

IN THE SUPREME COURT OF OHIO

In re:

:

13-1739

:

Patrick Ryan Thesing
Attorney Reg. No. 0034397

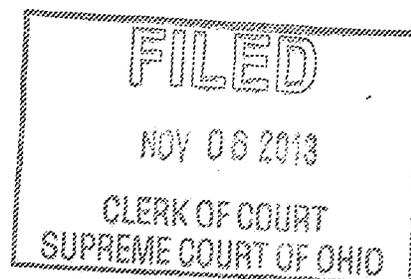
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ENTRY OF FELONY CONVICTION

Richard A. Dove (0020256)
Board of Commissioners on Grievances and Discipline
65 South Front Street
Fifth Floor
Columbus, Ohio 43215
(614) 387-9370
richard.dove@sc.ohio.gov

Patrick Ryan Thesing (0034397)
PO Box 35
Notre Dame, IN 46556
prthesing@comcast.net



UNITED STATES DISTRICT COURT
Southern District of Texas
Holding Session in Houston

UNITED STATES OF AMERICA
V.
PATRICK R. THESING

JUDGMENT IN A CRIMINAL CASE

CASE NUMBER: 4:13CR00109-001

USM NUMBER: 36584-379

Philip G. Gallagher, AFPD

Defendant's Attorney

See Additional Aliases.

THE DEFENDANT:

- pleaded guilty to count(s) 1 on April 19, 2013.
- pleaded nolo contendere to count(s) _____
which was accepted by the court.
- was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1343	Wire Fraud	05/03/2012	1

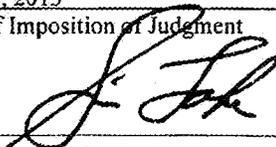
See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ is are dismissed on the motion of the .

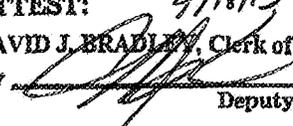
It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

July 19, 2013
Date of Imposition of Judgment


Signature of Judge

SIM LAKE
UNITED STATES DISTRICT JUDGE
Name and Title of Judge

July 23, 2013
Date

TRUE COPY I CERTIFY
ATTEST: 9/18/13
DAVID J. BRADLEY, Clerk of Court
By  Deputy Clerk

DEFENDANT: **PATRICK R. THESING**
CASE NUMBER: **4:13CR00109-001**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 18 months.
This term consists of EIGHTEEN (18) MONTHS as to Count 1.

- See Additional Imprisonment Terms.
- The court makes the following recommendations to the Bureau of Prisons:
 - That the defendant be designated to a facility as close to Kansas City, Kansas, as possible.
 - That the defendant be placed in a low security facility.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
 - at _____ a.m. p.m. on _____.
 - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - before 2 p.m. on _____.
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL
By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: PATRICK R. THESING
CASE NUMBER: 4:13CR00109-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years.
This term consists of THREE (3) YEARS as to Count 1.

See Additional Supervised Release Terms.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. *(for offenses committed on or after September 13, 1994)*

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state registration in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- See Special Conditions of Supervision.
- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
 - 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
 - 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
 - 4) the defendant shall support his or her dependents and meet other family responsibilities;
 - 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
 - 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
 - 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
 - 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
 - 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
 - 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
 - 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
 - 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
 - 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **PATRICK R. THESING**
CASE NUMBER: **4:13CR00109-001**

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall provide the probation officer access to any requested financial information. If a fine or restitution amount has been imposed, the defendant is prohibited from incurring new credit charges or opening additional lines of credit without approval of the probation officer.

The defendant is prohibited from possessing a credit access device, such as a credit card, unless first authorized by the probation officer.

The defendant is required to participate in a mental health program as deemed necessary and approved by the probation officer. The defendant will incur costs associated with such program, based on ability to pay as determined by the probation officer.

DEFENDANT: PATRICK R. THESING
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00		\$228,115.60

- See Additional Terms for Criminal Monetary Penalties.
- The determination of restitution is deferred until _____ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal payees must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Stewart Title Guaranty Services		\$228,115.60	

- See Additional Restitution Payees.

