

UNITED STATES OF AMERICA
NATIONAL CREDIT UNION ADMINISTRATION
Alexandria, Virginia

_____)
In the Matter of)
))
Helen Aloma Fitzgerald)
_____)

Docket No.: 17-0002-R3

NOTICE OF PROHIBITION

WHEREAS on or about July 19, 2013, Helen Aloma Fitzgerald (“Fitzgerald”) was sentenced on the charge of Embezzlement in violation of Miss. Code Ann. § 97-23-19, a charge to which she previously pleaded guilty, in the Circuit Court of Forrest County, Mississippi in connection with her employment at Southern Mississippi Federal Credit Union;

WHEREAS a violation of Miss. Code Ann. § 97-23-19 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), Fitzgerald 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 Fitzgerald 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 "Order of Conviction" document, Case No. 13-194CR, is made a part hereof and is incorporated herein by reference; and

ISSUED this 13th day of January, 2017.

NATIONAL CREDIT UNION ADMINISTRATION

By: 
Rob F. Robine
Trial Attorney
NCUA Office of General Counsel

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

FILED

VERSUS

JUL 19 2013

CAUSE NO.: 13-194CR

HELEN FITZGERALD

DEFENDANT

L. E. Adams
FORREST COUNTY CIRCUIT CLERK

ORDER OF CONVICTION

THIS DAY INTO OPEN COURT came the District Attorney, who prosecutes for the State of Mississippi, and came also, HELEN FITZGERALD, personally and represented by counsel, ELIZABETH PORTER, ESQ. upon Indictment, charging said Defendant with the crime of EMBEZZLEMENT, in violation of MISS. CODE ANN. § 97-23-19 (1972), as amended; and thereupon the said HELEN FITZGERALD, being duly advised of all her legal and constitutional rights in the premises, and being fully advised of the consequences of such plea, did then and there voluntarily enter a plea of guilty to said charge, which this Court FINDS was voluntarily, intelligently and freely made.

THEREFORE, for said offense and on said plea of guilty, it is by the Court ORDERED AND ADJUDGED that the said HELEN FITZGERALD be and she is hereby sentenced to a term of TEN (10) years in the custody of the Mississippi Department of Corrections, to pay a fine in the amount of \$2500; to pay a \$100.00 assessment to the Mississippi Crime Victim Compensation Program pursuant to MISS. CODE ANN. § 47-7-49 (1972), as amended; \$250 in restitution to the Forrest County Public Defender Fund, and to pay all costs of court in this cause, as well as restitution to USM FEDERAL CREDIT UNION in the amount of \$8,800.00.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall serve TWO (2) year of said sentence in the custody of the Mississippi Department of Corrections and, upon completion of the service of the said TWO (2) years, the remaining EIGHT (8) years of said TEN

(10) year sentence be and the same are hereby suspended pursuant to and in conformity with the Post-Release Supervision set out and authorized in MISS. CODE ANN. § 47-7-34 (1972), as amended, upon the following terms and conditions for a period of FIVE (5) years;

- a) Commit no offense against the laws of this or any other state of the United States, or the laws of the United States;
- b) Avoid injurious or vicious habits and persons and places of disreputable or harmful character;
- c) Report to his/her Probation/Field Officer as directed;
- d) Pay required fee during each month of probation, by money order, to the Mississippi Department of Corrections;
- e) Permit his/her Probation/Field Officer to visit him/her at home or elsewhere and allow his/her Probation/Field Officer, or any other law enforcement officer, to conduct a search of his/her person, vehicle or premises where he/she is situated for the purpose of determining compliance with the terms and conditions of his/her Post-Release Supervised Probation;
- f) Work faithfully at suitable employment so far as possible;
- g) Support his/her dependents;
- h) Possess or consume no alcoholic beverages or mood altering drugs, and possess no firearm or other deadly weapon;
- i) Submit, as provided in Miss. Code Ann. § 47-5-603 (1972), as amended, to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or a substance prohibited or controlled by any law of the

