

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

_____))
In the Matter of _____))

Bernie Metz _____))
_____)

Docket No.: 15-0130-R2

NOTICE OF PROHIBITION

WHEREAS on or about February 23, 2011, Bernie D. Metz (“Metz”) was sentenced on the charges of Embezzlement from a Credit Union by an employee, 18 U.S.C. § 657, and money laundering, 18 U.S.C. § 1957, charges to which she had previously pleaded guilty, in connection with her employment at Center Valley Federal Credit Union, in the United States District Court for the Northern District of West Virginia;

WHEREAS violations of 18 U.S.C. §§ 657 and 1957 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), Metz 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 Metz 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;

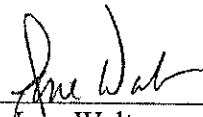
4. The "Judgment in a Criminal Case" document, Case No. 5:09CR51, is made a part hereof and is incorporated herein by reference; and

5. This Notice of Prohibition shall be effective and enforceable on the date set forth below.

IT IS SO ORDERED this 28th day of September, 2015.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

By: _____


Jane Walters
Regional Director
NCUA Region II

UNITED STATES DISTRICT COURT

NORTHERN

District of

WEST VIRGINIA

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

BERNIE D. METZ

Case Number: 5:09CR51
USM Number: 06476-087

Brian Kornbrath and Brendan S. Leary
Defendant's Attorney

U.S. DISTRICT COURT
FILED AT WHEELING, WV
FEB 24 2011
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

THE DEFENDANT:

pleaded guilty to count(s) Counts 1 and 2 of Information

pleaded nolo contendere to count(s) _____
which was accepted by the court.

was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 657	Embezzlement From a Credit Union by an Employee	01/31/2009	1
18 U.S.C. § 1957	Money Laundering	07/27/2007	2

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

Count(s) 1 and 2 of Indictment Dkt. No. 5:09CR42 is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 23, 2011
Date of Imposition of Judgment

Frederick P. Stamp, Jr.
Signature of Judge

FREDERICK P. STAMP, JR., U.S. DISTRICT JUDGE
Name and Title of Judge

February 24, 2011
Date

DEFENDANT: BERNIE D. METZ
CASE NUMBER: 5:09CR51

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **One Hundred Eight (108) Months.**
This term of incarceration shall consist of 108 months as to each of Count One and Count Two, to be served concurrently.

- X The court makes the following recommendations to the Bureau of Prisons:
 - X That the defendant be incarcerated at FPC Alderson or a facility as close to her home in Bethany, (Brooke County) West Virginia as possible;
 - That the defendant be allowed to participate in any educational or vocational opportunities while incarcerated, as determined by the Bureau of Prisons.
- X Pursuant to 42 U.S.C. § 14135A, the defendant shall submit to DNA collection while incarcerated in the Bureau of Prisons, or at the direction of the Probation Officer.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
 - at _____ a.m. p.m. on _____.
 - as notified by the United States Marshal.
- X The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - X before 2 p.m. on March 23, 2011
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.
 - on _____, as directed by the United States Marshals Service.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: BERNIE D. METZ
CASE NUMBER: 5:09CR51

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: Five (5) Years.
This term of supervised release shall consist of five (5) years as to Count 1 and three (3) years as to Count 2, to be served concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer unless previously collected by the Bureau of Prisons. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et. seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: BERNIE D. METZ
CASE NUMBER: 5:09CR51

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall pay any financial penalty that is imposed by this judgment during the period of imprisonment at the direction of the Bureau of Prisons. It shall be a condition of supervised release that the defendant pay any such fines or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Court ordered schedule of payments.

The defendant shall provide the Probation Officer with access to any requested financial information.

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the Probation Officer unless the defendant is in compliance with the installment payment schedule.

The defendant will notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessment.

The defendant shall participate in a program of mental health treatment, as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.

DEFENDANT: BERNIE D. METZ
CASE NUMBER: 5:09CR51

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200.00	\$	\$ 4,857,869.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

The victim's recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victim receives full restitution.

<u>Name of Payee</u>	<u>Total Loss* (*1)</u>	<u>Restitution Ordered (*2)</u>	<u>Priority or Percentage</u>
Victim No. 1	\$4,657,869.00	\$4,657,869.00	50%
Victim No. 2	\$200,000.00	\$200,000.00	50%

(*1) Pursuant to 18 U.S.C. § 3664(d)(5), the Court has set aside a period not to exceed 90 days during which the United States or other investigators can determine whether other parties who have previously filed claims are entitled to restitution.

(*2) Victim No. 2 may be entitled to restitution from this amount, in an amount not to exceed \$44,266.49, as may be determined by Victim No. 1.

TOTALS	\$ <u>4,857,869.00</u>	\$ <u>4,857,869.00</u>
--------	------------------------	------------------------

See Statement of Reasons for Victim Information

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: BERNIE D. METZ
CASE NUMBER: 5:09CR51

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A Lump sum payment of \$ _____ due immediately, balance due
 - not later than _____, or
 - in accordance with C D, E, F, or G below); or
- B Payment to begin immediately (may be combined with C, D, F, or G below); or
- C Payment in _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
The defendant shall pay any financial penalty that is imposed by this judgment during the period of imprisonment at the direction of the Bureau of Prisons. It shall be a condition of supervised release that the defendant pay any such fines or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Court ordered schedule of payments.
- G Special instructions regarding the payment of criminal monetary penalties:
The defendant shall immediately begin making restitution and/or fine payments of at least \$25.00 per month, due on the first of each month. These payments shall be made during incarceration, and if necessary, during supervised release.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to Clerk, U. S. District Court, Northern District of West Virginia, P.O. Box 1518, Elkins, WV 26241.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Restitution is to be paid joint and several with other related cases convicted in Docket Number(s): _____

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States: (See page 7)

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AO 245B (Rev. 09/08) Judgment in a Criminal Case
Sheet 6B — Schedule of Payments

Judgment—Page 7 of 7

DEFENDANT: BERNIE D. METZ
CASE NUMBER: 5:09CR51

ADDITIONAL FORFEITED PROPERTY

The defendant agrees to the forfeiture of the property described below, which the defendant stipulates is property constituting, or derived from, proceeds obtained directly or indirectly, as the result the fraud offense of conviction, or is property involved in the money laundering offense of conviction, or is property traceable to such property, including:

1. RHEA-DAN Development LLC;
2. Woven Wire LLC;
3. MMHK LLC;
4. Roadworthy Lane Property commercial real estate known as the Roadworthy Restaurant and Tavern, and/or the Roadworthy Resort and rental cabins, with all appurtenances, improvements and attachments thereon, in West Liberty, West Virginia;
5. 2005 Toyota Tundra vehicle, VIN 5TBBT44155S462965;
6. \$14,036.75 seized from all bank accounts in which defendant had signature authority;
7. Kubota tractor, VIN MX5000DT, with Kubota front loader and backhoe attachments;
8. L2800 tractor;
9. RT1100 four wheel drive utility vehicle;

And further agree to the entry of forfeiture proceeds money judgment in the amount of \$4,857,869.00, against which the net proceeds of the forfeiture of the above specified property will be credited.