

**UNITED STATES OF AMERICA  
NATIONAL CREDIT UNION ADMINISTRATION  
Alexandria, Virginia**

In the Matter of	)	
	)	
Harold M. Wilkerson, II	)	Docket No. 11-0060-R4
	)	
Former Employee of	)	
Credit Union One	)	
Topeka, Kansas	)	
	)	

**NOTICE OF PROHIBITION**

WHEREAS on or about March 11, 2011, Harold M. Wilkerson, II was convicted of 21 counts of bank fraud (18 U.S.C. § 1344) and 21 counts of identity theft (18 U.S.C. § 1028A), 10-40130-01-RDR, during his affiliation with Credit Union One, Topeka, Kansas.

WHEREAS Harold M. Wilkerson, II was convicted of 21 counts of bank fraud (18 U.S.C. § 1344) and 21 counts of identity theft (18 U.S.C. § 1028A), See Petition to Enter Plea of Guilty and Order Entering Plea filed March 11, 2011, 10-40130-01-RDR, attached hereto;

WHEREAS violations of 18 U.S.C. § 1344 and 18 U.S.C. § 1028A are criminal offenses 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), Harold M. Wilkerson, II, 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 Harold M. Wilkerson, II 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 convictions on 21 counts of bank fraud (18 U.S.C. § 1344) and 21 counts of identity theft (18 U.S.C. § 1028A), 10-40130-01-RDR, on March 11, 2011, 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 3<sup>rd</sup> day of January 2012

**NATIONAL CREDIT UNION  
ADMINISTRATION BOARD**

By: C. Keith Morton  
C. Keith Morton, Region IV  
Regional Director  
National Credit Union Administration

IN UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	)	NO. <u>10-40130-01-RDR</u>
Plaintiff,	)	
	)	
v.	)	PETITION TO ENTER PLEA
	)	OF GUILTY AND ORDER
	)	ENTERING PLEA
<u>HAROLD M. WILKERSON</u> ,	)	[Federal Rules of Criminal
Defendant.	)	Procedure, Rules 10 and 11]

The defendant represents to the Court:

(1) My full true name is: HAROLD M. WILKERSON  
I am 48 years of age. I have completed \_\_\_\_\_ grade. I request that all proceedings against me be  
in my true name.

(2) I am represented by a lawyer, his name is:

JAMES C. HEATHMAN

(3) I received a copy of the Indictment<sup>1</sup> before being called upon to plead. I read the  
Indictment and have discussed it with my lawyer. I fully understand every charge made against me.

(4) I told my lawyer all the facts and circumstances known to me about the charges made  
against me in the Indictment. I believe that my lawyer is fully informed on all such matters.

(5) I know that the Court must be satisfied that there is a factual basis for a plea of  
"GUILTY" before my plea can be accepted. I represent to the Court that I did the following acts in  
connection with the charges made against me in Count(s) 1 - 42 :  
I created loans in the names of two other people and then transferred the funds for my own use.  
In doing so, I used a means of identification of these 2 other individuals.

(6) My lawyer has counseled and advised me on the nature of each charge, on all lesser  
included charges, and on all possible defenses that I might have in this case.

(7) I know that I have the right to plead "NOT GUILTY" to any offense charged against  
me. If I plead "NOT GUILTY" I know the Constitution guarantees me: (a) the right to a speedy and  
public trial by a jury; (b) at that trial, and at all stages of the proceedings, the right to the assistance  
of a lawyer; (c) the right to see and hear all witnesses called to testify against me, and the right to  
cross-examine those witnesses; (d) the right to use the power and process of the Court to compel the

<sup>1</sup> 'Indictment' also includes 'Information.'

production of any evidence, including the attendance of any witnesses in my favor; and (e) the right not to be compelled to incriminate myself by taking the witness stand, and if I do not take the witness stand, no inference of guilt may be drawn from such decision.

(8) I know that if I plead "GUILTY," I am thereby waiving my right to a trial, and that there will be no further trial of any kind, either before a Court or jury; and further, I realize the Court may impose the same punishment as if I had pleaded "NOT GUILTY," stood trial, and been convicted by a jury.

