The Court further imposes specific Community Control sanctions and conditions as follows:

[1] The Defendant is to serve ninety (90) days in the Washington County Jail.

[2] The Defendant is to pay court costs.

[3] The Defendant is to comply with the general terms and conditions of Community Control Supervision as journalized in the records of this court.

[4] The Defendant shall pay restitution in the amount of $37,000.00 to the Riverview Credit Union.

The Court notified the Defendant that, if she violates the terms and conditions of Community Control, the Court will impose a prison sentence of twelve (12) months. Further, if he is sent to prison, upon her release, she may be subject to a period of post release control for up to three (3) years, and informed the Defendant of the consequences for violating conditions of post-release control imposed by the Parole Board pursuant to O.R.C. section 2967.28. The Defendant is ORDERED to serve as part of this sentence any term of post release control imposed, and any prison term imposed as a result of a violation of any condition of post release control.

It is further ORDERED that Judgment be rendered against the Defendant, Jane A. Dearth, and in favor of the Washington County Clerk of Courts, for Court costs in the above styled case.

The Defendant is remanded to the custody of the Washington County Jail.

James E. Schneider, #0011141
Prosecuting Attorney
Washington County, Ohio

George J. Cosenza, Attorney for
Jane A. Dearth, Defendant

ENTER:

Hon. Ed Lane, Judge