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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, )  
vs. )  
TRACY ANN WIDNER, )  
Respondent. )

Docket No. 2015-41-02

**CONSENT ORDER**

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The Director of the State of Idaho, Department of Finance (Director) has conducted a review of the activities and conduct of TRACY ANN WIDNER (Respondent). Pursuant to said review, it appears to the Director that Respondent has violated provisions of the Idaho Financial Fraud Prevention Act, Idaho Code § 67-2750 *et seq.* The Director and Respondent have agreed to resolve such matter through this Consent Order, rather than through a formal administrative or civil action. Therefore, the Director deems it appropriate and in the public interest that this Consent Order be entered. Respondent voluntarily consents to the entry of this Consent Order.

### FACTS

1. At all times relevant hereto, Respondent, TRACY ANN WIDNER, was a resident of the state of Idaho and an employee of Icon Credit Union (Credit Union) located at 7615 West Riverside Drive, Boise, Idaho 83714. The Credit Union is a state-chartered credit union, having received its charter from the Idaho Department of Finance (Department).

2. Respondent began her employment with the Credit Union on September 4, 2013. Respondent was suspended on March 26, 2015 and she was terminated by the Credit Union on April 7, 2015.

3. At the time her employment was terminated with the Credit Union, Respondent served as Solution Specialist II. As a Solution Specialist II, Respondent had access to and the ability to effect transactions in the loan and deposit accounts of the Credit Union's members.

4. Beginning in or about September of 2014, Respondent began making unauthorized loan advances and deposit account withdrawals from members' loan and deposit accounts. Respondent then applied the funds to her personal use and benefit. The unauthorized account transactions are set forth as follows:

- a. Respondent, without the member's authorization, established a checking account for Credit Union member CW. Additionally, without his authority, Respondent issued a debit card for the unauthorized checking account. Respondent made unauthorized advances on two boat loans CW had with the Credit Union and transferred those funds to the unauthorized checking account. Respondent's unauthorized advances on the boat loans total the sum of \$4,777.00. Respondent conducted additional unauthorized transactions in the unauthorized CW checking account totaling \$116.00, which, when added to the unauthorized boat loan

advances and interest in the amount of \$17.94, the Credit Union was required to refund the member a total the sum of \$4,910.94. Through the use of the debit card on the account and by other means, Respondent paid personal bills, made purchases, and withdrew funds on this account which left a balance in the account of \$330.20 at the time Respondent's unauthorized transactions relating to the CW accounts were discovered. The net loss to the Credit Union relating to Respondent's unauthorized transactions and expenditures in the CW accounts is \$4,580.74.

- b. Respondent opened an account in the name of a personal friend, L. Respondent made unauthorized disbursements and withdrawals in various forms from the account. The total of the unauthorized disbursements and withdrawals from the account is \$495.00. Respondent applied these funds to her personal use and benefit.
- c. The Credit Union had a checking account held by one of its member, LV. Respondent made unauthorized ACH transfers from the LV account to pay her bills without LV's authorization. The total amount of the unauthorized transfers from the LV account is \$662.45. Through ACH transaction reversals, the Credit Union was able to recover \$423.08 of this sum. The balance of the unauthorized transfers for Respondent's benefit relating to the LV account after deducting the ACH reversals is \$239.37. Respondent applied this sum to her personal use and benefit.
- d. The Credit Union had an account opened by two of its members, EG and GB. Without their authorization, Respondent took \$250 from a loan account held by

EG and GB and deposited that sum into a savings account held by them. Respondent then withdrew that sum and deposited it into the unauthorized checking account she created for CW. She subsequently disbursed that sum from the CW account and applied the money for her personal use and benefit. EG and GB did not authorize these transactions, nor did they benefit from them. CW did not authorize these transactions, nor did he benefit from them. Additionally, upon discovery of the unauthorized transactions in the EG and GB accounts, the Credit Union was required to refund interest to that account in the amount of \$1.60. The net loss to the Credit Union, which directly resulted from Respondent's unauthorized transactions and withdrawals from the EG and GB accounts, totals the sum of \$251.60.

5. The total sum of Respondent's unauthorized disbursements and withdrawals from members' accounts as described above, which the credit union was unable to return via ACH or other means and which were applied to Respondent's personal use and benefit, is \$5,566.71. On April 7, 2015, Respondent authorized the Credit Union to apply the sum of \$1,151.62 from the balance in her personal account that she held with the Credit Union to the sums she owed to the Credit Union based on her fraudulent and unauthorized transactions in members' accounts. The net loss to the Credit Union after applying this sum to its loss is \$4,415.09.

