

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

In the Matter of:

**DANIELLE “SHANTA” SOLOMON,**  
an institution-affiliated party of

Truist Bank  
Charlotte, North Carolina

(Insured State Nonmember Bank)

Docket No.:  
FDIC-24-0100e  
FDIC-24-0101b

**ORDER NO. 15: DECISION DENYING MOTION TO DISMISS**

On December 16, 2024, the Federal Deposit Insurance Corporation (“FDIC”) issued a Notice of Charges (“NOC”) against Respondent, Danielle “Shanta” Solomon, a personal banker with Truist Bank (“Truist”), alleging, among others, that Solomon made unauthorized transfers from the accounts of two elderly bank customers to ones held by her husband.<sup>1</sup> On February 13, 2025, with no answer from Solomon,<sup>2</sup> FDIC Enforcement Counsel (“EC”) filed a Motion for Entry of an Order for Default (“Default Motion”) with the Office of Financial Institution Adjudication (“OFIA”).<sup>3</sup> That same day, Danielle Solomon (appearing *pro se*) filed a Motion to Dismiss the NOC (“Motion”) alleging defective service of process, lack of personal jurisdiction, and improper venue accompanied with a Memorandum of Law in support of the Motion (“Memorandum”), but no answer.<sup>4</sup> For the reasons discussed below, the Motion is DENIED.<sup>5</sup>

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<sup>1</sup> NOC at 3, 4, and 6-7.

<sup>2</sup> 12 C.F.R. § 308.19(a) (2025) (“Within 20 days of service of the notice, respondent must file an answer as designated in the notice.”).

<sup>3</sup> In its response to the Motion to Dismiss, EC explicitly incorporates the exhibits to the Default Motion. *EC Response to the Motion to Dismiss* (“Response”) at 3, n.2.

<sup>4</sup> The Certificate of Service is dated February 12, 2025, but OFIA received the filing by email on February 13, 2025.

<sup>5</sup> The Uniform Rules of Practice and Procedure (“Uniform Rules”) that govern these proceedings contain no specific provision regarding the mechanics of this Tribunal’s consideration of dispositive motions other than motions for summary disposition. *See* 12 C.F.R. § 308.23(f) (2025) (providing that “[d]ispositive motions are governed by §§ 308.29 and 308.30”); *see also id.* at §§ 308.29 (summary disposition), 308.30 (partial summary disposition). EC suggests that the Motion should be subject to the requirements of summary disposition motions under the Uniform Rules, *Response* at 2, but the threshold and jurisdictional nature of Solomon’s arguments resemble a motion to dismiss

## **I. The FDIC properly served Danielle Solomon with the Notice of Charges.**

Danielle Solomon asserts that EC did not adequately serve the NOC in accordance with 12 C.F.R. § 308.11 because the process server attempted service on “a Tesla repair contractor at [Solomon’s] residence,” not Solomon herself.<sup>6</sup> The Federal Deposit Insurance Act provides that “[a]ny service required or authorized to be made by the appropriate Federal banking agency under this section may be made by registered mail, or in such other manner reasonably calculated to give actual notice as the agency may by regulation or otherwise provide.”<sup>7</sup> 12 C.F.R. § 308.11 mirrors the statute by providing that service of a notice upon an individual respondent who has not yet appeared in the proceeding may be made “[b]y personal service”, “[b]y delivery to a person of suitable age and discretion at the physical location where the individual resides or works”, “[b]y registered or certified mail . . . or by an overnight delivery service to the respondent’s last known mailing address”, or “[b]y any other method reasonably calculated to give actual notice.”<sup>8</sup> Moreover, “due process . . . does not require that Respondent receive actual notice of the proceeding,” as long as the notice given is “reasonably calculated, under all the circumstances, to

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under Rule 12 of the Federal Rules of Civil Procedure (“FRCP”), which standards this Tribunal has adopted and applied as appropriate in similar circumstances. *See, e.g.*, Order Denying Motion for Recommendation of Dismissal and Stay, *In the Matter of CBW Bank*, No. 22-171k, 2025 WL 950012 at \*1 n.1 (Mar. 21, 2025). Accordingly, the ALJ will apply the standards under FRCP Rule 12.