TOTALS	<u>\$0.00</u>	<u>\$228,115.60</u>
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- Restitution amount ordered pursuant to plea agreement \$ _____
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution.
 - the interest requirement for the fine restitution is modified as follows:
- Based on the Government's motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: PATRICK R. THESING
 CASE NUMBER: 4:13CR00109-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A Lump sum payment of \$100.00 due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ installments of _____ over a period of _____, to commence _____ days after the date of this judgment; or
- D Payment in equal _____ installments of _____ over a period of _____, to commence _____ days after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within 30 days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:
 Payable to: Clerk, U.S. District Court
 Attn: Finance
 P.O. Box 61010
 Houston, TX 77208

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

<u>Case Number</u> <u>Defendant and Co-Defendant Names</u> <u>(including defendant number)</u>	<u>Total Amount</u>	<u>Joint and Several</u> <u>Amount</u>	<u>Corresponding Payee,</u> <u>if appropriate</u>
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- See Additional Defendants and Co-Defendants Held Joint and Several.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:
- See Additional Forfeited Property.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

b. Part of Thesing's duties included overseeing litigation in various parts of the country, even though the actual trial and litigation efforts were conducted by contract attorneys/firms. He was issued a Stewart credit card (called a P Card or Purchasing Card) in late December, 2011, to be used in connection with his official duties and travel. This card had a certain monetary limit placed on it as it was connected to Stewart's Wells Fargo Bank account, a FDIC insured financial institution with branches nationwide. In early February, 2012, Thesing asked for his credit card limit to be increased for charges and cash advances (from \$15,000 total limit to \$20,000). He told Stewart that a court reporter in California was requiring daily cash payments for transcribing testimony. Later in February, 2012, Thesing again asked for a limit increase (from \$20,000 to \$45,000) which the company's Treasurer did. Thesing made an oral request that was memorialized by the Treasurer (copies to Thesing's supervisors). On March 8, 2012, Thesing again contacted the Treasurer requesting another increase in his card limit, citing the excuse that he had another trial to attend and needed \$10,000 more in limits (total card limit was now \$55,000); in a series of emails, Stewart's Group President, Mike Skalka, acknowledged that he had spoken with Thesing about the increase who told Skalka that the court reporter was insisting she be paid in cash in the amount of \$800 a day.

c. On April 3, 2012, the Treasurer again got a call from Thesing asking for

another \$10,000 increase in his Pcard limit, with the excuse that another “vendor” was supposed to credit him on some charges but they had not done so yet and he was at his limit. Again, the limit was increased but the Treasurer sent the email to Skalka as Thesing reported directly to him. Skalka replied “Yes. Please follow Pat’s request.”

d. On April 11, 2012, Skalka approved a \$20,000 increase in Thesing’s Pcard limit (now at \$85,000) after the Assistant Cash Manager emailed him that Thesing had said he was again at his limit and he had to travel the next week to the same court venue that had the daily cash fees. Skalka approved the limit increase, as one of his last official duties as President of Stewart’s Global Underwriting Services Group.

e. From February 4, 2012 through May 3, 2012, Thesing made approximately 172 cash withdrawals from Stewart’s Wells Fargo bank account using his Pcard at ATM’s and branch banks in Texas, Florida, California, and Nevada, without authorization to make these cash withdrawals and under false pretenses. The total amount of cash withdrawn was approximately \$223,680.00. Stewart incurred an additional \$4,435.60 in fees for the cash advances taken by Thesing.

f. The company paying the card charges was Stewart Title Guaranty Company. Wells Fargo ATM withdrawals are processed in Arizona. The total loss to Stewart

was at least \$228,115.60.

Filed in Houston, Texas on April 19, 2013.

Respectfully Submitted,

KENNETH MAGIDSON
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF TEXAS

/s/ Martha Minnis

By:

Martha Minnis
Assistant United States Attorney
Telephone: 713-567-9348

CERTIFICATE OF SERVICE

I sent a copy of this factual basis to defense counsel, Philip Gallagher, via email, on April 17, 2013.

/s/ Martha Minnis

Martha Minnis
Assistant United States Attorney

UNITED STATES DISTRICT COURT

United States Courts
Southern District of Texas
FILED

SOUTHERN DISTRICT OF TEXAS

FEB 25 2013

HOUSTON DIVISION

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

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V.

CRIMINAL NO.

PATRICK R. THESING

13CR 109

CRIMINAL INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

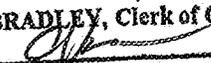
At all times material to this Information:

COUNT ONE

(Title 18, U.S.C. § 1343)

A. INTRODUCTION

1. **PATRICK R. THESING** was employed by Stewart Title Guaranty Company (hereafter "Stewart"), located in Houston, Texas. In the course of his duties as the Chief Compliance Officer for Stewart, **THESING** had access to, and authority to use the company credit card (referred to as a Pcard) in the course of his duties overseeing litigation and compliance on behalf of his employer.
2. **THESING's** company issued credit card allowed its user to make interstate withdrawal of funds via ATM's or at branch offices of Wells Fargo or other financial institutions.
3. Stewart maintained accounts at Wells Fargo Bank, a financial institution insured

TRUE COPY I CERTIFY
ATTEST: 9/18/13
DAVID J. BRADLEY, Clerk of Court
 By  Deputy Clerk

by the Federal Deposit Insurance Corporation (FDIC), with branches in Texas, California, Utah, and Florida, among other states.

