

From: [Stefanie Taylor](#)
To: [NY Banksup Applications Comments](#)
Cc: [Caroline Peattie](#)
Subject: CIT Group Inc. Proposed Acquisition of IMB Holdco LLC – Response to Request for Additional Information
Date: Friday, June 05, 2015 2:40:36 PM
Attachments: [OneWest-6.5.15.pdf](#)

Attention: Ivan J. Hurwitz, Vice President, Bank Applications

Please find the attached letter regarding CIT Group Inc. Proposed Acquisition of IMB Holdco LLC – Response to Request for Additional Information from Caroline Peattie, Executive Director, Fair Housing of Marin.

Best Regards,
Stefanie

Please note our new address below.

Stefanie Taylor
Executive Assistant
Keep Your Home California Foreclosure Counselor
Fair Housing of Marin
1314 Lincoln Avenue, Suite A
San Rafael, CA 94901
(415) 457-5025 ext.111
(415) 457-6382 fax
stefanie@fairhousingmarin.com
<http://www.fairhousingmarin.com>

Fair Housing of Marin's mission is to ensure equal housing opportunity and to educate the community on the value of diversity in our neighborhoods. At Fair Housing of Marin, we support human rights in all aspects of our lives and welcome the richness that diversity brings to our children, our neighborhoods and us.

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FAIR HOUSING OF MARIN

1314 Lincoln Street, San Rafael, CA 94901 ▼ (415) 457-5025 ▼ TDD: (800) 735-2922 ▼ Fax: (415) 457-6382
www.fairhousingmarin.com ▼ fhom@fairhousingmarin.com

June 5, 2015

Federal Reserve Bank of New York
33 Liberty Street
New York, NY 10045

Attention: Ivan J. Hurwitz, Vice President, Bank Applications

Re: CIT Group Inc. Proposed Acquisition of IMB Holdco LLC – Response to Request for Additional Information

Ladies and Gentlemen:

I write to address CIT's response to a request for additional information, specifically the section related to "allegations made by participants at the Meeting concerning OneWest's mortgage and reverse mortgage servicing practices." What was brought up in the hearing at the Fed related to Fair Housing of Marin's allegation about OneWest's maintenance of REOs in communities of color (2a). In CIT's response to the allegation that OneWest does not properly maintain foreclosed real property and thereby contributes to blight in, and adversely affects, the "relevant communities," they merely outline that "OneWest has advised CIT that it adheres to all applicable laws relating to the management and maintenance of owned real estate properties it acquires through foreclosure" and then states generally what OneWest's policy is around maintenance. It does not respond to the allegation of discrimination at all.

During the public hearing on the proposed merger of OneWest Bank and CIT Group at the Federal Reserve in Los Angeles on February 26, 2015, a colleague testified that our investigation of OneWest's maintenance of foreclosed properties raised fair housing concerns based on the disparities between the maintenance of properties in White neighborhoods versus neighborhoods of color. While OneWest REO properties in White neighborhoods were generally well maintained and well marketed with neatly manicured lawns, securely locked doors and windows, and attractive, professional, "for sale" signs posted out front, OneWest REO properties in communities of color were more likely to have trash strewn about the premises, overgrown grass, shrubbery, and weeds, and boarded or broken doors and windows among many other curb appeal and structural issues. OneWest's REOs in communities of color appear abandoned, blighted, and unappealing to potential homeowners, even though they are located in stable neighborhoods with surrounding homes that are well-maintained. This evidence suggests that OneWest is not meeting community credit needs and is in fact harming communities. This is one of the many reasons the merger should not be approved without further investigation and substantial conditions imposed.



TDD: CALIFORNIA RELAY SERVICE FOR THE HEARING OR SPEECH IMPAIRED: (800) 735-2922
SE HABLA ESPAÑOL - NẾU CẦN GIÚP ĐỠ BẰNG TIẾNG VIỆT NAM XIN LIÊN LẠC SỐ: (415) 491-9677

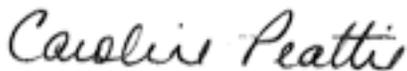
Fair Housing of Marin (FHOM), based in San Rafael and a member of the National Fair Housing Alliance (NFHA), investigated a number of OneWest properties in the Vallejo and Richmond areas of California. FHOM evaluated all properties that were not occupied; seven OneWest properties were evaluated, five in communities of color and two in White communities. Some troubling issues stand out when comparing the seven OneWest REO properties:

- 4 out of 5 REOs in communities of color had trash compared to 0 out of 2 in White communities
- 3 out of 5 REOs in communities of color had overgrown grass or accumulated leaves compared to 0 out of 2 in White communities
- 3 out of 5 REOs in communities of color had unsecured, broken, or boarded doors compared to 0 out of 2 in White communities
- 3 out of 5 REOs in communities of color had unsecured, broken, or boarded windows compared to 0 out of 2 in White communities
- 5 out of 5 REOs in communities of color were missing "for sale" signs, compared to 0 out of 2 in White communities

Some of the non-White properties have code violation letters on the front door; one in particular has trash strewn all over the property. Despite the fact that FHOM has not yet evaluated more OneWest properties, those seven show the same pattern emerging that we have seen with Fannie Mae, Bank of America, US Bank, and other lending institutions. The National Fair Housing Alliance and member agencies (including FHOM) have filed administrative complaints against Bank of America, U.S. Bank, Deutsche Bank, and Fannie Mae, as well as three of its servicers.

This letter confirms FHOM's opposition to the proposed merger, highlighting the importance of the fair housing issues at play, and our concerns about OneWest in particular. The complaints filed by FHOM/NFHA against Fannie Mae, Bank of America, and others – for similar failures to properly maintain/market REO homes in communities of color – underlines the seriousness of the fair housing issues.

Sincerely,



Caroline Peattie
Executive Director

From: [Bae, Philip](#)
To: [McCune, Crystall](#); [Whidbee, Robin](#)
Subject: FW: CEASE DESIST...ILLEGAL TAMPERING WITH FEDERAL WITNESSES...by One West Bank -FRSONLY-
Date: Monday, June 08, 2015 1:48:57 PM

From: NEONSUNSET@aol.com [mailto:NEONSUNSET@aol.com]
Sent: Sunday, June 07, 2015 11:04 PM
To: franklin.monsour@usdoj.gov; giovanni.coutard@usdoj.gov; Hurwitz, Ivan; Steffey, Brian; Bae, Philip; crystall.mccune@ny.frb.com; robin.whidbee@ny.frb.com; David.Finnegan@occ.treas.gov
Cc: indymaccomplaints@gmail.com; neonsunset@aol.com
Subject: CEASE DESIST....ILLEGAL TAMPERING WITH FEDERAL WITNESSES...by One West Bank

URGENT...CEASE AND DESIST...QUI TAM ACTION FREEZES SALE PROCESSING for Proposed Sale of One West Bank to CIT Group.

To: franklin.monsour@usdoj.gov, giovanni.coutard@usdoj.gov, ivan.hurwitz@ny.frb.org, brian.steffey@ny.frb.org, Philip.Bae@ny.frb.org, crystall.mccune@ny.frb.com, robin.whidbee@ny.frb.com, David.Finnegan@occ.treas.gov

CC: neonsunset@aol.com

Sent: SUNDAY JUNE 7, 2015

Subj: ILLEGAL TAMPERING WITH FEDERAL WITNESSES...by One West Bank

Subj: USAG Eric Holder not responded. One West Bank Retaliates. Impersonations. Forgery. AND NOW WITNESS TAMPERING WITH FEDERAL WITNESSES/VICTIM IN QUI TAM.

<p>SPECIAL ATTENTION: U.S. ATTORNEY GENERAL LORETTA LYNCH [previously Mr. Holder] <i>c/o to be forwarded to her BY Mr. Franklin Monsour, Esq. and Mr. Giovanni Coutard, Esq.</i> UNITED STATES DEPARTMENT OF JUSTICE</p>
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June 7, 2015

cc: U.S. House Committee on Oversight and Government Reform
U.S. House Committee on Financial Services
U.S. Senate Committee on Finance
U.S. Senate Committee on the Judiciary
U.S. Trustee's Office

Federal Reserve Bank Board of Governors, Chairman Janet Yellen
U.S. Senator Elizabeth Warren, Mass.
U.S. Congressman Darryl Issa, California
U.S. Senator Tom Merkley, Oregon
U.S. Senator Al Franken, Minnesota
U. S. Senator Amy Klobuchar, Minnesota
U.S. Senator Bernie Sanders, Vermont
U. S. Senator Rand Paul, Kentucky
U. S. Congressman Eric Swalwell, California

Being mailed with Delivery Confirmation

Re:

[1] **FEDERAL WITNESS TAMPERING:** One West Bank has singled out key Federal Plaintiff

and witnesses to the Beekman *qui tam* [interfering with a Federal legal action on behalf of the Federal Government] and is aggressively punishing the *qui tam* Plaintiff and witnesses with accelerated, immediate foreclosure sales including newly created fictitious documents, untruths to the sitting judges, impersonators, phony Notaries Public witnessing, duping and misleading the U.S. Bankruptcy Court and Trustee's Office.

[2] One West Bank has **retaliated aggressively against key victim testimony by guests at the Federal Reserve Bank's** February 26, 2015 hearing in Los Angeles.

[3] **CEASE AND DESIST on the processing of the sale of One West Bank, especially given the pending *qui tam* by James Beekman.**

[4] One West Bank's unrestrained, current **criminal acts demand Criminal Prosecution, NOW.**

[5] Given the depth of ongoing, unabated, unprosecuted crimes by One West Bank, and its cover-up partner CIT Group [including its instrument/attorney Mr. Salley], **Congress must appoint a WATERGATE STYLE COMMISSION** with truly independent prosecutors to go after these banks and regulators for being co-conspirators in an elaborate racketeering scheme to bilk the US Treasury out of Billions. **All One West Bank foreclosures, in litigation or not, must be frozen and all actions against *qui tam* witnesses must be reversed with homes returned,** immediately. Investigations must be initiated immediately before additional, irreparable harm is done through this continuing racketeering/fraud scheme of One West Bank.

Ladies and Gentlemen:

I am a member of a group of 450 victims of One West Bank who have NOT received a single response from any of you, after multiple letters/emails since February 2015 to you advising of the deceptiveness and untruths being presented by Attorney Mr. Salley for CIT Group and by One West Bank with respect to the proposed sale of One West Bank to CIT Group. You all have exhibited an ongoing disinterest and refusal to accept presentations of facts demonstrating the lengthy list of "currently" ongoing legal violations and lies being presented to the Federal Reserve Bank of NY and the OCC. Additionally, this email once again acknowledges that not one question or inquiry has been made by you, or your February 26, 2015 panelists [seat warmers] of the victims and to obtain the "real picture" proof of ongoing violations of Consent Orders by One West Bank [in direct contrast to the in-person false statements by CEO Otting that his banks is "now law abiding."].

The disinterest in the truth is truly "suspicious." At this point, one can easily conclude that there is a massive cover-up, suppressing the revelation of the "real facts" [not the One West Bank "fictions" and racketeering suppressions of the truths of ongoing legal violations by One West Bank].

A clear example of the intentional violations is your ongoing refusal to acknowledge the unveiled Federal *Qui Tam* against One West Bank for BILLIONS being stolen from the taxpayer. INSTEAD, your records "received" a lie that "there are no federal actions against One West Bank" AND **your agencies have refused to CEASE AND DESIST on the processing of the proposed sale of One West Bank in light of the *qui tam*.** Our demand for a **Cease and Desist** is ongoing and has not been waived.

Your agencies have NOT corrected the erroneous, fictitious presentations by CIT Group and One West Bank that we have tried to report. Instead we have received "bounced back, exclusionary emails" and "blacked out, redacted pages" that prevent the presentation of "the truths about the thefts/fraud by One West Bank."

RIGHT THIS MINUTE, here are some examples of the current civil and criminal

violations of law being conducted by the defiant One West Bank, confirmed by current Court filings:

.....homes stolen by One West Bank through its designed fraud scheme, forged documents, illegal foreclosure sales (as "pure robberies" when it has NO legal rights more than you or I to foreclose on strangers' homes), use of "stolen" registration numbers on property filings, hired impersonators of home owners for pretend transactions that never happened, outright lies, hired and rehired already disbarred/prosecuted criminal foreclosure mills, grossly inflated mortgage add-ons that are unsubstantiated and unconscionable [i.e. \$100,000 arbitrarily added on after just 2 months?], refusals to settle claims but choosing instead to litigate at the "highest level of expense with endless wasteful legal maneuvers by their biggest law firms" to CRUSH homeowners because the Bank's attorneys are getting unlimited reimbursement compensation from the Federal Government [yet another form of trickery against the homeowners---the endless Shell Game as a series of TRAPS to ensnare homeowners and ultimately deprive them of their homes], fraudulent Notaries Public, intentional violations of Court rules to trick foreclosed homeowners, and purposeful lies to the Judiciary, SHOCKING! CLEAR CRIMES!! ...and this is only a partial listing of CURRENT, unabated legal violations by One West Bank. One West Bank has reported to the Federal Reserve that it is in compliance with the Consent Orders...NOT TRUE.

Please understand that victims perceive that at this point there could be Joint and Several Liability **for each individual** in their "official sale processing" capacities, orchestrating/managing/contributing to/supporting these ongoing violations and cover-ups of multiple laws that were intended to protect the U.S. taxpayer and Federal funds. Many people in our victims group are talking about a multitude of laws being violated including Wire Fraud, Racketeering, False Claims, Fraud, Robbery, Perjury, Tampering with Federal Witnesses/Victim, and even Treason charges.

With all of these delays and the Agencies' ongoing failures to protect and serve, the victims of One West Bank are having their damages compounded to unconscionable, inhuman levels through massive, unrelenting, layered deceptions by One West Bank. This mishandling by your agencies has become a very serious matter for so many families across the country.

Please advise us as to the person identified for the service of Legal Process in your respective agencies, with address, telephone, and email. Please advise us as to the person in your respective agency who is the top official in charge of overseeing the proposed sale of One West Bank to CIT Group.

We 450 "One West Bank victims," plus thousands more, look to U.S. Attorney General Loretta Lynch for the immediate, conscientious and thorough prosecution of One West Bank and the supportive "cover up" agencies, for these wrongdoings against the U.S. Taxpayer that flagrantly and currently defy the laws passed by Congress....and are costing our country Billions and Billions in unconscionable losses. Two key journalists, in New York and in Los Angeles, have described in May 2015 the unprofessional, close relationships and special treatment of the One West Bank and CIT Group executives by the Federal Reserve Bank of New York. Please advise as to who has the ultimate responsibility for overseeing the delivery of this special "behind the doors" treatment of the two banks, exclusively, excluding the "Public constituents and their submission of the truths about One West Bank's false claims."

WE pay for a Nation of Laws, yet we don't have them. WHY?
WE pay our Congress and Judges to uphold the laws yet they are not upholding them. WHY?

WHY is OneWest Bank and CIT Group receiving extraordinary favors? Why are all their submissions being "given the presumption of validity" when there is overwhelming evidence to rebut that very presumption of validity?

SOMEONE NEEDS TO STEP UP TO THE PLATE AND WORK FOR "THE PEOPLE" AND NOT for THE CORPORATIONS. ***BUSINESS POLITICAL CONTRIBUTIONS DO NOT BUY "NONENFORCEMENT OF THE LAWS."*** THERE ARE NO SUCH EXEMPTIONS IN LAW ENFORCEMENT OBLIGATIONS.

WE pay for a Nation of Laws---if you can not deliver on the enforcement mandate, please return your paychecks TO THE PEOPLE.

On behalf of 450 victims, another victim Helen Kelly
P.O. Box 237
Pleasanton, California 94566
Email indymacomplaints@gmail.com; neonsunset@aol.com

From: NEONSUNSET@aol.com
To: franklin.monsour@usdoj.gov, giovanni.coutard@usdoj.gov,
ivan.hurwitz@ny.frb.org, brian.steffey@ny.frb.org, Philip.Bae@ny.frb.org,
crystall.mccune@ny.frb.com, robin.whidbee@ny.frb.com,
David.Finnegan@occ.treas.gov
CC: neonsunset@aol.com
Sent: 5/17/2015 8:57:07 P.M. Pacific Daylight Time
Subj: ILLEGAL TAMPERING WITH FEDERAL WITNESSES...by One West Bank

To: Franklin.Monsour@usdoj.gov, Giovanni.Coutard@usdoj.gov
CC: ivan.hurwitz@ny.frb.org, brian.steffey@ny.frb.org, Philip.Bae@ny.frb.org
crystall.mccune@ny.frb.com robin.whidbee@ny.frb.com
David.Finnegan@occ.treas.gov

Subj: USAG Eric Holder not responded. One West Bank Retaliates. Impersonations. Forgery. AND NOW WITNESS TAMPERING WITH FEDERAL WITNESSES IN QUI TAM.

SPECIAL ATTENTION: U.S. ATTORNEY GENERAL LORETTA LYNCH
[previously Mr. Holder]
**c/o to be forwarded to her BY Mr. Franklin Monsour, Esq. and
Mr. Giovanni Coutard, Esq.**
UNITED STATES DEPARTMENT OF JUSTICE

May 17, 2015

cc: U.S. House Committee on Oversight and Government Reform
U.S. House Committee on Financial Services
U.S. Senate Committee on Finance
U.S. Senate Committee on the Judiciary
U.S. Trustee's Office

U.S. Senator Elizabeth Warren, Mass.
U.S. Senator Tom Merkley, Oregon
U.S. Senator Al Franken, Minnesota
U. S. Senator Amy Klobuchar, Minnesota
U.S. Senator Bernie Sanders, Vermont
U. S. Senator Rand Paul, Kentucky
U. S. Congressman Eric Swalwell, California

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Re:

[1] **FEDERAL WITNESS TAMPERING:** One West Bank has singled out key Federal Plaintiff and witnesses to the Beekman *qui tam* [interfering with a Federal legal action on behalf of the Federal Government] and is aggressively punishing the *qui tam* Plaintiff and witnesses with accelerated, immediate foreclosure sales including newly created fictitious documents, untruths to the sitting judges, impersonators, phony Notaries Public witnessing, duping and misleading the U.S. Bankruptcy Court and Trustee's Office.

[2] One West Bank has **retaliated aggressively against key victim testimony by guests at the Federal Reserve Bank's** February 26, 2015 hearing in Los Angeles.

[3] CEASE AN DESIST on the processing of the sale of One West Bank, especially given the pending *qui tam* by James Beekman.

[5] One West Bank's unrestrained, current **criminal acts demand Criminal Prosecution, NOW.**

[5] Given the depth of ongoing, unabated, unprosecuted crimes by One West Bank, and its cover-up partner CIT Group [including its attorney Mr. Salley], **Congress must appoint a WATERGATE STYLE COMMISSION** with truly independent prosecutors to go after these banks and regulators for being co-conspirators in an elaborate racketeering scheme to bilk the US Treasury out of Billions. **All One West Bank foreclosures, in litigation or not, must be frozen and all actions against *qui tam* witnesses must be reversed with homes returned,** immediately. Investigations must be initiated immediately before additional, irreparable harm is done through this continuing racketeering/fraud scheme of One West Bank.

Ladies and Gentlemen:

I write this in the context of being a former Special Assistant Attorney General doing civil and criminal prosecutions, as well as advising the

Minnesota State Legislators, and serving as former Chief Counsel to the Minnesota's Banking Commissioner (now retired). Given what I and thousands of fellow victims of One West Bank have undergone in the past six years, it is clear that we members of the Middle Class are victims of not only One West Bank's racketeering but are also victims of the very people whose salaries we have paid for to deliver law enforcement [but these prosecutors/regulators thus far have hidden from their law enforcement responsibilities with respect to One West Bank].

On April 15, 2015, my group of fellow One West Bank victims sent an extensive listing of the failures of the U.S. Department of Justice to pursue the investigation and prosecution of One West Bank, to the personal attention of U.S. Attorney General Eric Holder. We have not received a response. We also sent the same materials to two of Holder's staff attorneys [Monsour and Coutard], who have not responded. A copy of the letter was previously sent with fully documented circumstances backing up the statements of criminal acts and violations by One West Bank.

On April 22, 2015, my group sent most of you an email with the details as well. We have received no substantive response from any of you.

However, I and others received three emails indicating that NOTHING AFTER FEBRUARY 26, 2015, would be accepted from the public...that was the date of the pretend public hearing with panelists from the Federal Reserve Bank and the OCC. I say "pretend" because [1] not one question was asked by the panelists, [2] there has been NO follow up by either the Federal Reserve nor the OCC as to the verification and substance of the victims' testimonies on that day that directly contradict the One West Bank submissions.

APPARENTLY, NO ONE FROM THE REGULATING AGENCIES IS INTERESTED IN THE TRUTH. They are only collecting, *unilaterally*, fictions from One West Bank, via CIT Group and its attorney Mr. Salley. So how is this inactivity and disinterest considered "regulating?"

QUERY: One West Bank lied AT and AFTER February 26, 2015. If we have proof that what was presented by One West Bank and CIT Group AT and AFTER the February 26, 2015 hearing was untrue, how can we present the facts of subsequent fraud...subsequent to February 26th when we keep getting rejected with an electronic transmittal of a rule cutting us off at February 26th (but NOT cutting One West Bank off on its subsequent lying submissions)? Practically speaking, we victims with the truth could not foresee the lies being presented by One West Bank after February 26th so we could not submit our proof by the February 26th cut off that keeps being imposed on us.

Since then, in the last 10 days, journalists on BOTH coasts...NY and Los Angeles, have detailed the pure hypocrisy of that hearing and sale preparations....all fiction...all theatrical performances by the CEOs Otting and

Thain. The journalists have independently confirmed private meetings to further support the “between the sheets” intimacy of One West Bank and the Federal Reserve Bank of NY, and branches of the Federal government that surpass all notions of “decency and Democracy.”

Here is a Checklist for immediate Justice:

[1] WE VICTIMS CONTINUE TO INSIST THAT, IMMEDIATELY, YOU ALL “**CEASE AND DESIST IN THIS PROCESSING OF A PROPOSED SALE**” BY ONE WEST BANK TO CIT GROUP. THE FEDERAL GOVERNMENT IS SUING ONE WEST BANK RIGHT THIS MOMENT FOR RELATED FRAUD, RACKETEERING, FORGERIES, FALSE CLAIMS, AND STEALING BILLIONS FROM THE USA. WHY ISN'T THE DEPT. OF JUSTICE DEMANDING COMPLIANCE WITH THE *QUI TAM* ?

We victims made sure that by the cut off date of February 26, 2015 for the hearing’s record, that numerous reports of the James Beekman *qui tam* regarding the racketeering of One West Bank went into the official records, including handouts directly and personally to EACH panelist from the Federal Reserve Bank and the OCC. Also several emails and reports on that very day reminding about the *qui tam*’s impact on the hearing and proposed sale went into the Record. On February 20, 2015, the confidentiality of the *qui tam* was lifted....it was public that now the U.S. Government was in the position of SUING ONE WEST BANK FOR BILLIONS. **Yet Mr. Saffey, on behalf of his client CIT Group reported in writing that One West Bank had advised CIT Group for Mr. Saffey to report in March 2015 that there were “no federal actions involving One West Bank.”** The lying and fraud continues...

[2] CONTRARY TO MR. SAFFEY’S FICTION-RIDDLED REPORT IN MARCH, THERE ARE ENDLESS VIOLATIONS OF THE LAWS BEING CONDUCTED REGULARLY BY ONE WEST BANK *RIGHT THIS MOMENT* INCLUDING VIOLATIONS OF THE FDCPA, THE FCRP, THE FALSE CLAIMS ACT....and more. Yet no one at the OCC or Federal Reserve is asking for the proof and instead are automatically rejecting our impeachment proof of One West Bank’s fantastical, false accounts.

One West Bank is NOT operating as a bank...it is in a “bank disguise” in order to conduct its “property theft” scheme with blatant fictions....the Wolf wearing sheep’s clothing.....devouring the Middle Class with trickery and fraud!

Right now, One West Bank and its Team are using FORGED documents, FICTITIOUS names of interested parties, FULLY FABRICATED ACTS OF NOTARY PUBLIC that were physically impossible to perform legally, and

STOLEN COURT FILING/RECORDING NUMBERS to steal at least THREE HOMES WITH HIGH EQUITY VALUE. The alleged right of One West Bank to foreclose and sell these properties is ALL MAKE BELIEVE. These are current false claims and racketeering acts by One West Bank and its agents. These are not like CEO Otting and CEO Thain falsely testified on February 26th, and Mr. Saffey put in his formal presentations, of “infrequent human errors.” This is a management design created by One West Bank that would be transferred to be the larger, merged culture of CIT Group, if the sale is approved....another, larger petri dish of deception and fraud, as well as massive thefts undermining our country. Ask the whistleblowers...they’ll confirm that One West Bank CEO Steve Mnuchin was “hands on” in the racketeering design [I have Delivery Confirmations of that proof myself], and would undoubtedly carry the immorality/illegality on as Vice Chair at CIT Group, being paid an annual salary of at least \$4.5 Million to continue his successful criminal culture....an ongoing contamination of our Nation’s recovery by the **EBOLA VIRUS CULTURE OF ONE WEST BANK** to destroy more Middle Class families. The rumored “new target” for the new “too big to fail” bank would be using the same fraud scheme to steal “small businesses”...the backbone of our economy!!!!

If you do not prosecute crimes, the criminals do not stop and instead spread to even larger criminal activities since no one is stopping them.

[3] STOP IMMEDIATELY THE WITNESS TAMPERING BY ONE WEST BANK. IT HAS SINGLED OUT FOR SPECIAL, ILLEGAL TORMENT OF KEY FEDERAL WITNESSES....”FEDERAL WITNESS TAMPERING” ON THE FEDERAL *QUI TAM*.

One West Bank has singled out key Federal witnesses to the Beekman *qui tam* [interfering with a Federal legal action that was brought on behalf of the Federal Government and THE PEOPLE of the USA by **one brave** retired Air Force veteran] and aggressively punished them with immediate, hastily accelerated foreclosure sales with fictitious documents, stolen property records numbers, ramping up with more high priced law firms and new “fighting blood” to wear down the homeowners, **duping and purposely misleading the U.S. Bankruptcy Court and Trustee’s Office.** One West Bank’s agents suddenly “sold” one of the witness’s homes 5 days **before** the end of the deadline for a responsive filing to which she was automatically entitled!!! That stolen home must be returned immediately as “fruits of a crime” by One West Bank.

FEDERAL QUI TAM ACTION:

[**Broward County FLORIDA qui tam unsealed 2-20-15. Beekman vs. One West Bank Case No.: 9:12-CV-81138-RSR**]

Witness JAMES BEEKMAN

Witness TEENA COLEBROOK

Witness: KAMRAN BANAYAN

Witness: HELEN KELLY

[4] ONE WEST BANK HAS RETALIATED AGAINST TESTIFIERS AT

THE FEDERAL RESERVE BANK PUBLIC HEARING ON FEBRUARY 26, 2015.

One West Bank has retaliated aggressively against key victim testimony by guests at the Federal Reserve Bank's February 26, 2015 hearing in Los Angeles. Additionally CIT Group CEO Thain REFUSED to help one of those victims with a hugely preposterous mortgage monthly statement that had been delivered to her a couple of days before her testimony. One West Bank CEO Otting continued to sit in the audience all day without having any of his top administrators offer to help fix the enormous error by his One West Bank about which there had been testimony for all to hear.

YOU ARE SEEING THE AIDING AND ABETTING OF A MASSIVE COVER UP.

Confirming this, in May 2015, an FBI agent courageously proclaimed in a video that there is massive fraud in the bank control system...your job responsibilities.

TO STOP FURTHER CRIMES:

[1] FREEZE ALL ONE WEST BANK FORECLOSURES. RETURN SOLD/FORECLOSED/THREATENED PROPERTIES TO THE TORMENTED, *QUI TAM* TAMPERED FEDERAL WITNESSES AND VICTIM.

[2] PUNISH FEDERAL WITNESS/VICTIM TAMPERING [up to 20 years in prison for each contributor to the tampering, 18 US Code Sec. 1512; and to be fined financially significantly to reimburse fully the victims of the crimes; prohibit employment in the financial, stock, banking, business or investment industries].

[3] INITIATE FULL, IMPARTIAL INVESTIGATION immediately by independent investigators, like the WATERGATE COMMISSION. Establish a Reparations Fund like the funds for 9/11, Bernie Madoff Victims, and BP Gulf Spill victims from the significant fines/penalties against the One West Bank criminals. Billions should do the job.

[4] FREEZE THE PROCESSING OF THE PROPOSED SALE OF ONE WEST BANK TO CIT GROUP. CEASE AND DESIST IN LIGHT OF THE *QUI TAM*.

[5] REVOKE THE BANKING CHARTER OF ONE WEST BANK.

We victims of One West Bank have seen the news of last week's May 2015 subpoenas sent by the House Oversight Committee on Financial Services to all of you in this sale processing, with respect to your active cover ups and refusals to comply with FOIA requests in other matters.

IT APPEARS THERE IS A SIMILAR COVER UP BY ONE WEST BANK, CIT GROUP, FEDERAL RESERVE OF NY, AND THE OCC with respect to the proposed Sale of One West Bank To CIT Group.

This cover-up, cozy relationship is confirmed by the following journalistic

investigation:

<http://www.scribd.com/doc/256418904/Exclusive-CIT-s-Thain-Met-Fed-Staff-3-Weeks-Before-OneWest-Merger-FOIA-Response-Shows-Loan-Loss-Redactions>.

Additionally, on May 12, 2015, I and others in our group received an email from CIT Group's attorney Mr. Salley that does NOT acknowledge any effort at corrections of the record being made with the Federal Reserve Bank of NY regarding the pure fraud being presented to the Federal Reserve Bank and the OCC as detailed in my preceding emails. INSTEAD there were enormous "blacked-out" sections [redacted] so that there is no chance for the public to provide the truth—if any one was interested in the truth.

The truth behind banks' massive fraud is now coming out...for example, this past Monday, in the starkest of terms, a Federal Judge dealt a strong blow to a bank's fictitious version of history. She ruled that two banks misled Fannie Mae and Freddie Mac in selling them mortgage bonds that contained numerous errors and misrepresentations.

"The magnitude of falsity, conservatively measured, is enormous," Judge Denise L. Cote of Federal District Court in Manhattan wrote in a scathing 361-page decision.

We American victims of One West Bank anticipate a similar "scathing" treatment of One West Bank's crimes by the prosecuting authorities of what I, on behalf of myself and them, have described herein.

