

UNITED STATES OF AMERICA
BEFORE THE
BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
WASHINGTON, D.C.

In the Matter of

JAMAR WHITFIELD,

A Former Institution-Affiliated Party of

REGIONAL ACCEPTANCE CORPORATON,
a nonbank subsidiary of TRUIST FINANCIAL
CORPORATION, Charlotte, North Carolina

a Bank Holding Company.

Docket No. 22-033-E-I

Order of Prohibition Issued Upon
Consent Pursuant to Section 8(e)
of the Federal Deposit Insurance
Act, as Amended

WHEREAS, the Board of Governors of the Federal Reserve System (the “Board of Governors”), pursuant to sections 8(e) and 8(i)(3) of the Federal Deposit Insurance Act, as amended (the “FDI Act”), 12 U.S.C. §§ 1818(e) and 1818(i)(3), issues this Order of Prohibition (“Order”) upon the consent of Respondent Jamar Whitfield (“Whitfield”), a former employee and institution-affiliated party, as defined in sections 3(u) and 8(i)(3) of the FDI Act, 12 U.S.C. §§ 1813(u) and 1818(i)(3), of Regional Acceptance Corporation, Greenville, North Carolina (“RAC”), a nonbank subsidiary of Truist Financial Corporation (the “Bank”), a bank holding company;

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136, the “CARES Act”) was signed into law, providing emergency financial assistance to individuals, families, and businesses negatively impacted by the COVID-19 pandemic;

WHEREAS, the Paycheck Protection Program (“PPP”), established by the U.S. Small Business Administration (the “SBA”) pursuant to the CARES Act, provided SBA-guaranteed, low-interest loans to small businesses and other eligible entities that under certain circumstances could

be fully or partially forgiven;

WHEREAS, in order to obtain a PPP loan, borrowers were required to submit an application to the SBA, under penalty of perjury, certifying compliance with all PPP requirements, providing information, such as average monthly payroll expenses and number of employees, and agreeing that loan proceeds would be used for specifically authorized purposes;

WHEREAS, during June and July 2020, Whitfield, while employed as a Collections Team Leader at RAC in Arlington, Texas, applied for and obtained a \$20,833 PPP loan based on materially false and fraudulent representations and used the funds for personal and other unauthorized expenses in violation of the terms of the loans and applicable laws and regulations;

WHEREAS, Whitfield's conduct was contrary to the Bank's internal policies and constituted violations of law or regulation, unsafe or unsound banking practices, or breaches of fiduciary duty;

WHEREAS, Whitfield had a financial gain of \$20,833, representing the PPP loan proceeds, resulting from his misconduct, and, to date, Whitfield has repaid approximately \$7,300 of the PPP loan;

WHEREAS, by affixing his signature hereunder, Whitfield has consented to the issuance of this Order by the Board of Governors and has agreed to comply with each and every provision of this Order, and has waived any and all rights he might have pursuant to 12 U.S.C. § 1818, 12 C.F.R. Part 263, or otherwise: (a) to the issuance of a notice of intent to prohibit on any other matter implied or set forth in this Order; (b) to a hearing for the purpose of taking evidence with respect to any matter implied or set forth in this Order; (c) to obtain judicial review of this Order or any provision hereof; and (d) to challenge or contest in any manner the basis, issuance, terms, validity, effectiveness, or enforceability of this Order or any provision hereof.

NOW, THEREFORE, before the filing of any notices, or the taking of any testimony or adjudication of or finding on any issue of fact or law herein, and without Whitfield admitting or

denying any allegation made or implied by the Board of Governors in connection herewith, and solely for the purpose of settlement of this matter without a formal proceeding being filed and without the necessity for protracted litigation or extended hearings,

IT IS HEREBY ORDERED that:

1. Whitfield, without the prior written approval of the Board of Governors and, where necessary pursuant to section 8(e)(7)(B) of the FDI Act, 12 U.S.C. § 1818(e)(7)(B), another Federal financial institutions regulatory agency, is hereby and henceforth prohibited from:
 - a. participating in any manner in the conduct of the affairs of any institution or agency specified in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A), including, but not limited to, any insured depository institution or any holding company of an insured depository institution, or any subsidiary of such holding company, or any foreign bank or company to which subsection (a) of 12 U.S.C. § 3106 applies and any subsidiary of such foreign bank or company;
 - b. soliciting, procuring, transferring, attempting to transfer, voting or attempting to vote any proxy, consent, or authorization with respect to any voting rights in any institution described in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A);
 - c. violating any voting agreement previously approved by any Federal banking agency; or
 - d. voting for a director, or serving or acting as an institution-affiliated party, as defined in sections 3(u) and 8(b)(3) of the FDI Act, 12 U.S.C. §§ 1813(u) and 1818(b)(3), such as an officer, director or employee, in any institution

described in section 8(e)(7)(A) of the FDI Act, 12 U.S.C. § 1818(e)(7)(A).

2. All communications regarding this Order shall be addressed to:

(a) Richard Ashton, Esq.
Deputy General Counsel
David Williams, Esq.
Associate General Counsel
Board of Governors of the Federal Reserve System
20th & C Streets, N.W.
Washington, DC 20551

(b) Jamar Whitfield

3. Any violation of this Order shall separately subject Whitfield to appropriate civil or criminal penalties, or both, under sections 8(i) and (j) of the FDI Act, 12 U.S.C §§ 1818(i) and (j).

4. The provisions of this Order shall not bar, estop, or otherwise prevent the Board of Governors, or any other Federal or state agency or department, from taking any other action affecting Whitfield; provided, however, that the Board of Governors shall not take any further action against Whitfield on any matters concerning or arising from the matters addressed by this Order based upon facts presently known by the Board of Governors. This release and discharge shall not preclude or affect (i) any right of the Board of Governors to determine and ensure compliance with this Order, or (ii) any proceedings brought by the Board of Governors to enforce the terms of this Order.

5. Each provision of this Order shall remain fully effective and enforceable until expressly stayed, modified, terminated, or suspended in writing by the Board of Governors.

By order of the Board of Governors of the Federal Reserve System, effective this 23rd day of December, 2022.

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM

/s/
Jamar Whitfield

By: /s/
Ann E. Misback
Secretary of the Board