<sup>6</sup> *Motion* at 2.

<sup>7</sup> 12 U.S.C. § 1818(l).

<sup>8</sup> 12 C.F.R. § 308.11(c)(2) (2025); *see also In the Matter of Frank William Bonan II (“Bonan”)*, Nos. 16-254e & -256k, 2024 WL 5359346, at \*38 (Dec. 17, 2024) (FDIC final decision) (“Under most circumstances, service by overnight courier would be reasonably calculated to give actual notice, which is sufficient to meet service of process requirements.”) (internal quotation marks and citation omitted). Both statute and regulation comport with United States Supreme Court precedent regarding service within the boundaries of constitutional due process. *See Jones v. Flowers*, 547 U.S. 220, 226 (2006) (“[D]ue process requires the government to provide notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”) (internal quotation marks and citation omitted); *Tulsa Prof’l Collection Svcs. v. Pope*, 485 U.S. 478, 490 (1988) (“We have repeatedly recognized that mail service is an inexpensive and efficient mechanism that is reasonably calculated to provide actual notice.”).

apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”<sup>9</sup>

In this case, the record demonstrates that the FDIC effected service in multiple ways that were reasonably calculated to give actual notice to Danielle Solomon of the proceedings and the charges against her. On December 16, 2024, EC attempted to serve Danielle Solomon with the NOC by certified mail. The tracking history shows that on January 11, 2025, the NOC was marked “Unclaimed/Being Returned to Sender” and returned to EC on January 31, 2025.<sup>10</sup> On January 21, 2025, EC emailed a copy of the NOC to an email address provided by Solomon.<sup>11</sup> On January 28, 2025, EC again attempted to serve the NOC, this time by UPS, which left it on Solomon’s doorstep.<sup>12</sup> The record shows that the “receiver refused the delivery” and the package was returned to EC.<sup>13</sup>

It is the fourth method, personal service, that Danielle Solomon specifically challenges as insufficient service of process. The record shows that the process server made four attempts to serve the NOC at Solomon’s home.<sup>14</sup> On the first three attempts, January 13, 15, and 18, 2025, the process server’s notes state that there was no answer to the door or ring camera.<sup>15</sup> Without evidence

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<sup>9</sup> *In the Matter of Despina Skabardonis*, Nos. 13-0444e & -0443k, 2016 WL 8201948, at \*5 (May 10, 2016) (FDIC final decision) (citing *Jones*, 547 U.S. at 226); *see also, e.g., Bonan*, 2024 WL 5359346, at \*38 (service effected by overnight courier to respondent’s residence despite respondent’s attorney refusing service by email); *In the Matter of Briget Boyd*, Nos. 19-0080e & 20-0013k, 2021 WL 3603475, at \*2 (June 15, 2021) (FDIC final decision) (service effected by certified mail to last known residence, even if delivery to respondent was not confirmed), *see also In the Matter of Nirva Balan*, Nos. 16-0060e & 17-0134k, 2018 WL 4444594, at \*2 (July 19, 2018) (FDIC final decision); *In the Matter of Salvatore DiBenedetto*, Nos. 14-0059e, -0096l, & -0158b, 2015 WL 4269870, at \*3 (Feb. 17, 2015) (FDIC final decision) (service effected by certified mail to last known residence and signed for by someone else).

<sup>10</sup> Exhibits B, C, and G (Declaration of Senior FDIC Attorney, February 12, 2025, ¶ 11).

<sup>11</sup> Exhibit G (Declaration of Senior FDIC Attorney, February 12, 2025, ¶ 12).

<sup>12</sup> Exhibit I.