IMMEDIATELY FREEZE THE FORECLOSURE/SALE OF KEY

FEDERAL WITNESSES: JAMES BEEKMAN, TEENA

COLEBROOK, KAMRAN BANAYAN. Return their properties to them.

One West Bank and its agents have spun an elaborate "fiction" with fictitious renditions, dummy documents, and unknown roleplayers....ALL science fiction!

Undoubtedly, the One West Bank goal is to eviscerate the Federal *Qui Tam* that already has a trial date scheduled for December 7, 2015. Recognize the *Qui Tam* Trial date assigned by the judge? Pearl Harbor Bombing Anniversary when the USA entered World War II.

I believe in a Nation of Laws and in my former Democracy,

Helen Kelly
P.O. Box 237
Pleasanton, California 94566
Email neonsunset@aol.com

**BACKGROUND ON THE FEDERAL WITNESSES WITH WHOM
ONE WEST BANK AND ITS AGENTS TAMPERED, IN VIOLATION**

OF 18 US Code Sec. 1512.

TO PREVENT FURTHER DAMAGE TO THE VICTIM/WITNESSES AND FOR JUSTICE, PLEASE.....IMMEDIATELY FREEZE AND INDEPENDENTLY INVESTIGATE THE FOLLOWING LEGAL ACTIONS BASED ON FICTITIOUS FORMS, FRAUDULENT TRANSACTIONS, IMPERSONATORS, PRETEND NOTARIZATIONS, NO LEGAL STANDING TO FORECLOSE, AND ARE STRONG EXAMPLES OF AGGRESSIVE, RAMPED UP, PROHIBITED **“FEDERAL WITNESS TAMPERING:”**

[1] James Beekman of West Palm Beach, Florida

QUITAM:

CASE NO. 12-81138-CIV-COHN/SELZTER
THE UNITED STATES OF AMERICA ex rel.

JAMES G. BEEKMAN(PLAINTIFF)

vs.

INDYMAC FEDERAL BANK, FSB.f/k/a
INDYMAC BANK,F.S.B. INDYMAC MORTGAGE SERVICES
ONE WEST BANK F.S.B.
FEDERAL HOME LOAN MORTGAGE CORPORATION
GEORGE SOROS (DEFENDANT'S)

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY, FLORIDA

Opposing Counsel's UNIFORM VERIFIED MOTION FOR WRIT OF
POSSESSION IN FORECLOSURE CASE
CASE NO. 502008CA041520XXXXMB

ONEWEST BANK, F.S.B

vs.

JAMES G. BEEKMAN, et al.
DEFENDANT

(Please Note: Beekman's attorney Thomas Neusom wrote opposing Counsel Douglas C. Zahm & Federal Home Loan Corporation a NOTICE of CEASE & DESIST PRIOR on June 11, 2014 and to put them on notice that this case is still in appeal and it is still in appeal currently.)

COMPLAINT FOR VIOLATION OF FAIR DEBT COLLECTION
PRACTICES ACT AND DECLARATORY RELIEF TRIAL BY JURY
DEMAND

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

CASE NO. 502015CA002588

JAMES G. BEEKMAN

vs.

DOUGLAS C. ZAHM, P.A.

FORECLOSURE CASE ON PRIMARY PROPERTY & RENTAL
PROPERTY IN WHICH THE HONORABLE SENIOR JUDGE HOWARD
HARRISON RULED IN FAVOR OF JAMES G. BEEKMAN
(DEFENDANT)

CASE NO. 502009CA001458XXXXMB

FEDERAL HOME LOAN MORTGAGE CORPORATION

vs.

JAMES G.BEEKMAN

(Please note: Both Case No's. 202009CA001458XXXXMB and
502008CA041520XXXXB are both in the appeal via Florida's 4th DCA
4D13-4086(Beekman as Appellee/Cross-Appellant)

[2] Teena Colebrook of Hawthorne, California

Forged grant deeds were submitted by OWB's attorneys Buckley Madole PC
into a Leslie Pascascio's Bankruptcy (case no 2:14-bk-24031-SK) with a
proof of claim for Teena's property.(violation of penal code 115 & 115.5)

The recording numbers and bar codes on these two forged grant deeds were
lifted from other valid lien releases that are recorded at the Recorders Office
and transposed onto the forged grant deeds. (forgery violation of penal code
470)

The grant deeds were supposedly signed by Teena in front of a Notary Public
- totally FALSE, Teena was not in the state at the time one was signed and
was in another county when the other one was signed. She has confirming
witnesses that she was elsewhere. Teena has a declaration from a hand
writing expert that testifies that the signatures purporting to be Teena's are
forgeries. (notary fraud)

Danny Garcia [One West Bank Executive.....Assistant Secretary] submitted a
sworn statement Declaration into the Federal Bankruptcy Court that these
forged grant deeds are recorded at the Los Angeles County Recorders Office.
They were not in fact recorded but belonged to another document and party.
But this fiction was the basis for stealing Teena's home!!

Teena was already in her own bankruptcy at the time but Buckley Madole
(who submitted a POC in Teena's Bankruptcy) made no mention to Teena's
attorney, the Trustee or the Judge of the fact that they believed Teena had
fraudulently transferred her property to other parties [whom she does not
even know]!!! They also never sent notice of the motion/hearing or decision
to Teena's mailing address that they have on file; therefore Teena was unable

to oppose the motion as she had no knowledge of it. (another example of their planned suppression of the truth and the continual presentation of false information)

They used these fraudulent and forged deeds to obtain an extraordinary relief of stay.

They also submitted a robo-signed and fraudulent assignment of deed of trust into the Federal Bankruptcy court and regular federal court along with two fabricated allonges claiming ownership. Teena also has a handwriting expert declaration stating that the signatures are not likely those purported to have signed these documents because they are so very different from the many other signatures they use on record.

CV14-6866-PSG (case dismissed w/o leave to amend) it is on appeal
BK 2:14-10853-WB

Some Legal Concepts to Apply:

SUPPRESSION OF TRUTH AND PROVIDING FALSE INFORMATION:
Fraud includes the suppression of the truth, as well as the presentation of false information (In re Witt (1191) 145 Ill.2d 380, 583 N.E. 2d 526, 531, 164 Ill. Dec. 610). See also In re Frederick Edward Strufe, Disciplinary case no. 93 SH 100,

“Where the Court stated that fraud has been broadly defined as anything calculated to deceive. It should be noted that the definition of fraud applies to everything an attorney may be engaged in, whether in court, or in his office.”

It is well established in law that any attempt by an attorney, to deceive is considered fraud, and when the attempt to deceive occurs in a judicial proceeding, it is “fraud upon the Court.” Please see Rules of Professional Conduct Rule 8.4.

Any non judicial foreclosure sale tainted by fraud or irregularity is void and can be overturned.

OneWest Bank, their trustees and attorneys have consistently REFUSED to provide an accounting of the amount they state Teena owes and thousands of dollars in unaccounted fees that have been added to the alleged debt. [For each foreclosure sale, the One West Bank Trustee sent MORE THAN 80 notices on the same day to Teena. Imagine the exorbitant add-ons to the mortgage balance of those Trustee fees AND the unearned legal charges by their lawyers... In one 3 month period, One West Bank added inexplicably OVER \$100,000 to her mortgage balance! And to this day, One West Bank and its agents refuse to explain such components in her highly inflated mortgage balance, and instead chose to accelerate a foreclosure sale before they were legally entitled to do so, with untruthful, fictitious documents.]

For all the reasons above and case law, (some cited below), Teena would like the sale of her property overturned immediately and given back to her.
Teena would like the

extraordinary relief of stay that they acquired on her property in stranger Leslie Pascasio's bankruptcy overturned and voided. Teena would like an injunction granted preventing the sale of her property until such time as her Appeal is heard and/or a certified, detailed accounting of the alleged debt be provided from inception

Under California law, "gross inadequacy of price coupled with even slight unfairness or irregularity is a sufficient basis for setting the sale aside." Whitman v. Transtate Title Co., 165 Cal.App.3d 312, 323, 211 Cal.Rptr. 582, 589 (1985); see also Sargent v. Shumaker, 193 Cal. 122, 129-30, 223 P.2d 464, 467 (1924)

The law has long provided that if a non-judicial foreclosure sale has been unfairly or unlawfully conducted, or is tainted by fraud, the trial court has the power to set it aside. (*Bank of America etc. Assn. v. Reidy* (1940) 15 Cal.2d 243, 248.)

As of this date 5-15-15, to further aggravate Teena's ability to obtain justice in the courts, Teena is now in receipt of a **prejudgment** denial of her appeal deeming it frivolous. This denial is based on her case being deemed "frivolous;" however any basis for pre judgment on this case is prejudicial in that this case has **never been heard** nor been given due process even prior to appeal [which is the basis of Teena's appeal]. It appears that in the cases that she has filed, the bank's fraudulent documents and false statements are received and accepted without question when they should be subject to the hearsay rule as were Teena's own, until such time as a first hand material fact witness(s) may be called to testify.

This is seemingly more evidence that OneWest Bank is very actively tampering with a federal witness.

[3] Kamran Banayan of LaJolla, California

Kamran has faced 47 Foreclosure Sales by One West Bank with fictitious documents and no legal standing by One West Bank even to foreclose. One West Bank even tried to foreclose on May 14, 2015 despite the fact that the critical legal issue was on Appeal and still undecided. To save his \$3.4 million property, Kamran has spent over \$600,000 in legal fees AND One West Bank has spent over \$1.2 Million in attorneys' fees to steal the equity-rich property on purely fraudulent grounds. Once again, after extensive One West Bank's add-on expenses for another foreclosure sale date, the 47th foreclosure sale was continued until the appealed legal issue was addressed by the Court. One West Bank purposely schedules endless numbers of foreclosure sales in order to have "enormous, unearned additional fees and unearned legal expenses" added onto the mortgage balance to eat up the equity.....and to deplete the homeowner's personal legal defense funds.

If Kamran had been dealing with "a real bank" instead of a "**shill for home thefts as is One West Bank,**" Kamran would have had his property refinanced and making mortgage payments. One West Bank aggressively

steals those homes identified with equity...as proven also by the One West Bank tricks and fraud to steal valuable San Francisco Bay Shore property from a Vice President of Union Bank!!!

In this well educated man's written submission to the Federal Reserve Bank of NY, Kamran points out that One West Bank is using massive amounts of funds and giant, expensive law firms..... and hence, methodically, abusing the justice system to their advantage. The results of such one-sided power are the denials of Justice and the source of enormous financial atrocities.

This victim through six years of litigation has discovered evidence that should shock the conscience....To allow One West Bank to merge with a low-income lender on the heels of one of the worst recessions in this country would only ensure a repeat of the circumstances we are just now clawing back from.

"One of the most shocking facts is that Indymac ...and OneWest...foreclosed...while not having had bonafide titles to the loans, thereby making these foreclosures wrongful and outright illegal, and open to substantial liability" Kamran states.

For telling these truths and more to the Federal Reserve, Mr. Banayan was immediately retaliated against with the unlimited finances of One West Bank.

U.S. Bankruptcy Court, Southern District of California, In re YBA Nineteen LLC v. Indymac Venture LLS, Case No. 13-00968-LA11, Chapter 11.

[4] Helen Kelly, Pleasanton, California

As she testified at the Federal Reserve Bank hearing, Helen got a HAMP mortgage but more accurately, it was a plundering device created by One West Bank. The bank refused to tell her the components in the mortgage. The bank specialist laughed at her when she asked about the balance, the fees, the pretend modification... There is a six figure PENALTY end of the mortgage [a six figure lump sum payment that is due] that is totally unidentified as to source. When Helen contacted the U.S. Treasury, HAMP LEVEL II Department, "Kenneth" said that he had no power to force One West Bank to explain the numbers in the HAMP modification. All of Helen's equity in a family home of 20 years apparently was "stripped by One West Bank."

BUT in tampering with a Federal *qui tam* witness and a Federal Reserve Hearing testifier, One West Bank can not easily foreclose on Helen's home since she has made 40 consecutive HAMP payments.

So creatively, One West Bank took a tactic of punishing her for BOTH being an embarrassing witness at the Federal Reserve Hearing and being a *qui tam* witness. One West Bank has sent inaccurate monthly mortgage statements. One West Bank has refused last month to acknowledge timely payment and

instead penalized her erroneously for late payment. In fact, a few weeks ago, One West Bank in May sent her TWO monthly mortgage statements ON THE SAME MAY DATE...for April and for May, with fictitious reports of nonpayments or late payment fees. And the statements did not correlate or make sense. Given One West Bank's track record, and its apparent goal to devastate the witnesses for the December *qui tam* trial, One West Bank will never correct the numbers and Helen can only foresee continued intentional muddling to create a chaos and an excuse for foreclosure or other action. For Justice, the HAMP modification mortgage should be rewritten to remove the exploitive, equity draining features that were never anticipated by Congress.

She has never seen a bank that was so incompetent in the business of banking, and in fact One West Bank is OPENLY DEFIANT OF THE LAWS applying to its business.

As a former Chief Counsel to the Minnesota Banking Commissioner, this experienced state banking prosecutor/counsel sees no other choice.....

The One West Bank banking charter should be revoked.....IMMEDIATELY.

From: [Bae, Philip](#)
To: [McCune, Crystall](#); [Whidbee, Robin](#)
Subject: FW: ONE WEST BANK FRAUD CONFIRMED BY CRC--- CEASE DESIST..qui tam NOW -FRSONLY-
Date: Tuesday, June 09, 2015 2:54:04 PM

From: NEONSUNSET@aol.com [mailto:NEONSUNSET@aol.com]
Sent: Tuesday, June 09, 2015 2:45 PM
To: franklin.monsour@usdoj.gov; giovanni.coutard@usdoj.gov; Hurwitz, Ivan; Steffey, Brian; Bae, Philip; crystall.mccune@ny.frb.com; robin.whidbee@ny.frb.com; David.Finnegan@occ.treas.gov
Cc: neonsunset@aol.com; kstein@calreinvest.org
Subject: ONE WEST BANK FRAUD CONFIRMED BY CRC--- CEASE DESIST..qui tam NOW

June 9, 2015 TUESDAY

To: franklin.monsour@usdoj.gov, giovanni.coutard@usdoj.gov, ivan.hurwitz@ny.frb.org, brian.steffey@ny.frb.org, Philip.Bae@ny.frb.org, crystall.mccune@ny.frb.com, robin.whidbee@ny.frb.com, [David.Finnegan@occ.treas.gov](#)
COPIES To: US Attorney General Loretta Lynch, c/o Mr. Monsour and Mr. Coutard
Federal Reserve Bank Board of Governors, Chairman Janet Yellen

re: Proposed sale of One West Bank to CIT Group; **CEASE AND DESIST in the Sale Review per Multi-Billion Dollar Qui Tam**

Ladies and Gentlemen:

MORE PROOF of **current** violations by One West Bank!!! See the BELOW Press Release with the **extensive list of violations by One West Bank, released today by the California Reinvestment Coalition.**

CEASE AND DESIST in the processing of the One West Bank proposed sale to CIT Group. The contents of the presentations by CIT Group and One West Bank to you in the past 3 months have been full of **provable lies and misrepresentations.** You have blocked our communications on their lack of veracity that should undermine/FREEZE all of your review proceedings.

A KEY FALSEHOOD is the report by Mr. Salley that One West Bank has no Federal Action against it. WRONG... see Mr. Beekman's *qui tam* that has converted the legal posturing to that of a MULTI-BILLION DOLLAR lawsuit on behalf of the Federal Government against One West Bank! We personally have advised all of you, and those in attendance at the February 26, 2015 hearing in Los Angeles of the QUI TAM MORE THAN 20 TIMES...in emails, in handouts, in Press Releases, in formal filings at the February 26th hearing, in personal testimonies, and in letters.

I almost laughed when Mr. Salley went into detail about the Remediation, *et al* departments to be maintained in CIT Group's operations to assure that the mortgaged homeowners had the laws applied, fairly, etc. Mr. Mnuchin, founder and CEO of One West Bank, had his own Chairman's office monitoring, serving, etc. for those very same issues and it now turns out that the managers under his direction RECEIVED ENORMOUS BONUSES FOR EVERY HOMEOWNER TRICKED INTO THEIR LARCENY AND LOST THEIR HOMES TO FORECLOSURE!!! Mr. Salley's elaborate description is meaningless when "you have a culture of the defiance of laws and shocking criminality" that merges into CIT Group, with Mr. Mnuchin moving on to be the Vice Chairman of CIT Group!!!!

As a victim, I have presented on behalf of our group of 450 victims a substantial list of untruths provided by Mr. Salley of the Sullivan and Cromwell law firm. And I have NOT received one inquiry or substantive response from any of you, or from Mr. Salley. Below you will see my June 7th email...AGAIN no word from any of you in substantive response.

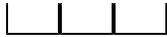
This has now become an extraordinarily serious matter.

Sincerely,

On behalf of 450 victims of One West Bank, plus thousands more, via victim Helen Kelly
www.indymaccomplaints.com

PO Box 237
Pleasanton, California
94566
personal email neonsunset@aol.com

The California Reinvestment Coalition June 9, 2015



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CRC in the News

[CT Financial News: Fed Asked to Probe New Foreclosure Data by CIT/OneWest Merger Critics](#)

[Inman News: California Legislation Proposed to Protect Rights of Widowed Homeowners](#)

[Huffington Post: Debt Forgiveness Could Save this Woman's Home](#)

[Oakland Tribune: Survey: Bank surcharges hurt finances for social assistance recipients statewide](#)

[Oakland Tribune: Mortgage help needed for relatives of deceased](#)

[Main Street: New Reverse Mortgage Policy Leaves Widows and](#)

Dear CRC Supporter,

Earlier today CRC released a [new analysis](#) of OneWest Bank foreclosures in California's communities of color. This is the first time that the total number of foreclosures conducted by OneWest in California has been released publicly and the number that have taken place in communities of color is especially troubling. There have been 36,382 foreclosures by OneWest bank since buying IndyMac in 2009.



See [larger maps here](#).

Sixty-eight percent of OneWest foreclosures have been in California zip codes where the nonwhite population is 50% or greater while thirty-five percent of the foreclosures were in zip codes where the non-white population is more than 75% of the total population. The maps and analysis were conducted by the Urban Strategies Council, using PropertyRadar and US Census data.

[Widowers Homeless](#)

[American Banker: City National Commits \\$11B to CRA in Connection with RBC Merger](#)

[AlJazeera: New Kansas welfare spending law is 'tax on the poor'](#)

[CT Financial: Critics Charge CIT-OneWest with "Misleading" Data on Mortgage Servicing](#)

[Jewish Journal: Banking Boldly Through Jewish Ethics](#)

[North Bay Bohemian: A Loan to Pick](#)

[MainStreet: Advice for First Time Homebuyers](#)

[American Banker Blog: Public CRA Benchmarks Would Boost Transparency in Bank Mergers.](#)

[San Mateo Daily Journal: San Mateo Seeking to Restrict Payday Lending](#)

[DS News: Consumer Advocates Concerned Over Non Borrowing Spouses Facing Foreclosure](#)

[CT Financial News: CIT/OneWest Seen Closing by Mid Year](#)

[ReverseMortgageDaily: Consumer Groups Push Back Against HUD on Non-Borrowing Spouse Changes.](#)

[HousingWire: Will Grandma Get Run Over By HUD's Reverse Mortgage Policy?](#)

To see more, visit:

["CRC in the News"](#)

Based on this analysis, and other fair lending concerns that CRC raised earlier, CRC is calling on the Federal Reserve, OCC, HUD, and the CFPB to investigate. Earlier fair lending problems we've identified and raised with regulators include low levels of lending to Asian Americans and African Americans, a scarce branch presence in low and moderate income communities, and Financial Freedom's troubling foreclosure record on widowed homeowners and other heirs.

As you know, OneWest Bank is seeking permission to merge with CIT Group. One of the primary tests for regulators reviewing a merger proposal is to see how well a bank has met a community's credit needs. Today's analysis confirms that OneWest Bank has not met the credit needs of California communities- in fact, it's done the opposite.

With a history of FDIC and taxpayer subsidies for OneWest and CIT Group, and a CRA plan that calls for minimal reinvestment in California's communities, we are clear that the banks also will not meet the credit needs of California's communities in the future.

Another consideration for regulators with a proposed merger is the extent to which it will result in a public benefit. We remain unclear as to what public benefit this merger could possibly provide.

You can view the entire [press release and the maps](#) and if you'd like to share the maps or stats with your social networks, we have a "[social media share page.](#)"

Thank you,

Kevin Stein

From: NEONSUNSET@aol.com

To: franklin.monsour@usdoj.gov, giovanni.coutard@usdoj.gov, ivan.hurwitz@ny.frb.org, brian.steffey@ny.frb.org, Philip.Bae@ny.frb.org, crystall.mccune@ny.frb.com, robin.whidbee@ny.frb.com, David.Finnegan@occ.treas.gov

CC: indymaccomplaints@gmail.com, neonsunset@aol.com

Sent: 6/7/2015 8:04:23 P.M. Pacific Daylight Time

Subj: CEASE DESIST....ILLEGAL TAMPERING WITH FEDERAL WITNESSES...by One West Bank

URGENT...CEASE AND DESIST...QUI TAM ACTION FREEZES SALE PROCESSING for Proposed Sale of One West Bank to CIT Group.

To: franklin.monsour@usdoj.gov, giovanni.coutard@usdoj.gov,
ivan.hurwitz@ny.frb.org, brian.steffey@ny.frb.org, Philip.Bae@ny.frb.org,
crystall.mccune@ny.frb.com, robin.whidbee@ny.frb.com,
David.Finnegan@occ.treas.gov
CC: neonsunset@aol.com
Sent: SUNDAY JUNE 7, 2015
Subj: ILLEGAL TAMPERING WITH FEDERAL WITNESSES...by One West Bank

Subj: USAG Eric Holder not responded. One West Bank Retaliates. Impersonations. Forgery. AND NOW WITNESS TAMPERING WITH FEDERAL WITNESSES/VICTIM IN QUI TAM.

SPECIAL ATTENTION: U.S. ATTORNEY GENERAL LORETTA LYNCH [previously Mr. Holder] c/o to be forwarded to her BY Mr. Franklin Monsour, Esq. and Mr. Giovanni Coutard, Esq. UNITED STATES DEPARTMENT OF JUSTICE
--

June 7, 2015

cc: U.S. House Committee on Oversight and Government Reform
U.S. House Committee on Financial Services
U.S. Senate Committee on Finance
U.S. Senate Committee on the Judiciary
U.S. Trustee's Office

Federal Reserve Bank Board of Governors, Chairman Janet Yellen
U.S. Senator Elizabeth Warren, Mass.
U.S. Congressman Darryl Issa, California
U.S. Senator Tom Merkley, Oregon
U.S. Senator Al Franken, Minnesota
U. S. Senator Amy Klobuchar, Minnesota
U.S. Senator Bernie Sanders, Vermont
U. S. Senator Rand Paul, Kentucky
U. S. Congressman Eric Swalwell, California

Being mailed with Delivery Confirmation

Re:

[1] **FEDERAL WITNESS TAMPERING:** One West Bank has singled out key Federal Plaintiff and witnesses to the Beekman *qui tam* [interfering with a Federal legal action on behalf of the Federal Government] and is aggressively punishing the *qui tam* Plaintiff and witnesses with accelerated, immediate foreclosure sales including newly created fictitious documents, untruths to the sitting judges, impersonators, phony Notaries Public witnessing, duping and misleading the U.S. Bankruptcy Court and Trustee's Office.

[2] One West Bank has **retaliated aggressively against key victim testimony by guests at the Federal Reserve Bank's** February 26, 2015 hearing in Los Angeles.

[3] **CEASE AND DESIST on the processing of the sale of One West Bank,**

especially given the pending *qui tam* by James Beekman.

[4] One West Bank's unrestrained, current **criminal acts demand Criminal Prosecution**, NOW.

[5] Given the depth of ongoing, unabated, unprosecuted crimes by One West Bank, and its cover-up partner CIT Group [including its instrument/attorney Mr. Salley], **Congress must appoint a WATERGATE STYLE COMMISSION** with truly independent prosecutors to go after these banks and regulators for being co-conspirators in an elaborate racketeering scheme to bilk the US Treasury out of Billions. **All One West Bank foreclosures, in litigation or not, must be frozen and all actions against *qui tam* witnesses must be reversed with homes returned**, immediately. Investigations must be initiated immediately before additional, irreparable harm is done through this continuing racketeering/fraud scheme of One West Bank.

Ladies and Gentlemen:

I am a member of a group of 450 victims of One West Bank who have NOT received a single response from any of you, after multiple letters/emails since February 2015 to you advising of the deceptiveness and untruths being presented by Attorney Mr. Salley for CIT Group and by One West Bank with respect to the proposed sale of One West Bank to CIT Group. You all have exhibited an ongoing disinterest and refusal to accept presentations of facts demonstrating the lengthy list of "currently" ongoing legal violations and lies being presented to the Federal Reserve Bank of NY and the OCC.

Additionally, this email once again acknowledges that not one question or inquiry has been made by you, or your February 26, 2015 panelists [seat warmers] of the victims and to obtain the "real picture" proof of ongoing violations of Consent Orders by One West Bank [in direct contrast to the in-person false statements by CEO Otting that his banks is "now law abiding."].

The disinterest in the truth is truly "suspicious." At this point, one can easily conclude that there is a massive cover-up, suppressing the revelation of the "real facts" [not the One West Bank "fictions" and racketeering suppressions of the truths of ongoing legal violations by One West Bank].

A clear example of the intentional violations is your ongoing refusal to acknowledge the unveiled Federal *Qui Tam* against One West Bank for BILLIONS being stolen from the taxpayer. INSTEAD, your records "received" a lie that "there are no federal actions against One West Bank" **AND your agencies have refused to CEASE AND DESIST on the processing of the proposed sale of One West Bank in light of the *qui tam*.** Our demand for a **Cease and Desist** is ongoing and has not been waived.

Your agencies have NOT corrected the erroneous, fictitious presentations by CIT Group and One West Bank that we have tried to report. Instead we have received "bounced back, exclusionary emails" and "blacked out, redacted pages" that prevent the presentation of "the truths about the thefts/fraud by One West Bank."

RIGHT THIS MINUTE, here are some examples of the current civil and criminal violations of law being conducted by the defiant One West Bank, confirmed by current Court filings:

.....homes stolen by One West Bank through its designed fraud scheme, forged documents, illegal foreclosure sales (as "pure robberies" when it has NO legal rights more than you or I to foreclose on strangers' homes), use of "stolen" registration numbers on property filings, hired impersonators of home owners for pretend transactions that never happened, outright lies, hired and rehired already disbarred/prosecuted criminal foreclosure mills, grossly inflated mortgage add-ons that are unsubstantiated and unconscionable [i.e. \$100,000 arbitrarily added on after just 2 months?], refusals to settle claims but choosing instead to litigate at the "highest level of expense with endless wasteful legal maneuvers by their biggest law firms" to CRUSH homeowners because the Bank's attorneys are getting unlimited reimbursement compensation from the Federal Government [yet another form of trickery against the homeowners---the endless Shell Game as a series of TRAPS to ensnare homeowners and ultimately deprive them of their homes], fraudulent Notaries Public, intentional violations of Court rules to trick foreclosed homeowners, and purposeful lies to the Judiciary, ... SHOCKING! CLEAR CRIMES!! ...and this is only a partial listing of CURRENT, unabated legal violations by One West Bank. One West Bank has reported to the Federal Reserve that it is in compliance with the Consent Orders...NOT TRUE.

Please understand that victims perceive that at this point there could be Joint and Several Liability for each individual in their "official sale processing" capacities, orchestrating/managing/contributing to/supporting these ongoing violations and cover-ups of multiple laws that were intended to protect the U.S. taxpayer and Federal funds. Many people in our victims group are talking about a multitude of laws being violated including Wire Fraud, Racketeering, False Claims, Fraud, Robbery, Perjury, Tampering with Federal Witnesses/Victim, and even Treason charges.

With all of these delays and the Agencies' ongoing failures to protect and serve, the victims of One West Bank are having their damages compounded to unconscionable, inhuman levels through massive, unrelenting, layered deceptions by One West Bank. This mishandling by your agencies has become a very serious matter for so many families across the country.

Please advise us as to the person identified for the service of Legal Process in your

respective agencies, with address, telephone, and email. Please advise us as to the person in your respective agency who is the top official in charge of overseeing the proposed sale of One West Bank to CIT Group.

We 450 "One West Bank victims," plus thousands more, look to U.S. Attorney General Loretta Lynch for the immediate, conscientious and thorough prosecution of One West Bank and the supportive "cover up" agencies, for these wrongdoings against the U.S. Taxpayer that flagrantly and currently defy the laws passed by Congress....and are costing our country Billions and Billions in unconscionable losses. Two key journalists, in New York and in Los Angeles, have described in May 2015 the unprofessional, close relationships and special treatment of the One West Bank and CIT Group executives by the Federal Reserve Bank of New York. Please advise as to who has the ultimate responsibility for overseeing the delivery of this special "behind the doors" treatment of the two banks, exclusively, excluding the "Public constituents and their submission of the truths about One West Bank's false claims."

WE pay for a Nation of Laws, yet we don't have them. WHY?
WE pay our Congress and Judges to uphold the laws yet they are not upholding them. WHY?

WHY is OneWest Bank and CIT Group receiving extraordinary favors? Why are all their submissions being "given the presumption of validity" when there is overwhelming evidence to rebut that very presumption of validity?

SOMEONE NEEDS TO STEP UP TO THE PLATE AND WORK FOR
"THE PEOPLE" AND NOT for THE CORPORATIONS.
***BUSINESS POLITICAL CONTRIBUTIONS DO NOT BUY
"NONENFORCEMENT OF THE LAWS."*** THERE ARE NO SUCH
EXEMPTIONS IN LAW ENFORCEMENT OBLIGATIONS.

WE pay for a Nation of Laws---if you can not deliver on the enforcement mandate, please return your paychecks TO THE PEOPLE.

