

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

In the Matter of:

NYEMA'SHA TAYLOR, Former Teller
and institution-affiliated party,

WELLS FARGO BANK, N.A.
Sioux Falls, South Dakota
(Atlanta, Georgia branch)

Docket No.:
AA-ENF-2021-23

**ORDER NO. 2: ORDER OF DEFAULT AND RECOMMENDED DECISION TO
PROHIBIT FURTHER PARTICIPATION**

On June 15, 2023, the Office of the Comptroller of the Currency (“OCC”) issued a Notice of Charges for an Order of Prohibition (“Notice”) in the above-captioned matter, seeking to prohibit Respondent Nyema’sha Taylor (“Respondent”) from further participation in the banking industry on the basis of the agency’s allegations that Respondent, a former bank teller, had violated the law and engaged in unsafe or unsound practices by knowingly processing unauthorized cash withdrawals from a customer account. *See* Notice ¶¶ 8-21. On August 23, 2023, Enforcement Counsel for the OCC (“Enforcement Counsel”) filed a Motion for Entry of an Order of Default (“Default Motion”) pursuant to 12 C.F.R. § 19.19(c)(1). The Default Motion is based on Respondent’s failure to file an answer in response to the Notice as provided by the Uniform Rules of Practice and Procedure (“Uniform Rules”) that govern this proceeding. *See* 12 C.F.R. § 19.19.

Enforcement Counsel served the Notice on Respondent by UPS Overnight Mail on June 14, 2023 at an address originally obtained by a Westlaw CLEAR Search for Nyema’sha Taylor and later confirmed by an inquiry to the Housing Authority of Savannah, Respondent’s putative

landlord.¹ UPS delivered the Notice on June 15, 2023.² The Notice required Respondent to file an answer to the Notice by July 5, 2023, twenty (20) days from the date of service. *See* 12 C.F.R. § 19.19(a). To date, Respondent has failed to file an answer.

The undersigned finds that Respondent was properly served the Notice pursuant to 12 C.F.R. §§ 19.11(b) and 19.18(a) of the Uniform Rules,³ and has failed to file an answer to the Notice as required by 12 C.F.R. § 19.19(a). Furthermore, on August 23, 2023, Enforcement Counsel served the Default Motion on Respondent by UPS Overnight Delivery, and there is no indication it was undelivered.⁴ Respondent had until September 12, 2023 to oppose Enforcement Counsel's Default Motion. *See* 12 C.F.R. §§ 19.12, 19.23(d). She did not.⁵ The undersigned therefore finds that, under 12 C.F.R. § 19.19(c)(1), Respondent has now waived her right to appear and contest the allegations in the Notice, and that no good cause has been shown for Respondent's failure to file a timely answer. Respondent has had ample opportunity to file an answer and has offered no explanation for her failure to do so.

Accordingly, Enforcement Counsel's Default Motion is **GRANTED**. The undersigned recommends that the Comptroller enter an order containing the findings and the relief sought in the Notice, as enumerated below, with the result that Respondent be permanently prohibited from further industry participation pursuant to 12 U.S.C. § 1818(e).

¹ *See* Default Motion at 2-3.

² *See id.*, Exs. B-C. In addition to serving the Notice to Respondent's address via UPS, Enforcement Counsel represents that it engaged a process server to attempt to effect personal service upon Respondent at her address on July 6, 2023, July 8, 2023, July 12, 2023, and July 29, 2023, but that such attempts were unsuccessful. *See id.* at 3 & Ex. D (Affidavit of Attempted Service).

³ 12 C.F.R. § 19.12(b) deems a notice served "upon deposit in or delivery to an appropriate point of collection." As Enforcement Counsel verified Respondent's address through two independent methods, the undersigned finds that the Notice was properly served to Respondent. The undersigned also mailed Respondent Order No. 1: Notice of Designation and Preliminary Order to Respondent at the same address by certified mail on June 16, 2023, but the order was returned to sender, marked unclaimed and unable to be forwarded.

⁴ *See* Default Motion, Certificate of Service.

⁵ *See* 12 C.F.R. § 19.23(d)(2) (stating that "[t]he failure of a party to oppose a written motion . . . is deemed a consent by that party to the entry of an order substantially in the form of the order accompanying the motion").

