

ORDER NO. 2022-026

IN THE MATTER OF:

MATTHEW LOUIS VIERA

CORPUS CHRISTI, TEXAS

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BEFORE:

**THE BANKING
COMMISSIONER OF TEXAS**

AUSTIN, TRAVIS COUNTY, TEXAS

CONSENT ORDER PROHIBITING FURTHER PARTICIPATION

On this day, the matter of MATTHEW LOUIS VIERA (Viera or Respondent) of Corpus Christi, Texas, was submitted to me, Charles G. Cooper, banking commissioner of the State of Texas (Commissioner), for consideration and action.

1. Viera began employment at Prosperity Bank (Bank), Corpus Christi in 2011. Viera's position at the Bank was terminated on September 27, 2021. At the time of his termination, Viera was the Banking Center Manager at Prosperity Bank.
2. The Texas Department of Banking (Department) is the appropriate state banking agency to bring this enforcement action pursuant to Texas Finance Code (Finance Code) §§ 35.003 and 35.009, and the Commissioner has jurisdiction over Viera and the subject matter of this proceeding.
3. This order arises from a Bank investigation into actions taken by Viera during his employment. The Bank initiated its investigation after a customer contacted them to dispute debits to the customer's account. The investigation concluded that Viera had falsified withdrawal slips to debit customer accounts without authorization. In addition, an audit of Viera's teller drawer found the balance to be short. In total, the Bank concluded that Viera had embezzled \$123,000. Partial restitution was made to the Bank by Viera, leaving the Bank with a loss of \$94,500.

4. Viera has been informed of his right to receive a proposed order setting out with reasonable certainty the grounds for prohibition and for imposition of a penalty. Viera was informed that he has the right to a hearing on the charges under Finance Code §§ 35.003(c), 35.004, and 35.010 and Texas Government Code § 2001.051. Viera waives both of those rights and agrees to the disposition of this matter pursuant to the provisions of Texas Government Code § 2001.056.
5. Viera agrees to this Consent Order Prohibiting Further Participation (Consent Order) without admitting or denying any violations of law or regulations, unsafe or unsound banking practices, breaches of fiduciary duty, or any other allegations against him.

For purposes of this proceeding, Viera waives:

- a. service upon Respondent of this Order;
 - b. receipt of a Proposed Order detailing specific charges;
 - c. the right to present defenses to the allegations;
 - d. notice and a hearing to take evidence on the allegations;
 - e. the filing of a Proposal for Decision by an Administrative Law Judge;
 - f. the filing of exceptions and briefs with respect to such Proposal for Decision;
 - g. review by the Texas Finance Commission of the Prohibition Order; and
 - h. judicial review of the Prohibition Order as provided by Texas Government Code § 2001.171 et seq., and any other challenge to the validity of the Prohibition Order.
6. Any violation of this Consent Order could subject Viera to additional regulatory or enforcement actions authorized by the Finance Code. Nothing in this Consent Order diminishes the regulatory or enforcement powers of the Department, the Commissioner, or the Finance Commission of Texas.

7. The Commissioner has considered the matter and believes that, based upon credible evidence, with respect to a state bank, Viera's alleged actions satisfy the statutory requirements for the issuance of a prohibition order as set forth in Finance Code § 35.003.
8. The Commissioner has determined that such alleged violations of laws or regulations, unsafe or unsound practices, and/or breaches of fiduciary duty demonstrate Viera's unfitness to serve as a director, officer, or employee of a state bank, holding company of a state bank, or state trust company, among other positions to which this order applies, or to directly or indirectly participate in any manner in the management of such entity. Accordingly, the entry of this Prohibition Order appears to be necessary and in the best interest of the public.

I. Order of Prohibition

It is, therefore, ORDERED, ADJUDGED and DECREED that, pursuant to Finance Code §§ 35.003 and 35.007, without prior written approval of the banking commissioner, with respect to a state bank, holding company of a state bank, state trust company, or other entity chartered, registered or licensed by the banking commissioner under the laws of this state, including, but not limited to, a foreign bank or money services business, Viera is perpetually prohibited from:

1. serving 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 participating in any manner in the management of such entity;
3. directly or indirectly voting for a director of such an entity; or

4. soliciting, procuring, transferring, attempting to transfer, voting, or attempting to vote any proxy, consent, or authorization with respect to voting rights in such an entity.

II. Effective Date

This Consent Order against Respondent MATTHEW LOUIS VIERA is effective November 15, 2022, and is final and nonappealable as of that date. The Commissioner may enforce this Consent Order pursuant to Finance Code §§ 35.009. If the Commissioner has reason to believe that Viera has violated or is about to violate a provision of this Consent Order, the Commissioner may take appropriate action authorized under Finance Code § 35.009. The provisions of this Consent Order will remain effective and in force except in the event that, and until such time as, the provisions in regard to prohibition shall have been modified, terminated, suspended, or set aside in accordance with Finance Code § 35.0071.

It is so ORDERED.

Signed on this 15th day of November, 2022.

/s/ Charles G. Cooper

Charles G. Cooper
Texas Banking Commissioner

AGREED AS TO FORM AND SUBSTANCE:

/s/ Matthew Louis Viera
Matthew Louis Viera
Respondent

State of Texas §
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County of Travis §

Sworn to and subscribed before me on the 9th day of November, 2022, by Matthew Louis Viera.

/s/ James Lee Cason III
Notary Public

APPROVED AS TO FORM:

(S E A L)

/s/ Marcus Adams
Marcus Adams
Deputy General Counsel
Texas Department of Banking
Date: November 15, 2022