(9) I know that if I plead "GUILTY," the Court will ask me questions about the offense(s) to which I have pleaded, and since I will be answering these questions under oath, on the record, and in the presence of my lawyer, that my answers may later be used against me in a prosecution for perjury or false statement.

(10) My lawyer informed me that the plea of "GUILTY" could subject me to a mandatory minimum sentence of not less than 2 years (if applicable) and to a maximum punishment which, as provided by law, is 32 years to be followed by a term of supervised release of at least 0 years on (Title 21 Drug Offense) and not to exceed 5 years (greater of 18 U.S.C. § 3583(b) or Title 21 Drug Offense), and a fine of not less than \$ 0.00 nor more than \$ ~~1,000.00~~ (which may accrue interest if not paid at time of sentencing) for the offense(s) charged in Count(s) 1-42 of the Indictment or Information. I have also been informed that should the Court find me in violation of the supervised release term, the term could be revoked and an additional term of imprisonment not to exceed        years may be imposed. I have also been informed that the Court may order me to make restitution in compliance with 18 U.S.C. § 3663 and § 3664 or as a condition of supervision, if such is ordered under 18 U.S.C. § 3563, in addition to any other penalty provided by law. I further understand that if I am pleading "GUILTY" to an offense which is subject to the Sentencing Reform Act, I cannot be released on parole and, if imprisonment is ordered in my case, the sentence imposed by the Court will be the sentence I serve less any good time credit if I earn it.

(11) I know that in addition to any other penalty imposed, including any fine or restitution order, the Court is required to impose a special monetary assessment in the amount of \$ 4,200.00.

\$ 100.00 for each count in which the offense occurred after April 24, 1996. (Not less than \$100.00 for a felony, \$25.00 for a Class A misdemeanor; if the defendant is other than an individual the assessment is not less than \$400.00 for a felony and \$100.00 for a Class A misdemeanor). I UNDERSTAND THIS SPECIAL ASSESSMENT MUST BE PAID AT THE TIME OF THE SENTENCING HEARING UNLESS THE COURT DIRECTS OTHERWISE.

(12) I understand that if my case involves drug trafficking or drug possession, the Court may deny or suspend my eligibility to receive federal benefits pursuant to 21 U.S.C. § 862, except for those specifically exempted. I understand that if this is my second or subsequent conviction for possession of a controlled substance, the Court may order me to complete drug treatment or community service as specified in the sentence as a condition for reinstatement of benefits.

(13) I know that the Court may also order, in addition to the penalty imposed, that I give reasonable notice and explanation of the conviction, in such form as the Court may approve, to the victims of the offense.

(14) I have been advised and understand that if I am not a U.S. citizen, a conviction of a criminal offense may result in deportation from the United States, exclusion from admission to the United States, and/or denial of naturalization.

(15) If I am on probation or parole in this or any other Court, I know that by pleading guilty here, my probation or parole may be revoked and I may be required to serve time in that case, which will be consecutive, that is, in addition to any sentence imposed upon me in this case.

(16) I declare that no officer or agent of any branch of government (federal, state, or local) has promised, suggested, or predicted that I will receive a lighter sentence, or probation, or any other form of leniency if I plead "GUILTY," except as follows:

My attorney did discuss how the Sentencing Guidelines may apply in my case.

If anyone else, including my attorney, made such a promise, suggestion, or prediction, except as noted in the previous sentence, I know that he had no authority to do so.

I know that the sentence I will receive is solely a matter within the control of the Judge. I do understand that there is no limitation on the information the Judge can consider at the time of sentencing concerning my background, character, and conduct, provided the information is reliable, 18 U.S.C. § 3661. I do understand that if I am subject to sentencing under the Sentencing Reform Act and the Sentencing Guidelines issued by the United States Sentencing Commission, a sentencing guideline range is established. The Judge will consider a sentence from within the guideline range and, if my case presents features which persuade the Judge to vary from the guideline range the Judge could impose a sentence either above or below the recommended guideline range. In determining the guideline range, any variance, and the sentence to impose, the Court may take into account all relevant criminal conduct, which may include counts to which I have not pled guilty or been convicted, and take into account background characteristics, unless otherwise prohibited by law. I further understand that my background characteristics including, but not limited to, the recency and frequency of my prior criminal record, whether or not a substantial portion of my income resulted from criminal conduct, my role in the offense, victim-related circumstances, and my acceptance of responsibility for the offense, may have a specific effect on the sentence.