I. Findings of Fact

In support of the Notice and by virtue of Respondent's failure to answer the Notice, she has waived her right to appear and contest the following:

A. Jurisdiction

At all times relevant to the findings set forth below:

(1) Wells Fargo Bank, N.A., Sioux Falls, South Dakota ("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 of the Notice. *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). Respondent was an employee of the Bank from on or about April 30, 2018 until her employment was terminated on or about November 21, 2018.

B. Uncontested Facts

(5) Respondent was an employee of the Bank from on or about April 30, 2018 until her employment was terminated on or about November 21, 2018.

(6) As a Bank employee, Respondent was obligated to comply with all applicable laws, and to carry out her duties and responsibilities in a safe and sound manner.

(7) As described herein, Respondent violated the law, and engaged in unsafe or unsound practices, by knowingly processing five unauthorized in-person cash withdrawals from

Customer A's account totaling \$11,800.

(8) On or about October 26, 2018, Respondent accessed Customer A's account profile without a valid business purpose.⁶

(9) On or about October 29, 2018, Respondent processed two in-person cash withdrawals from Customer A's account for \$2,400 each ("October 29 Withdrawals").

(10) The October 29 Withdrawals were unauthorized withdrawals.

(11) On or about October 31, 2018, Respondent processed two in-person cash withdrawals from Customer A's account for \$2,400 each ("October 31 Withdrawals").

(12) The October 31 Withdrawals were unauthorized withdrawals.

(13) On or about November 7, 2018, Respondent processed an in-person cash withdrawal from Customer A's account for \$2,200 ("November 7 Withdrawal").

(14) The November 7 Withdrawal was an unauthorized withdrawal.

(15) On November 19, 2018, Respondent signed a written statement admitting to processing withdrawals for a friend after checking the balance of the account.

(16) On or about December 13, 2018, the Bank charged off a loss in the amount of \$4,800 in connection with one of the October 29 Withdrawals and one of the October 31 Withdrawals.

(17) On or about December 17, 2018, the Bank charged off a loss in the amount of \$7,000 in connection with one of the October 29 Withdrawals, one of the October 31 Withdrawals, and the November 7 Withdrawal.

C. Conclusions of Law

(18) Respondent violated the law, including 18 U.S.C. § 656, and/or engaged in unsafe

⁶ The identity of Customer A has been separately disclosed to Respondent by Enforcement Counsel.

or unsound practices in conducting the affairs of the Bank;

(19) By reason of Respondent's misconduct, the Bank suffered financial loss or other damage and/or Respondent received financial gain or other benefit; and

(20) 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.

II. Recommended Order to Prohibit Further Participation

As of this date, Respondent has not filed an answer to the Notice. Accordingly, Respondent has failed to file a timely answer to the Notice pursuant to 12 C.F.R. § 19.19(a). Respondent has also failed to timely respond to Enforcement Counsel's Default Motion or otherwise offer any reason for her lack of an answer. Respondent's failure to file an answer within the time provided without a showing of good cause thereby constitutes a waiver of the respondent's right to appear and contest the allegations in the Notice. 12 C.F.R. § 19.19(c)(1).

Based on the foregoing findings of fact and conclusions of law, it is recommended that Respondent be prohibited from further participation in any manner in the conduct of the affairs of any federally insured depository institution and any other institution, credit union, agency, and entity referred to in 12 U.S.C. § 1818(e), as amended, pursuant to 12 U.S.C. § 1818(e)(1).

The record in this matter is hereby filed and certified for decision. The Order of Prohibition is certified to the Comptroller of the Currency.

SO ORDERED.

Issued: September 18, 2023



Jennifer Whang, Administrative Law Judge
Office of Financial Institution Adjudication

CERTIFICATE OF SERVICE

On September 18, 2023, I served a copy of the foregoing ORDER and RECOMMENDED DECISION upon the following persons via email:

Hearing Clerk
Office of the Comptroller of the Currency
400 7th Street, SW
Washington, DC 20219
hearingclerk@occ.treas.gov

Enforcement Counsel:
Alejandra G. Arias, alejandra.arias@occ.treas.gov
John Cooper, john.cooper@occ.treas.gov
Enforcement
Office of the Comptroller of the Currency
400 7th Street, SW
Washington, DC 20219
Phone: (202) 649-5084, (202) 649-8289

And upon the following individual by UPS and certified mail:

Respondent:
Nyema'sha Taylor
300 Lewis Drive
Apt. 323
Savannah, GA 31406-6765

Robert Meiers

Robert Meiers
Office of Financial Institution Adjudication
3501 N. Fairfax Drive, Room D-8081
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