On behalf of 450 victims, another victim Helen Kelly
P.O. Box 237
Pleasanton, California 94566
Email indymacomplaints@gmail.com; neonsunset@aol.com

From: NEONSUNSET@aol.com
To: franklin.monsour@usdoj.gov, giovanni.coutard@usdoj.gov,
ivan.hurwitz@ny.frb.org, brian.steffey@ny.frb.org, Philip.Bae@ny.frb.org,
crystall.mccune@ny.frb.com, robin.whidbee@ny.frb.com,
David.Finnegan@occ.treas.gov
CC: neonsunset@aol.com
Sent: 5/17/2015 8:57:07 P.M. Pacific Daylight Time
Subj: ILLEGAL TAMPERING WITH FEDERAL WITNESSES...by One West
Bank

To: Franklin.Monsour@usdoj.gov, Giovanni.Coutard@usdoj.gov
CC: ivan.hurwitz@ny.frb.org, brian.steffey@ny.frb.org, Philip.Bae@ny.frb.org
crystall.mccune@ny.frb.com robin.whidbee@ny.frb.com
David.Finnegan@occ.treas.gov

**Subj: USAG Eric Holder not responded. One West Bank Retaliates.
Impersonations. Forgery. AND NOW WITNESS TAMPERING WITH
FEDERAL WITNESSES IN QUI TAM.**

SPECIAL ATTENTION: U.S. ATTORNEY GENERAL LORETTA LYNCH
[previously Mr. Holder]
**c/o to be forwarded to her BY Mr. Franklin Monsour, Esq. and
Mr. Giovanni Coutard, Esq.**
UNITED STATES DEPARTMENT OF JUSTICE

May 17,

2015

cc: U.S. House Committee on Oversight and Government Reform
U.S. House Committee on Financial Services
U.S. Senate Committee on Finance
U.S. Senate Committee on the Judiciary
U.S. Trustee's Office

U.S. Senator Elizabeth Warren, Mass.
U.S. Senator Tom Merkley, Oregon
U.S. Senator Al Franken, Minnesota
U. S. Senator Amy Klobuchar, Minnesota
U.S. Senator Bernie Sanders, Vermont
U. S. Senator Rand Paul, Kentucky
U. S. Congressman Eric Swalwell, California

Being mailed with Delivery Confirmation

Re:

- [1] **FEDERAL WITNESS TAMPERING:** One West Bank has singled out key Federal Plaintiff and witnesses to the Beekman *qui tam* [interfering with a Federal legal action on behalf of the Federal Government] and is aggressively punishing the *qui tam* Plaintiff and witnesses with accelerated, immediate foreclosure sales including newly created fictitious documents, untruths to the sitting judges, impersonators, phony Notaries Public witnessing, duping and misleading the U.S. Bankruptcy Court and Trustee's Office.
- [2] One West Bank has **retaliated aggressively against key victim testimony by guests at the Federal Reserve Bank's** February 26, 2015 hearing in Los Angeles.
- [3] CEASE AN DESIST on the processing of the sale of One West Bank, especially given the pending *qui tam* by James Beekman.
- [5] One West Bank's unrestrained, current **criminal acts demand Criminal Prosecution, NOW.**
- [5] Given the depth of ongoing, unabated, unprosecuted crimes by One West Bank, and its cover-up partner CIT Group [including its attorney Mr. Salley], **Congress must appoint a WATERGATE STYLE COMMISSION** with truly independent prosecutors to go after these banks and regulators for being co-conspirators in an elaborate racketeering scheme to bilk the US Treasury out of Billions. **All One West Bank foreclosures, in litigation or not, must be frozen and all actions against *qui tam* witnesses must be reversed with**

homes returned, immediately. Investigations must be initiated immediately before additional, irreparable harm is done through this continuing racketeering/fraud scheme of One West Bank.

Ladies and Gentlemen:

I write this in the context of being a former Special Assistant Attorney General doing civil and criminal prosecutions, as well as advising the Minnesota State Legislators, and serving as former Chief Counsel to the Minnesota's Banking Commissioner (now retired). Given what I and thousands of fellow victims of One West Bank have undergone in the past six years, it is clear that we members of the Middle Class are victims of not only One West Bank's racketeering but are also victims of the very people whose salaries we have paid for to deliver law enforcement [but these prosecutors/regulators thus far have hidden from their law enforcement responsibilities with respect to One West Bank].

On April 15, 2015, my group of fellow One West Bank victims sent an extensive listing of the failures of the U.S. Department of Justice to pursue the investigation and prosecution of One West Bank, to the personal attention of U.S. Attorney General Eric Holder. We have not received a response. We also sent the same materials to two of Holder's staff attorneys [Monsour and Coutard], who have not responded. A copy of the letter was previously sent with fully documented circumstances backing up the statements of criminal acts and violations by One West Bank.

On April 22, 2015, my group sent most of you an email with the details as well. We have received no substantive response from any of you.

However, I and others received three emails indicating that NOTHING AFTER FEBRUARY 26, 2015, would be accepted from the public...that was the date of the pretend public hearing with panelists from the Federal Reserve Bank and the OCC. I say "pretend" because

[1] not one question was asked by the panelists, [2] there has been NO follow up by either the Federal Reserve nor the OCC as to the verification and substance of the victims' testimonies on that day that directly contradict the One West Bank submissions.

APPARENTLY, NO ONE FROM THE REGULATING AGENCIES IS INTERESTED IN THE TRUTH. They are only collecting, *unilaterally*, fictions from One West Bank, via CIT Group and its attorney Mr. Salley. So how is this inactivity and disinterest considered "regulating?"

QUERY: One West Bank lied AT and AFTER February 26, 2015. If we have proof that what was presented by One West Bank and CIT

Group AT and AFTER the February 26, 2015 hearing was untrue, how can we present the facts of subsequent fraud...subsequent to February 26th when we keep getting rejected with an electronic transmittal of a rule cutting us off at February 26th (but NOT cutting One West Bank off on its subsequent lying submissions)? Practically speaking, we victims with the truth could not foresee the lies being presented by One West Bank after February 26th so we could not submit our proof by the February 26th cut off that keeps being imposed on us.

Since then, in the last 10 days, journalists on BOTH coasts...NY and Los Angeles, have detailed the pure hypocrisy of that hearing and sale preparations....all fiction...all theatrical performances by the CEOs Otting and Thain. The journalists have independently confirmed private meetings to further support the “between the sheets” intimacy of One West Bank and the Federal Reserve Bank of NY, and branches of the Federal government that surpass all notions of “decency and Democracy.”

Here is a Checklist for immediate Justice:

[1] WE VICTIMS CONTINUE TO INSIST THAT, IMMEDIATELY, YOU ALL “**CEASE AND DESIST IN THIS PROCESSING OF A PROPOSED SALE**” BY ONE WEST BANK TO CIT GROUP. THE FEDERAL GOVERNMENT IS SUING ONE WEST BANK RIGHT THIS MOMENT FOR RELATED FRAUD, RACKETEERING, FORGERIES, FALSE CLAIMS, AND STEALING BILLIONS FROM THE USA. WHY ISN'T THE DEPT. OF JUSTICE DEMANDING COMPLIANCE WITH THE *QUI TAM* ?

We victims made sure that by the cut off date of February 26, 2015 for the hearing's record, that numerous reports of the James Beekman *qui tam* regarding the racketeering of One West Bank went into the official records, including handouts directly and personally to EACH panelist from the Federal Reserve Bank and the OCC. Also several emails and reports on that very day reminding about the *qui tam*'s impact on the hearing and proposed sale went into the Record. On February 20, 2015, the confidentiality of the *qui tam* was lifted....it was public that now the U.S. Government was in the position of SUING ONE WEST BANK FOR BILLIONS. **Yet Mr. Salley, on behalf of his client CIT Group reported in writing that One West Bank had advised CIT Group for Mr. Salley to report in March 2015 that there were “no federal actions involving One West Bank.”** The lying and fraud continues...

[2] CONTRARY TO MR. SALLEY'S FICTION-RIDDLED

REPORT IN MARCH, THERE ARE ENDLESS VIOLATIONS OF THE LAWS BEING CONDUCTED REGULARLY BY ONE WEST BANK *RIGHT THIS MOMENT* INCLUDING VIOLATIONS OF THE FDCPA, THE FCRP, THE FALSE CLAIMS ACT....and more. Yet no one at the OCC or Federal Reserve is asking for the proof and instead are automatically rejecting our impeachment proof of One West Bank's fantastical, false accounts.

One West Bank is NOT operating as a bank...it is in a "bank disguise" in order to conduct its "property theft" scheme with blatant fictions....the Wolf wearing sheep's clothing.....devouring the Middle Class with trickery and fraud!

Right now, One West Bank and its Team are using FORGED documents, FICTITIOUS names of interested parties, FULLY FABRICATED ACTS OF NOTARY PUBLIC that were physically impossible to perform legally, and STOLEN COURT FILING/RECORDING NUMBERS to steal at least THREE HOMES WITH HIGH EQUITY VALUE. The alleged right of One West Bank to foreclose and sell these properties is ALL MAKE BELIEVE. These are current false claims and racketeering acts by One West Bank and its agents. These are not like CEO Otting and CEO Thain falsely testified on February 26th, and Mr. Saffey put in his formal presentations, of "infrequent human errors." This is a management design created by One West Bank that would be transferred to be the larger, merged culture of CIT Group, if the sale is approved....another, larger petri dish of deception and fraud, as well as massive thefts undermining our country. Ask the whistleblowers...they'll confirm that One West Bank CEO Steve Mnuchin was "hands on" in the racketeering design [I have Delivery Confirmations of that proof myself], and would undoubtedly carry the immorality/illegality on as Vice Chair at CIT Group, being paid an annual salary of at least \$4.5 Million to continue his successful criminal culture....an ongoing contamination of our Nation's recovery by the **EBOLA VIRUS CULTURE OF ONE WEST BANK** to destroy more Middle Class families. The rumored "new target" for the new "too big to fail" bank would be using the same fraud scheme to steal "small businesses"...the backbone of our economy!!!!

If you do not prosecute crimes, the criminals do not stop and instead spread to even larger criminal activities since no one is stopping them.

[3] STOP IMMEDIATELY THE WITNESS TAMPERING BY ONE WEST BANK. IT HAS SINGLED OUT FOR SPECIAL, ILLEGAL TORMENT OF KEY FEDERAL WITNESSES...."FEDERAL WITNESS TAMPERING" ON THE FEDERAL *QUI TAM*.

One West Bank has singled out key Federal witnesses to the Beekman *qui tam* [interfering with a Federal legal action that was brought on behalf of the Federal Government and THE PEOPLE of the USA by **one brave** retired Air Force veteran] and aggressively punished them with immediate, hastily accelerated foreclosure sales with fictitious documents, stolen property records numbers, ramping up with more high priced law firms and new “fighting blood” to wear down the homeowners, **duping and purposely misleading the U.S. Bankruptcy Court and Trustee’s Office.** One West Bank’s agents suddenly “sold” one of the witness’s homes 5 days **before** the end of the deadline for a responsive filing to which she was automatically entitled!!! That stolen home must be returned immediately as “fruits of a crime” by One West Bank.

FEDERAL QUI TAM ACTION:

[**Broward County FLORIDA qui tam unsealed 2-20-15.**

Beekman vs. One West Bank Case No.: 9:12-CV-81138-RSR]

Witness JAMES BEEKMAN

Witness TEENA COLEBROOK

Witness: HELEN KELLY

[4] ONE WEST BANK HAS RETALIATED AGAINST TESTIFIERS AT THE FEDERAL RESERVE BANK PUBLIC HEARING ON FEBRUARY 26, 2015.

One West Bank has retaliated aggressively against key victim testimony by guests at the Federal Reserve Bank’s February 26, 2015 hearing in Los Angeles. Additionally CIT Group CEO Thain REFUSED to help one of those victims with a hugely preposterous mortgage monthly statement that had been delivered to her a couple of days before her testimony. One West Bank CEO Otting continued to sit in the audience all day without having any of his top administrators offer to help fix the enormous error by his One West Bank about which there had been testimony for all to hear.

YOU ARE SEEING THE AIDING AND ABETTING OF A MASSIVE COVER UP.

Confirming this, in May 2015, an FBI agent courageously proclaimed in a video that there is massive fraud in the bank control system...your job responsibilities.

TO STOP FURTHER CRIMES:

[1] FREEZE ALL ONE WEST BANK FORECLOSURES.
RETURN SOLD/FORECLOSED/THREATENED PROPERTIES
TO THE TORMENTED, *QUI TAM* TAMPERED FEDERAL
WITNESSES AND VICTIM.

[2] PUNISH FEDERAL WITNESS/VICTIM TAMPERING [up to

20 years in prison for each contributor to the tampering, 18 US Code Sec. 1512; and to be fined financially significantly to reimburse fully the victims of the crimes; prohibit employment in the financial, stock, banking, business or investment industries].

[3] INITIATE FULL, IMPARTIAL INVESTIGATION

immediately by independent investigators, like the WATERGATE COMMISSION. Establish a Reparations Fund like the funds for 9/11, Bernie Madoff Victims, and BP Gulf Spill victims from the significant fines/penalties against the One West Bank criminals. Billions should do the job.

[4] FREEZE THE PROCESSING OF THE PROPOSED SALE OF ONE WEST BANK TO CIT GROUP. CEASE AND DESIST IN LIGHT OF THE *QUI TAM*.

[5] REVOKE THE BANKING CHARTER OF ONE WEST BANK.

We victims of One West Bank have seen the news of last week's May 2015 subpoenas sent by the House Oversight Committee on Financial Services to all of you in this sale processing, with respect to your active cover ups and refusals to comply with FOIA requests in other matters.

IT APPEARS THERE IS A SIMILAR COVER UP BY ONE WEST BANK, CIT GROUP, FEDERAL RESERVE OF NY, AND THE OCC with respect to the proposed Sale of One West Bank To CIT Group.

This cover-up, cozy relationship is confirmed by the following journalistic investigation:

<http://www.scribd.com/doc/256418904/Exclusive-CIT-s-Thain-Met-Fed-Staff-3-Weeks-Before-OneWest-Merger-FOIA-Response-Shows-Loan-Loss-Redactions>.

Additionally, on May 12, 2015, I and others in our group received an email from CIT Group's attorney Mr. Salley that does NOT acknowledge any effort at corrections of the record being made with the Federal Reserve Bank of NY regarding the pure fraud being presented to the Federal Reserve Bank and the OCC as detailed in my preceding emails. INSTEAD there were enormous "blacked-out" sections [redacted] so that there is no chance for the public to provide the truth—if any one was interested in the truth.

The truth behind banks' massive fraud is now coming out...for example, this past Monday, in the starkest of terms, a Federal Judge dealt a strong blow to a bank's fictitious version of history. She ruled that two banks misled Fannie Mae and Freddie Mac in selling them mortgage bonds that contained numerous errors and misrepresentations.

"The magnitude of falsity, conservatively measured, is enormous," Judge Denise L. Cote of Federal District Court in

Manhattan wrote in a scathing 361-page decision.

We American victims of One West Bank anticipate a similar “scathing” treatment of One West Bank’s crimes by the prosecuting authorities of what I, on behalf of myself and them, have described herein.

IMMEDIATELY FREEZE THE FORECLOSURE/SALE OF KEY FEDERAL WITNESSES: JAMES BEEKMAN, TEENA COLEBROOK. Return their properties to them. One West Bank and its agents have spun an elaborate “fiction” with fictitious renditions, dummy documents, and unknown roleplayers....ALL science fiction!

Undoubtedly, the One West Bank goal is to eviscerate the Federal *Qui Tam* that already has a trial date scheduled for December 7, 2015. Recognize the *Qui Tam* Trial date assigned by the judge? Pearl Harbor Bombing Anniversary when the USA entered World War II.

I believe in a Nation of Laws and in my former Democracy,

Helen Kelly
P.O. Box 237
Pleasanton, California 94566
Email neonsunset@aol.com

BACKGROUND ON THE FEDERAL WITNESSES WITH WHOM ONE WEST BANK AND ITS AGENTS TAMPERED, IN VIOLATION OF 18 US Code Sec. 1512.

TO PREVENT FURTHER DAMAGE TO THE VICTIM/WITNESSES AND FOR JUSTICE, PLEASE.....IMMEDIATELY FREEZE AND INDEPENDENTLY INVESTIGATE THE FOLLOWING LEGAL ACTIONS BASED ON FICTITIOUS FORMS, FRAUDULENT TRANSACTIONS, IMPERSONATORS, PRETEND NOTARIZATIONS, NO LEGAL STANDING TO FORECLOSE, AND ARE STRONG EXAMPLES OF AGGRESSIVE, RAMPED UP, PROHIBITED “**FEDERAL WITNESS TAMPERING:**”

[1] James Beekman of West Palm Beach, Florida
QUI TAM:
CASE NO. 12-81138-CIV-COHN/SELZTER
THE UNITED STATES OF AMERICA ex rel.

JAMES G. BEEKMAN(PLAINTIFF)
vs.
INDYMAC FEDERAL BANK, FSB.f/k/a

INDYMAC BANK,F.S.B. INDYMAC MORTGAGE SERVICES
ONE WEST BANK F.S.B.
FEDERAL HOME LOAN MORTGAGE CORPORATION
GEORGE SOROS (DEFENDANT'S)

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL
CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
Opposing Counsel's UNIFORM VERIFIED MOTION FOR WRIT
OF POSSESSION IN FORECLOSURE CASE
CASE NO. 502008CA041520XXXXMB

ONEWEST BANK, F.S.B
vs.
JAMES G. BEEKMAN, et al.
DEFENDANT

(Please Note: Beekman's attorney Thomas Neusom wrote opposing
Counsel Douglas C. Zahm & Federal Home Loan Corporation a
NOTICE of CEASE & DESIST PRIOR on June 11, 2014 and to put
them on notice that this case is still in appeal and it is still in appeal
currently.)

COMPLAINT FOR VIOLATION OF FAIR DEBT COLLECTION
PRACTICES ACT AND DECLARATORY RELIEF TRIAL BY
JURY DEMAND
COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

CASE NO. 502015CA002588

JAMES G. BEEKMAN
vs.
DOUGLAS C. ZAHM, P.A.

FORECLOSURE CASE ON PRIMARY PROPERTY & RENTAL
PROPERTY IN WHICH THE HONORABLE SENIOR JUDGE
HOWARD HARRISON RULED IN FAVOR OF JAMES G.
BEEKMAN (DEFENDANT)

CASE NO. 502009CA001458XXXXMB

FEDERAL HOME LOAN MORTGAGE CORPORATION
vs.
JAMES G.BEEKMAN

(Please note: Both Case No's. 202009CA001458XXXXMB and
502008CA041520XXXXB are both in the appeal via Florida's 4th
DCA 4D13-4086(Beekman as Appellee/Cross-Appellant

[2] Teena Colebrook of Hawthorne, California

Forged grant deeds were submitted by OWB's attorneys Buckley Madole PC into a Leslie Pascascio's Bankruptcy (case no 2:14-bk-24031-SK) with a proof of claim for Teena's property.(violation of penal code 115 & 115.5)

The recording numbers and bar codes on these two forged grant deeds were lifted from other valid lien releases that are recorded at the Recorders Office and transposed onto the forged grant deeds. (forgery violation of penal code 470)

The grant deeds were supposedly signed by Teena in front of a Notary Public - totally FALSE, Teena was not in the state at the time one was signed and was in another county when the other one was signed. She has confirming witnesses that she was elsewhere. Teena has a declaration from a hand writing expert that testifies that the signatures purporting to be Teena's are forgeries. (notary fraud)

Danny Garcia [One West Bank Executive.....Assistant Secretary] submitted a sworn statement Declaration into the Federal Bankruptcy Court that these forged grant deeds are recorded at the Los Angeles County Recorders Office. They were not in fact recorded but belonged to another document and party. But this fiction was the basis for stealing Teena's home!!

Teena was already in her own bankruptcy at the time but Buckley Madole (who submitted a POC in Teena's Bankruptcy) made no mention to Teena's attorney, the Trustee or the Judge of the fact that they believed Teena had fraudulently transferred her property to other parties [whom she does not even know]!!! They also never sent notice of the motion/hearing or decision to Teena's mailing address that they have on file; therefore Teena was unable to oppose the motion as she had no knowledge of it. (another example of their planned suppression of the truth and the continual presentation of false information)

They used these fraudulent and forged deeds to obtain an extraordinary relief of stay.

They also submitted a robo-signed and fraudulent assignment of deed of trust into the Federal Bankruptcy court and regular federal court along with two fabricated allonges claiming ownership. Teena also has a handwriting expert declaration stating that the signatures are not likely those purported to have signed these documents because they are so very different from the many other signatures they use on record.

CV14-6866-PSG (case dismissed w/o leave to amend) it is on appeal

Some Legal Concepts to Apply:

SUPPRESSION OF TRUTH AND PROVIDING FALSE INFORMATION:

Fraud includes the suppression of the truth, as well as the presentation of false information (In re Witt (1191) 145 Ill.2d 380, 583 N.E. 2d 526, 531, 164 Ill. Dec. 610). See also In re Frederick Edward Strufe, Disciplinary case no. 93 SH 100,

“Where the Court stated that fraud has been broadly defined as anything calculated to deceive. It should be noted that the definition of fraud applies to everything an attorney may be engaged in, whether in court, or in his office.”

It is well established in law that any attempt by an attorney, to deceive is considered fraud, and when the attempt to deceive occurs in a judicial proceeding, it is “fraud upon the Court.” Please see Rules of Professional Conduct Rule 8.4.

Any non judicial foreclosure sale tainted by fraud or irregularity is void and can be overturned.

OneWest Bank, their trustees and attorneys have consistently REFUSED to provide an accounting of the amount they state Teena owes and thousands of dollars in unaccounted fees that have been added to the alleged debt. [For each foreclosure sale, the One West Bank Trustee sent MORE THAN 80 notices on the same day to Teena. Imagine the exorbitant add-ons to the mortgage balance of those Trustee fees AND the unearned legal charges by their lawyers... In one 3 month period, One West Bank added inexplicably OVER \$100,000 to her mortgage balance! And to this day, One West Bank and its agents refuse to explain such components in her highly inflated mortgage balance, and instead chose to accelerate a foreclosure sale before they were legally entitled to do so, with untruthful, fictitious documents.]

For all the reasons above and case law, (some cited below), Teena would like the sale of her property overturned immediately and given back to her. Teena would like the extraordinary relief of stay that they acquired on her property in stranger Leslie Pascasio's bankruptcy overturned and voided. Teena would like an injunction granted preventing the sale of her property until such time as her Appeal is heard and/or a certified, detailed accounting of the alleged debt be provided from inception

Under California law, “gross inadequacy of price coupled with even slight unfairness or irregularity is a sufficient basis for setting the sale aside.” Whitman v. Transtate Title Co., 165 Cal.App.3d 312, 323,

211 Cal.Rptr. 582, 589 (1985); see also Sargent v. Shumaker, 193 Cal. 122, 129-30, 223 P.2d 464, 467 (1924)

The law has long provided that **if a non-judicial foreclosure sale has been unfairly or unlawfully conducted, or is tainted by fraud**, the trial court has the power to set it aside. (*Bank of America etc. Assn. v. Reidy* (1940) 15 Cal.2d 243, 248.)

As of this date 5-15-15, to further aggravate Teena's ability to obtain justice in the courts, Teena is now in receipt of a **prejudgment** denial of her appeal deeming it frivolous. This denial is based on her case being deemed "frivolous;" however any basis for pre judgment on this case is prejudicial in that this case has **never been heard** nor been given due process even prior to appeal [which is the basis of Teena's appeal]. It appears that in the cases that she has filed, the bank's fraudulent documents and false statements are received and accepted without question when they should be subject to the hearsay rule as were Teena's own, until such time as a first hand material fact witness(s) may be called to testify.

This is seemingly more evidence that OneWest Bank is very actively tampering with a federal witness.

[3] Helen Kelly, Pleasanton, California

As she testified at the Federal Reserve Bank hearing, Helen got a HAMP mortgage but more accurately, it was a plundering device created by One West Bank. The bank refused to tell her the components in the mortgage. The bank specialist laughed at her when she asked about the balance, the fees, the pretend modification... There is a six figure PENALTY end of the mortgage [a six figure lump sum payment that is due] that is totally unidentified as to source. When Helen contacted the U.S. Treasury, HAMP LEVEL II Department, "Kenneth" said that he had no power to force One West Bank to explain the numbers in the HAMP modification. All of Helen's equity in a family home of 20 years apparently was "stripped by One West Bank."

BUT in tampering with a Federal *qui tam* witness and a Federal Reserve Hearing testifier, One West Bank can not easily foreclose on Helen's home since she has made 40 consecutive HAMP payments.

So creatively, One West Bank took a tactic of punishing her for BOTH being an embarrassing witness at the Federal Reserve Hearing and being a *qui tam* witness. One West Bank has sent inaccurate monthly mortgage statements. One West Bank has refused last month to acknowledge timely payment and instead penalized her erroneously for late payment. In fact, a few weeks ago, One West Bank in May sent her TWO monthly mortgage statements ON THE SAME MAY DATE...for April and for May, with fictitious reports of

nonpayments or late payment fees. And the statements did not correlate or make sense. Given One West Bank's track record, and its apparent goal to devastate the witnesses for the December *qui tam* trial, One West Bank will never correct the numbers and Helen can only foresee continued intentional muddling to create a chaos and an excuse for foreclosure or other action. For Justice, the HAMP modification mortgage should be rewritten to remove the exploitive, equity draining features that were never anticipated by Congress.

She has have never seen a bank that was so incompetent in the business of banking, and in fact One West Bank is OPENLY DEFIANT OF THE LAWS applying to its business.

As a former Chief Counsel to the Minnesota Banking Commissioner, this experienced state banking prosecutor/counsel sees no other choice.....

The One West Bank banking charter should be revoked.....IMMEDIATELY.

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE
RANKING MEMBER

APPROPRIATIONS COMMITTEE
EX-OFFICIO MEMBER

E-MAIL VIA WEB ADDRESS AT:
www.house.gov/schiff

FACEBOOK:
www.facebook.com/repadamschiff



ADAM B. SCHIFF
28TH DISTRICT, CALIFORNIA

WASHINGTON OFFICE:
 2411 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4176
FAX: (202) 225-5828

DISTRICT OFFICE:
 245 EAST OLIVE AVENUE
SUITE 200
BURBANK, CA 91502
(818) 450-2900
FAX: (818) 450-2928

DISTRICT OFFICE:
 5500 HOLLYWOOD BOULEVARD
SUITE 416
LOS ANGELES, CA 90028
(323) 315-5555
(BY APPOINTMENT ONLY)

May 13, 2015

The Honorable Janet Yellen
Chair
Board of Governors of the Federal Reserve System
20th Street and Constitution Avenue NW
Washington, DC 20551

CLO: #Y - 42
CCS: 15-2927
RECVD: 5/13/15

Dear Chair Yellen:

I am writing to convey the concerns raised by my constituents over the proposed merger of CIT Group and OneWest Bank. In particular, they have expressed the view that this new financial institution proposed under this merger, CIT Bank, would not adequately serve the needs of low-income and minority communities. It is my hope that the Federal Reserve will take these concerns to heart and work to ensure that CIT Bank best serves all the communities of Los Angeles.

Both banks have benefitted from taxpayer dollars without having to fully pay back the federal government. In 2009, the financial crisis necessitated the use of taxpayer dollars through the Troubled Asset Relief Program (TARP) to bail out the "too big to fail" banks. CIT Group received federal support through TARP which has not yet been fully repaid. In addition, OneWest Bank reached an agreement with the Federal Deposit Insurance Corporation (FDIC) in 2009 to finance the purchase of IndyMac, a bank in my district, through a shared-loss agreement under which the federal government covered a substantial share of losses on IndyMac's portfolio.

Members of the Los Angeles community are skeptical of the claim that the proposed CIT Bank will adequately serve the needs of Los Angeles, especially low-income and minority communities. They cite the fact that although the shared-loss agreement with the FDIC provided that OneWest Bank would undertake efforts to secure loan modifications for borrowers, many thousands of homeowners were nonetheless foreclosed upon.

I appreciate the steps the Federal Reserve has taken in ordering public hearings on the subject and requiring the banks to submit responses to questions asked by the community. As consideration of the merger proceeds, I urge you to take into serious consideration the views of the community and whether the merger will result in greater availability of affordable housing and economic development. Thank you for your time and attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Adam B. Schiff".

ADAM B. SCHIFF
Member of Congress

From: [Bae, Philip](#)
To: [McCune, Crystall](#); [Whidbee, Robin](#)
Subject: FW: YOUR WEAK WILLED NON RESPONSE TO COMPLAINTS -FRSONLY-
Date: Friday, June 12, 2015 10:50:14 AM

From: Teena Colebrook [mailto:tc4gold@gmail.com]
Sent: Friday, June 12, 2015 10:43 AM
To: franklin.monsour@usdoj.gov; giovanni.coutard@usdoj.gov; Hurwitz, Ivan; Steffey, Brian; Bae, Philip; crystall.mccune@ny.frb.com; robin.whidbee@ny.frb.com; David.Finnegan@occ.treas.gov
Subject: YOUR WEAK WILLED NON RESPONSE TO COMPLAINTS

Mr. Finnegan and everyone else copied here, I have seen the emails sent to you requesting a full and independent investigation into this sale of OWB to CIT group. To put it mildly I am truly disgusted at the tepid or non response from you. It is clear that you are glossing over the true facts, it is clear that you intend to approve this sale despite the lies, cover up and fraud being committed by OWB.

It is clear to me that your own interests and that of the banking elite who donate huge sums in political contributions is far more important to you than those of the public whose tax dollars funded the bail out of CIT group and others.

You have not bothered to contact any of the victims, you have not contacted any of those who spoke out at the Federal Reserve Hearing so now I see that was a sham too.

OWB have violate CA Penal code 115; 115.5; 470 and 478 in my case alone the documents they used and submitted to a Federal court are forged and fabricated. I have proof from a handwriting expert, their attorneys and sham substitute trustees have violated the business and professional code by engaging in the submission of fraudulent documents; perjured themselves with their statements into court, misrepresentations and outright lies to the court and the OCC.

LET ME ASK YOU THIS WHEN IS FRAUD NOT FRAUD
WHEN IS PERJURY NOT PERJURY

IS IT ONLY WHEN ONE WEST BANK DOES IT OR ANY OTHER BANKER,

HAVE THEY PURCHASED THE JUDICIAL SYSTEM WITH THEIR POLITICAL CONTRIBUTIONS.

You should be ashamed of yourselves because you are part of the cover up, part of the fraud, part of the problem when you let the law be violated with impunity. If you think that we the people will let this go and not hold each and everyone of you accountable for your actions or lack thereof you are sadly mistaken.

If you think that I will allow this fraud to go unpunished think again, I will shout it from the rooftops, I will find a way to get it published because it is obvious that our so called leaders, our congress the very people who took an oath to protect and serve the public have violated that oath and are merely serving the corporations and themselves. Each day you let go by without contacting the victims of this fraud and massive cover up shows your true agenda.

