

**FEDERAL DEPOSIT INSURANCE CORPORATION  
WASHINGTON, D.C.**

In the Matter of:

**ROBERT S. CATANZARO,  
DANIELLE M. DESROSIERS, and  
JOHN C. PONTE,**  
as institution-affiliated parties of

Independence Bank  
East Greenwich, Rhode Island

(Insured State Nonmember Bank)

Docket Nos.:

FDIC-22-0112e, FDIC-22-0113k,  
FDIC-22-0107e, FDIC-22-0108k,  
FDIC-22-0143b, FDIC-22-0109e,  
FDIC-22-0110k

**ORDER NO. 8: DENYING RESPONDENTS DESROSIERS' AND PONTE'S  
EMERGENCY MOTIONS TO PRECLUDE FDIC FROM PUBLISHING NOTICE OF  
CHARGES IN UNREDACTED FORM**

**AND**

**DENYING RESPONDENT DESROSIERS' MOTION TO STRIKE, SEAL OR REDACT  
CERTAIN ALLEGATIONS IN THE FDIC'S NOTICE OF CHARGES**

On March 20, 2023, Danielle M. Desrosiers (“Respondent Desrosiers”) filed an “Emergency Motion to Preclude [Federal Deposit Insurance Corporation (“FDIC”)] from Publishing Notice [of Charges] in Unredacted Form until Ruling on Desrosiers’ Motion to Strike or Seal or Redact” (“RD Emergency Motion”). On that same date, Respondent Desrosiers filed a “Motion to Strike, Seal, or Redact Certain Allegations in the FDIC’s Notice of Charges” (“RD Motion”). According to the Emergency Motion, Enforcement Counsel for the FDIC (“Enforcement Counsel”) agreed to file an expedited response to the Motion by March 27, 2023. *See* Emergency Motion at 3. On March 27, 2023, Enforcement Counsel filed a “Consolidated Response to Respondent Desrosiers’ Emergency Motion to Preclude Publication and Motion to Strike, Seal, or Redact the Notice” (“EC Response”).

On March 23, 2023, John C. Ponte (“Respondent Ponte”) filed an “Emergency Motion to Preclude Federal Deposit Insurance Corporation from Publishing or Otherwise Making Public

Notice of Charges Pending a Determination upon Respondent’s Motion to Strike, Seal, or Redact Certain Allegations on Notice of Charges” (“RP Emergency Motion”).<sup>1</sup>

Respondent Desrosiers moves to strike, seal, or redact certain paragraphs, namely ¶¶ 88, 343-352, and 367-378, in the FDIC’s “Notice of Intention to Remove From Office and Prohibit from Further Participation, Notice of Charges for an Order for Restitution, Notice of Assessment of Civil Money Penalties, Findings of Fact, Conclusions of Law, Orders to Pay, Notice of Hearing, and Prayer for Relief” (“Notice of Charges”) because they are “false and misleading” and “will cause irreparable harm” to her career. RD Emergency Motion at 1, 4. Respondent Ponte’s Emergency Motion likewise moves to preclude the FDIC from making public any portion of the Notice of Charges until a ruling is made on the underlying Motions to Strike. *See* RP Emergency Motion at 1-2.

Enforcement Counsel asserts that the motions should be denied because the undersigned lacks the authority to grant the relief requested and because Respondent Desrosiers has failed to show good cause. *See* EC Response at 1. According to Enforcement Counsel, under Rule 33 of the FDIC’s Uniform Rules of Practice and Procedure, 12 C.F.R. Part 308 (“Uniform Rules”), a respondent has 20 days from the filing of a notice of charges to make a request to the FDIC for a private hearing, which Respondent Desrosiers did not do. *See* EC Response at 3-4; 12 C.F.R. § 308.33(a). Otherwise, proceedings before this Tribunal are presumptively public. *See* EC Response at 3; *see also* 12 U.S.C. § 1818(u).

---

<sup>1</sup> It should be noted that Respondent Ponte also filed a “Joinder in Respondent, Danielle M. Desrosiers’ Motion to Strike, Seal, or Redact Certain Allegations in FDIC’s Notice of Charges” on March 23, 2023; however, that filing was rejected as exceeding the page limit for non-dispositive motions. *See* Order No. 5, Ground Rule 4.1, issued on March 21, 2023. Enforcement Counsel, in its response to Respondent Desrosiers’ motions, noted that they did not agree to an accelerated briefing schedule for Respondent Ponte’s motions, and therefore planned to respond to his motions in the time period normally granted under 12 C.F.R. § 308.23, or ten days after.

