

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 88779 / April 30, 2020

ADMINISTRATIVE PROCEEDING
File No. 3-16098

In the Matter of

**WILMINGTON TRUST
CORPORATION,**

Respondent.

**ORDER APPOINTING FUND
ADMINISTRATOR AND SETTING
ADMINISTRATOR BOND AMOUNT**

On September 11, 2014, the Commission issued an Order Instituting Cease-and-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933 and Section 21C of the Securities Exchange Act of 1934, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (the “Order”)¹ against Wilmington Trust Corporation (“WTC” or “the Bank”), a bank holding company based in Wilmington, Delaware. According to the Order, the administrative proceeding arose out of false and misleading disclosures by WTC concerning its accruing loans past due 90 days or more over multiple quarters during 2009 and 2010, its non-accruing loans in the third quarter of 2009, and its reserves for loan losses in the third and fourth quarters of 2009. The Commission found, among other things, that the Bank omitted almost \$339 million in matured loans past due 90 days or more from its disclosures in its filings with the Commission for the third quarter of 2009; omitted over \$330 million in matured loans past due 90 days or more from its disclosures in its filings for the year ended 2009; and incorporated its false and misleading Form 10-K for 2009 by reference in the offering materials for a February 2010 public offering in which the Bank sold \$287 million of its common stock. The Commission determined that, by its conduct, WTC violated Sections 17(a)(2) and 17(a)(3) of the Securities Act of 1933, and Sections 13(a), 13(b)(2)(A), and 13(b)(2)(B) of the Securities Exchange Act of 1934 and Rules 13a-1, 13a-11, 13a-13, and 12b-20 thereunder. The Commission ordered the WTC to pay disgorgement of \$16,000,000 and prejudgment interest of \$2,545,896.16 to the Commission.

¹ Securities Act Rel. No. 9646 (Sept. 11, 2014).

WTC has paid in full and the \$18,545,896.16 in disgorgement and prejudgment interest paid by WTC (the “Distribution Fund”) was deposited in an interest-bearing account at the U.S. Treasury’s Bureau of Fiscal Service.

In a related forfeiture action, *United States v. \$44,000,000 in United States Currency*, 17-cv-01416-RGA (D. Del.), in which the United States sought WTC’s forfeiture of all right, title, and interest in \$44 million traceable to false statements made by WTC in securities and regulatory filings between the third quarter of 2009 and the second quarter of 2010, WTC defaulted, resulting in forfeiture of \$44 million (the “Forfeited Funds”) to the Department of Justice (“DOJ”). DOJ has sent the Forfeited Funds, less the expenses incurred by the government in seizing those funds, to the Commission, so those funds can be added to the Distribution Fund for distribution through a distribution plan approved in the captioned proceeding. The Forfeited Funds have been added to the Distribution Fund.

The Division of Enforcement now seeks the appointment of Epiq Systems, Inc. (“Epiq”) as the fund administrator in the above-captioned proceeding and requests that the administrator’s bond be set at \$62,539,185.09. Epiq is included in the Commission’s approved pool of administrators.

Accordingly, it is hereby ORDERED, that Epiq is appointed as the fund administrator, pursuant to Rule 1105(a) of the Commission’s Rules on Fair Fund and Disgorgement Plans (the “Commission’s Rules”), 17 C.F.R. § 201.1105(a), and the administrator shall obtain a bond in the amount of \$62,539,185.09, in accordance with Rule 1105(c) of the Commission’s Rules, 17 C.F.R. § 201.1105(c).

For the Commission, by the Division of Enforcement, pursuant to delegated authority.²

Vanessa A. Countryman
Secretary

² 17 C.F.R. § 200.30-4(a)(17).