I have been silent so far on this but no more, I have been retaliated against for speaking at the hearing, I have the evidence of the fraud, fabrication, perjury, lies and I will not let it go.

Mr. Finnegan your failure to properly respond to Ms. Kelleys emails show your complicity in this cover up, Mr Monsour, Mr. Coutard and everyone else copied here show your allegiance to the banking cartels, the gangster bankers instead of the public you should be serving. While you and bankers all get rich of the stolen equity and homes and the sale of this bank to CIT group who never repaid the bailout funds but are now in position to spend millions to buy OWB, THINK LONG AND HARD ABOUT THIS TRAVESTY OF JUSTICE.

WE THE PEOPLE ARE WATCHING WHAT YOU DO, ACTIONS SPEAK LOUDER THAN WORDS AND YOUR EMPTY RHETORIC HAS GONE ON TOO LONG AS HAS THE COVER UP.

--

"VIOLATION" OF LAW - ACTIONABLE CONDUCT UNDER SECTION 8 OF FDIA

BY STEPHENS B. WOODROUGH

Prior to the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ["FIRREA"] (Pub. Law 101-73, effective August 9, 1989), section 18(j)(4)(A) of the Federal Deposit Insurance Act, 12 U.S.C. Â§1828(j)(4)(A), provided:

The term "violation" includes without limitation any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation. [Emphasis added.]

When *Lowe v. Federal Deposit Insurance Corporation*, 958 F.2d 1526 (11th Cir. 1992) was decided by the Eleventh Circuit, the pre-FIRREA definition was applicable to the case. The phrase "without limitation" in section 18(j)(4)(A) was specifically emphasized by the Court to support the conclusion:

This extremely broad definition clearly includes any action, intentional or inadvertent, by which a director "participates in" the bank's violation of the FDIA. See, *Fitzpatrick v. FDIC*, 765 F.2d 569,576-77 (6th Cir. 1985). To hold otherwise, would render the explicit language in section 1828(j)(4)(A) meaningless surplusage. *Id.*, at 1535

From: [Bae, Philip](#)
To: [McCune, Crystal](#); [Whidbee, Robin](#)
Subject: FW: CRC's 8th comment letter protesting merger of OneWest Bank and CIT Group -FRSONLY-
Date: Wednesday, June 17, 2015 9:51:15 AM
Attachments: [California Reinvestment Coalition 8th Comment Letter on CIT Group and OneWest Proposed Merger \(June 2015\).pdf](#)

From: Kevin Stein [mailto:kstein@calreinvest.org]
Sent: Wednesday, June 17, 2015 1:10 AM
To: Bae, Philip; Finnegan, David
Subject: CRC's 8th comment letter protesting merger of OneWest Bank and CIT Group

Dear Philip and David,

Please find attached CRC's 8th comment letter in opposition to the merger of OneWest Bank and CIT, and calling for a fair lending and fair housing investigation by federal regulators of certain OneWest Bank practices

Thank you

Kevin

--

Kevin Stein
California Reinvestment Coalition
415-864-3980
www.calreinvest.org
Follow us on Twitter: CalReinvest
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June 16, 2015

Janet Yellen
Chair
Federal Reserve Board of Governors

Thomas Curry
Comptroller
Office of the Comptroller of the Currency

Martin Gruenberg
Chair
Federal Deposit Insurance Corporation

Mel Watt
Director
Federal Housing Finance Agency

Richard Cordray
Director
Consumer Financial Protection Bureau

Julian Castro
Secretary
Dept. of Housing and Urban Development

Loretta Lynch
Attorney General
United States Department of Justice

Re: *CRC calls for fair lending/fair housing investigation of OneWest Bank: 8th Comment Letter opposing proposed merger of OneWest and CIT Group*

Dear Chairs Yellen and Gruenberg, Directors Watt and Cordray, Comptroller Curry, Secretary Castro, and Attorney General Lynch,

The California Reinvestment Coalition writes this eighth comment letter in opposition to the proposed merger of the holding companies and banks represented by OneWest (OWB) and CIT Group.



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CRC is specifically calling on federal regulators to conduct a fair housing and fair lending investigation of OneWest bank and its activities relating to:

- 1) Foreclosures that are located disproportionately in neighborhoods of color;
- 2) Weak home lending to Asian American and Pacific Islander (AAPI) and African American borrowers;
- 3) Low branch presence in Low and Moderate-Income (LMI) neighborhoods and neighborhoods of color;
- 4) Allegations of disparate REO property maintenance and marketing in neighborhoods of color, as compared to white neighborhoods;
- 5) Servicing and foreclosure practices impacting seniors and women, in particular, Non Borrower Spouses of deceased reverse mortgage borrowers; and
- 6) Arbitrary use of discretion in servicing reverse mortgages.

The California Reinvestment Coalition (CRC), based in San Francisco, is a non-profit membership organization of community based non-profit organizations and public agencies across the state of California. We work with community-based organizations to promote the economic revitalization of California's low-income communities and communities of color through access to equitable and low cost financial services. CRC promotes increased access to credit for affordable housing and community economic development, and to financial services for these communities.

In this letter, we present new foreclosure data, mapping and analysis that suggests that OneWest's 36,382 foreclosures are disproportionately located in neighborhoods of color. We combine this new foreclosure data and analysis with prior comments and analysis showing additional disparities in OneWest's home lending, branch presence, REO property marketing and maintenance, and reverse mortgage servicing and foreclosures on seniors and widows. All of these facts, when combined, paint a disturbing picture of how OneWest is impacting low and moderate income communities and communities of color, and warrants further fair lending and fair housing investigation and potentially, enforcement.

1) Foreclosure are located disproportionately in neighborhoods of color

For months, CRC has sought information about OneWest's foreclosure practices in California. Despite collecting over a billion dollars from the FDIC for costs related to foreclosures, the bank refused to publicly share this information, so CRC worked with Urban Strategies Council to purchase and analyze California foreclosure data for OneWest, Indymac and Financial Freedom from April 2009, when OneWest investors took over Indymac, until April 2015.



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Please note that CRC still seeks data regarding the total number of foreclosures OneWest has processed across the country, as well as the number of pending foreclosures in OneWest’s and Financial Freedom’s foreclosure pipelines. The data presented here are limited further in that they do not account for short sales, deeds in lieu, and other foreclosure alternatives that result in homeowners losing their homes against their wishes, but which are not tracked as a “completed foreclosure” in the data.

1a. OneWest has foreclosed on a large number of households in California.

Since April 2009 through April 2015, OneWest has foreclosed on 36,382 California households. This calls into question how OneWest Bank is meeting its obligation to meet the community’s credit needs under the Community Reinvestment Act.

Figure 1: OneWest, IndyMac, Financial Freedom foreclosures in California from April 2009 to April 2015

OneWest	IndyMac	OneWest and IndyMac	Financial Freedom	Total
16,113	17,810	33,923	2,459	36,382

Figure 2: Top 10 counties for IndyMac and OneWest foreclosures (excluding Financial Freedom) from April 2009 to April 2015

County	Indymac	OneWest	Total	Percent
LOS ANGELES	4,216	3,703	7,919	23%
RIVERSIDE	2,191	2,106	4,297	13%
SAN BERNARDINO	1,795	1,890	3,685	11%
SAN DIEGO	1,185	1,138	2,323	7%
ORANGE	1,004	843	1,847	5%
SACRAMENTO	1,138	436	1,574	5%
KERN	475	572	1,047	3%
ALAMEDA	437	504	941	3%
CONTRA COSTA	725	207	932	3%
Total	13,166	11,399	24,565	72%



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Figure 3: Top 10 counties for Financial Freedom foreclosures from April 2009 to April 2015

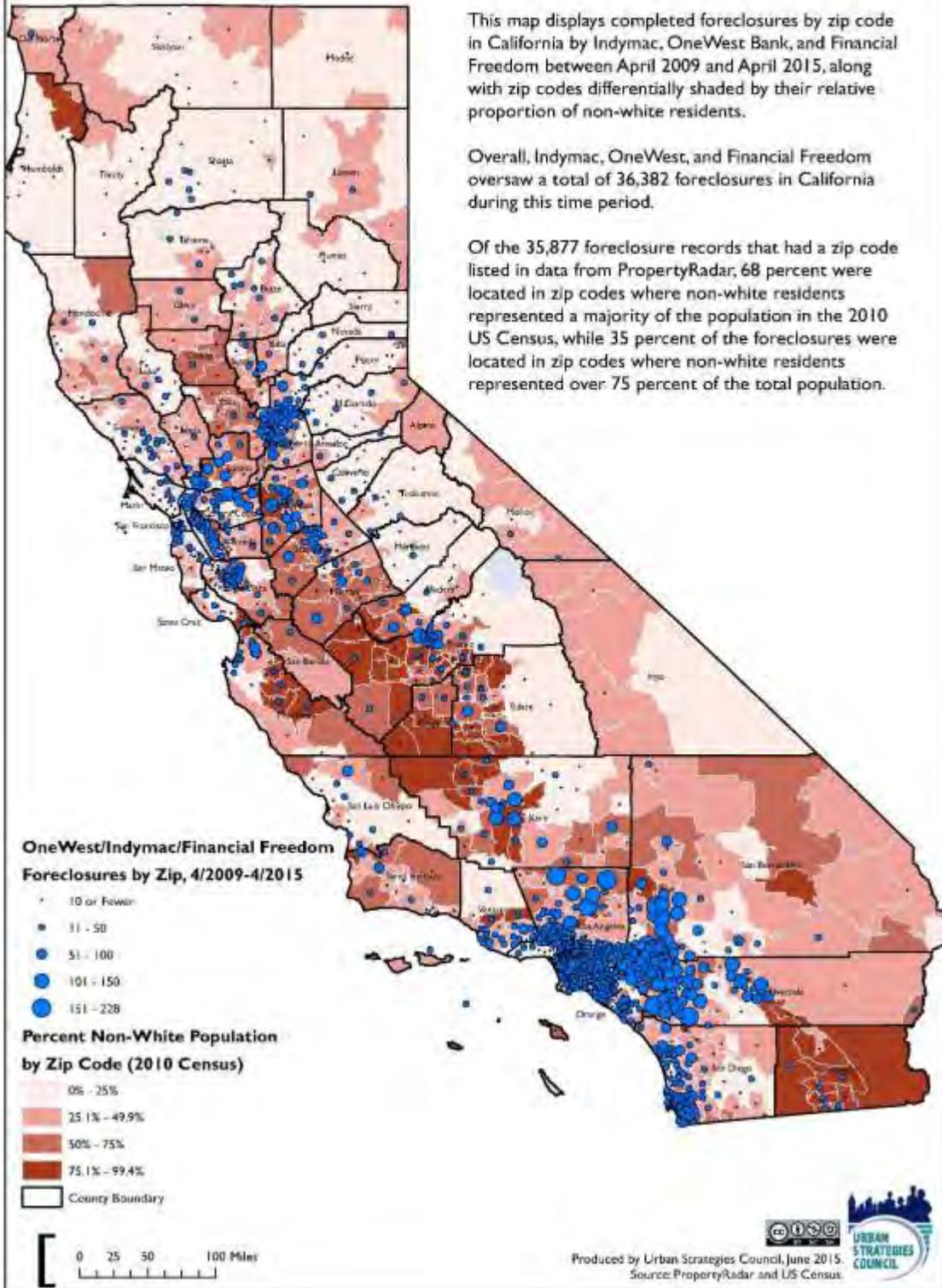
County	Financial Freedom Foreclosures	Percent
LOS ANGELES	498	20%
SAN BERNARDINO	287	12%
RIVERSIDE	267	11%
SACRAMENTO	200	8%
SAN DIEGO	187	8%
KERN	123	5%
ORANGE	102	4%
FRESNO	83	3%
SAN JOAQUIN	68	3%
Total	1,815	74%

Figure 4: The map on the next page shows where OneWest foreclosures in California have been located.



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Indymac, OneWest, & Financial Freedom Foreclosures with Non-White Population, by Zip Code

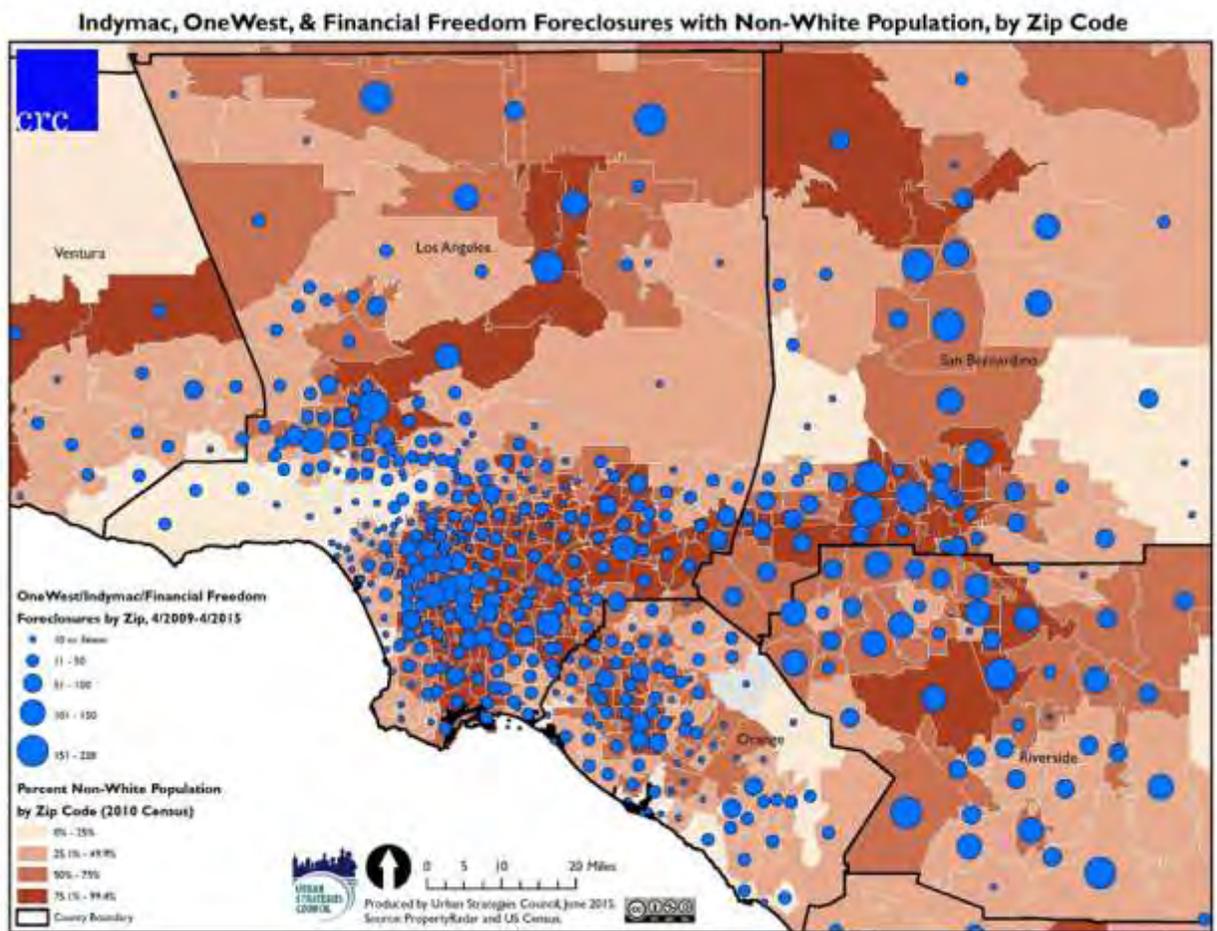




1b. OneWest foreclosures appear to be concentrated in communities of color.

Of particular concern is that most of these California foreclosures are in communities of color. Of the 36,382 California foreclosures identified, 35,877 could be assigned to a zip code. Nearly 70% of these foreclosures, 24,471, occurred in zip codes where 50% or more of the residents are people of color. Further, 35% of these foreclosures, or 12,619, occurred in zip codes where 75% of the population is of color. Below is a map of OneWest foreclosures in Los Angeles, Orange, San Bernardino and Riverside Counties. The darker areas represent zip codes with a greater percentage of residents of color. The larger the blue dots, the more OneWest foreclosures processed in that zip code. Appendix I includes additional maps of OneWest foreclosures in California, by county.

Figure 5: Indymac, OneWest, Financial Freedom foreclosures, April 2009 to April 2015





1c. OneWest’s numerous and concentrated foreclosures come in the context of problematic servicing practices and performance regarding forward mortgage loans.

The disparate impact on communities of color from OneWest foreclosures is further concerning in light of the extent of the evidence of OneWest’s faulty servicing practices. Numerous complaints filed with the CFPB and the Bank itself, CRC housing counselor surveys, bountiful litigation, the Bank’s flouting of our state’s Homeowner Bill of Rights, HAMP Treasury reports, Independent Foreclosure Review findings, foreclosing on borrowers not in default, postponing embarrassing foreclosures, complaints from other industry professionals, rankings by JD Power and Associates, and testimony at the public hearing on the merger in Los Angeles in February (Public Hearing) all paint a picture of a problematic servicer where unnecessary foreclosures were likely, and where incentives to pad loss share and FHA claims may have led to abusive servicing practices. Below is a summary of various indicators of OneWest’s problematic servicing practices.

Evidence of Problematic Servicing: Numerous CFPB complaints. Consumers have filed over 1,263 complaints against OneWest Bank with the Consumer Financial Protection Bureau, with over 1,000 of the complaints related to mortgages, loan servicing and loan modifications.

Evidence of Problematic Servicing: Numerous complaints made directly to OneWest, even though OneWest arbitrarily reported out complaints only from the time period after it sold most of its servicing rights. The Federal Reserve Bank of New York (FRB) has asked the Applicant Bank to respond to several of its Additional Information (AI) requests, including the number of complaints that OneWest received related to various allegations of improper servicing and foreclosure. Besides not responding to this question directly, OneWest decided to provide information on complaints only for the period *after* which it sold MOST of its servicing rights.¹ This is nonresponsive to the FRB’s request, and is further evidence of the Bank’s penchant for misleading and obfuscation.

Further, despite the bank trying to shirk responsibility by pointing to its sale of a “substantial part of its mortgage servicing rights,” OneWest still managed to rack up 812 complaints, including over 200 relating to its reverse mortgage servicing practices. But again, this does not

¹ Sullivan and Cromwell, LLP, “RESPONSES TO THE REQUEST FOR ADDITIONAL INFORMATION DATED MARCH 17, 2015 FROM THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM IN CONNECTION WITH THE APPLICATION TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM RELATING TO THE PROPOSED ACQUISITION OF IMB HOLDCO LLC BY CIT GROUP INC. AND CARBON MERGER SUB LLC,” April 14, 2015, p. 11.



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even cover the period when OneWest most impacted its communities, especially Low and Moderate Income (LMI) communities and communities of color. The FRB must request again, and OneWest must provide, complaint data beginning from the time OneWest investors purchased IndyMac Bank.

It is also worth noting that the number of homeowners who could have filed complaints is likely much higher, especially considering the case of Michelle Ayers in Florida. When she sought assistance with the problems she faced with Financial Freedom, she first contacted HUD, who then referred her to NOVAD or NOVAC, who allegedly told her they could not assist because “the reverse mortgage is not through a HUD program.” She was then referred to the Office of Financial Regulations, who in turn referred her to the Office of the Comptroller of the Currency, who in turn referred her to the CFPB where she ultimately filed two complaints. For more, please see: “Sisters lose home after OneWest forecloses on Reverse Mortgage.”²

How many other consumers would have the time, energy and resolve to press on to file their complaints after being shuttled through 5 different regulatory agencies, especially if they are also mourning the recent death of a loved one?

Evidence of Problematic Servicing: California Housing Counselor Surveys rate OneWest poorly: During the time when OneWest was a large and active servicer of forward mortgages, housing counselors in California, who served thousands of consumers in distress each month during the heart of the foreclosure crisis, repeatedly rated OneWest among the worst servicers.³

- In a July 2010 survey, thirty housing counselors cited OWB as the worst offender for not offering affordable loan modifications, more than all fifteen of the other servicers surveyed.
- Later that year, only two servicers received more votes than OWB from housing counselors for being the most difficult servicer to work with when trying to help homeowners avoid foreclosure.
- In June of 2011, 50% of responding counselors rated OWB as “terrible,” a higher percentage than for all other eleven servicers considered. Counselor comments regarding OWB included:
 - “Indymac. Terrible customer service. Get the run around.”

² Lisa Greenberg, “NFM sisters chained to home to protest reverse mortgage,” Fox4 News, January 8, 2015, available at: <http://www.scrippsmedia.com/fox4now/news/NFM-sisters-chained-to-home-to-protest-reverse-mortgage-287977331.html>

³ CRC Housing Counselor surveys can be found at: <http://www.calreinvest.org/publications/california-reinvestment-coalition-research>



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- “IndyMac. The average processing time is 12 months. They continually request updated documents and state that they never received docs. It’s so frustrating. Even when you escalate the file the same results occur, having to update docs continually for months on end.”
 - “Chase and OneWest (Indymac) are in a tie. Both entities string along homeowners with hopes of obtaining a modification and ultimately denying the hardship request due to ‘excessive forbearance.’ It almost appears to be done intentionally rather than being a capacity issue.”
 - “We are having a difficult time with Chase’s and IndyMac’s customer service representatives. We get an entirely different request each time we call even when the documents are in their system and they can see them. They are not able to explain what else is needed.”
 - “IndyMac/OneWest hardly ever gives loan mods.”
 - “Indymac Bank/OneWest, they constantly lose documents.”
 - “Indymac. Customer service reps are incompetent, oppositional, and frequently fail to take notes. I have established gross income figures three times in one case only to have the rep on the phone fail to find record in their notes of my previous phone call. Difficult specific RMA forms, and just plain nasty customer service rep attitudes.”
 - “Indymac is one of the worst. Not willing to work with the homeowner at all.”
- In a February 2012 survey, 95% of responding counselors said OWB was “terrible” or “bad”, the second worst rating of all servicers considered.
 - That same survey year, OWB was voted second “worst servicer.” Some comments from counselors about OWB in response to a question about the worst servicer included:
 - “Indymac: Their ability to receive documents (unless it is online) is atrocious. They seemingly are always missing docs that are already there. Their online portal is limited in data transfer capacity. Some of their loans are insured, giving them no motive to modify.”
 - “Indymac has the worst performance in terms of foreclosure prevention. Very difficult to obtain any assistance. We had a client that was a victim of dual tracking and had their home foreclosed on.”
 - “OneWest Bank/Indymac. They continue to request updated documents forever.”



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Evidence of Problematic Servicing: Litigation: Significantly, earlier this year a federal court unsealed a False Claims Act complaint against OWB alleging that OWB routinely violated the HAMP program and FHA loss mitigation rules. In *United States ex rel Fisher vs. OneWest Bank FSB*, the complaint also alleged that OWB “almost always” added new debt to the borrower’s loan balance.

Other litigation. OWB and its servicing operations have been the subject of additional litigation, including:

- In *Sayonara Reyes et al vs. IndyMac Mortgage Services*, a division of OneWest Bank, a class action complaint was filed against OWB with claims of breach of contract, breach of the implied covenant of good faith and fair dealing, promissory estoppel and violation of the Massachusetts state law alleging a failure to honor trial period payment plans.
- In *Maloney v IndyMac Mortgage Services*, OneWest Bank, a class action complaint was filed alleging that OWB required certain borrowers to purchase flood insurance in excess of what their mortgage contract and federal law requires.
- In *Fletcher vs. IndyMac/OneWest Bank*, a putative class action complaint was filed alleging OMB mishandled plaintiff’s HAMP application and that OWB’s practices fell into a pattern of misconduct.
- In 2013, a San Luis Obispo couple received a million dollar plus settlement from OWB for foreclosing on them while they believed they were negotiating for a loan modification.
- The California HBOR Collaborative compendium of cases includes *Rogers v OneWest Bank FSB*, *Rigali v OneWest Bank*, *Jamil-Pahan v OneWest Bank*, and *DiRienzo v OneWest Bank FSB*, relating to issues of dual tracking and fair credit reporting.

The FRB requested of OWB litigation information relating to concerns raised at the Public Hearing on the merger. It is unclear why the FRB allowed OneWest to focus narrowly only on issues raised by those able to testify at the hearing, as opposed to all of those submitting written testimony, to say nothing of any questions the FRB and the OCC would have about OWB servicing and foreclosure practices based on their own due diligence.

As one example, the Response fails to note *Gorsuch v. Financial Freedom, et. al.*, the case of a woman in Toledo, OH, facing eviction by Financial Freedom because of the fees associated with forced-placed insurance. Though force-placed insurance is permitted, it is often vastly more expensive than standard insurance coverage. Ms. Gorsuch alleges that Financial Freedom



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misrepresented that the cost of force-placed insurance was necessary in order to protect the value of, and the lender's interest in, the secured property. Further, she alleges that Financial Freedom did not disclose the nature of the kickbacks—that Financial Freedom would receive payment based on a percentage of the cost of the premium. Because of the fees associated with her force-placed policy, Financial Freedom is threatening Ms. Gorsuch with foreclosure. Ms. Gorsuch recently filed an amended complaint and the court rejected OneWest's Motion to Dismiss.⁴

Relatedly, the *Washington Post* reported on a recent, \$140 million class action settlement over allegations that Ocwen, a large mortgage servicer, and Assurant, a large insurance company, engaged in an unlawful kickback scheme in imposing forced placed insurance on unsuspecting borrowers. The article refers to a couple of cases that were complicated by a loan transfer to Ocwen.⁵ Given that OneWest sold a substantial portion of its servicing rights to Ocwen (and that Ocwen has been suffering significant legal and regulatory setbacks, including with the California Department of Business Oversight), and that, as we believe, OneWest may have a business relationship with Assurant, the FRB, the OCC and the CFPB should investigate further whether OneWest has met all of its legal and contractual obligations with respect to forced placed insurance and mortgage servicing transfers. The FRB should further require OneWest to report on ALL of its mortgage, servicing, and foreclosure related litigation.

Nevertheless, the Response to the narrow litigation question posed by the FRB reveals that in fact a number of cases have been filed alleging violations of law relating to issues raised at the one day Public Hearing. Strangely, there is no "TOTAL" in the chart provided by the Bank in its response to the FRB, but it appears that there are nearly 200 claims that have been made against OneWest relating only to the foreclosure and servicing issues that were raised during the one day Public Hearing.⁶ That is substantial.

Evidence of Problematic Servicing: OneWest flouts California's Homeowner Bill of Rights. OneWest has put forth the dubious and harmful argument that OneWest foreclosures are not subject to our state's hard fought, landmark Homeowner Bill of Rights (HBOR) if the loan it's

⁴ Amended Complaint, *Gorsuch v. Financial Freedom et. al*, 3:14-cv-00152-JZ, filed 02/24/2015.

⁵ Ken Harney, "Allegedly abusive mortgage insurance deals lead to class action settlement," *Washington Post*, May 6, 2015 at http://www.washingtonpost.com/realestate/allegedly-abusive-mortgage-insurance-deals-lead-to-class-actionsettlement/2015/05/05/8c0eb764-f284-11e4-bcc4-e8141e5eb0c9_story.html

⁶ Sullivan and Cromwell, LLP, "RESPONSES TO THE REQUEST FOR ADDITIONAL INFORMATION DATED MARCH 17, 2015 FROM THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM IN CONNECTION WITH THE APPLICATION TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM RELATING TO THE PROPOSED ACQUISITION OF IMB HOLDCO LLC BY CIT GROUP INC. AND CARBON MERGER SUB LLC," April 14, 2015, pp. 15,, 16.



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foreclosing on was originated by a federally chartered thrift. In another response to an FRB AI request, the Bank provides a convoluted discussion of its practices relating to HBOR. OneWest claims that it complies with HBOR, but also that it is not subject to HBOR. These claims run counter to the experience of California homeowners, and the legal opinions of California advocates, the California Attorney General's office, and a growing number of courts. This argument is highly problematic in that it is OneWest's conduct not as a lender but as a loan servicer that is in question, and that such conduct is clearly subject to regulation by the state of California and HBOR. OneWest should immediately cease arguing preemption in the context of HBOR, and the OCC and state Department of Business Oversight should issue guidance to this effect. Further, the FDIC should investigate and determine that no loss share payments have been made on foreclosures resulting from dual track and Single Point of Contact (SPOC) violations committed by OneWest where the Bank argued that HBOR did not apply. In other words, the FDIC should not be paying or reimbursing OneWest for certain foreclosure costs where OneWest improperly argued that it did not have to follow state law protections against dual track and the obligation to provide a SPOC.

And in one of the many ironies that characterize this merger, OneWest CEO Joseph Otting is currently the Chair of the California Chamber of Commerce which inexplicably placed AB244 (Eggman), a bill that would clarify that HBOR protections extend to successors in interest (widows and orphans), on the Chamber's "jobs killer" list.⁷

Evidence of Problematic Servicing: Treasury reports raise concerns. Reports on servicer HAMP performance from the Treasury Department confirm OWB was more likely to foreclose on its borrowers than other banks. In the Program Performance Report Through November 2013, out of nine servicers participating, OneWest had the second highest rate of completed foreclosures for homeowners who were not accepted for a HAMP trial, as well as for those whom a HAMP permanent modification was denied. Similarly, in September of 2013, out of eight servicers participating, OneWest had the highest percentage of completed foreclosures for homeowners who were disqualified for a permanent loan modification.⁸

Evidence of Problematic Servicing: IFR Process raises concerns. Additionally, OWB cites the Independent Foreclosure Review process as a vindication of its efforts, though the April 2014 report it cites notes, "the consultant (for OneWest) had confirmed 10,781 (OneWest) borrowers

⁷ Tammerlin Drummond, "Mortgage help needed for relatives of deceased," Oakland Tribune, April 26, 2015, available at: http://www.contracostatimes.com/breaking-news/ci_27988835/drummond-mortgage-help-needed-relatives-deceased

⁸ Making Home Affordable Program Performance Reports can be found at: <http://www.treasury.gov/initiatives/financial-stability/reports/Pages/Making-Home-Affordable-Program-Performance-Report.aspx>



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(5.6 percent of the in-scope population of 192,199) were due remediation,” and that OneWest had a Service Members Civil Relief Act error rate of over 6%.⁹ Additionally, the Office of Thrift Supervision found OneWest engaged in numerous abuses, including filing affidavits that were not based on personal knowledge or review of relevant records, filing affidavits that were not properly notarized, initiating foreclosures without ensuring that promissory notes and mortgage documents were properly endorsed or assigned, failing to devote adequate staff and resources to ensure proper administration of foreclosure processes, and failing to adequately oversee third party agents who are processing foreclosures.¹⁰

Evidence of Problematic Servicing: Foreclosing on borrowers not in default. In responding to Federal Reserve Additional Information requests, CIT and OneWest cite approvingly the very low rate of foreclosures (1/100th of 1%) on 178,886 loans reviewed where the loan was not in default.¹¹

In other words, the Response touts OneWest’s record of very rarely foreclosing when the loans are in current payment status. But OneWest should NEVER be foreclosing on borrowers who are not in default. Where error rates are notes, regulators should determine whether those harmed by such servicing errors were members of protected classes, and whether OneWest violated fair lending laws in its policies or practices.

