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**BEFORE THE DIRECTOR OF THE DEPARTMENT OF FINANCE
OF THE STATE OF IDAHO**

STATE OF IDAHO, DEPARTMENT OF FINANCE, FINANCIAL INSTITUTIONS BUREAU,)	
)	
Complainant,)	Docket No. 2009-41-01
)	
vs.)	ORDER TO CEASE AND DESIST AND NOTICE OF THE OPPORTUNITY FOR A HEARING
)	
LISA SEGURA TREVINO,)	
)	
Respondent.)	
)	

Gavin M. Gee, Director of the Idaho Department of Finance (Director), being authorized and directed to administer and enforce the Idaho Financial Fraud Prevention Act, Idaho Code § 67-2750 *et seq.* (the Act), hereby alleges the following facts that constitute a basis for the issuance of an order pursuant to Idaho Code § 67-2755 requiring LISA SEGURA TREVINO (Respondent) to CEASE AND DESIST from violating the Act by employing any device, scheme or artifice to defraud a financial institution; obtaining or attempting to obtain money, funds credits, assets, securities, or other property owned by or under the custody or control of a financial institution by means of false or fraudulent pretenses, representations, or promises or

through the use of any fraudulent pretenses, representations, or promises or through the use of any fraudulent device, scheme, artifice, or fraudulent monetary instrument; and from doing any of the foregoing while serving as an employee, agent or representative of a financial institution.

I
FINDINGS OF FACT

1. At all times relevant hereto, Respondent, LISA SEGURA TREVINO, was a resident of the state of Idaho and an employee of MAP Credit Union in Burley, Idaho. MAP Credit Union is located at 2307 W. Main Street, Suite A., Burley, Idaho. Respondent resides at 2982 East 990 South, Hazelton, Idaho.

2. Respondent began her employment with MAP Credit Union on or about November 21, 2008. Respondent's employment with MAP Credit Union terminated on or about August 19, 2009.

3. During her employment with MAP Credit Union, Respondent served as a customer service representative for the credit union.

4. Respondent's duties as a customer service representative at MAP Credit Union included making deposits, withdrawals, and related transactions to and from members' share (deposit) accounts upon request and authorization by members.

5. Beginning on or about May 1, 2009, Respondent began making unauthorized withdrawals and transfers from members' share accounts. In each unauthorized transaction, Respondent either transferred funds to her share account or the share account of a member of her family, or withdrew cash and disbursed it to herself. In many of the transactions, Respondent prepared a receipt for the transaction. Respondent forged the member's signature on some receipts and left others blank.

6. Beginning on or about May 1, 2009, and continuing through August 14, 2009, Respondent conducted thirty-three (33) unauthorized withdrawals and transfers from the share accounts of various credit union members. The unauthorized withdrawals and transfers conducted by Respondent ranged in dollar amounts from one hundred dollars (\$100) to five thousand dollars (\$5,000).

7. The unauthorized withdrawals and transfers conducted by Respondent from May 1, 2009 and continuing through August 14, 2009 total the sum of twenty-two thousand, two hundred and sixty-five dollars (\$22,265).

8. At no time did any of Respondent's supervisors at MAP Credit Union authorize Respondent to conduct the foregoing transactions, nor were Respondent's supervisors at MAP Credit Union aware of Respondent's unauthorized transactions at the time she conducted them.

9. At no time did the owner or a signer on any of the above-described share accounts from which Respondent withdrew funds authorize Respondent to conduct the transaction, nor did the owner or a signer on the share account receive the funds withdrawn or transferred or any benefit therefrom.

II **CONCLUSIONS OF LAW AND VIOLATIONS**

10. Paragraphs 1 through 9 above are hereby reiterated and incorporated by reference.

11. The Idaho Financial Fraud Prevention Act, Idaho Code § 67-2750 *et seq.*, prohibits persons from engaging in certain types of fraudulent financial activity in the state of Idaho. Idaho Code § 67-2752(6) provides that it is unlawful, for any person,

While serving as an employee, agent or representative of a financial institution, to obtain or attempt to obtain the money, funds, credits, assets, securities, or other property owned by, held by, or under the custody or control of, the financial

institution by means of false or fraudulent pretenses, representations, or promises or by means of any fraudulent device, scheme or artifice, or through the use of a fraudulent monetary instrument.

12. Respondent's conduct as set forth above constitutes obtaining money, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution by false or fraudulent pretenses, representations, or promises or by means of a fraudulent device, scheme or artifice, or through the use of a fraudulent monetary instrument, while Respondent served as an employee, agent or representative of a financial institution, in violation of Idaho Code § 67-2752(6).

13. Idaho Code § 67-2752(2) provides that it is unlawful, for any person,

To obtain or attempt to obtain money, funds, credits, assets, securities, or other property owned by, or under the custody or control of a financial institution by means of false or fraudulent pretenses, representations, or promises or through the use of any fraudulent device, scheme, artifice, or fraudulent monetary instrument.

