

Order No. 2019-002

IN THE MATTER OF:	§	BEFORE THE BANKING
	§	
JOE FRANK RODRIGUEZ	§	COMMISSIONER OF TEXAS
	§	
PLAINVIEW, TEXAS	§	AUSTIN, TRAVIS COUNTY, TEXAS

ORDER PROHIBITING FURTHER PARTICIPATION

On this day, the matter of JOE FRANK RODRIGUEZ, Texas, (Respondent) was submitted to me, Charles G. Cooper, Banking Commissioner of the State of Texas (Commissioner), for consideration and action.

I. Findings of Fact

A. *Jurisdiction*

1. Respondent is a former officer of Centennial Bank, Lubbock, Texas (Bank), a bank that is chartered by the State of Texas.
2. The Texas Department of Banking (Department) is authorized to bring this enforcement action pursuant to *Texas Finance Code* § 35.0035.
3. The Commissioner has jurisdiction over Respondent and the subject matter of this proceeding.

B. *General Background*

4. Respondent worked at the Bank for over 13 years. Respondent began his employment with the bank as a teller and eventually worked his way up to the position of Assistant Vice President & Customer Service Manager of the Plainview West branch.

5. The Assistant Vice President & Customer Service Manager position provided Respondent with a supervisory role over all teller and customer service representative personnel and included access to the cash vault.
6. Respondent was terminated from his position on January 26, 2018.

C. Conviction and Sentencing

7. On August 24, 2018, Respondent pled guilty in the United States District Court for the Northern District of Texas to a felony violation of Title 18, United States Code, Section 656, that is, Theft, Embezzlement, or Misapplication by Bank Officer or Bank Employee.
8. On December 28, 2018, Respondent was sentenced to imprisonment for a term of 21 months and ordered to pay restitution of \$143,000.00.

II. Conclusions of law

1. The Bank and Respondent are, and at all times pertinent to the allegations in this proceeding were, subject to the provisions of the Texas Banking Act, *Texas Finance Code* Title 3, Subtitle A.
2. The Commissioner has jurisdiction over Respondent and the subject matter of this proceeding pursuant to *Texas Finance Code* § 35.0035.
3. The Commissioner has considered the matter and determines that the statutory requirements for the issuance of a Prohibition Order as set forth in *Texas Finance Code* § 35.0035 have been met.

In particular, the Commissioner determines that:

- (1) Respondent has been finally convicted of a felony offense involving a bank, dishonesty, and a breach of trust;
- (2) Respondent's conviction is not subject to Appellate Review; and

- (3) Respondent has been sentenced to imprisonment for a term of 21 months and ordered to pay restitution of \$143,000.00.

III. Order of Prohibition

It is, therefore, ORDERED, ADJUDGED and DECREED that, pursuant to *Texas Finance Code* §§ 35.0035 and 35.007, JOE FRANK RODRIGUEZ may not:

1. serve as a director, officer, or employee of a state bank, holding company of a state bank, or state trust company, or as a director, officer, or employee with financial responsibility of any other entity chartered, registered, permitted, or licensed by the Banking Commissioner under the laws of this state;
2. directly or indirectly participate in any manner in the management of such entity or in the conduct of their affairs;
3. directly or indirectly vote for a director of such an entity; or
4. solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to voting rights in such an entity.

IV. Effective Date

This Prohibition Order against Respondent JOE FRANK RODRIGUEZ is effective immediately upon service and will remain effective and in force except in the event that, and until such time as, this Order shall have been stayed, terminated, modified, or set aside in accordance with *Texas Finance Code* §§ 35.0035 and 35.0071.

Not later than the thirtieth day after service of this Order, Respondent may request in writing a hearing before the banking commissioner to show that Respondent's continued service to a state bank or participation in the affairs of a state bank does not, or is unlikely to, threaten the interests of the depositors, creditors, or shareholders of the state bank or the public confidence in

the state bank. After such hearing, the banking commissioner may affirm, modify, or set aside, in whole or in part, the order. An order affirming or modifying the order is immediately final for purposes of enforcement and appeal.

It is so ORDERED.

Signed this 2nd day of January 2019.

/s/ Charles G. Cooper
Charles G. Cooper
Banking Commissioner of the State of Texas

CERTIFICATE OF SERVICE

This Order is served on JOE FRANK RODRIGUEZ as follows: By first-class mail and by certified mail, return receipt requested, sent on January 3, 2019, to:

Daniel W. Hurley
Attorney for Respondent
Hurley & Guinn
1805 13th Street
Lubbock, Texas 79401

/s/ Marcus Adams
Marcus Adams
Assistant General Counsel,
Texas Department of Banking