Of far greater and practical concern are those potentially numerous instances where borrowers were in default but were wrongly denied a loan modification or other home preservation alternative to foreclosure for which they qualified. Importantly, the IFR process focused on a very narrow set of “in scope” borrowers, those in the foreclosure process in 2009 and 2010. The regulators should ensure that OneWest and Financial Freedom provide review, and where applicable, relief, to all borrowers put into the foreclosure process from 2009 through the present.

Evidence of Problematic Servicing: Postponing embarrassing foreclosures. It was reported in the media that Financial Freedom was set to foreclose on 103 year-old Texas grandmother

⁹ Office of the Comptroller of the Currency, “Foreclosure-Related Consent Orders Status Report: Observations, Payments, and Foreclosure Prevention Assistance,” April 2014, pp. 14, 15.

¹⁰ Office of Thrift Supervision, In the Matter of OneWest Bank, FSB. Consent Order No. WN-11-011, April 13, 2011, available at: <http://www.occ.gov/static/ots/misc-docs/consent-orders-97665.pdf>

¹¹ Sullivan and Cromwell, LLP, “RESPONSES TO THE REQUEST FOR ADDITIONAL INFORMATION DATED MARCH 17, 2015 FROM THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM IN CONNECTION WITH THE APPLICATION TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM RELATING TO THE PROPOSED ACQUISITION OF IMB HOLDCO LLC BY CIT GROUP INC. AND CARBON MERGER SUB LLC,” April 14, 2015, p 7.



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Myrtle Lewis, who was sold a reverse mortgage when she was 92.¹² After media coverage, the Bank backed off. Similarly Janice Cooper, a 73 year-old widow with disabilities was slated for foreclosure from her Southern California home before an article about her appeared in the American Banker,¹³ at which point, Financial Freedom postponed the sale. Ms. Cooper was later given a new sale date. And OneWest was scheduled to foreclose on Teena Colebrook of San Luis Obispo (a homeowner who spoke at the Public Hearing about the many problems she faced with OneWest in trying to retain her home) on Christmas Eve before that case was brought to light. Will these three consumers get permanent help, or only temporary relief from OWB and FF until media attention dies down or the regulators approve of this merger?

To the extent these foreclosures were improper, would OWB and FF not only have taken these homes improperly, would they have also improperly billed the FDIC under the loss share, or HUD under the FHA insurance fund, for the “cost” of these improper foreclosures? Would the FDIC’s or FHA’s due diligence process for monitoring compliance with the loss share agreement or FHA insurance program have flagged these and other problematic cases, or merely processed payments to OWB for the losses to OneWest from these possibly improper foreclosures? How many cases like these have there been over the years where OWB and FF improperly foreclosed on families, and then improperly billed the FDIC under the loss share agreement, or HUD under the FHA HECM program? Do the FDIC and HUD truly have processes in place to effectively screen out improper foreclosures from claims submitted by OneWest?

Evidence of Problematic Servicing: Oral and written testimony submitted as part of the merger process. A number of consumers testified passionately at the February 26, 2015 Public Hearing, and many others have submitted written comments regarding their horrible experiences with OneWest Bank’s forward mortgage servicing. It may be that more consumers have been motivated by their bad experiences with OneWest to protest this bank merger by submitting formal comments and public testimony, than any other bank merger in history. Federal regulators must scrutinize the public record to determine if servicing, fair lending, and fair housing laws have been violated.

Evidence of Problematic Servicing: Industry professional notes OneWest mistake. A former loss mitigation executive for a large servicer recently asked CRC for help connecting with a non-bank servicer that had acquired the servicing rights for a neighbor’s loan from OneWest.

¹² Jack Douglas, Jr. “103-Year-Old North Texas Woman Fights To Keep Her House,” CBSWDF.com, November 21, 2014, at: <http://dfw.cbslocal.com/2014/11/21/103-year-old-north-texas-woman-fights-to-keep-her-house/>

¹³ Bonnie Sinnock, “HECM Non-Borrowing Spouses Renew Class Certification Attempts,” American Banker, November 17, 2014.



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This loss mitigation professional concluded that OneWest had erred in failing to offer a loan modification to his neighbor, but because they had already sold the servicing rights, he was forced to work with the new servicer to correct OneWest's mistake.

Evidence of Problematic Servicing: GAO Report identifies concerning trends. In February of last year, a GAO report found statistically significant differences in loan modification outcomes for Limited English Proficient and African American borrowers after analyzing non-public data of four unnamed servicers.¹⁴ CRC has sought the identities of the servicers involved, though neither Treasury nor GAO are prepared to release that data publicly at this time. These issues - the identity of the servicers in the GAO study, as well as the fair lending analysis of loan modification outcomes employed in that study - should be investigated further by the regulators before deciding upon this merger application.

Evidence of Problematic Servicing: OneWest's JD Power ranking has been low. In 2010, OneWest was ranked as the third worst servicer reviewed as part of the J.D. Powers Customer Satisfaction Index Ranking.¹⁵ In 2012, J.D. Power and Associates confirmed that OneWest Bank ranked 20th out of 23 servicers reviewed as part of its Customer Satisfaction Index Ranking.¹⁶

For all of these reasons, and others, CRC believes OneWest to be a problematic servicer, and that its concentrated foreclosures in communities of color need to be scrutinized further. Regulators need to investigate if communities of color are disproportionately bearing the consequence OneWest's problematic loan servicing practices.

1d. Concerns regarding FDIC Loss Share and the extent and location of future foreclosures.

CRC has previously raised concerns about the FDIC loss share agreement with OneWest. Whatever the benefits of entering into a loss share agreement with OneWest in order to sell Indymac assets, there is no public benefit to CIT Group being able to obtain the loss share agreement benefits from OneWest. And we have expressed concern that OWB may have improperly submitted claims to the FDIC for loss share payments (and to FHA under the HECM program) to cover foreclosures that did not need to happen.

¹⁴ U.S. General Accountability Office, "TROUBLED ASSET RELIEF PROGRAM: More Efforts Needed on Fair Lending Controls and Access for Non-English Speakers in Housing Programs," GAO-14-117: Published: Feb 6, 2014. Publicly Released: Feb 6, 2014.

¹⁵ J.D. Powers and Associates, "J.D. Power and Associates Reports: Mortgage Servicers Fail to Deliver on Best Practices During the Loan Modification Process," August 26, 2010.

¹⁶ J.D. Power and Associates, "J.D. Power and Association Reports: Amid Record-Low Interest Rates and Improved Loan Modification Programs, Customer Satisfaction Increases, July 19, 2012.



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Additionally, we remain concerned that these foreclosure numbers will continue to grow. CRC learned through our FOIA request that OneWest has received over \$1 billion through the lucrative loss share agreement with the FDIC. This represents over \$1 billion to cover certain costs associated with some of OneWest's 36,000+ California foreclosures, plus an untold number of foreclosures in other states.

What is alarming is that FDIC reports indicate an estimated, *additional \$1.4 billion* in loss share payments may yet flow to OneWest (and CIT Group, if this merger is approved) to cover certain, future foreclosure costs. How many future foreclosures does this represent? In what communities will these foreclosures be located? How is this providing a public benefit as must be demonstrated in order for this merger to be approved?

We urge the regulators to investigate and determine if the loss share agreement (where OWB and potentially CITBNA can now seek 95% of the value of certain foreclosure related costs), private insurance, and/or FHA insurance provide any financial incentive for OneWest to move quickly to instigate foreclosure proceedings, to pad foreclosure costs, and/or to complete unnecessary foreclosures.



2) Weak home lending to Asian American and Pacific Islander (AAPI) and African American borrowers

As noted in prior comment letters, OneWest home lending to African American and Asian American Pacific Islander (AAPI) borrowers is low. Specifically, in response to the Federal Reserve's Additional Information request, OneWest submitted the following numbers concerning its mortgage lending:

- In 2012, out of 43 home purchase and home improvement loans, OneWest made 0 loans to African Americans.
- In 2013, out of 26 home purchase and home improvement loans, OneWest made 0 loans to African Americans.
- In 2012, OneWest had a 10.1% AAPI origination market share, while its peers were at 24.2%, with OneWest at roughly half of the industry average.
- In 2013, OneWest similarly had an 11% AAPI origination market share, while its peers were at 23%, with OneWest at roughly half the industry average.
- *Again, these numbers come from OneWest in its prior filings with the regulators.*¹⁷

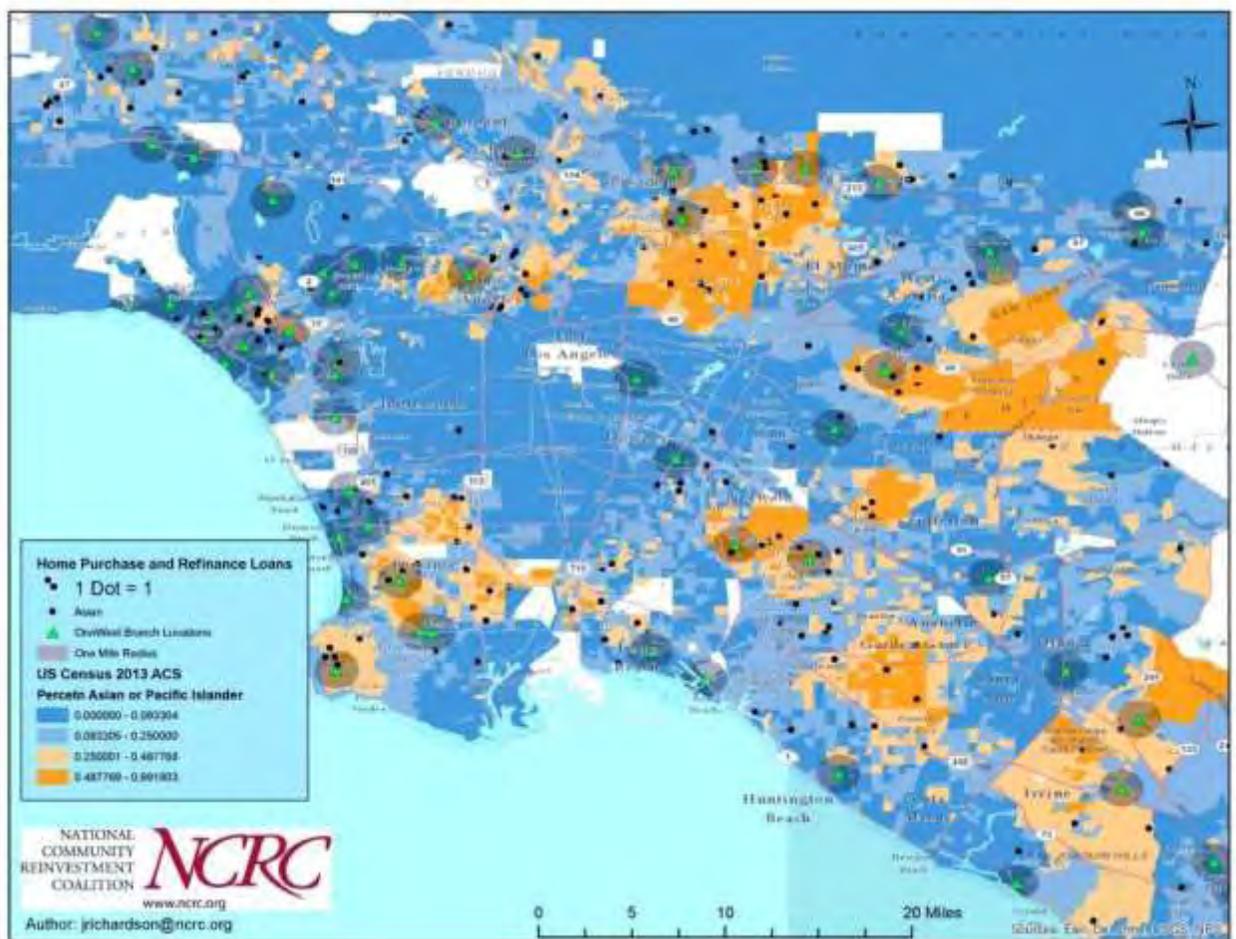
The OneWest reported numbers are consistent with CRC HMDA analysis: According to our analysis, OWB's 2012 HMDA data show it particularly underperformed the industry in regards to serving Asian American borrowers (4.6% of OWB originations in the state and 5.9% of its originations in the Los Angeles MSA were to "Asian" borrowers, while for the industry the figures were 15.9% and 15.8%, respectively).

In 2013, while the industry originated 16% of its conventional home purchase and refinance lending to Asian borrowers in California, OneWest originated only 7% of such loans to Asian borrowers.

¹⁷ Sullivan and Cromwell, LLP, "RESPONSES TO THE REQUEST FOR ADDITIONAL INFORMATION DATED DECEMBER 10, 2014 FROM THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM IN CONNECTION WITH THE APPLICATION TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM RELATING TO THE PROPOSED ACQUISITION OF IMB HOLDCO LLC BY CIT GROUP INC. AND CARBON MERGER SUB LLC, December 22, 2014, pp. 6, 7.

The map below shows home purchase and refinance lending by OneWest to Asian American owner occupants in the greater Los Angeles area. Each loan is depicted by one black dot. There are few home loans to Asian American borrowers. Additionally, OneWest branches are depicted in the first map by green triangles. The majority of OneWest branches avoid neighborhoods that are comprised of 25% to 100% Asian American residents. Such neighborhoods are depicted on the map in differing shades of orange. OneWest is not adequately meeting the needs of the Asian American Pacific Islander community in Los Angeles or California.

Figure 6: Home Purchase and Refinancing Lending by OneWest to Asian Americans in LA



OWB presents no reasonable explanation for this failing, and no credible plan for fixing this problem. The Department of Justice, CFPB, and HUD should investigate further and determine if fair housing or fair lending laws have been violated.



3) OneWest demonstrates a low branch presence in Low and Moderate-Income (LMI) neighborhoods and neighborhoods of color in California

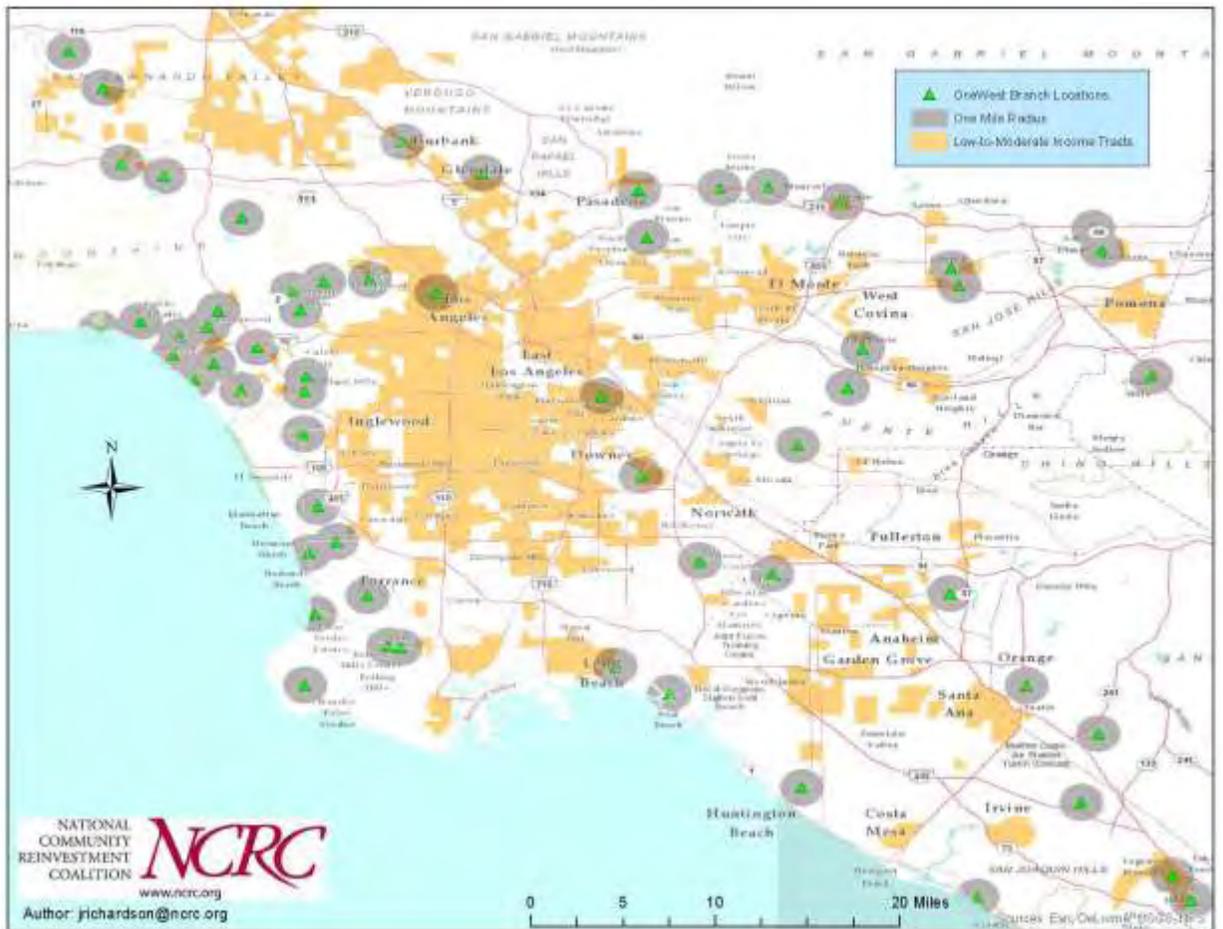
Low Branch Presence in LMI Neighborhoods. As noted in prior comment letters, OneWest has only 2 out of 73 branches in low-income neighborhoods, and only 15% of its branches in low and moderate-income neighborhoods, compared to an industry average of 30%. In contrast, fully 37.5% of census tracts in the Los Angeles MSA are low to moderate income.

The map on the following page depicts OneWest branch presence in the low and moderate-income communities it is charged with serving under the Community Reinvestment Act. OneWest branches are depicted by green triangles. It is obvious from this map that nearly the entirety of OneWest branches are in the middle and upper income census tracts depicted on the map in white, and avoid the orange shaded areas which represent low and moderate income neighborhoods.



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Figure 7: OneWest branch presence in low and moderate income communities



OWB will not commit to open new branches in LMI areas to balance out its branch network and to better serve low and moderate-income communities. CRC is also concerned by Bank comments that suggest it may turn to mobile phones and other technology as a preferred vehicle to serve LMI households. The question here is, who is doing the preferring? OWB may wish to serve its LMI customers via technology, but many LMI, of color, elderly and other customers rely and depend on retail branch presence and the ability to interact face to face with bank staff.



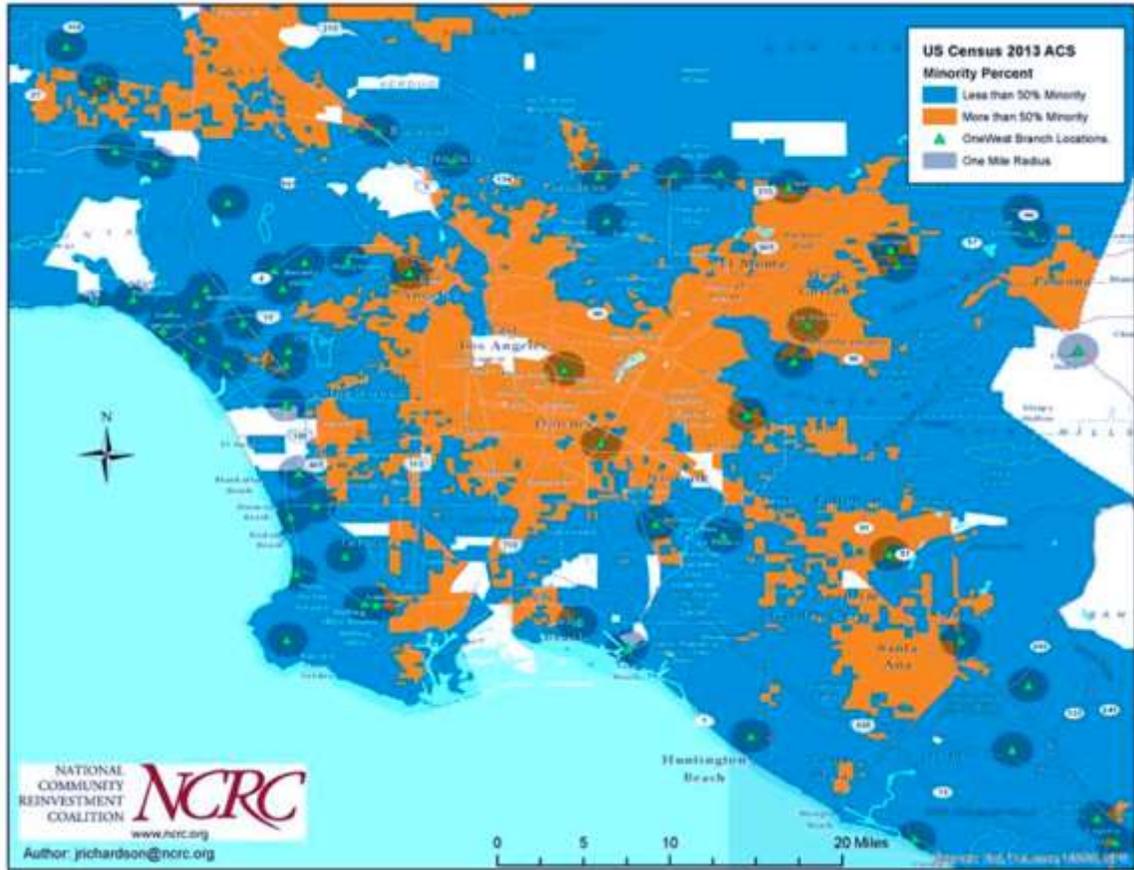
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Mobile Banking is No Substitute for Branch Access. A recent report by National CAPACD, National Urban League, and National Council of La Raza, based on surveys of over 5,000 consumers, found that, “Despite the growing prevalence of online or mobile banking services, most people admitted some level of discomfort with using the services. Only 11% of all respondents reported that they were comfortable conducting financial transactions online or using their mobile phone—7% of AAPIs, 13% of African Americans, and 16% of Hispanics.”¹⁸ We dispute the notion that mobile banking can be a substitute for an adequate branch presence in low and moderate-income neighborhoods, which OWB does not and will not have. This is only a way for the bank to cut costs, and communities of color once again are disproportionately facing the consequences of OneWest’s practices.

Low Branch Presence in Neighborhoods of Color. The map on the following page shows OneWest’s failure to be present in neighborhoods of color. OneWest branches are depicted in the third map by green triangles. With very few exceptions, OneWest branches in the Greater Los Angeles area avoid the swaths of neighborhoods that are comprised of 51% to 100% residents of color. Such neighborhoods are depicted on the map in differing shades of orange. OneWest is not adequately meeting the needs of neighborhoods of color in Los Angeles or in California.

¹⁸ BANKING IN COLOR: New Findings on Financial Access for Low- and Moderate-Income Communities. National CAPACD, National Urban League and National Council of La Raza. 2014, p. 17, at http://iamempowered.com/sites/default/files/bankingincolor_web.pdf

Figure 8: OneWest branch presence in neighborhoods of color in LA



OneWest consolidated branches in neighborhoods of color. Yet OneWest reports to regulators in response to an AI request that of the 12 branches that have been “consolidated” since OneWest took over, 5 of the 12 (or 41.6% of the total consolidations) were in majority minority tracts. For local communities, the impact of a branch consolidation is one less branch in the community, just as with a branch “closure.” At the Public Hearing in Los Angeles, Cynthia Amador and others spoke to the negative impacts of OneWest branch closings/consolidations on communities of color.



4) Allegations have been made of disparate REO property maintenance and marketing in neighborhoods of color as compared to white neighborhoods

At the Public Hearing in Los Angeles, a representative from the Housing Rights Center in Los Angeles gave testimony on behalf of Fair Housing of Marin that OneWest does not equally maintain and market REO properties in certain minority neighborhoods as compared to white neighborhoods in northern California.

In a follow letter filed with the OCC and the FRB, Fair Housing of Marin notes that its preliminary analysis of 7 OneWest REO properties showed that “while Onewest REO properties in White neighborhoods were generally well maintained and well marketed with neatly manicured lawns, securely locked doors and windows, and attractive professional, “for sale” signs posted out front, OneWest REO properties in communities of color were more likely to have trash strewn about the premises, overgrown grass, shrubbery, and weeds, and boarded or broken doors and windows among many other curb appeal and structural issues. OneWest’s REO in communities of color appear abandoned, blighted and unappealing to potential homeowners, even though they are located in stable neighborhoods with surrounding homes that are well-maintained... The complaints filed by FHOM/NFHA against Fannie Mae, Bank of America, and others – for similar failures to properly maintain/market REO homes in communities of color – underlines the seriousness of the fair housing issues.”¹⁹

The Applicant’s Response to the Federal Reserve’s AI request on this point does not contradict the testimony given. In fact, at least 18 complaints and 7 legal claims raising similar issues are separately noted in the Bank’s Response to the Federal Reserve’s Additional Information request.

¹⁹ Caroline Peattie, Letter of Fair Housing of Marin to FRB NY: CIT Group Inc. Proposed Acquisition of IMB Holdco LLC, Response to Request for Additional Information, June 5, 2015.



5) OneWest’s Financial Freedom servicing and foreclosure practices severely impact seniors and women, in particular, Non Borrower Spouses

5a. Financial Freedom (FF) has foreclosed on a large number of households in California.

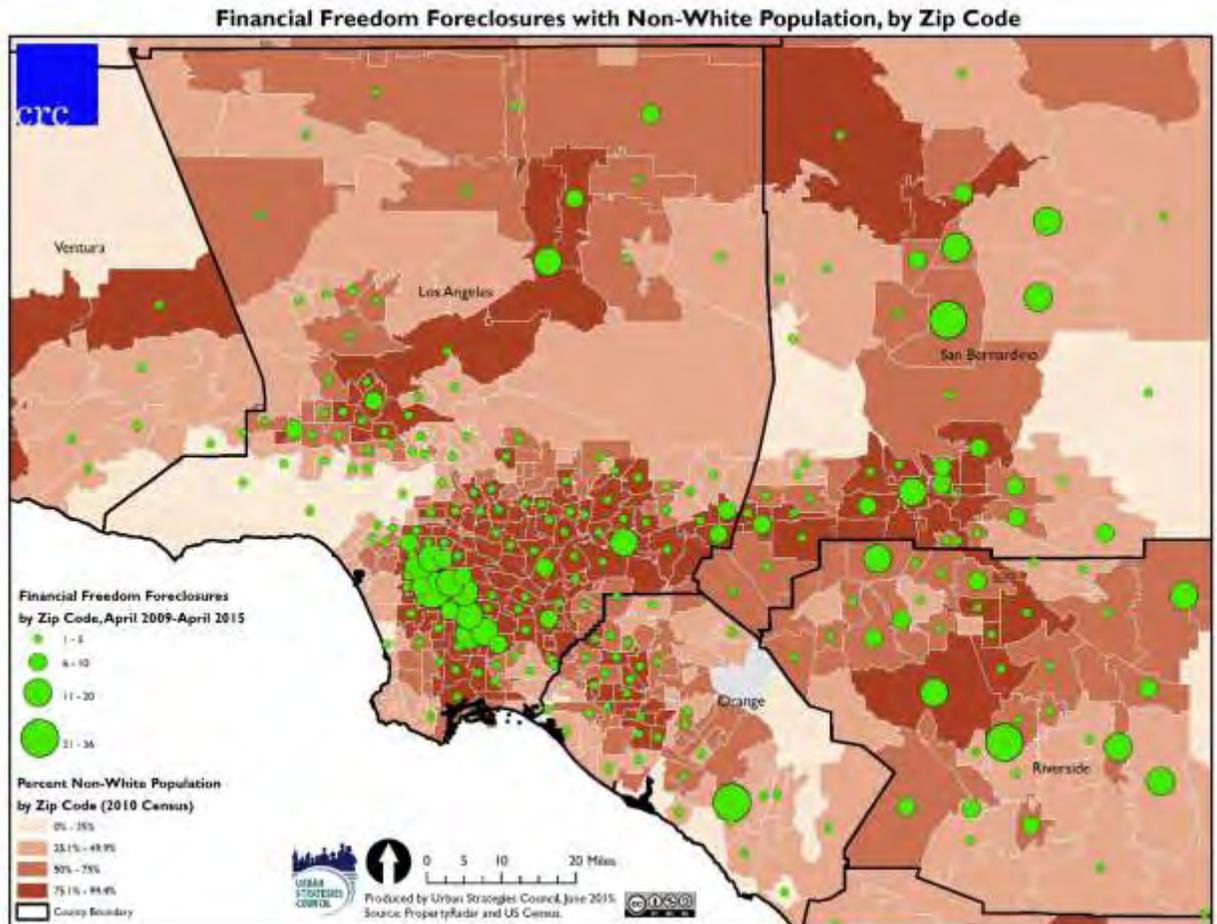
Figure 9: Top 10 California counties for Financial Freedom foreclosures, April 2009 to April 2015

County	Financial Freedom Foreclosures	Total
LOS ANGELES	498	20%
SAN BERNARDINO	287	12%
RIVERSIDE	267	11%
SACRAMENTO	200	8%
SAN DIEGO	187	8%
KERN	123	5%
ORANGE	102	4%
FRESNO	83	3%
SAN JOAQUIN	68	3%
Total	1815	74%

Figure 10: Top 10 California cities for Financial Freedom foreclosures, April 2009 to April 2015

City	Financial Freedom Foreclosures	Percent
LOS ANGELES	181	7%
SACRAMENTO	115	5%
BAKERSFIELD	73	3%
SAN DIEGO	72	3%
FRESNO	63	3%
COMPTON	43	2%
STOCKTON	42	2%
OAKLAND	40	2%
APPLE VALLEY	39	2%
Total	668	27%

Figure 11: Financial Freedom foreclosures in LA, April 2009 to April 2015



Financial Freedom, the reverse mortgage servicing arm of OneWest, is responsible for 2,459 foreclosures of seniors in California since OWB took over. These reverse mortgage foreclosures are, by definition, having a concentrated impact on seniors and their families. And they continue.

