

ORDER NO. 2023-018

IN THE MATTER OF:

CYNTHIA MICHELLE RENFRO

BROWNSBORO, TEXAS

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BEFORE:

**THE BANKING
COMMISSIONER OF TEXAS**

AUSTIN, TRAVIS COUNTY, TEXAS

CONSENT ORDER PROHIBITING FURTHER PARTICIPATION AND IMPOSING A

PENALTY

On this day, the matter of CYNTHIA MICHELLE RENFRO (Respondent) of Brownsboro, Texas, was submitted to me, Charles G. Cooper, banking commissioner of the State of Texas (Commissioner), for consideration and action.

1. Respondent is a former customer service representative at First State Bank of Brownsboro (Bank) at the Bank's branch in Brownsboro, Texas. Her employment was terminated by the Bank on 8/19/2022.
2. The Bank is chartered in Texas under charter number 1082-20.
3. The Bank and Respondent are, and at all times pertinent to the allegations in this proceeding were, subject to the provision of the Texas Banking Act (Banking Act), Texas Finance Code (Finance Code) Title 3, Subtitle A.
4. Pursuant to Finance Code, Chapter 35, the Commissioner has jurisdiction over Respondent and the subject matter of this proceeding.
5. The Commissioner has the authority to issue this Consent Order Prohibiting Further Participation and Imposing a Penalty (Order) pursuant to Finance Code § 31.201(d) and Texas Government Code (Government Code) § 2001.056. The Commissioner has authority to assess an administrative penalty under Finance Code §§ 35.009 and 35.010.

6. Respondent has been properly notified of her right to an administrative hearing under Finance Code §§ 35.004 and 35.010, and Government Code §§ 2001.051 and 2001.171. Respondent waives this right and agrees to the disposition of this matter pursuant to the provisions of Finance Code § 31.201(d) and Government Code § 2001.056.
7. Respondent and the Commissioner agree to this Order solely for the purpose of this proceeding and without Respondent admitting or denying any facts contained herein or any violations of law or regulations. This Order does not constitute an admission by Respondent that the Banking Act, or a rule adopted, or order issued under the Banking Act, has been violated.
8. **For purposes of this proceeding, Respondent knowingly and voluntarily waives:**
 - a. service upon Respondent of this Order;
 - b. the right to present defenses to the allegations in this proceeding;
 - c. notice and hearing prior to imposition of this Order;
 - d. the filing of proposed findings of fact and conclusions of law;
 - e. the issuance 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. any review of this Order by the Texas Finance Commission (Finance Commission); and
 - h. judicial review of this Order as provided by Government Code §2001.171 et seq., and any other challenge to the validity of this Order.
9. The Commissioner has considered this matter and based upon credible evidence, reasonably believes that Respondent's actions satisfy the statutory requirements for the issuance of this Order as set forth in Finance Code § 35.003.

10. The Commissioner has further considered the matter and finds as follows:
 - a. Between approximately September 2021 and August 2022, while employed at the Bank, Respondent embezzled funds from multiple customer accounts.
 - b. Respondent's actions included completing and cashing fraudulent CD/IRA withdrawal forms, making withdrawals from time deposits belonging to a deceased customer, and concealing her actions by pulling customer statements out of the mail. In total, Respondent embezzled over \$100,000 of customer funds.
 - c. Respondent paid partial restitution to the Bank in the amount of \$47,150.
11. Specifically, the Commissioner has determined that Respondent:
 - a. intentionally violated applicable state law; conducted business in an unsafe and unsound manner; and made false entries in the records of the Bank;
 - b. the Bank has suffered or will probably suffer financial loss or expense, or other damage and Respondent has received financial gain or other benefit by reason of the action, or likely would have if the action had not been discovered; and
 - c. Respondent's actions involved personal dishonesty and demonstrated willful and continuing disregard for the safety and soundness of the Bank.
12. Pursuant to Finance Code § 35.003, the Commissioner finds there are grounds to prohibit Respondent from office or employment in, or further participation in the affairs of a state bank or any other entity chartered, registered, permitted, or licensed by the Commissioner.
13. The Commissioner has considered the matter and believes that, based upon credible evidence, Respondent's actions satisfy the statutory requirements for the imposition of a penalty as set forth in Finance Code §§ 35.009 and 35.010.

14. The Commissioner has considered the factors listed in Finance Code § 35.010(b) and determined that it is appropriate for Respondent to pay a penalty in the amount of \$50,000.
15. Respondent consents to the issuance of this Order and agrees to comply with the terms that are set out in the Order below.

I. Order of Prohibition and Imposing a Penalty

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, Respondent is perpetually prohibited from:

- a. 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;
- b. directly or indirectly participating in any manner in the management of such entity;
- c. directly or indirectly voting for a director of such an entity; or
- d. 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.

It is further ORDERED that, pursuant to Finance Code §§ 35.009 and 35.010, not later than one hundred eighty (180) days from the effective date of this order (Penalty Due Date), Respondent shall pay \$50,000 to the Texas Department of Banking.

II. Effective Date

This Order against Respondent CYNTHIA MICHELLE RENFRO is effective on the date signed by the Commissioner and is final and non-appealable as of that date. The Commissioner may enforce this Order pursuant to Finance Code §§ 35.003 and 35.009. If the Commissioner has reason to believe that Respondent has violated or is about to violate a provision of this Order, the Commissioner may take appropriate action authorized under Finance Code §§ 35.009 and 35.010. The provisions of this 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 5th day of June, 2023.

/s/ Charles G. Cooper

Charles G. Cooper
Texas Banking Commissioner

AGREED AS TO FORM AND SUBSTANCE:

/s/ Cynthia Michelle Renfro
Cynthia Michelle Renfro
Respondent

State of Texas §
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County of Travis §

Sworn to and subscribed before me on the 2nd day of June, 2023, by Cynthia Michelle Renfro.

(S E A L)

/s/ Barbara Westbrooks
Notary Public [affix seal]

APPROVED AS TO FORM:

/s/ Marcus Adams
Marcus Adams
Deputy General Counsel
Texas Department of Banking
Date: 06/05/2023