I hope to receive leniency, but I am prepared to accept any punishment permitted by law which the Court sees fit to impose. However, I respectfully request the Court to consider, in mitigation of punishment, that I have voluntarily entered a plea of guilty.

(17) I understand that a U.S. Probation Officer will be assigned to conduct a thorough presentence investigation to develop all relevant facts concerning my case, unless the Court finds that there is in the record sufficient information to enable the meaningful exercise of sentencing authority pursuant to 18 U.S.C. § 3553. The report of the presentence investigation shall contain the factors set forth in Rule 32. These include the classification of the offense and of the defendant under the categories established by the Sentencing Commission, the kinds of sentence available to the Court, and the sentencing range the officer believes applicable. The report shall include the history and characteristics of the defendant, and such other information required by the Court recognizing the factors set forth in paragraph (16) above.

(18) My plea of guilty ~~is~~ is not the result of my plea agreement entered into between the Government attorney, my attorney, and me.

If my plea of guilty is the result of a plea agreement, I hereby state that the terms of said agreement are as follows:

See attached plea agreement.

I fully understand that the Court is not bound by the terms of the plea agreement, and may accept or reject said agreement. If the Court rejects the agreement, I also understand the Court will not give me the opportunity to withdraw my plea of guilty, unless the plea agreement, signed by all parties, is executed in accordance with Federal Rules of Criminal Procedure, Rule 11(c)(1)(A) or Rule 11(c)(1)(C).

(19) I believe that my lawyer has done all that anyone could do to counsel and assist me, AND I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME.

(20) I know that the Court will not permit anyone to plead "GUILTY" who maintains he/she is innocent and, with that in mind, and because I am "GUILTY" and do not believe I am innocent, I wish to plead "GUILTY", and respectfully request the Court to accept my plea of "GUILTY" and to have the Clerk enter my plea of "GUILTY" as follows.<sup>2</sup>

Guilty on counts 1-42

(21) My mind is clear, I am not under the influence of alcohol. I currently am not under a doctor's care. The only drugs, medicines or pills that I took within the past seven (7) days are:

(22) I have never been confined in an institution for the treatment of mental illness. I have never been adjudicated mentally incompetent. No psychiatrist, physician, or psychologist has ever found me to be mentally ill. I know of no reason why my mental competence at the time of the commission of the alleged offense(s), or at the present time, should be questioned. (If there are any exceptions to the above statement, explain below.)

NA

(23) I offer my plea of "GUILTY" freely and voluntarily, and further state that my plea of guilty is not the result of any force or threats against me, or of any promises made to me other than those noted in this petition. I further offer my plea of "GUILTY" with full understanding of all the matters set forth in the Indictment, in this petition, and in the certificate of my attorney which is attached to this petition.

<sup>2</sup> The defendant's plea of "GUILTY" or "NOT GUILTY" to each offense should be entered in the blank spaces provided in paragraph (20). If the Indictment charges a single offense, a defendant who wishes to plead "GUILTY" should write in paragraph (20) "GUILTY as charged in the Indictment." If more than one offense is charged, the defendant may write in paragraph (20) "GUILTY as charged in Count(s) \_\_\_\_\_," "NOT GUILTY as charged in Count(s) \_\_\_\_\_."

(24) I waive the reading of the Indictment in open court, and I request the Court to enter my plea of "GUILTY" as set forth in paragraph (20) of this petition.

(25) I swear that I have read, understood, and discussed with my attorney, each and every part of this Petition to Plead Guilty, and that the answers which appear in every part of this petition are true and correct.

Signed and Sworn to by me in open court, in the presence of my attorney,  
this 11 day of March, 2011.

HAROLD M. WILKERSON  
(Defendant)

*Harold M. Wilkerson*

Subscribed and Sworn to before me this 11<sup>th</sup> day of March, 2011.

Mary E. Hill  
(Deputy Clerk)