5b. There has been little transparency around Financial Freedom foreclosures, servicing, performance and oversight.

In light of growing concern about OWB’s Financial Freedom (FF) affiliate and its HECM reverse mortgage servicing, on November 19, 2014 CRC filed a Freedom Of Information Act (FOIA) request with HUD seeking documents relating to complaints that may have been filed against Financial Freedom, any HUD policies designed to address court decisions challenging the legality



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of its policies for dealing with non-borrower spouses and heirs, the number of existing homeowners for whom the non-borrower spouse issue may be relevant, and the number of HECM foreclosures of borrowers, non-borrower spouses and heirs processed by OWB and FF in California and the nation. CRC has sought expedited review of this request so as not to unduly delay the processing of the bank merger application. The FRB and the OCC should not make any decisions on this merger without this information being made part of the public record, subject to public scrutiny, and part of their deliberations.

5c. The Non Borrower Spouse issue is a fair lending problem that OneWest and Financial Freedom appear to have been perpetuating.

We are particularly concerned about how FF deals with non-borrower spouses (NBS) when the borrower spouse has died. We have spoken to a number of advocates, attorneys, and non-borrower spouses from across the country who have had problems with FF. We believe that FF is acting contrary to the Congressional statute authorizing HECMs which provides protections to homeowners, including spouses, and also that FF is acting contrary to the decision in the Bennett case invalidating HUD policies that may have seemingly required servicers to bring reverse mortgage loans due and payable upon the death of the borrower, even while a non-borrower spouse was living in the home.

This is all the more unjust as there is near consensus that for the typical couples facing this situation, they were routinely encouraged to take the younger spouse off of the reverse mortgage, were not told that doing so would endanger the surviving spouse's ability to remain in the home and were often lied to, and that the surviving spouse invariably is shocked to learn that upon the passing of their loved one that they are being pushed out of the home.

We say, "near consensus" as the CEO of OneWest Bank, Joseph Otting, is the only person we have heard articulate that surviving spouses knowingly bargained for the situation they find themselves in.

In fact, through a cursory review of public notices filed, we see that OneWest and Financial Freedom foreclosures are continuing with alarming speed. We have seen notices for at least sixty-six (66) foreclosure sales from across the U.S. since March 20, 2015. Despite statements by OneWest executives at the February 26, 2015 hearing about their sympathy for a foreclosure moratorium on Non Borrower Spouses, several of these recent notices appear to be regarding proposed foreclosures on non-borrower spouses (NBS), heirs and estates. We urge the regulators to ensure that all foreclosures on successors in interest have been in full compliance with existing federal law, CFPB and HUD rules, and state law. Further, we urge that Financial



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Freedom refrain from any further foreclosures on surviving spouses of HECM borrowers while HUD's policy on this score is being finalized.

CRC views the reverse mortgage Non Borrower Spouse (NBS) issue as a fair housing and fair lending concern in that nearly all of the surviving spouses who already lost their homes and those facing foreclosure at the hands of Financial Freedom are both seniors and women. Moreover, as noted in our recent mapping analysis, it appears that Financial Freedom foreclosures are disproportionately concentrated in communities of color. As noted in prior CRC comment letters, the legal context for NBS has been in a state of flux. Yet, OneWest and Financial Freedom have appeared intent on aggressively foreclosing on Non Borrower Spouses.

This is an issue of Congressional concern. Congresswoman Maxine Waters recently sent a letter to HUD Secretary Castro seeking clarification on the Non Borrower Spouse issue and urging a resolution that would allow widows and widowers to stay in their homes, as they had always understood they would be able to do.²⁰ Previously, Congressional Democrats had sent a letter to HUD urging greater protection for Non Borrower Spouses.²¹

The CFPB and the OCC should ensure that Financial Freedom has policies and procedures in place to work with successors in interest and provide them a meaningful opportunity to remain in their homes after the passing of a loved one. This is especially compelling in light of recent policy changes at CFPB, Fannie, Freddie and Treasury designed to provide greater protection to these vulnerable borrowers in the forward mortgage context.

A number of comments by Non Borrower Spouses and advocates have been submitted as part of the record in this merger, and several reverse mortgage borrowers and families testified at the Public Hearing as to Financial Freedom abuses.

Karen Hunziker testified at the February 26, 2015 hearing in Los Angeles about her experience with Financial Freedom after her husband passed away.

She asserted that, "My husband passed away in May 2014 and 10 days later OWB sent me a repayment letter and a PRE-FORECLOSURE letter saying they would initiate foreclosure in 30 days. One day, I called 5 times to verify I received the 90-day extension OWB promised in writing. I spoke to 5 different people all with a different story. In part, I was told:

- OWB didn't receive the documents faxed multiple times,
- The documents needed to be reviewed by their legal department,

²⁰ U.S. House Committee on Financial Services, "Waters Calls for Increased Transparency in HUD's Reverse Mortgage Conversion Program," Press Release, May 27, 2015.

²¹ Bonnie Sinnock, "House Democrats Call for Expanded Reverse Mortgage Protections," National Mortgage News, December 23, 2015.



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- I had to call back in 5 days,
- I used up all my extensions,
- I didn't get the documents in on time,
- The last person told me my property was scheduled for auction in 30 days.

At all times OWB refused to put any phone conversation in writing. My story illustrates the consistent pattern and practice of OneWest Bank to aggressively foreclose and evict non-borrowing spouses from their homes.”²²

CRC understands that at least one additional Non Borrower Spouse facing foreclosure by Financial Freedom is submitting comments and raising concerns about Financial Freedom's move to foreclose on widows whose main defaulting activity is seeing their husbands pass away. It is not clear that HUD is as intent on foreclosing on Non Borrower Spouses as Financial Freedom appears to be.

While Financial Freedom appears intent to foreclose on NBS, we understand that Wells Fargo, and perhaps J.B. Nutter, have taken the position that they will not process foreclosures on non-borrower surviving spouses until, at least, HUD clarifies some of the open questions relating to this emerging policy. OneWest should do no less —especially considering its claim at the public hearing that it actually supports a moratorium—and the regulators should require OneWest and Financial Freedom to refrain from foreclosing on non-borrower surviving spouses until this issue is resolved.

On May 1, HUD rescinded its Mortgagee Letter 2015-03 which recently framed HUD's guidance regarding the process servicers should follow for Non Borrower Spouses. HUD's policy has been subject to litigation and opposition from consumer groups for its failure to protect Non Borrower Spouses as the statute, broker sales pitches, and human decency would dictate. It is clear that HUD policy on this issue is unclear has been in flux.

On Friday, June 12, HUD surprisingly issued Mortgagee Letter 2015-15²³ which may significantly address this problem going forward. We are still reviewing the letter, but it appears to provide a meaningful path to home preservation for Non Borrower Spouses. But the letter also appears to give servicers the option to offer NBS the Mortgagee Option Election. Given Financial Freedom's prior arbitrary use of its discretion, discussed more fully

²² Karen Hunziker, “TESTIMONY OF KAREN HUNZIKER PUBLIC MEETING FEBRUARY 26, 2015, 8 AM to 4 PM, FEDERAL RESERVE BANK, LOS ANGELES BRANCH, February 26, 2015, available at: <https://calreinvest.wordpress.com/2015/03/05/consumer-testifies-financial-freedom-onewest-bank-reverse-mortgage-problems-federal-reserve-hud-cfpb-occ/>

²³ Mortgagee Letter 2015-15, U.S. Department of Housing and Urban Development, June 12, 2015.



below, regulators need to ensure that MOE options are not unfairly, arbitrarily or discriminatorily denied to certain Non Borrower Spouses.

We reiterate our call that OneWest commit to honor a moratorium on foreclosing on Non Borrower Spouses. We expect that other servicers will continue to take stronger pro-consumer approaches to this issue in the short term. OneWest should cease all such foreclosures.

5d. Financial Freedom makes it difficult for heirs to retain the family home.

A recent state legislative bill on reverse mortgages designed to increase consumer education and protection garnered the support of 21 individuals, 19 of whom are believed to be Financial Freedom borrowers, or relatives of Financial Freedom borrowers. A representative excerpt from these letters reads, "As the daughter and heir of a Reverse Mortgage Borrower I can state with a certainty if the protections provided by this AB 1700 had been in place at the time of reverse mortgage origination my father would have understood his responsibility to ensure a reverse mortgage was suitable for his circumstances, if a reverse mortgage would meet his financial goals, provide financial security through his retirement and meet his goals for his estate and property upon his passing. Importantly, the AB1700 worksheet provides guidance to understand the consequences and risks and gives Borrowers and their family the necessary time to obtain professional financial and legal advice necessary before agreeing to a complex financial contract. After my two-year struggle with the financial institution to retain the family home after my father's passing, I feel it is crucial to require all family members to be involved in this process."

On January 8, 2015, *Fox 4* in Florida reported on the case of Mary Damacher, who chained her sister Michelle Ayers to a pipe in the home that was first purchased by their grandparents, then passed down to her mother, until Financial Freedom foreclosed on them. The sisters attempted to purchase the home, but were reportedly rebuffed in their efforts by Financial Freedom. "I've been preapproved for a mortgage and had all the paperwork taken care of to repurchase the home, and basically Financial Freedom and One West Bank has refused me the right to purchase my home," Mary said.²⁴

Mr. Michael Allen from Phoenix had testimony read into the record at the Public Hearing on February 26, 2015. He was frustrated in his attempts to purchase his mother's home. As he testified, "OneWest Bank (OWB) did not provide a Single Point of Contact nor provide any

²⁴ Lisa Greenberg, "NFM sisters chained to home to protest reverse mortgage," *Fox4*, January 8, 2015, at <http://www.jrn.com/fox4now/news/NFM-sisters-chained-to-home-to-protest-reverse-mortgage-287977331.html>



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guidance or instruction to help me satisfy the loan. I initiated all calls to OWB and spoke to a different person with a different story and different reason to deny my requests. OWB claimed they didn't get my documents time after time. THEY DID. OWB sent me a short sale packet twice after I wrote saying I wanted to pay the lesser amount of the loan balance. The appraised value was about \$35,000 more than the loan balance. On 11/3 I received notification that OWB had recorded a Notice of Trustee sale on September 29, approximately 3 months after my mother's death and 2 months after receipt of the repayment letter. I called OWB – they refused to postpone auction. The auction was cancelled with HUD intervention. OWB added foreclosure related legal fees and drive by appraisal fees to the payoff. My story is illustrative of OneWest Bank's violation of my right to repay the loan, the acceleration of foreclosure, and the related legal and appraisal fees of \$2,508.50 and an unidentified servicing advance of \$1,839.00 we did not receive."²⁵

Elizabeth Lavulo testified similarly about her attempts to purchase her grandmother's Utah home. She testified that OneWest did not provide a Single Point of Contact, lost documents, wrongly claimed she not have legal authority to speak to them or act on behalf of her grandmother's estate, accelerated foreclosure 4 months after her Grandmother's death, refused to honor her letter of intent to repay the loan and refused to grant her the HUD authorized time to obtain a new loan. OneWest three times wrongly attempted to auction the property within a 6 week period. These auctions were only stopped with hours to spare through HUD intervention. OWB refused to accept her certified funds and demanded additional legal fees because OWB chose to list the property for auction a 4th time. OWB's statement to escrow noted that "If the additional fees for listing the property for auction are not paid immediately OWB will return the certified funds and auction the property. According to Ms. Lavulo, "In order to close the loan I was forced to pay \$2,015.60 in foreclosure related costs and legal fees for the decision of OWB to accelerate foreclosure and auction 4 times."²⁶

Julie Cheney testified at the Public Hearing about her efforts to retain her parents' home. Ms. Cheney testified that her parents "were sold a Financial Freedom reverse mortgage they didn't need, while my dad was in the last month of his life, with terminal cancer, on narcotic pain medication, and my mother had Alzheimer's disease and could not complete a sentence. A month after dad's death we found the Financial Freedom loan docs and learned my parents

²⁵ Michael Allen, "TESTIMONY OF MICHAEL ALLEN: PUBLIC MEETING FEBRUARY 26, 2015, 8 AM to 4 PM, FEDERAL RESERVE BANK, LOS ANGELES BRANCH," February 26, 2015, available at: <https://calreinvest.wordpress.com/2015/03/05/financial-freedom-one-west-bank-no-single-point-of-contact-arizona-federal-reserve-cfpb-complaints/>

²⁶ Elizabeth Lavulo, "Testimony of Elizabeth Lavulo, PUBLIC MEETING FEBRUARY 26, 2015, 8 AM to 4 PM FEDERAL RESERVE BANK, LOS ANGELES BRANCH, February 26, 2015, available at: <https://calreinvest.wordpress.com/2015/03/05/delays-by-financial-freedom-reverse-mortgage-complaints/>



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received a lump sum of \$80,000 that sat untouched in their bank account. The nightmare began when we tried to give the money back to OneWest Bank 3 times over the course of a year after dad's death. OWB refused each time." She went on to testify that OneWest wrongfully foreclosed on the property three times, recorded false documents with the county recorder, failed to provide a Single Point Of Contact, inflated an appraisal in order to prevent her from exercising the 95% option, and charged unauthorized legal, service and foreclosure related fees to the loan payoff.²⁷

Noreen O'More struggled to honor her father's wish to keep his home of 50 years in the family. She testified that her father was a WW2, Korea & Viet Nam Veteran with 38 years military service. He got a reverse mortgage in 2002. He passed away in August of 2011. "We contacted OWB immediately after his death to repay the loan. We were never provided a Single Point of Contact. We could never talk to the same person twice, our questions were not answered and paperwork was always lost or missing. We submitted all the documentation requested by OWB and secured financing 3 months after my father's death. We called, emailed and faxed every week or two for status. OWB kept delaying with one excuse after another for more than 18 months. OWB delayed the repayment process for over 2 years forcing us to pay an additional \$89,000 due to increased property value. We closed the loan one day before the auction set by OWB."²⁸

Lisa Rinard could not secure OneWest/Financial Freedom's cooperation despite evidence that fraud was being perpetrated on her mother in law. In 2005, a caretaker began submitting draw requests to OWB without the knowledge of Ms. Rinard's mother in law. "OWB approved the forged draw requests without any verification that an 80 year old woman was suddenly withdrawing large amounts of money. The caretaker gave sworn testimony during a court hearing admitting to forging Mrs. Rinard's signature and taking money without her permission. Mrs. Rinard's bank investigated and concluded fraud had occurred by the caretaker. We notified OWB three times of the forged withdrawals in the amount of \$198,504.85. When we requested a refund, OWB denied they had acknowledged fraud and refused to speak to us without a POA. OWB refused to speak to us without a conservatorship which cost us \$6,000. OWB continued to deny fraud and foreclosed. Because of OWB's refusal to refund any of the fraudulent funds, Mrs. Rinard was forced to live the last years of her life on Medi-Cal in a nursing home funded by

²⁷ Julie Cheney, "Testimony of Julie Cheney, PUBLIC MEETING FEBRUARY 26, 2015, 8 AM to 4 PM FEDERAL RESERVE BANK, LOS ANGELES BRANCH, February 26, 2015, available at: <https://calreinvest.wordpress.com/2015/03/05/inside-financial-freedom-one-west-bank-reverse-mortgage-nightmare-one-familiys-story-federal-reserve-office-of-the-comptroller-of-the-currency/>

²⁸ Noreen O'More, "TESTIMONY OF NOREEN O'MORE: PUBLIC MEETING FEBRUARY 26, 2015, 8 AM to 4 PM, FEDERAL RESERVE BANK, LOS ANGELES BRANCH, February 26, 2015, available at: <https://calreinvest.wordpress.com/2015/03/05/financial-freedom-onewest-bank-reverse-mortgage-delays-hurt-california-family-federal-reserve/>



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taxpayer dollars. OWB either submitted a claim to HUD for FHA insurance benefits or to the FDIC for the loss share agreement.²⁹

Nearly every consumer who testified at the public hearing cited a lack of a single contact at Financial Freedom, multiple mixed messages from Financial Freedom staff, and numerous bank-created obstacles in attempting to keep their homes.

We understand that FF may also have denied heirs the ability to pursue deeds in lieu, in addition to denying heirs the ability to purchase the property. The following is a timeline of one such heir, provided by one HECM counselor who indicated seeing approximately five similar cases where Financial Freedom would not allow a deceased borrower's heirs to purchase the home or even secure a deed in lieu:

Heir's experience in trying to work with Financial Freedom to purchase family home

- 11/4/2013 : __ passed away
- 11/20/2013 : __ appointed as Representative
- 12/26/2013 : First letter received from Financial Freedom dated 12/12/13
- 12/26/2013: _ family met with _ and faxed the Proposed HECM Repayment Schedule to Financial Freedom, and mailed hard copy. Estate proposed to obtain financing for the family living in the home, or put the home up for sale in January 2014.
- 2/2/2014: The estate listed the home with a realtor for sale. (See the MLS service records for the State of Utah)
- 2/28/2014: Financial Freedom's attorney filed the Notice of Default and Substitution of Trustee. No contact was made by Financial Freedom or the attorney to the estate for an updated status prior to the NOD being filed.
- 3/12/2014: Estate heirs met with _ to complete an application for refinance in the event a sale was not forthcoming.
- 3/25/2014: Heirs received a copy of the Notice of Default. _ sent a certified letter to the foreclosing attorney that the NOD filing was premature as the estate had been doing all that was required. We requested they cancel the NOD filing, and copies of this correspondence were provided to Financial Freedom and HUD.
- 4/22/2014: Heirs received a letter from Financial Freedom stating that they had received our letter of 3/25, but they did not have authorization to release information to our office. The representative for the estate, _ came into our office and signed an

²⁹ Lisa Rinard, TESTIMONY OF LISA RINARD: PUBLIC MEETING FEBRUARY 26, 2015, 8 AM to 4 PM, FEDERAL RESERVE BANK, LOS ANGELES BRANCH, February 26, 2015, available at <https://calreinvest.wordpress.com/2015/03/05/one-west-bank-reverse-mortgage-fraud-hurts-california-senior/>



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authorization which was provided to Financial Freedom via fax on 4/25/2014, along with executed listing agreement with __, dated 4/24/2014 and the recorded Deed to the property. These items were requested by Financial Freedom to be included with the authorization form. They were faxed to 866-574-0094, attention Corey.

- 6/12/2014: No offers were received on the home, so the heirs residing in the home collected all required information for a refinance and went into __ and completed an application. Since no offers on the home had been received, they wanted to be able to meet the original time frame allotted to pay off __ existing HECM loan. They were preapproved at that time.
- 6/18/2014: Heirs came home to a Notice of Trustee's Sale on the door of the home, reflecting a posted sale date of July 11, 2014.
- 6/23/2014: __ contacted Financial Freedom as to why the Notice of Trustee's Sale had been posted when they had been made aware of what the estate's intentions were, and their efforts since his death. We were advised that the submission on 03/25 was missing 2 additional items, therefore, they had not processed a request to postpone. When asked who in the estate was contacted about the needed items, we were advised that no one was because that is not the responsibility of Financial Freedom and is the responsibility of the Estate. We asked then what two items were needed and were told to provide the Letter of Intent from the Estate and the Listing Agreement. Both were faxed to the Maturity Department at Financial Freedom, 866-447-2022 that same day.
- 7/1/2014 : __ contacted Financial Freedom to determine that they had received all the required information to postpone the sale and allow the estate's heirs to complete their refinance, as all was approved and we would be closing, but not until after the 7/11 sale date. We were told the sale had NOT been postponed, and they required authorization to speak with us. Advised that they had it and refaxed it. Called back in and was told Financial Freedom had no intentions of postponing the sale. Called and talked with Fannie Mae, the investor.
- 7/10/2014: Phoned Financial Freedom to make sure the sale set for 7/11 had been postponed; was told it was not. Also phoned Fannie Mae and was told that the Heirs needed to file Bankruptcy on the estate of the deceased.
- 7/10/2014: One of the heirs on title to the home filed for bankruptcy protection after the attorney told them they could not file on an estate to stop the sale set for 7/11. The prior loan refinance approval became null and void with the bankruptcy filing. The estate opted to lower the sales price to move the home as quickly as possible.
- 7/15/2014: Received a letter via __ sent by FEDEX to her advising that Financial Freedom had "decided" to postpone the sale to 8/25/2014. No mention was made of the bankruptcy stay in effect.



CALIFORNIA REINVESTMENT COALITION

- 8/3/2014: Estate received and accepted an offer to purchase at a price that would pay off the Financial Freedom loan in full. The offer was submitted to Financial Freedom with advice that since the payoff would be in full, no short sale approval or review was necessary. The purchase contract reflected a closing date of 9/9/2014, so we asked at that time if this closing date would be acceptable. We were advised that since a bankruptcy stay was in effect, this should be acceptable.
- 8/22/2014: contacted Financial Freedom after receiving a payoff stating that there was a foreclosure sale set for 8/25. We were again advised that a bankruptcy stay was on the home and the sale for 8/25 would not be held.
- 8/25/2014: At the urging of the heirs in the home, we again called Financial Freedom to make certain that the foreclosure sale had been canceled, and again, were told that the property was under bankruptcy protection and the sale would not be held that day.
- 8/26/2014 I found out from Financial Freedom that the property had been sold to a 3rd party when I called to find out what date the sale had been postponed to.

5e. Financial Freedom’s numerous foreclosures come in the context of problematic servicing practices and performance regarding reverse mortgage loans.

OneWest’s Financial Freedom reverse mortgage servicer affiliate continues to be the subject of reports suggesting potential abuses and community harm.

Problematic Servicing: Testimony of Sandy Jolley. Sandy Jolley, a reverse mortgage and abuse consultant working with a large number of reverse mortgage borrowers and their families, has submitted a number of comment letters outlining various servicing abuses by Financial Freedom. In her most recent comment letter, she addresses “the most egregiously harmful practices, specifically: Consumer Comment Letters & Testimony, Consumer Complaints, Single Point of Contact, Legal Authority, Repayment of loans, and Consent Orders. All Statements in this comment letter are supported by physical evidence.”

In discussing wrongful foreclosures, acceleration of foreclosures, and padding foreclosure costs, Ms. Jolley testifies, “**One of the unvarying aggressive business practices of OWB is to (fast track) foreclosure and set auctions outside HUD guidance.** Consumers who are in compliance with regulations and attempting to exercise their rights report initiation of foreclosure as soon as 30 to 90 days after the death of the borrower. Some consumer’s receive a pre-foreclosure letter at the same time as the repayment letter. OneWest *always initiates foreclosure months prior to the expiration of time allowed by HUD regulations.*”

“The most common question I get from consumers is, “Why won’t Financial Freedom let me pay off the loan? They would get their money.”



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“The answer is simple-it is more profitable for **OneWest to foreclose and add on thousands and thousands of dollars in foreclosure related legal fees and other costs to inflate their FHA claim and/or the consumer payoff.**”³⁰

Problematic Servicing: Testimony of Bet Tzedek Legal Services. At the Public Hearing in Los Angeles on February 26, 2015, Rachel Mehlsak of Bet Tzedek Legal Services testified, “My colleagues and I have seen firsthand the distress caused by OneWest Bank in its rush to pursue foreclosure, particularly against elderly clients with reverse mortgages serviced by its Financial Freedom division. One elderly Bet Tzedek client was threatened with foreclosure by Financial Freedom for not making repairs to her home. But the client’s original lender, IndyMac, had refused to release the funds that were set aside for the repairs, effectively preventing the client from making the repairs and then punishing her for not doing it. Moreover, Financial Freedom had let the client’s affordable hazard insurance lapse, and then force-placed her with a OneWest-affiliated company at an exorbitantly higher rate.

“Another client I worked with had lived in her home for over 40 years. She is elderly, disabled, and supports her daughter and four minor grandchildren on just her monthly Social Security income. After her husband died, she had trouble maintaining her property tax payments, and OneWest, the parent company of her reverse mortgage lender, Financial Freedom, threatened to foreclose. Eventually, OneWest initiated foreclosure against the client’s home one month sooner than HUD guidelines required. OneWest did so even though HUD had just announced a 60-day extension of its foreclosure timeframes for surviving spouses like my client and even though I had asked Financial Freedom multiple times to postpone the foreclosure proceedings. I was able to help the client obtain a one-month extension of the foreclosure – an outcome she wouldn’t have received without representation – but ultimately OneWest went through with the foreclosure sale. **Three generations of my client’s family were kicked out of their home for less than \$1300 owed to Financial Freedom** (emphasis added).”³¹

Problematic Servicing: Ratings Agency Reports. In March of 2014, Moody’s reported that “Financial Freedom continued to underperform in certain performance metrics related to its call center and assignment pipeline. The reverse mortgage servicer’s abandonment rates and average speeds of answer were poor....Financial Freedom serviced 120,488 reverse mortgages for \$22.7 billion as of January 31.” In September 2014, Fitch’s Negative Outlook of FF “predominantly reflects uncertainties relating to the pending sale of the servicing platform and

³⁰ Sandy Jolley, “Continuing opposition to CIT Group application to acquire IMB and OneWest Bank and to merge One West Bank and C1TBank: CIT/One West Bank Response to Federal Reserve Bank “Request for Additional Information,” May 12, 2015.

³¹ Rachel Mehlsak, “Testimony regarding CIT Group/OneWest before JOINT PUBLIC MEETING Held by the Federal Reserve and the Office of the Comptroller of the Currency,” February 26, 2015, available at: <https://calreinvest.wordpress.com/2015/03/02/bet-tzedek-testimony-at-onewest-cit-group-merger-federal-reserve-hearing-office-of-the-comptroller-of-the-currency/>



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Fitch’s concerns that the servicing operation could deteriorate while the pending sale remains unresolved.”

In other words, when Financial Freedom borrowers, non-borrower spouses, and heirs call Financial Freedom, they will likely be subject to long wait times to speak with a human, and due to Financial Freedom’s lack of capacity, the number of people who eventually hang up without speaking to a live person is higher than their industry peers.

6) OneWest has been arbitrary in the use of its discretion in servicing reverse mortgages and negatively impacts seniors

CRC is concerned about OneWest’s use and abuse of discretion in the context of reverse mortgage servicing, and otherwise. In at least two recent instances, HUD gave servicers discretion, first in offering NBS an alternative to foreclosure under Mortgagee Letter 2015-3, and then the discretion to postpone NBS foreclosure sales for 60 days after its rescission of the mortgagee letter. CRC is aware of at least one homeowner that Financial Freedom appears to have chosen not to assist, while perhaps exercising its discretion to help others. This borrower happened to testify against OneWest at the public hearing. We further understand that Financial Freedom did not grant the recent 60 day extension to all homeowners.

This is consistent with the testimony of Rachel Mehlsak of Bet Tzedek, discussed more fully above, that Financial Freedom would not offer her client a 60 day extension of the foreclosure timeline that HUD had authorized servicers to give previously. We would hope OneWest, Financial Freedom and all servicers would refrain from ALL foreclosures on Non Borrower Spouses until a consumer friendly policy can be crafted. But on what legitimate basis can a servicer of HECM loans agree to postpone foreclosures for some consumers, but refuse to do so for other, similarly situated consumers? **The regulators should investigate whether OneWest improperly retaliated against one or more of its homeowners, and whether OneWest is exercising servicing discretion in an arbitrary fashion and in a manner that may violate fair housing and/or fair lending laws.**

The new Mortgagee Letter appears to allow mortgagees to provide Non Borrower Spouses a path to remain in their homes for the rest of their lives, and provides mortgagees 120 days to take action. Financial Freedom and OneWest should be required to commit that for ALL (not only those it chooses to help, or those who did not testify against the bank merger, etc.) qualified Non Borrower Spouses, OWB and FF will work to keep NBS in their homes via the Mortgagee Option Election, and that in no event will they move to foreclose on ANY Non Borrower Spouse within the next 120 days. In essence, they must commit to a moratorium on



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foreclosures of NBS for at least 120 days, and commit to offer the MOE to all qualified borrowers so that every qualified NBS can remain in their homes through the rest of their days, as they and their deceased spouses intended and expected.

Enabling other abuse of seniors. In addition to the above cited cases, particularly that of Ms. Rinard, whose mother-in-law, Millie Minard was foreclosed despite her family presenting documented evidence of fraud to Financial Freedom, CRC also noted in a prior comment letter another example of OneWest failings having a severe impact on a senior. Specifically, Paul Greenwood, Deputy District Attorney and Head of Elder Abuse Prosecutions for the San Diego District Attorney's office, shared and lamented a "preventable crime" involving an 84-year-old OneWest Bank customer who was fleeced of \$300,000 in a mere 5 days as OneWest allowed him to repeatedly wire transfer thousands of dollars at a time from his account to a foreign bank. In the words of Deputy D.A. Greenwood, "Why would a branch of a bank allow an 84 year old gentleman [who has been a customer for over 20 years] to wire transfer to foreign banks an amount of \$50,000, then \$42,500, then \$40,000, then \$65,000, and finally \$98,000 on separate days and in separate transactions? And that same customer has NEVER before wire transferred like that in his entire banking experience." As Deputy D.A. Greenwood noted, "California implemented a law in 2007 establishing that every bank teller in the state was a mandatory reporter of suspected financial elder abuse. But is it effective; is it enough?"

Conclusion

In summary, we believe that public testimony, public and private data, and other evidence support the need for federal regulators to conduct an investigation into potential fair housing and fair lending violations by OneWest Bank and its affiliates.

In the meantime, we renew our opposition to this proposed merger, as currently structured, and urge the Federal Reserve and the OCC to reject these merger applications as the banks in question have clearly not met community credit needs, and this merger will provide no public benefit.

This merger application is characterized by too much opposition, too many fair lending and fair housing concerns, too much harm, too many foreclosures, too much secrecy, too much public subsidy, too much systemic risk, and too little reinvestment. The regulators cannot approve of this merger without conducting a fair housing and fair lending investigation, and without imposing substantial conditions in order to ensure that more homeowners do not unnecessarily



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lose their homes, that certain consumers are not disproportionately impacted, and that communities and the public will benefit.

If the Federal Reserve and the OCC will not exercise their authority to reject a merger as problematic as this one, will they ever?

Thank you for your consideration of these views. Please feel free to contact us at (415) 864-3980 if you wish to discuss this matter further.