<sup>13</sup> Exhibit J.

<sup>14</sup> Exhibit H.

<sup>15</sup> *Id.*

or elaboration, Danielle Solomon, referring to the fourth attempt at service made on January 23, 2025, asserts that the process server “attempted service *through* a Tesla contractor.”<sup>16</sup>

Danielle Solomon’s assertion that service was made to a Tesla contractor is contravened by the contemporaneous notes of the process server.<sup>17, 18</sup> The process server states that upon arrival at Solomon’s residence, “the garage door was open and several people were standing inside, before I could get to the entrance everyone had disappeared.”<sup>19</sup> The process server then “knocked and rang the doorbell but no one answered,” and “[t]he Pickup normally parked on the driveway was parked across the street.”<sup>20</sup> With respect to the Tesla contractor, the process server observed “a utility van was on the driveway with TESLA [written] on the sides.”<sup>21</sup> He did not serve the NOC on the Tesla contractor but rather left it at a “conspicuous place on the property.”<sup>22</sup>

Notwithstanding the allegations of ineffective service of the NOC, on February 12, 2025, Danielle Solomon nonetheless still managed to file the instant Motion and subsequently participate in these proceedings both self-represented and through counsel. Accordingly, the Administrative Law Judge (“ALJ”) finds that service was sufficiently made to Danielle Solomon by certified mail, UPS, email, and process server.

## **II. The FDIC has jurisdiction over Danielle Solomon as an Institution Affiliated Party (IAP).**

Solomon argues that the FDIC lacks jurisdiction to bring an enforcement action against her because Truist Bank’s corporate headquarters located in North Carolina provides insufficient

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<sup>16</sup> *Memorandum of Law in Support of Motion* (“*Memorandum of Law*”) at 2 (emphasis added).

<sup>17</sup> Exhibit H.

<sup>18</sup> Neither Solomon appearing *pro se* nor Solomon’s counsel objected to the admission of any evidentiary exhibits including exhibit H. 12 C.F.R. § 308.36(d)(4) (2025) (“Failure to object to admission of evidence or to any ruling constitutes a waiver of the objection.”).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

minimum contact to assert personal jurisdiction over her, a Florida resident.<sup>23</sup> Solomon further argues that minimum contact with North Carolina is also insufficient because the alleged misconduct occurred in Florida.<sup>24</sup> EC counters that, as the “appropriate Federal banking agency,” it has authority under 12 U.S.C. § 1818 to bring the instant enforcement action against Danielle Solomon as an institution-affiliated party (“IAP”).<sup>25</sup> The ALJ agrees.

These proceedings are governed by 12 U.S.C. § 1818. Under that statute, the FDIC may serve a notice of charges for violations of law to employees of an insured depository institution—i.e., those who are an “institution-affiliated party” or IAP.<sup>26</sup> It is not contested that Danielle Solomon was employed by Truist Bank as a personal banker in its Lake Wales branch thus making her an IAP under the statute.<sup>27</sup> The FDIC further retains jurisdiction over an IAP’s conduct for six years after the end of their employment with the insured depository institution.<sup>28</sup> Accordingly, the ALJ finds that the FDIC has jurisdiction over Danielle Solomon in her capacity as an IAP and that her termination of employment with Truist Bank occurred less than six years ago.

**III. Danielle Solomon’s argument of improper venue is a misreading of the NOC because the hearing location is subject to change by the ALJ in consultation with the parties.**

Solomon argues that North Carolina is an improper venue to hold a hearing on the merits because, among others, Danielle Solomon lives in Florida and the alleged misconduct occurred in Florida.<sup>29</sup> Solomon’s argument is based on a misreading of the plain language in the NOC, as drawn from the relevant statute. The NOC establishes that a hearing “will begin on a date set by

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<sup>23</sup> *Memorandum of Law* at 3.

<sup>24</sup> *Id.*

<sup>25</sup> *Response* at 5.

