

**UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY**

In the Matter of:)	
)	
Claudia Russ Anderson)	
Former Community Bank Group Risk Officer)	AA-EC-2019-81
)	
David Julian)	
Former Chief Auditor)	AA-EC-2019-71
)	
Paul McLinko)	
Former Executive Audit Director)	AA-EC-2019-72
)	
Wells Fargo Bank, N.A.)	
Sioux Falls, South Dakota)	
)	

ORDER DENYING RESPONDENTS' MOTION TO STAY PROCEEDING

On July 21, 2023 Respondents Claudia Russ Anderson, David Julian, and Paul McLinko (collectively, "Respondents") filed a motion requesting that the Comptroller stay this proceeding until 10 days after the Supreme Court issues the later of its opinions in *SEC v. Jarkesy*, No. 22-859 (U.S.), and *CFPB v. Community Financial Services Association* ("Community Financial"), No. 22-448 (U.S.). Enforcement Counsel took no position on the appropriateness of Respondent's requested relief but disagreed with the arguments Respondents offered for granting the stay.

The Supreme Court's forthcoming decisions in *Jarkesy* and *Community Financial* will not be binding on this enforcement proceeding. As the Acting Comptroller already has noted in a prior order, *Jarkesy* "is not controlling here given that it construes a different administrative enforcement scheme." See *In re Ortega & Rogers, Jr.*, AA-EC-2017-44 and AA-EC-2017-45 (Dec. 7, 2022). Likewise, *Community Financial* is inapplicable to these proceedings because

that case does not involve the OCC's funding structure. For these reasons, Respondents' motion is hereby DENIED.

SO ORDERED:

Dated: August 08, 2023



MICHAEL J. HSU
ACTING COMPTROLLER OF THE CURRENCY