Very Truly Yours,

Kevin Stein
Associate Director

Paulina Gonzalez
Executive Director

cc: Jan Owen, Commissioner, California Department of Business Oversight
Ivan J. Hurwitz, Vice President, FRB NY, comments.applications@ny.frb.org
David Finnegan, Office of the Comptroller of the Currency, WE.Licensing@occ.treas.gov

**APPENDIX I:
OWB/IMB/FF CALIFORNIA
FORECLOSURE DATA: APRIL
2009-APRIL 2015**

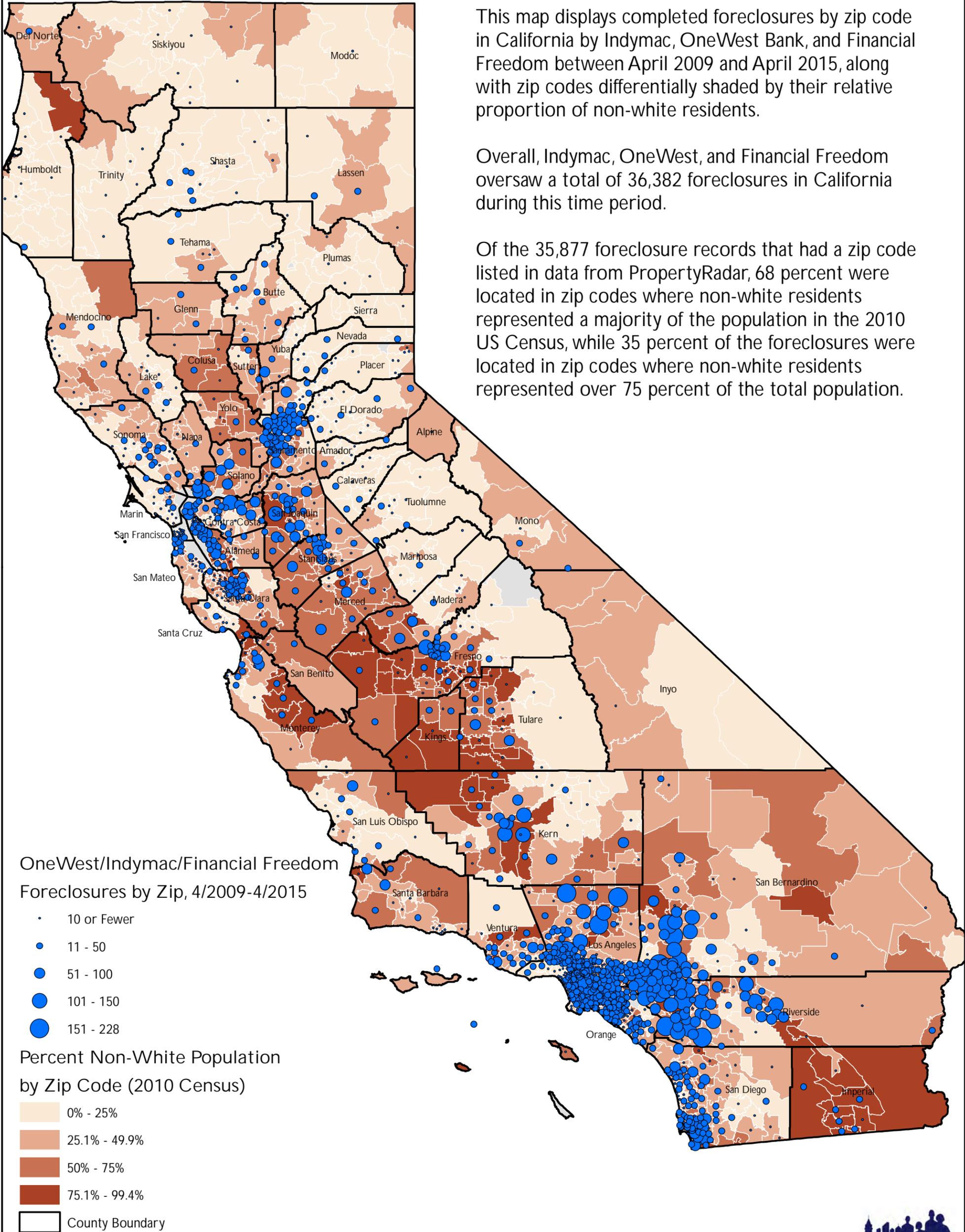
Indymac, OneWest, & Financial Freedom Foreclosures with Non-White Population, by Zip Code



This map displays completed foreclosures by zip code in California by Indymac, OneWest Bank, and Financial Freedom between April 2009 and April 2015, along with zip codes differentially shaded by their relative proportion of non-white residents.

Overall, Indymac, OneWest, and Financial Freedom oversaw a total of 36,382 foreclosures in California during this time period.

Of the 35,877 foreclosure records that had a zip code listed in data from PropertyRadar, 68 percent were located in zip codes where non-white residents represented a majority of the population in the 2010 US Census, while 35 percent of the foreclosures were located in zip codes where non-white residents represented over 75 percent of the total population.



OneWest/Indymac/Financial Freedom Foreclosures by Zip, 4/2009-4/2015

- 10 or Fewer
- 11 - 50
- 51 - 100
- 101 - 150
- 151 - 228

Percent Non-White Population by Zip Code (2010 Census)

- 0% - 25%
- 25.1% - 49.9%
- 50% - 75%
- 75.1% - 99.4%
- County Boundary

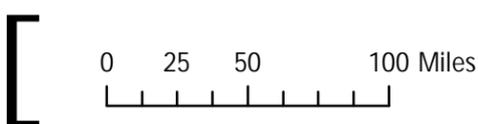


Chart 1: Total Number of California foreclosures by OneWest Bank + Financial Freedom from April 2009 to April 2015

OneWest	Indymac	OneWest and Indymac	Financial Freedom	All
16,113	17,810	33,923	2,459	36,382

Chart 2: Top 10 Counties for OneWest Foreclosures in California (excluding Financial Freedom foreclosures) from April 2009- April 2015

County	Indymac	OneWest	Total	Percent of total CA OneWest foreclosures (excluding Financial Freedom)
LOS ANGELES	4,216	3,703	7,919	23%
RIVERSIDE	2,191	2,106	4,297	13%
SAN BERNARDINO	1,795	1,890	3,685	11%
SAN DIEGO	1,185	1,138	2,323	7%
ORANGE	1,004	843	1,847	5%
SACRAMENTO	1,138	436	1,574	5%
KERN	475	572	1,047	3%
ALAMEDA	437	504	941	3%
CONTRA COSTA	725	207	932	3%
Total	13,166	11,399	24,565	72%

Source: Analysis of PropertyRadar data by Urban Strategies Council.



**Chart 3: Top 10 Cities
for OneWest
Foreclosures (excluding
Financial Freedom) in
California from April
2009-April 2015**

City	Indymac	OneWest	Total	Percent of total
LOS ANGELES	797	755	1,552	5%
SACRAMENTO	614	247	861	3%
SAN DIEGO	379	386	765	2%
BAKERSFIELD	332	377	709	2%
RIVERSIDE	316	306	622	2%
FRESNO	278	305	583	2%
SAN JOSE	300	228	528	2%
FONTANA	241	225	466	1%
PALMDALE	276	187	463	1%
Total	3533	3016	6,549	19%

*Source: Analysis of
PropertyRadar data by
Urban Strategies
Council.*



Chart 4: Top Ten Counties for Financial Freedom Foreclosures in California from April 2009 to April 2015

County	Financial Freedom Foreclosures	Percent of total Financial Freedom Foreclosures
LOS ANGELES	498	20%
SAN BERNARDINO	287	12%
RIVERSIDE	267	11%
SACRAMENTO	200	8%
SAN DIEGO	187	8%
KERN	123	5%
ORANGE	102	4%
FRESNO	83	3%
SAN JOAQUIN	68	3%
Total	1815	74%

Source: Analysis of PropertyRadar data by Urban Strategies Council.



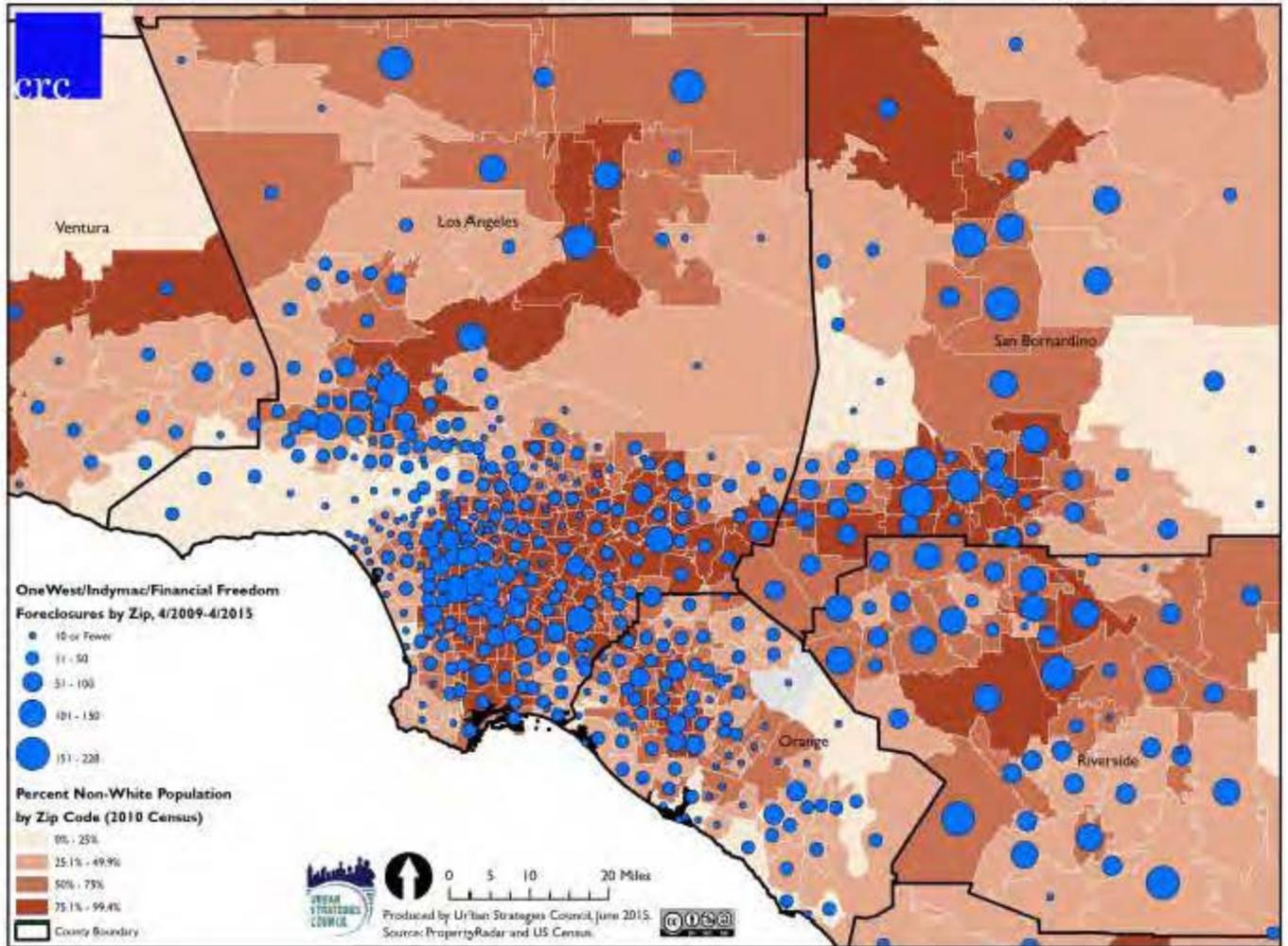
**Chart 5: Top Ten Cities for
Financial Freedom
Foreclosures in California from
April 2009 to April 2015**

City	Financial Freedom Foreclosures	Percent of total Financial Freedom Foreclosures
LOS ANGELES	181	7%
SACRAMENTO	115	5%
BAKERSFIELD	73	3%
SAN DIEGO	72	3%
FRESNO	63	3%
COMPTON	43	2%
STOCKTON	42	2%
OAKLAND	40	2%
APPLE VALLEY	39	2%
Total	668	27%

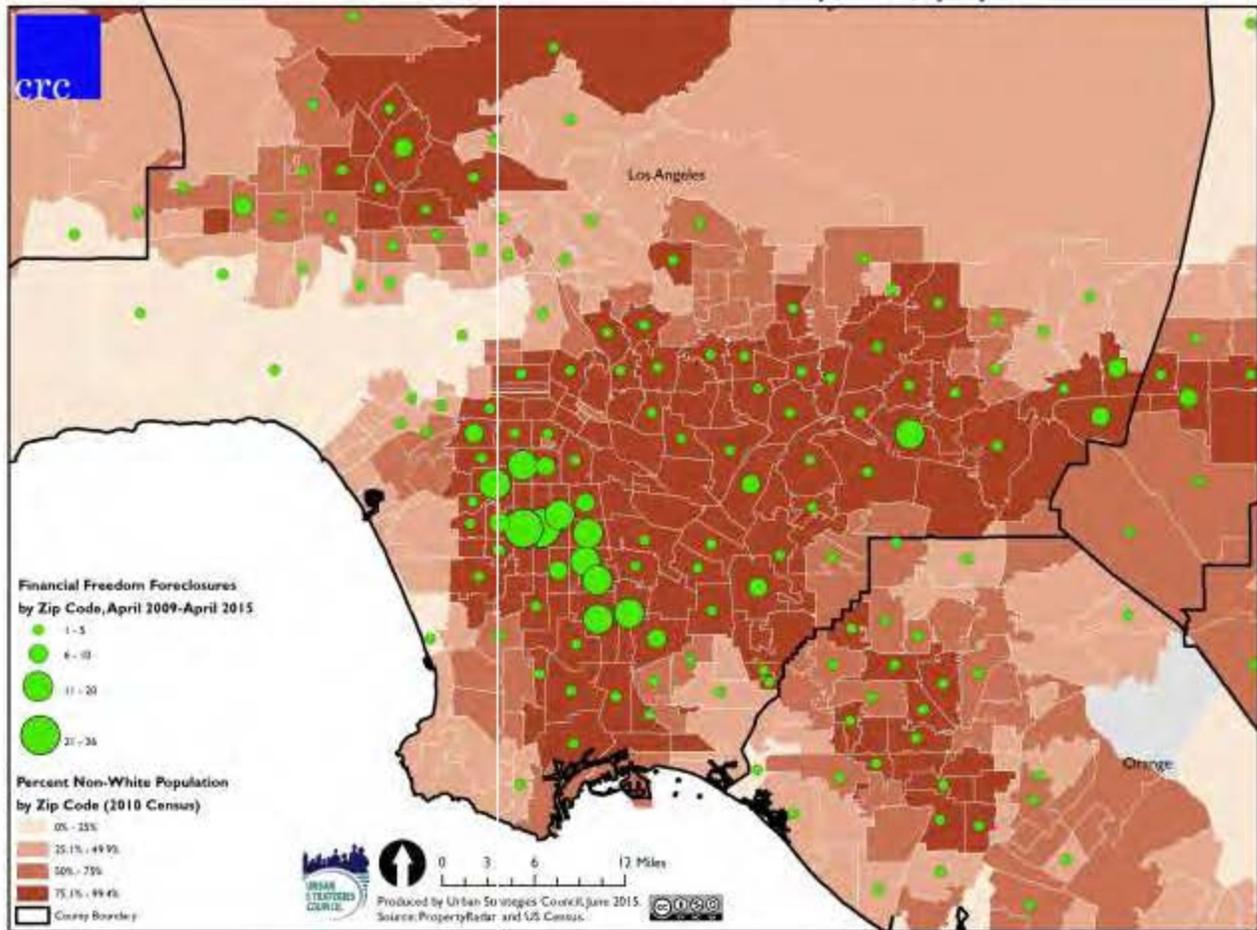
*Source: Analysis of
PropertyRadar data by Urban
Strategies Council.*



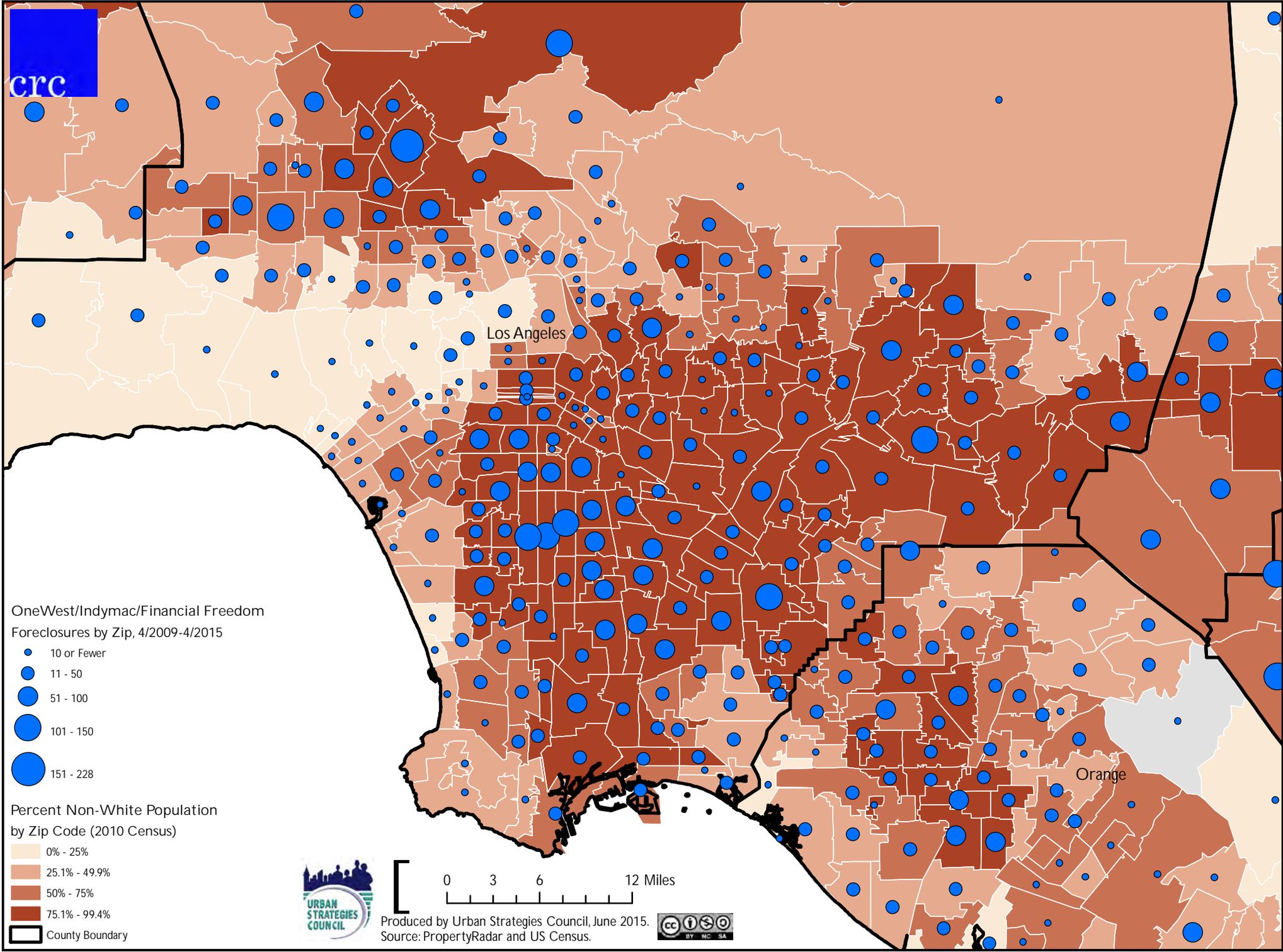
Indymac, OneWest, & Financial Freedom Foreclosures with Non-White Population, by Zip Code



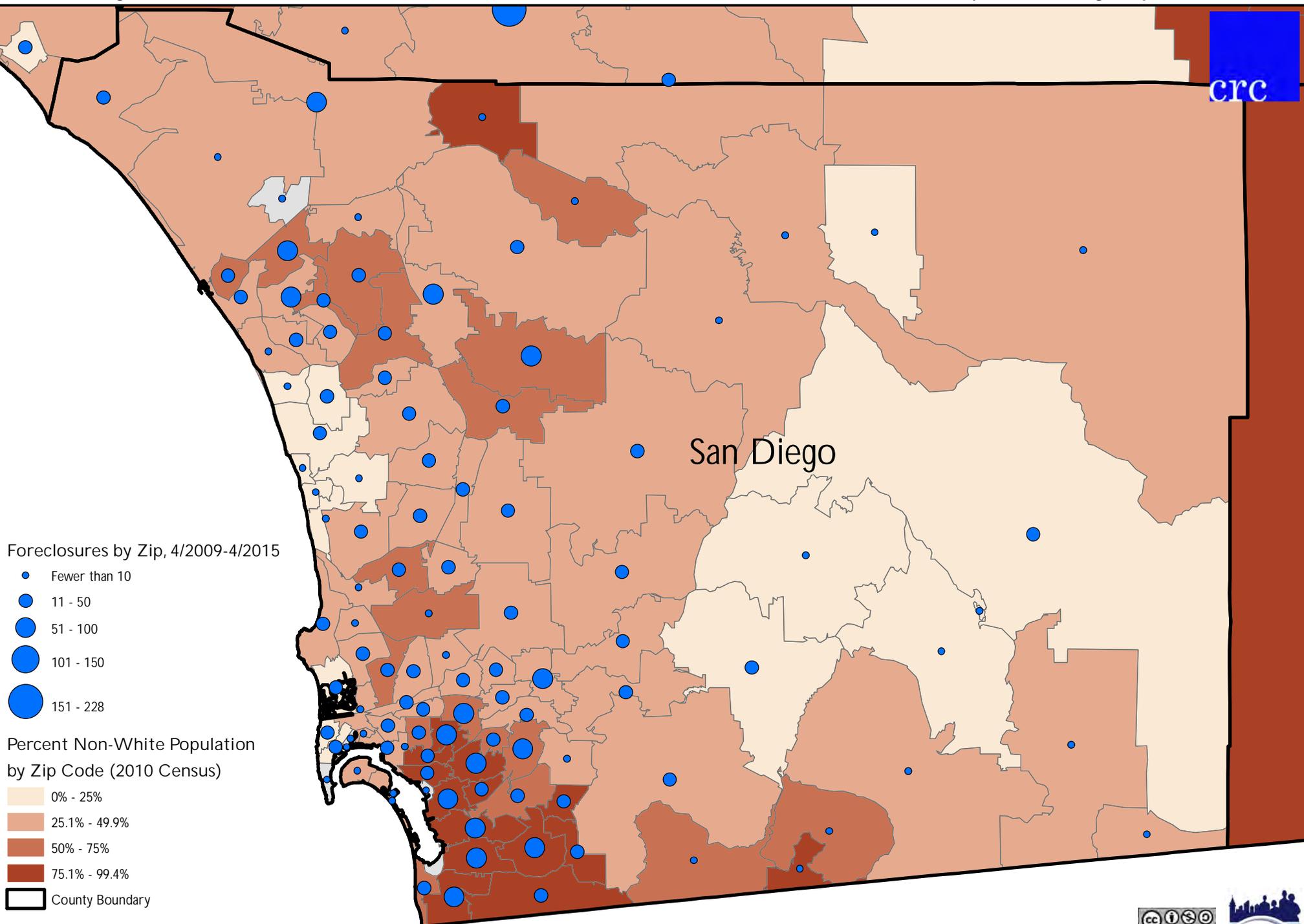
Financial Freedom Foreclosures with Non-White Population, by Zip Code



Indymac, OneWest, & Financial Freedom Foreclosures with Non-White Population, by Zip Code



Indymac, OneWest, & Financial Freedom Foreclosures with Non-White Population, by Zip Code



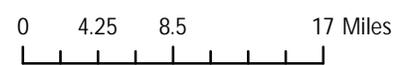
Foreclosures by Zip, 4/2009-4/2015

- Fewer than 10
- 11 - 50
- 51 - 100
- 101 - 150
- 151 - 228

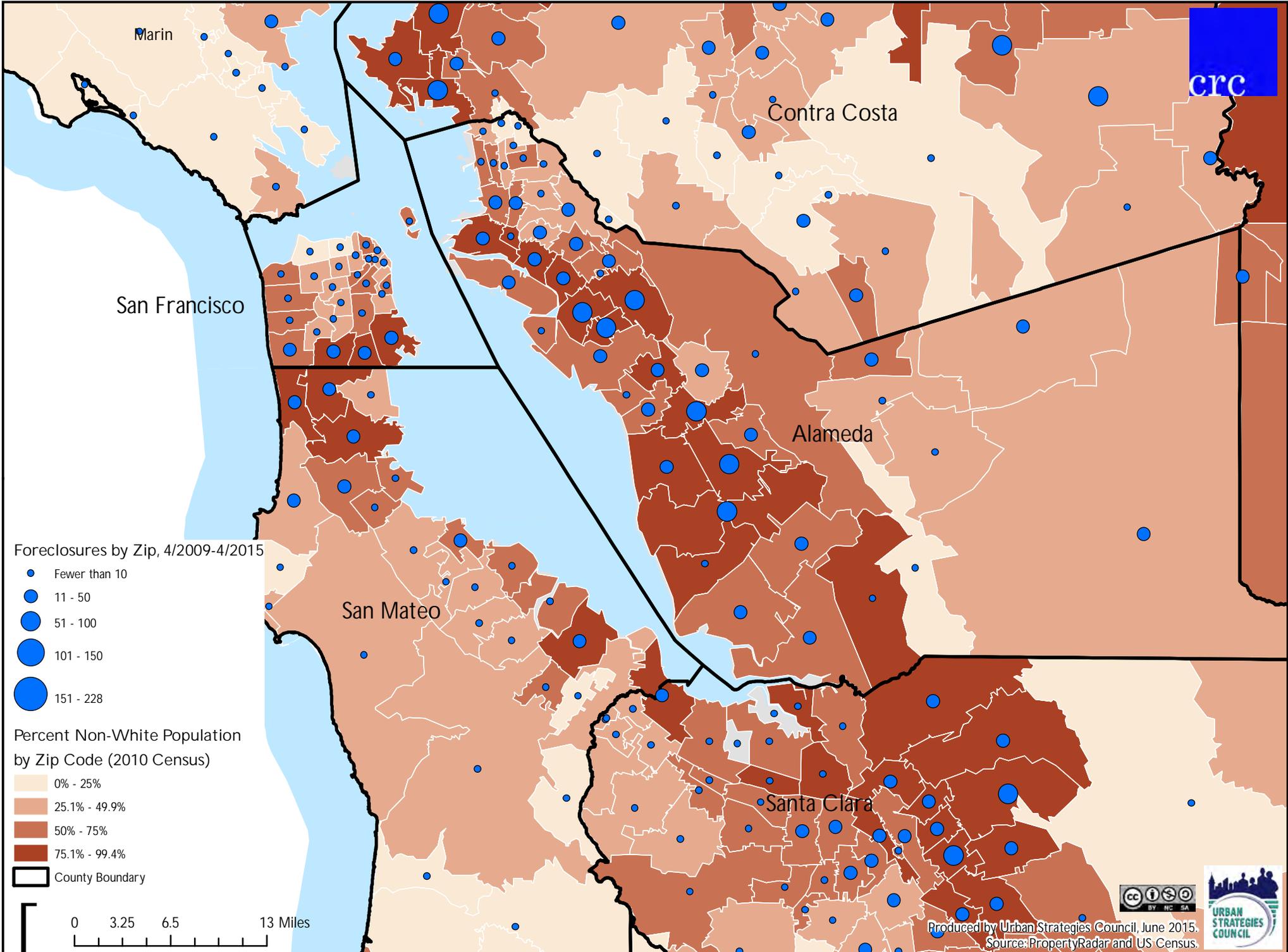
Percent Non-White Population by Zip Code (2010 Census)

- 0% - 25%
- 25.1% - 49.9%
- 50% - 75%
- 75.1% - 99.4%

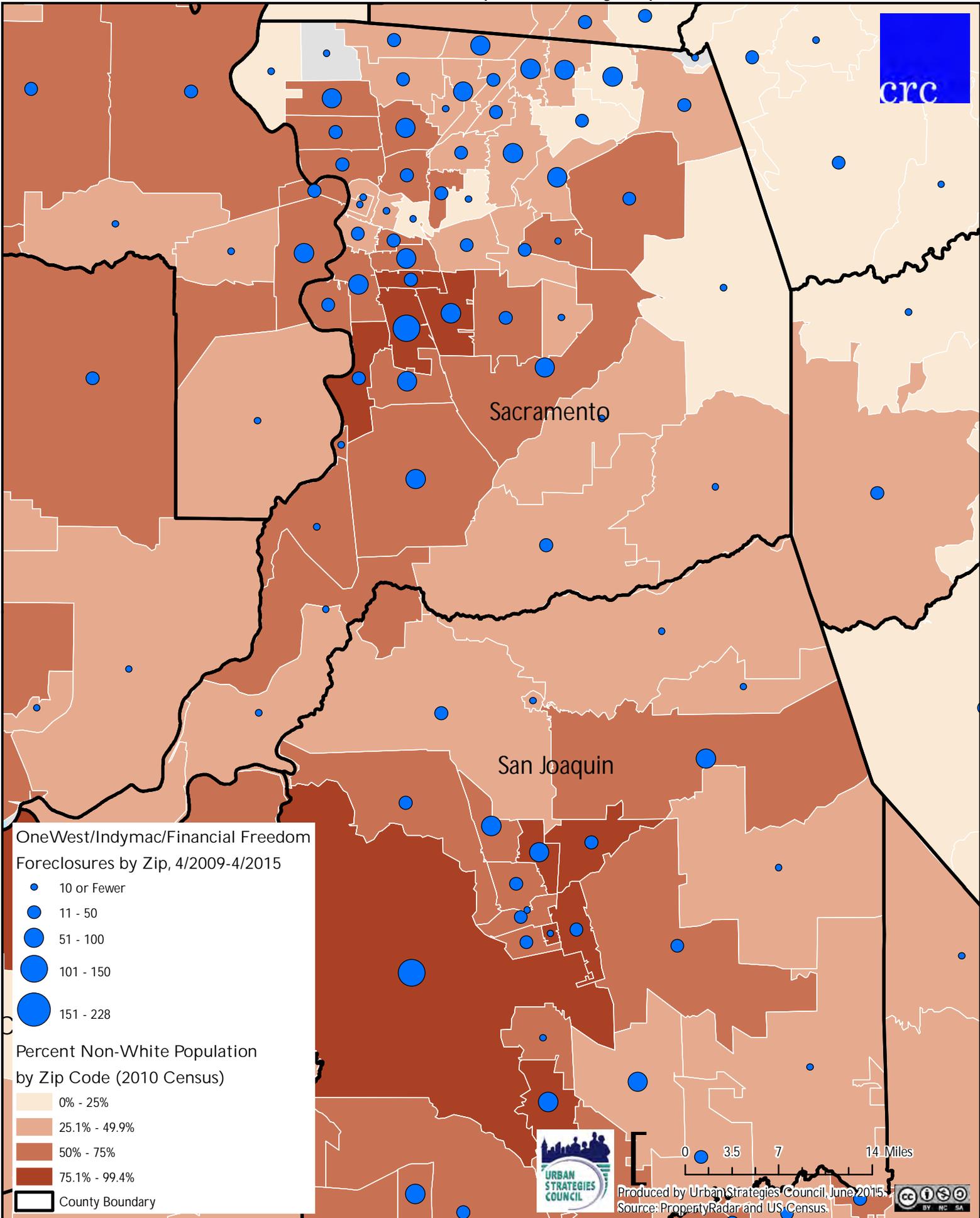
County Boundary



Indymac, OneWest, & Financial Freedom Foreclosures with Non-White Population, by Zip Code