<sup>26</sup> 12 U.S.C. § 1818(b)(1), (e)(1), and (u)(1).

<sup>27</sup> *Motion* at 2.

<sup>28</sup> 12 U.S.C. § 1818(i)(3).

<sup>29</sup> *Motion* at 4.

the ALJ in Charlotte, North Carolina.”<sup>30</sup> The NOC, however, goes on to say that a hearing may be “*in another location set by the ALJ.*”<sup>31</sup> Indeed, EC “does not object to the hearing being located at a place convenient to Respondent and witnesses.”<sup>32</sup> Accordingly, should this matter proceed to a hearing, the ALJ will establish a convenient location in consultation with the parties.

**IV. The Doctrine of Laches does not apply to the enforcement of public rights and the NOC was timely filed with the OFIA.**

Solomon argues that the “doctrine of laches” time-bars the filing of the NOC because of EC’s “unnecessary delay in bringing [the] charges.”<sup>33</sup> Solomon argues that the NOC should have been filed well before December 2024 because “[t]he FDIC had all relevant information about the alleged misconduct by February 2021, when [Solomon’s] employment at Truist Bank [was] terminated.”<sup>34</sup> EC counters that the NOC was timely filed within the statutory five-year period and that the equitable remedy of laches does not apply to a federal agency enforcing a public right.<sup>35</sup> The ALJ agrees.

28 U.S.C. § 2462 establishes a five-year limitations period from the date of accrual for the FDIC to bring an enforcement action. In this case, the conduct alleged in the NOC took place from January 27, 2020, to February 10, 2021.<sup>36</sup> The NOC was filed on December 18, 2024, well within the five-year statutory timeframe. Accordingly, the ALJ finds that the NOC was timely filed with the OFIA.

With respect to Solomon’s assertion of the equitable defense of laches to the timely filing of the NOC, the doctrine of laches does not apply to these proceedings. It is well established that

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<sup>30</sup> NOC at 8.

<sup>31</sup> *Id.* (emphasis added).

<sup>32</sup> *Response* at 7.

<sup>33</sup> *Motion* at 3.

<sup>34</sup> *Memorandum of Law* at 5.

<sup>35</sup> *Response* at 6.

<sup>36</sup> NOC at 3-4.

“[federal] agencies are not subject to the defense of laches when enforcing a public right.”<sup>37</sup> Banking agencies, the FDIC in this instance, bringing enforcement actions “clearly implicate public rights.”<sup>38</sup> Accordingly, the ALJ finds that the instant enforcement action brought by the FDIC implicates a public right and the doctrine of laches cannot be relied upon by Solomon as a basis for dismissal.

## V. Conclusion

Because the ALJ finds with respect to Danielle Solomon that the NOC was properly served, the FDIC has jurisdiction, and that the NOC was timely filed with the OFIA, the Motion is DENIED.

**SO ORDERED.**

Issued: December 30, 2025



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C. Scott Maravilla  
Administrative Law Judge  
Office of Financial Institution Adjudication

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<sup>37</sup> *Entergy Miss., Inc. v. NLRB*, 810 F.3d 287, 298 (5th Cir. 2015), accord, e.g., *Utah Power & Light Co. v. United States*, 243 U.S. 389, 409 (1917) (“[L]aches or neglect of duty on the part of officers of the government is no defense to a suit by it to enforce a public right or protect a public interest.”).

<sup>38</sup> *Cavallari v. OCC*, 57 F.3d 137, 145 (2d Cir. 1995), see also *Simpson v. OTS*, 29 F.3d 1418, 1423 (9th Cir. 1994) (stating that “[b]y instituting the cease-and-desist proceedings, the [Office of Thrift Supervision] served a public purpose of the sort Congress envisioned in providing for administrative adjudication”).

**CERTIFICATE OF SERVICE**

On December 30, 2025, I served a copy of the foregoing **Order** upon the following individuals via email:

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