6. At no time did any of Respondent's superiors at the Credit Union authorize Respondent to conduct the foregoing transactions, nor were Respondent's superiors at the Credit Union aware of Respondent's unauthorized transactions at the time she conducted them. At no time did the members who held the accounts described above authorize Respondent to conduct the transactions.

7. The foregoing transactions were discovered by the Credit Union's internal auditor. In a phone conversation with the Credit Union's President/CEO which occurred on or about April 6, 2015, Respondent admitted that she had taken funds from the Credit Union by conducting unauthorized transactions in members' accounts as described above. Respondent confirmed her admissions in an e-mail to the President/CEO on April 6, 2015. Respondent pled guilty to the charge of Grand Theft in a criminal proceeding filed by the Ada County Prosecutor on June 1, 2015, in Ada County Case No. CR-FE-2015-0007825, which relates to Respondent's conduct and transactions described above.

#### **FINDINGS**

8. Paragraphs 1 through 7 above are hereby reiterated and incorporated herein by reference.

9. The Credit Union is a "financial institution" within the meaning of Idaho Code § 67-2751(4).

10. 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.

11. Respondent's conduct, as set forth above, constitutes obtaining money, funds, assets, or other property owned by or under the custody or control of a financial institution by false or fraudulent pretenses, representations, or by means of a fraudulent device, scheme or

artifice, while Respondent served as an employee, agent or representative of a financial institution, in violation of Idaho Code § 67-2752(6).

12. 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.

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

14. 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."

15. 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).

#### **REMEDIES**

16. Respondent admits to the allegations contained in this Consent Order.

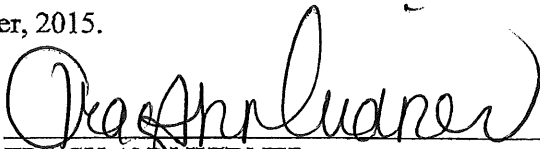
17. Respondent is hereby ORDERED to make restitution to the Credit Union in the amount of \$4,415.09, which represents the consideration, funds, or property that Respondent acquired or transferred from the Credit Union in violation of the Act that has yet to be reimbursed to the Credit Union. Respondent agrees that should any additional money, funds, assets, or property Respondent may have obtained from the Credit Union in violation of the Idaho Financial Fraud Act be discovered, Respondent shall make full restitution of that sum to the Credit Union immediately upon notification from the Department that she is obligated to do so. The restitution Respondent is ordered to make herein may represent all or a part of restitution

that Respondent is ordered to make by the court in Ada County Case No. CR-FE-2015-0007825. Respondent shall pay the restitution ordered herein in accordance with the terms of restitution ordered in Ada County Case No. CR-FE-2015-0007825.

18. Respondent acknowledges and agrees that she shall not seek employment with, accept employment by, become employed by, or continue her employment with an Idaho state-chartered or licensed financial institution, except with the prior written consent of the Director.

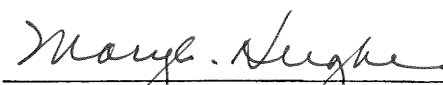
19. Respondent acknowledges and agrees that she has entered into this Consent Order voluntarily with the opportunity to be advised in this matter by an attorney, and in doing so, waives her right to a hearing under the Idaho Administrative Procedure Act, Idaho Code § 67-5201 *et seq.*

DATED this 9<sup>th</sup> day of October, 2015.

  
\_\_\_\_\_  
TRACY ANN WIDNER  
Respondent

DATED this 16<sup>th</sup> day of October, 2015.

STATE OF IDAHO  
DEPARTMENT OF FINANCE


  
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MARY E. HUGHES  
Financial Institutions Bureau Chief



**IT IS SO ORDERED.**

DATED this 16<sup>th</sup> day of October, 2015.

STATE OF IDAHO  
DEPARTMENT OF FINANCE

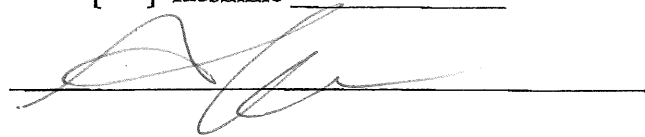
  
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GAVIN M. GEE, Director

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of October, 2015, I caused a true and correct fully-executed copy of the foregoing CONSENT ORDER to be served on the following by the designated means:

Tracy Ann Widner  
3827 N. Patricia Lane  
Boise, Idaho 83704

- U.S. mail, postage prepaid
- certified mail
- hand delivery
- facsimile \_\_\_\_\_

  
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