

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

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<b>In the Matter of:</b>	)	
	)	
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	)	
	)	

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**ORDER REGARDING RESPONDENTS’ MOTION FOR AN ORDER DIRECTING THE  
OFFICE OF FINANCIAL INSTITUTION ADJUDICATION  
TO FILE A CORRECTED CERTIFIED RECORD AND INDEX**

On April 18, 2023 Respondents Claudia Russ Anderson, David Julian, and Paul McLinko moved for an order directing the Office of Financial Institution Adjudication (“OFIA”) to file a corrected certified record and index (“Motion”). Specifically, Respondents’ Motion identifies 61 filings that are missing from the Administrative Law Judge’s (“ALJ’s”) Certified Index that was transmitted to the parties and the Comptroller on December 5, 2022. Respondents request that the Comptroller issue an order directing OFIA to supplement the Certified Record with the “missing” filings and thereafter to file a corrected Certified Record and a corrected Certified Index.

On April 20, 2023 the Comptroller acknowledged the Motion and gave Enforcement counsel an opportunity to respond to the motion. On April 24, 2023 Enforcement Counsel opposed the motion, asserting that the issue was purely administrative because the 61 documents

were already filed with the Comptroller's Hearing Clerk, and the Comptroller can confirm that the 61 filings will be maintained as part of the administrative record and can supplement the Certified Index himself.

Following receipt of Respondent's motion and Enforcement's opposition, the Comptroller requested OFIA to search for and produce the 61 documents to the Comptroller. OFIA has produced those documents, and the Comptroller will consider all of these additional documents as part of the Certified Record. Attachment A contains a list of the documents that will be added to the Certified Record.

Pursuant to 12 C.F.R. § 19.4 the Comptroller hereby takes official notice of the documents listed in Attachment A and the previously Certified Index and will consider these documents in his consideration of the parties' exceptions to the Recommended Decisions. Respondent's Motion is hereby deemed moot.

The Comptroller further directs the parties to review the Certified Index and the documents listed in Attachment A. The Comptroller will allow the parties 10 days from the date of this Order to request that additional documents be added to the Certified Record, after which time the Comptroller will certify the record as complete for this proceeding. If any party requests that additional documents be added to the record, the Comptroller will consider that request prior to certifying the record as complete.

So Ordered:

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MICHAEL J. HSU  
ACTING COMPTROLLER OF THE CURRENCY

ATTACHMENT A

Date	Document Title	Party	Sealed in Unredacted Form
08/17/20	Discovery Subpoena Duces Tecum pursuant to Respondent Julian's August 14, 2020 Application for Issuance of Second Document Subpoena to Non-Party Wells Fargo Bank, N.A.	ALJ	
03/26/21	Brief in Support of Enforcement Counsel's Motion for Summary Disposition against Respondents David Julian and Paul McLinko [Under Seal Non-Public Version]	EC	YES
03/26/21	Brief in Support of Enforcement Counsel's Motion for Summary Disposition against Respondent Claudia Russ Anderson [Under Seal – Non-Public Version]	EC	YES
03/26/21	Brief in Support of Enforcement Counsel's Motion for Summary Disposition against Respondent Claudia Russ Anderson [Redacted Public Version]	EC	
03/26/21	Brief in Support of Enforcement Counsel's Motion for Summary Disposition against Respondents David Julian and Paul McLinko [Redacted Public Version]	EC	
06/25/21	Enforcement Counsel's Witness List	EC	
06/25/21	Enforcement Counsel's Prehearing Statement [Redacted Public Version]	EC	
06/25/21	Enforcement Counsel's List of Exhibits to be Introduced at Hearing	EC	
06/25/21	Enforcement Counsel's Witness List	EC	YES
06/25/21	Enforcement Counsel's Prehearing Statement [Under Seal Non-Public Version]	EC	YES
06/25/21	Enforcement Counsel's Application for the Issuance of Hearing Subpoenas	EC	
06/25/21	Respondent Paul McLinko's Witness List and Exhibit Disclosures [REDACTED]	McLinko	
06/25/21	Respondent Paul McLinko's Prehearing Statement [Unredacted]	McLinko	

