

UNITED STATES OF AMERICA  
NATIONAL CREDIT UNION ADMINISTRATION  
Alexandria, Virginia

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In the Matter of  
DENISE MARIE MAGOON,

NCUA Docket No. 97-12-01-V

Respondent.

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**FINAL ORDER OF PROHIBITION**

**WHEREAS** respondent Denise Marie Magoon ("Respondent"), former employee of Mountain America Credit Union, located in Salt Lake City, Utah, was an "institution-affiliated party" of that credit union, as defined by 12 U.S.C. §1786(r);

**WHEREAS** on March 12, 1996, Respondent pled guilty to a single count of embezzlement by a credit union employee, in violation of 18 U.S.C. §657, as charged in an amended felony information dated October 20, 1995. United States v. Magoon, Case No. 2:95CR0209G (D. Utah);

**WHEREAS** a violation of 18 U.S.C. §657 is a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under Federal law;

**WHEREAS** on March 12, 1996, Respondent's plea of guilty to a single count of embezzlement by a credit union employee, in violation of 18 U.S.C. §657, was accepted and she was sentenced for that offense to a term of six (6) months' home confinement, a term of three (3) years' supervised release, and ordered to pay a fine of \$5000. United States v. Magoon, Case No. 2:95CR0209G (D. Utah);

**WHEREAS** the NCUA Board finds that Respondent's service to or participation in the conduct of the affairs of a federally-insured credit union may pose a threat to the interests of the members of such credit union or may threaten to impair public confidence in such credit union; and

**WHEREAS** the NCUA Board has delegated authority to Regional Directors of the NCUA to issue an Order on its behalf when such Order is based upon a criminal conviction.

**NOW, THEREFORE, IT IS HEREBY ORDERED that:**

1. Denise Marie Magoon is prohibited from participating in any manner in the conduct of the affairs of any federally-insured credit union, and from continuing or commencing to hold any office, or participate in any manner, in the conduct of the affairs of any insured depository institution; any institution treated as an insured bank under 12 U.S.C. §1818(b)(3) or (4), or as a savings association under 12 U.S.C. §1818(b)(8);

any insured institution chartered under 12 U.S.C. §2001 et seq.; any appropriate Federal depository institution regulatory agency; the Federal Housing Finance Board and any Federal home loan bank; and the Resolution Trust Corporation. See 12 U.S.C. §1786(g)(7)(A);

2. The "Judgment In A Criminal Case" against Denise Marie Magoon in United States v. Magoon, Case No. 2:95CR0209G (D. Utah), is made a part hereof and is incorporated herein by reference; and

3. This Final Order of Prohibition shall be effective and enforceable on the date of set forth below.

#### Opportunity for Hearing

Pursuant to 12 U.S.C. §1786(i)(3), you may request in writing, within 30 days of service of this Order, a hearing to present evidence and argument that, despite your criminal conviction, your participation in the affairs of any federally-insured credit union would not, or would not be likely to, pose a threat to the interests of such credit union's members or threaten to impair public confidence in such credit union. See 12 C.F.R. §747.306 et seq. The NCUA Board will consider the criteria set forth at 12 C.F.R. §747.311.

A request for a hearing must state with particularity the relief desired, the grounds therefor, and must include, when available, supporting evidence. The request must be sent to: Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428.

IT IS SO ORDERED this \_\_\_\_ day of December 1997.

NATIONAL CREDIT UNION  
ADMINISTRATION BOARD

By: \_\_\_\_\_  
PHILLIP R. CRIDER Regional Director  
NCUA Region V

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of December 1997, I caused one copy of the foregoing "Final Order of Prohibition" and attached "Judgment In A Criminal Case" to be served by U.S. Mail, certified return receipt requested, upon:

Stephen R. McCaughey, Esq.  
10 West Broadway, Suite 650  
Salt Lake City, Utah 84101

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Steven W. Wideman  
Trial Attorney  
Office of General Counsel