14. Respondent's conduct as set forth above constitutes obtaining money, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution by false or fraudulent pretenses, representations, or promises or by means of a fraudulent device, scheme, or artifice or through the use of a fraudulent monetary instrument, in violation of Idaho Code § 67-2752(2).

15. Idaho Code § 67-2752(1) provides that it is unlawful, for any person, "[t]o employ any device, scheme or artifice to defraud a financial institution."

16. Respondent's conduct, as set forth above, constitutes employing a device, scheme or artifice to defraud a financial institution, in violation of Idaho Code § 67-2752(1).

III
REMEDIES SOUGHT

17. Idaho Code § 67-2755(2) provides that whenever it appears to the Director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of the Act, the Director may in his discretion Order the person to cease and desist from the violation or attempted violation of the Act and, after giving reasonable notice and opportunity for a hearing, issue the following:

- (a) An order restoring to any financial institution any consideration, funds, or property acquired or transferred in violation of the Act;
- (b) An order that the person violating the Act pay a civil penalty to the Department in an amount not to exceed five thousand dollars (\$5,000) for each violation;
- (c) An order that the person violating the Act pay costs which may include an amount representing reasonable attorney's fees and reimbursement for investigative efforts;
- (d) An order granting other appropriate remedies.

ORDER

The Director, having reviewed the foregoing, and good cause being shown therefor,

THE DIRECTOR HEREBY FINDS that Respondent has violated the Idaho Financial Fraud Prevention Act, Idaho Code § 67-2750 *et seq.*, as alleged in paragraphs 1 through 16 above.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

Respondent shall CEASE AND DESIST from violations of the Idaho Financial Fraud Prevention Act, including obtaining or attempting to obtain money, funds, credits, assets, securities, or other property owned by, or under the custody or control of a financial institution by means of false or fraudulent pretenses, representations, or promises or through the use of any

fraudulent device, scheme, artifice, or fraudulent monetary instrument, or to employ any device, scheme or artifice to defraud a financial institution.

Pursuant to Idaho Code § 67-2753, it is further ORDERED that Respondent shall not seek or accept employment with, or become employed by an Idaho chartered or licensed financial institution without the prior written consent of the Director.

NOTICE OF THE OPPORTUNITY FOR A HEARING

Respondent shall take notice that if Respondent wishes to contest the foregoing ORDER TO CEASE AND DESIST, Respondent shall file a motion for reconsideration and request for hearing pursuant to Idaho Code § 67-5246(4) within fourteen (14) days after the service of this ORDER TO CEASE AND DESIST. If Respondent does not timely request a hearing and none is ordered by the Director within that time period, the State of Idaho, Department of Finance (Department) will request that the Director issue a second Order without further proceeding, pursuant to Idaho Code 67-2755(2), requiring that Respondent LISA SEGURA TREVINO make restitution and restore to MAP Credit Union the funds Respondent acquired in violation of the Act (\$22,265), plus civil penalties not to exceed \$5,000 per violation, plus the Department's costs in this matter, which may include reasonable attorney fees and the costs of the Department's investigative efforts. If a hearing is timely requested or ordered, the Director, after notice of and opportunity for a hearing, may modify or vacate the ORDER or extend it until a final determination of the matter.

A request for a hearing must be requested in writing and addressed to:

Mary Hughes
Financial Institutions Bureau Chief
Idaho Department of Finance
P.O. Box 83720
Boise, Idaho 83720-0031

A copy of such request must also be served on the Department's counsel, Joseph B. Jones, Deputy Attorney General, at the same address.

If a hearing is timely requested or ordered pursuant to Idaho Code § 67-5246(4), a hearing will be set by the Director within twenty-one (21) days after receipt of a timely written request, and such hearing will be conducted pursuant to Chapter 52, Title 67, Idaho Code. A final order may not be issued unless the Director makes findings of fact and conclusions of law in a record pursuant to Chapter 52, Title 67, Idaho Code. The final order may make final, vacate, or modify the ORDER.

If Respondent requires any assistance of the kind the Department provides under the Americans with Disabilities Act (e.g. sign language interpreters, Braille copies of documents) in order to participate in or understand these proceedings, the Department will supply such reasonable assistance upon an advance request.

This ORDER TO CEASE AND DESIST is effective upon its issuance.

IT IS SO ORDERED.

DATED this 19TH day of OCTOBER, 2009.



STATE OF IDAHO
DEPARTMENT OF FINANCE



GAVIN M. GEE, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20 day of October, 2009,
I caused a true and correct fully-executed copy of the foregoing ORDER TO CEASE AND
DESIST AND NOTICE OF THE OPPORTUNITY FOR A HEARING to be served on the
following by the designated means:

Lisa Segura Trevino
2982 E. 990 S.
Hazelton, ID 83335

- U.S. mail, postage prepaid
- certified mail
- facsimile _____
- overnight delivery
- hand delivery (*process server*)



Paralegal