The undersigned agrees with Enforcement Counsel. As noted in Order No. 1 and Order No. 5, “[d]ocuments filed with [the Office of Financial Institution Adjudication] become part of the public record” and that “parties shall refrain where possible from including any confidential personal identifiers in any filings.” *See* Order No. 1 (Notice of Designation and Preliminary Order) at 4-5; see also Order No. 5 (Issuance of Ground Rules) at 3. Under Uniform Rule 308.33(b), Enforcement Counsel “may file any document or part of a document under seal if disclosure of the document would be contrary to the public interest.” Upon motion by another party, the undersigned may take “appropriate steps to preserve the confidentiality of such documents or parts thereof.” *See* 12 C.F.R. § 308.33(b).

While the undersigned is sympathetic that the FDIC’s publication of the Notice of Charges may be damaging to Respondents Desrosiers and Ponte’s careers and reputations, disclosure of the Notice of Charges is not contrary to the public interest. All respondents in this matter will have an opportunity to dispute the allegations in the Notice of Charges throughout the pendency of this matter.<sup>2</sup> In addition, in the undersigned’s view, I am in agreement with Enforcement Counsel that I do not have the authority to grant the relief requested. While the Notice of Charges may not yet be available on the FDIC’s public website, as noted by Enforcement Counsel, it is already a public document that is subject to the Freedom of Information Act (“FOIA”). *See* EC Response at 4. I do not have the authority to preclude the FDIC from publishing the Notice of Charges, nor do I have the authority to prevent its disclosure if a FOIA request is made to the appropriate public records office. Accordingly, good cause not having been shown, Respondent Desrosiers’ Emergency

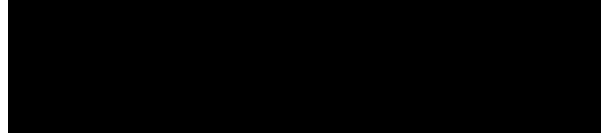
---

<sup>2</sup> The mere filing of these motions by Respondents Desrosiers and Ponte further highlights the information that they are seeking to keep from being public. While filings by parties in a matter before the Office of Financial Institution Adjudication (“OFIA”) are not published on OFIA’s website, recent decisions are frequently published to the website for informational purposes. *See* <https://www.ofia.gov/decisions.html>.

Motion and Motion are hereby DENIED. In addition, good cause also not having been shown, Respondent Ponte's Emergency Motion is hereby DENIED.

**SO ORDERED.**

Issued: March 28, 2023



Jennifer Whang, Administrative Law Judge  
Office of Financial Institution Adjudication

**CERTIFICATE OF SERVICE**

On March 28, 2023, I served a copy of the foregoing **Order** upon the following individuals via email:

Debra A. Decker, Deputy Executive Secretary (dedecker@fdic.gov)  
James P. Sheesley, Supervisory Counsel (jsheesley@fdic.gov)  
Nicholas S. Kazmerski, Counsel (nkazmerski@fdic.gov)  
Angela Dean, Board Support Specialist (adean@fdic.gov)  
Federal Deposit Insurance Corporation  
550 17th Street, NW  
Washington, DC 20429  
ESSenforcementactiondocket@fdic.gov

Enforcement Counsel:

Kent Oz (koz@fdic.gov)  
350 Fifth Avenue, Suite 1200  
New York, NY 10118

Walter Siedentopf (wasiedentopf@fdic.gov)  
10 – 10th Street NE  
Atlanta, GA 30309

Seth P. Rosebrock (srosebrock@fdic.gov)  
Frank Salamone (fsalamone@fdic.gov)  
Graham N. Rehrig (grehrig@fdic.gov)  
550 17th Street NW  
Washington, DC 20429-0002

David A. Schecker (dschecker@fdic.gov)  
Matthew H. Doyle (madoyle@fdic.gov)  
15 Braintree Hill Office Park  
Braintree, MA 02184

Counsel for Respondent Catanzaro:

Charles Tamuleviz  
(chuck@mclaughlinquinn.com)  
Christine Baglioni  
(cbaglioni@mclaughlinquinn.com)  
148 West River Street, Suite 1E  
Providence, RI 02904

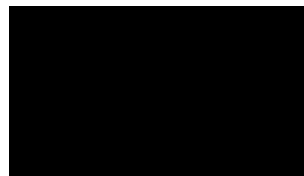
Counsel for Respondent Desrosiers:

Nicholas Callahan  
(nick.callahan@bfkn.com)  
John Andreasen  
(john.andreasen@bfkn.com)  
200 West Madison Street, Suite 3900  
Chicago, IL 60606

Counsel for Respondent Ponte:

Christopher Mulhearn  
(cmulhearn@mulhearnlawri.com)  
1300 Division Road, Suite 304  
West Warwick, RI 02893

Robert Corrente  
(rcorrente@whelancorrente.com)  
100 Westminster Street, Suite 710  
Providence, RI 02903



---

Jason Cohen, Esq.  
Office of Financial Institution Adjudication  
3501 N. Fairfax Drive, Room D-8111  
Arlington, VA 22226-3500  
jcohen@fdic.gov, (571) 216-5308