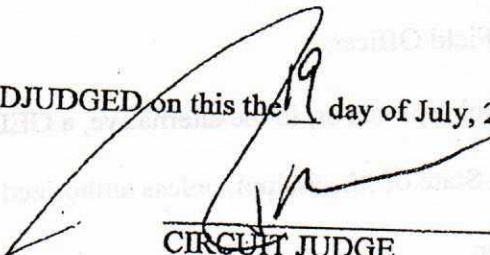
State of Mississippi or the United States, or to tests recommended by his/her Probation/Field Officer;

- j) Be evaluated for any and all chemical dependency and successfully complete either the Alcoholics/Narcotics Anonymous Meetings, the Pine Belt Mental Health Program, the ACTS Program, or any other program approved by his/her Probation/Field Officer, located in the area in which Defendant lives;
- k) Participate in and complete any recognized program available and recommended by his/her Probation/Field Officer;
- l) Obtain a high school diploma or, in the alternative, a GED certificate;
- m) Remain within the State of Mississippi, unless authorized to leave upon proper application therefor;
- n) Remain within his/her primary residence between the hours of 12:00 midnight and 6:00 a.m., unless required to do otherwise in connection with his/her employment, and only with the knowledge and permission of his/her Probation/Field Officer; and
- o) **Pay court costs, a \$2500 fine, \$100.00 assessment to the Miss. Crime Victims Compensation Fund, \$250 in restitution to the Forrest Co. Public Defender Fund and \$8800 in restitution to USM FEDERAL CREDIT UNION regarding the account of J. Ratcliff for a single act of embezzlement on 7/20/12 which was declined by CUMA Mutual--all other restitution has been made to the bank via CUMA Mutual. Payments are to begin within sixty (60) days after the release of Defendant to POST RELEASE SUPERVISION PROGRAM in an amount to be determined by his/her Probation/Field Officer.**
- p) Testify truthfully against your codefendants if called upon to do so. n/a

The violation of any one of the above enumerated conditions shall violate the terms and conditions of the Defendant's Post -Release Supervision and the Court shall have the authority to revoke the Defendant from Post-Release Supervision and remand him back into the custody of the Mississippi Department of Corrections to serve all of the remaining years left on her TEN (10) year sentence.

IT IS FURTHER ORDERED AND ADJUDGED that said Defendant is hereby remanded into the custody of the Sheriff of Forrest County to await transportation to the Mississippi Department of Corrections.

SO ORDERED AND ADJUDGED on this the 19 day of July, 2013.


CIRCUIT JUDGE

STATE OF MISSISSIPPI

Defendant Information:

SEX: M RACE: W

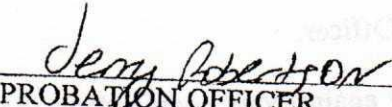
I accept the above probation in accordance with the terms and conditions thereof, and I do hereby waive extradition to the State of Mississippi from any other jurisdiction in or out of the United States, and I will not contest any effort to return me to the State of Mississippi.

This the 19 day of July, 2013.


PROBATIONER

A copy of this order has been given to the Probationer who has been instructed regarding the same.

This the 19 day of July, 2013.


PROBATION OFFICER

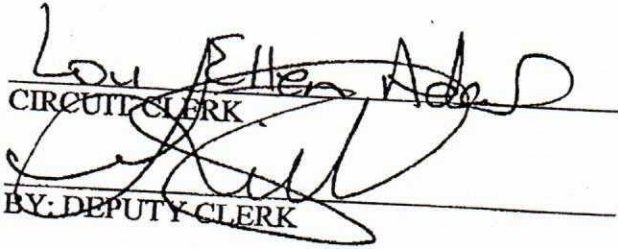
CERTIFIED A TRUE COPY
Forrest County, Mississippi
Lou Ellen Adams, Circuit Clerk


This the 19 day of July, 2013.

By:  D.O.

I, _____, Clerk of the Circuit Court aforesaid, certify that the above and foregoing is recorded in Minute Book _____, at Page _____, of said Court.

This the 19 day of July, 2013.



CIRCUIT CLERK


BY: DEPUTY CLERK