06/25/21	Respondent Paul McLinko's Prehearing Statement [Redacted]	McLinko	
06/25/21	Certificate of Service	McLinko	
06/25/21	Respondent Paul McLinko's Witness List and Exhibit Disclosures [UNREDACTED]	McLinko	
06/25/21	Respondent Paul McLinko's Application for Hearing Subpoenas [Redacted]	McLinko	
06/25/21	Respondent Paul McLinko's Application for Hearing Subpoenas [Unredacted]	McLinko	
06/25/21	Certificate of Service	EC	
06/25/21	Enforcement Counsel's Statement of Disputed Issues	EC	
06/25/21	Joint Stipulation of Facts between Enforcement Counsel and Respondent McLinko	EC McLinko	
06/25/21	Joint Stipulation of Facts between Enforcement Counsel and Respondent Julian	EC Julian	
06/25/21	Joint Stipulation of Facts between Enforcement Counsel and Respondent Russ Anderson	EC Russ Anderson	
06/25/21	Certificate of Service	EC McLinko Julian Russ Anderson	
06/25/21	Respondent David Julian's Application for Hearing Subpoenas	Julian	
06/25/21	Respondent David Julian's Application for Hearing Subpoenas	Julian	YES
06/25/21	Certificate of Service	Julian	
06/25/21	Respondent Claudia Russ Anderson's Witness List and Exhibit Disclosures - Redacted	Russ Anderson	
06/25/21	Respondent Claudia Russ Anderson's Witness List and Exhibit Disclosures Unredacted - Sought to be Sealed	Russ Anderson	YES
06/25/21	Respondent Claudia Russ Anderson's Prehearing Statement Redacted	Russ Anderson	
06/25/21	Respondent Claudia Russ Anderson's Prehearing Statement Unredacted - Sought To Be Sealed	Russ Anderson	YES

06/25/21	Respondent Claudia Russ Anderson's Statement of Disputed Issues to be Resolved at The Hearing - Redacted	Russ Anderson	
06/25/21	Certificate of Service	Russ Anderson	
06/25/21	Certificate of Service	Russ Anderson	
06/25/21	Respondent Claudia Russ Anderson's Application for Hearing Subpoenas Redacted	Russ Anderson	
06/25/21	Respondent Claudia Russ Anderson's Application for Hearing Subpoenas Unredacted - Sought to Be Sealed	Russ Anderson	YES
06/25/21	Respondent Claudia Russ Anderson's Unopposed Motion to Maintain Certain Filings Under Seal	Russ Anderson	
06/25/21	Certificate of Service	Russ Anderson	
06/25/21	Certificate of Service	Russ Anderson	
06/25/21	Respondent Claudia Russ Anderson's Statement of Disputed Issues to be Resolved at The Hearing Unredacted – Sought To Be Sealed	Russ Anderson	YES
06/25/21	Respondent Paul McLinko's Statement of Disputed Issues to be Resolved at the Hearing [Unredacted]	McLinko	
06/25/21	Respondent Paul McLinko's Statement of Disputed Issues to be Resolved at the Hearing [Redacted]	McLinko	
06/25/21	List of Respondents' Exhibits to be Introduced at Hearing	Respondents	
06/25/21	Respondent David Julian's Witness List and Exhibit Disclosures	Julian	
06/25/21	Certificate of Service	Respondents	
06/25/21	Respondent David Julian's Prehearing Statement	Julian	YES
06/25/21	Respondent David Julian's Witness List and Exhibit Disclosures	Julian	YES
06/25/21	Respondent David Julian's Prehearing Statement	Julian	
06/25/21	Respondent David Julian's Unopposed Motion to Maintain Certain Filings Under Seal	Julian	
06/25/21	Exhibit A -Respondent David Julian's Unopposed Motion to Maintain Certain Filings Under Seal	Julian	

06/25/21	Certificate of Service	Julian	
06/25/21	Respondent David Julian's Statement of Disputed Issues to be Resolved at the Hearing	Julian	
06/25/21	Respondent David Julian's Statement of Disputed Issues to be Resolved at the Hearing	Julian	YES
06/25/21	Respondent Paul McLinko's Unopposed Motion to Maintain Certain Filings Under Seal	McLinko	
06/25/21	Certificate of Service	EC	
06/25/21	Certificate of Service	EC	
06/25/21	Exhibit A – Respondent Claudia Russ Anderson's Motion to Maintain Certain Filings Under Seal	Russ Anderson	
06/25/21	Certificate of Service	McLinko	
06/25/21	Exhibit A - Respondent Paul McLinko's Unopposed Motion to Maintain Certain Filings Under Seal	McLinko	
07/27/21	Email (Subject: OCC/Tolstedt, et al. - Direction to Confer)	ALJ	
09/03/21	Respondents' Motion to Exclude Exhibits at Hearing That This Tribunal Determined Were Inadmissible on Summary Disposition	Respondents	