4. The Federal Deposit Insurance Corporation (FDIC) was an agency of the federal government which insured the deposits of member banks against loss up to \$100,000 with the purpose of preventing their collapse and instilling public confidence in the nation's banking institutions.

5. During the course of his employment with Stewart, **THESING** unlawfully used his company issued credit card to access a Wells Fargo Bank account of his employer, to make interstate withdrawals of funds under false pretenses totaling in excess of \$223,000.00, for his personal benefit.

B. THE SCHEME

6. From February 4, 2012 and continuing through May 3, 2012, in the Southern District of Texas and elsewhere, the defendant,

PATRICK R. THESING

did knowingly devise and intend to devise a scheme and artifice to defraud, and for obtaining money by means of material false and fraudulent pretenses, representations, and promises, and to knowingly use and cause to be used interstate wire communications facilities in carrying out the scheme to defraud.

C. MANNER AND MEANS OF THE SCHEME AND ARTIFICE

The manner and means of the scheme and artifice were as follows:

7. The defendant would and did use his credit card access to withdraw cash from the Wells Fargo Bank account of Stewart to make unauthorized interstate transfers of funds for his personal benefit.
8. The defendant would and did cause the unauthorized cash withdrawals under the pretense and false representation that his employer owed the funds to the defendant or to a designated third party.
9. As an employee of Stewart, the defendant would and did use his company issued credit card to withdraw cash from an Internet-connected ATM in Houston, Texas, California, Nevada, and Florida which was sent on the Wells Fargo server in Arizona in order to cause the cash withdrawals.
10. Without lawful authorization, the defendant would and did cause the transfer of over \$223,000 in cash advances.

D. EXECUTION OF THE SCHEME AND ARTIFICE TO DEFRAUD

11. On or about February 4, 2012, in the Houston Division of the Southern District of Texas and elsewhere, PATRICK R. THESING, defendant herein, did cause by means of material false pretenses, representations and promises, the withdrawal of approximately \$4,800.00 from the Wells Fargo bank account of Stewart.
12. On or about March 8, 2012, in the Houston Division of the Southern District of Texas and elsewhere, PATRICK R. THESING, defendant herein, did cause by means of material false pretenses, representations and promises, the withdrawal of approximately

\$8,500.00 from the Wells Fargo bank account of Stewart.

13. On or about March 30, 2012, in the Houston Division of the Southern District of Texas and elsewhere, PATRICK R. THESING, defendant herein, did cause by means of material false pretenses, representations and promises, the withdrawal of approximately \$29,000.00 from the Wells Fargo bank account of Stewart.

14. On or about April 12, 2012, in the Houston Division of the Southern District of Texas and elsewhere, PATRICK R. THESING, defendant herein, did cause by means of material false pretenses, representations and promises, the withdrawal of approximately \$15,000.00 from the Wells Fargo bank account of Stewart.

15. On or about April 20, 2012, in the Houston Division of the Southern District of Texas and elsewhere, PATRICK R. THESING, defendant herein, did cause by means of material false pretenses, representations and promises, the withdrawal of approximately \$16,500.00 from the Wells Fargo bank account of Stewart.

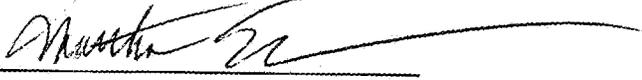
16. On or about May 2, 2012, in the Houston Division of the Southern District of Texas and elsewhere, PATRICK R. THESING, defendant herein, did cause by means of material false pretenses, representations and promises, the withdrawal of approximately \$15,500.00 from the Wells Fargo bank account of Stewart.

17. On or about May 3, 2012, in the Houston Division of the Southern District of Texas and elsewhere, PATRICK R. THESING, defendant herein, did cause by means of material false pretenses, representations and promises, the withdrawal of approximately

\$21,500.00 from the Wells Fargo bank account of Stewart.

In violation of Title 18, United States Code, Section 1343.

KENNETH MAGIDSON
UNITED STATES ATTORNEY

By: 

Martha Minnis
Assistant United States Attorney