Indymac, OneWest, & Financial Freedom Foreclosures with Non-White Population, by Zip Code

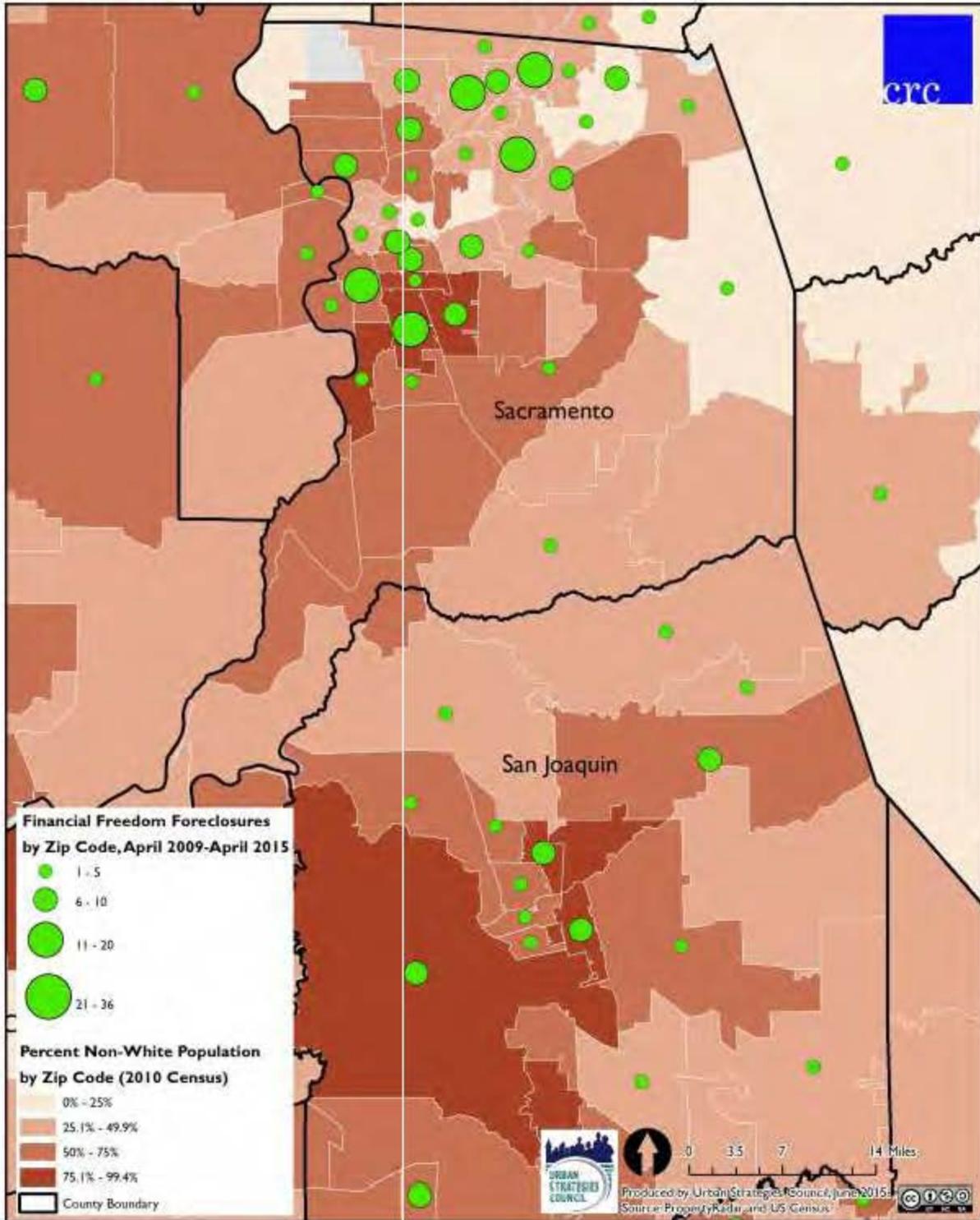


0 3.5 7 14 Miles

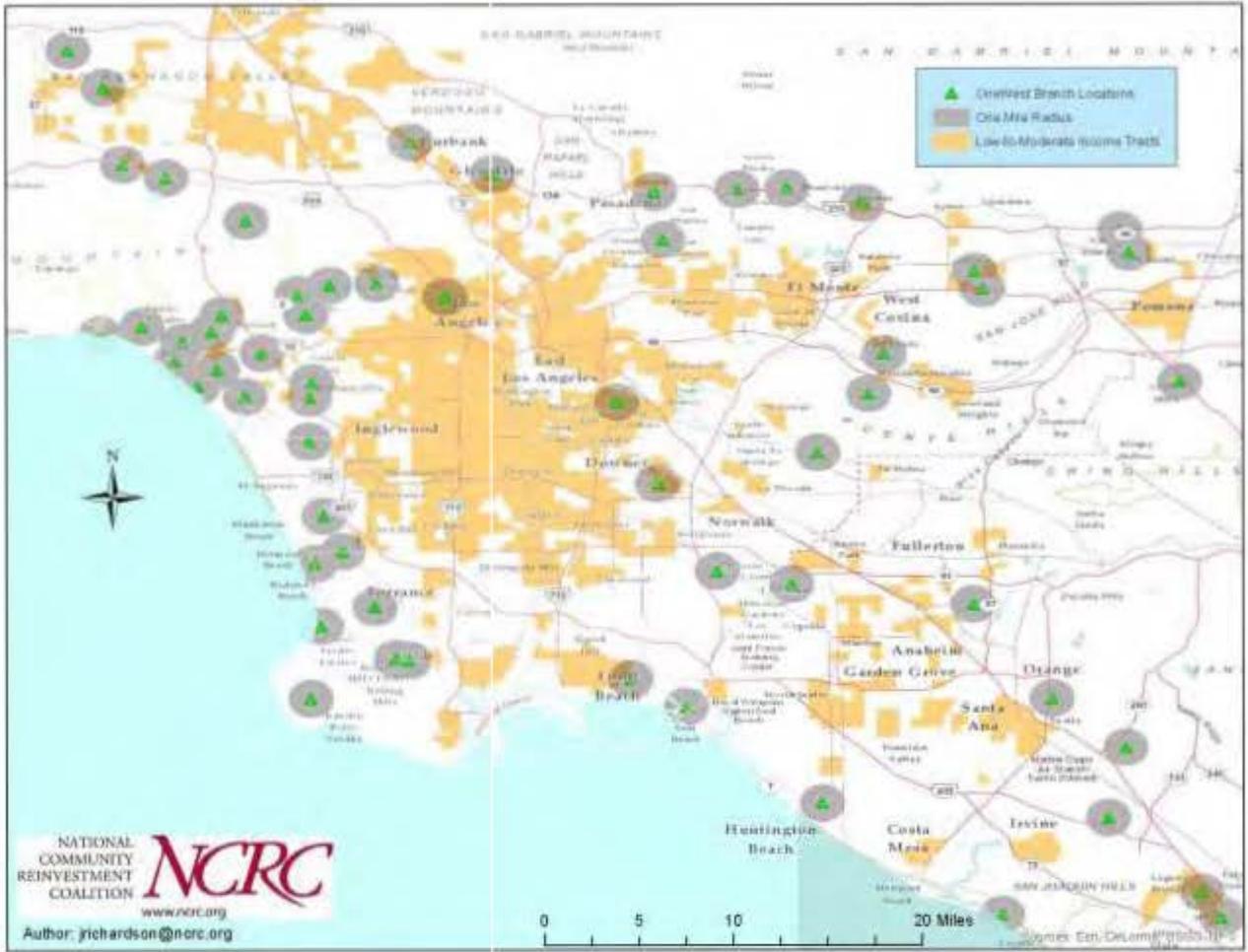
Produced by Urban Strategies Council, June 2015.
Source: PropertyRadar and US Census.

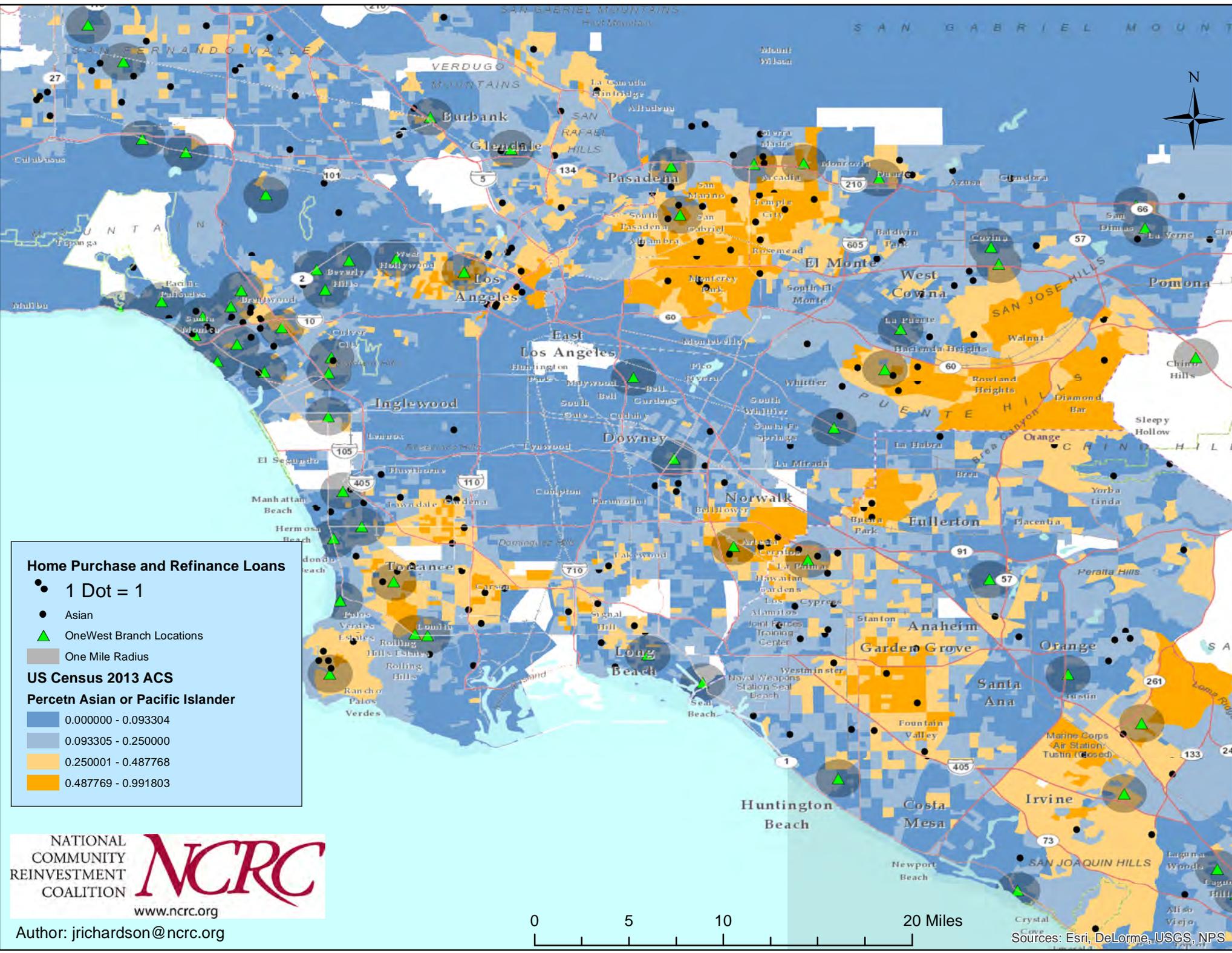


Financial Freedom Foreclosures with Non-White Population, by Zip Code



**APPENDIX II:
OWB CALIFORNIA BRANCH
MAPS BY RACE AND INCOME
OF CENSUS TRACTS
PREPARED BY NCRC**





Home Purchase and Refinance Loans

- 1 Dot = 1
- Asian
- ▲ OneWest Branch Locations
- One Mile Radius

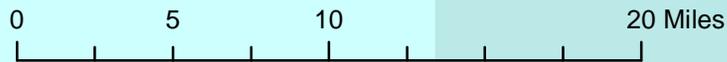
US Census 2013 ACS

Percetrn Asian or Pacific Islander

- 0.000000 - 0.093304
- 0.093305 - 0.250000
- 0.250001 - 0.487768
- 0.487769 - 0.991803



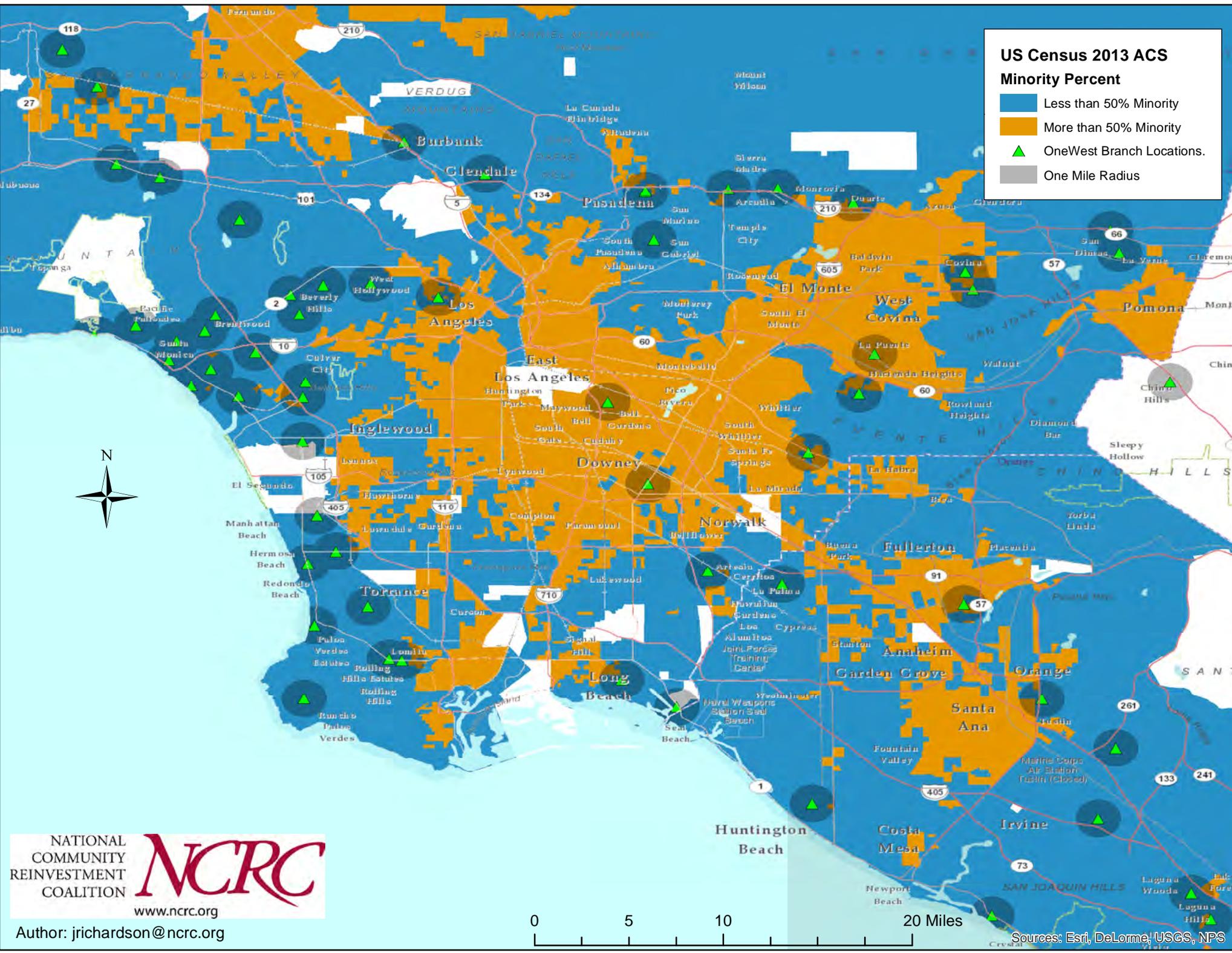
Author: jrRichardson@ncrc.org



Sources: Esri, DeLorme, USGS, NPS

**US Census 2013 ACS
Minority Percent**

- Less than 50% Minority
- More than 50% Minority
- OneWest Branch Locations.
- One Mile Radius

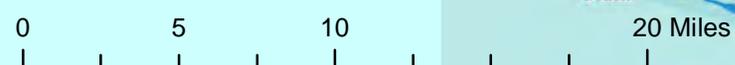


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NCRRC

www.ncrc.org

Author: jrRichardson@ncrc.org



Sources: Esri, DeLorme, USGS, NPS

From: NEONSUNSET@aol.com
To: salleys@sullcrom.com; autent@sullcrom.com; [Hurwitz, Ivan](#); [Steffey, Brian](#); adamj.cohen@frb.gov; [Bae, Phillip](#); [NY Banksup Applications Comments](#); WE.Licensing@occ.treas.gov; David.Finnegan@occ.treas.gov
Cc: neonsunset@aol.com
Subject: URGENT STOP ONE WEST BANK Sale Review to CIT Group URGENT Fed. Qui Tam
Date: Friday, June 19, 2015 12:17:54 PM

FOR CHAIR OF U.S. HOUSE COMMITTEE ON FINANCIAL SERVICES-- U.S. CONGRESSMAN JEB HENSARLING'S REVIEW AND ACTION 6-17-15

From: NEONSUNSET@aol.com
To: salleys@sullcrom.com; autent@sullcrom.com

Sent: 6/17/2015
Subj: URGENT..CEASE AND DESIST on One West Bank sale to CIT Group

June 17, 2015

Mr. Stephen M. Salley, Esq. [and law firm partners/associates]
Sullivan and Cromwell LLP
Via email and Certified Mail *email* salleys@sullcrom.com

Re: CIT Group Inc. Proposed Acquisition of IMB Holdco LLC –One West Bank; Responses with Additional Information Bounced Back Unaddressed; Collaboration in Hastened, Expedited Illegal Foreclosures on Federal *qui tam* witnesses/victim.

Dear Mr. Salley:

As a victim of One West Bank's racketeering theft scheme, I just received my 6th rejection letter from the Federal Reserve Bank of NY, *et al*, REFUSING to acknowledge in any respect my victims group's efforts to point out the false information that you have presented to the Federal Reserve and the OCC. I also note again that no one from the Federal Reserve Bank of NY and the OCC has made any follow up contacts with us to gather additional "victim information" in response to your untrue offerings to their formal records. My unsuccessful efforts to "correct the record" are based on some letters by you on behalf of your clients, CIT Group Inc. and Carbon Merger Sub LLC (together, the "Applicants"), as responses, prepared by the Applicants, to the Board of Governors of the Federal Reserve System (the "Board") [requesting additional information with respect to the Applicants' application, dated August 20, 2014, to the Board in connection with the Applicants' proposed acquisition of IMB Holdco LLC and certain related transactions (the "Application")].

Our Group of over 450 victims of One West Bank's fraud scheme object to the charade, masquerade, and shell game that you, your law firm partners, your client CIT Group, and One West Bank are perpetrating on the public in order to enhance the scheme to drain Billions more out of the national treasury to further bilk the taxpayers. Not only is **criminal**

racketeering involved BUT also forms of treason that we have just uncovered.

Inappropriate Relationship

As several national journalists have noted in May 2015, there is an inappropriate relationship between the regulators and your clients. Here in California, such inappropriate relationships between the **regulator** Public Utility Commission and the **regulated utility** PG & E have been uncovered, challenged and prosecuted criminally and civilly...unfortunately, the prosecutions are occurring **after the deaths** of many innocent people due to the massive frauds by the state regulating body in covering up unregulated shortcuts in the maintenance of underground gas lines. Some of those PUC governmental regulator's employees will undoubtedly be found "guilty of murder."

In today's news conference announcing his campaign for the U.S. Presidency, Donald Trump described the *massive corruption between the banks and the federal government*. Also Texas Congressman Jeb Hensarling, Chair of the U.S. House Committee on Financial Services, today acknowledged on CNBC Squawk Box, the corruption also AND has vowed to prosecute the racketeers.

It will be interesting and actionable to see where the current regulators' staffs go (after this One West Bank sale proposal review) to be employed...to one of your banks that they were supposed to be genuinely regulating on behalf of THE PEOPLE? This will be valuable evidence of the collaborative corruption, as confirmed by Chairman Hensarling.

Fictions to the Record, Uncorrected—Defying Federal Qui Tam

You have received multiple objections to your **untrue** presentations to the Board and the OCC. As far as we can determine, you have apparently refused to correct your purely fictitious presentations of critical information for the Federal Reserve Bank's review, including, but not limited to, such as the **bold faced lies**: [1] that One West Bank is in compliance with the banking laws now and that if there are any errors that they are due to an occasional human error; [2] there is no federal action against One West Bank.

TRUTH: One West Bank, CIT Group, Sullivan and Cromwell, the OCC, and the Federal Reserve Bank of NY have defied the pending Federal *qui tam* brought by patriot James Beekman to stop the draining of Billions out of the USA Treasury. The man who has his money and his control in each of those arenas, and is calling the shots with President Obama and the U.S. Secretary of Treasury Lew, is **George Soros, a convicted international financial felon with an outstanding arrest warrant for other financial fraud. GEORGE SOROS IS A DEFENDANT in this Federal qui tam brought by James Beekman. So all of you are directly involved in the illegal tampering with Federal qui tam witnesses/victim by supporting and protecting all of these Soros enterprises including One West Bank, CIT Group and the Federal Reserve Bank while defiantly continuing to process the proposed sale of One West Bank for the financial benefit of Federal qui tam Defendant George Soros. Co-conspirators?**

Treason + Biggest Robbery in History of US

TRUTH: **Not only is this the biggest robbery in the history of the U.S.** [with the illegal One West Bank foreclosures and the FDIC deal], **BUT** it is now a **question of Treason** as the

billions being paid by One West Bank [and by us through illegal foreclosures on our homes and via the FDIC] to George Soros, [based on the One West Bank theft schemes of stealing Middle Class homes without any legal authority—just like walking in and robbing a jewelry store with “no legal consequences”] are reported by multiple sources to being sent or are about to be sent to the Russian/Ukrainian wars to tamper/hinder/undermine the international policies of the United States of America and NATO, and perhaps to endanger the lives of American/NATO representatives.

According to these reports, Soros has escalated the nuclear fears by taking the stolen homes of America with FDIC’s billions **TO STIR UP the international pot**...now elevated in the last few days by Putin to alarming levels of armed nuclear missiles in submarines!!! [See the Study released by Ron Paul’s Institute that includes intercepted emails, etc. proving that Soros plan] [We understand from news reports that Soros in 1992 brought down the Bank of England and collected \$1 Billion. It is reported in financial journals that Soros and his controlled enterprises have placed bets against the American economy and banks, with significant purchases of Gold...so the designed failure of the U.S. can translate into massive amounts of money in the pockets of Soros, *et al.*]

Each of you, as collaborators and enablers, have a hand in creating, protecting and supporting this treasonous scenario....**betraying our entire country!**

Illegal Retaliation on Qui Tam Witnesses—TWO Illegal Foreclosure Sales in Last 4 Weeks!!!

INSTEAD of honoring and serving the laws of the United States as you personally were “sworn to do” in order to have the privilege of practicing law, your collaborative teamwork of ignoring the Federal *qui tam* has had an active hand emboldening in furthering the illegal Federal Witness/Victim tampering by permitting and apparently encouraging One West Bank ***to punitively and rapidly accelerate illegal foreclosure sales on both witness and victim [in the Federal qui tam]*** who have tried bravely to protect the citizens of the USA from the organized, collaborative pure robbery of **Billions from America by One West Bank.**

TRUTH: Your Team and Associates have aggressively retaliated against the fundamental right of **Freedom of Speech.** As punishment for exercising the First Amendment right of “Freedom of Speech,” both in testifying at the February 26 Federal Reserve hearing AND for being a critical witness to save the American economy from the orchestrated, illegal pillaging of Billions of Federal funds, YOU EACH HAVE ENABLED AND ENCOURAGED THE ONE WEST BANK’S **ILLEGAL** FORECLOSURE SALES OF THE WITNESSES’ two homes in the last 4 weeks.

The enormous damages are accruing, and compounding, as the illegal foreclosures by One West Bank, and its hired agents/attorneys continue unprosecuted. Definitely, by now, we are realistically talking “Billions in damages.”

One West Bank Defies the Laws, Endlessly

The current violations of laws by One West Bank in these two foreclosure sales, as retaliation against the homeowners for exercising their legal rights to protect Americans against limitless banking corruption, are absolutely incomprehensible in the breadth and scope of defiance, including, but not limited to, the following civil and criminal violations:

- [a] ***“Illegal” because the whole review process for the Federal Reserve Bank review should have been publicly frozen as of February 20, 2015 when the qui tam was unsealed, and flipped the legal process into not one of approval of the proposed sale by the government agencies but INSTEAD A POSTURE of one of the Federal Government suing One West Bank FOR BILLIONS in thefts, forgeries, fraud, and racketeering.*** [instead of publicly “freezing” the Federal agencies’ review due to the *qui tam*, the agencies have sidestepped all inquiries, and One West Bank has started to pound on the dismissal of the *qui tam*];
- [b] **Illegal** because the key asset is the Loss Share Agreement drafted privately, behind curtains by John Paulson [creator of the largest Hedge Fund betting on the failure of our economy], NY U.S. Congressman Schumer, George Soros [convicted financial felon who should never have been permitted to be involved with a US bank; manager of the Rothschild fortune; key campaign contributor of millions to Obama and now to Hillary Clinton, bragging about the “best spent Millions” for such political controls of the U.S. President (translation: the President is not FOR THE PEOPLE but for Soros), Mike Dell of Dell Computers, Steve Mnuchin of the ruling dynasty of Goldman Sachs who founded One West Bank.
- [c] **Illegal** as it is a Shell Game as the bulk of the “assets” of One West Bank are legally “fictitious” with no enforceable basis in law for any value [no enforceable titles to the properties]...and fraught with illegalities is the hidden Loss Share Agreement that continues to rob the U.S. Treasury for Billions which is “the heart” of the Shell Game sale;
- [d] **Illegal** as it is a Shell Game because a few years ago CIT Group was in Bankruptcy and discharged all of its hundreds of millions in financial obligations to repay TARP loans to the Federal Government [stolen from the US taxpayers and **confirms that CIT Group significantly lied (did not keep its word) already to the Federal Government** so it is beyond understanding why the regulators are not challenging, evaluating, and investigating the CIT Group presentations for truthfulness as to the proposed sale of One West Bank]. Consequently, CIT Group should be in no position today to buy a “multi-Billion dollar” deal from One West Bank. [Where were the funds for the purchase of One West Bank hidden during the CIT Group bankruptcy that defrauded America? Off shore to evade the obligations to the U.S. economy? Or other tax evasion gimmicks? The IRS should immediately investigate this peculiar scenario.]
- [e] **Illegal** as a Shell Game because One West Bank [via CIT Group] undoubtedly will again [done so in the past] “bury” its illegal foreclosure transactions by “losing” the home ownership documents and electronic records that prove the criminal racketeering by One West Bank in illegally, with no basis in the law, stealing millions of homes from homeowners.
- [f] **Illegal** as a Shell Game because One West Bank’s attorneys are being paid to rip up and crush the heroic homeowners who are resisting the Bank’s fraud, with excessive One West Bank legal fees and no recognition of their client’s wrong doing, even with the lawyers conducting fraud themselves to the courts and judges, [BECAUSE it is reported that ***the Federal Government is “reimbursing” One West Bank’s legal fees in the illegal foreclosures.***] There is NO pressure to comply with the laws and apparently, according to the reports, the Federal Government is paying One West Bank to continue defying the laws of the United States, no matter what it costs to bury a homeowner who is “in the right” on the laws!! The Federal Government is paying One West Bank to put legal homeowners into a **giant meat grinder**? We pay the salaries of Federal employees to destroy us in spite of the laws that should be protecting us?
- [g] **Illegal** as a Shell Game because any other bank with such a long history of an incessant defiance of the laws, [including the repeated violations of the Federal Consent Order with the OTS, endless lawsuits, thousands of homeowner complaints about violations of the Fair Debt Collection Practices Act, testimonial and documentary forgeries, and defrauding the Independent Foreclosure Review process], would have had “their Banking Charter

revoked.”

It is interesting to note that your team submitted false testimony to this sale review process to infer that there were no meritorious lawsuits against One West Bank. We challenged that and see no evidence of your correction. The “massive litigation” tip of the iceberg [the rest probably buried in Confidentiality and Sealed Agreements as we have found out that is the preferred practice of One West Bank when pressed to the wall----bury the truth and then pretend it does not exist] includes 87 year old Marjorie Gunter challenging the “false documents” fabricated by One West Bank; Yerger v. One West Bank [your team members tried to steal the home of a Secret Service Agent but the Washington DC jury imploded that fraudulent effort with their rage]; Rigali v. One West Bank [One West Bank tried to REJECT/RETURN a mortgage payment made by a retired police officer in San Luis Obispo, California in order to trigger a foreclosure sale; Rigali got a SEVEN FIGURE settlement before the case went to the jury]; U.S. ex rel. Fisher v. One West Bank as another *qui tam*/whistleblower; Stacy Fletcher vs. One West Bank as a class action; 103 year old Myrtle Lewis in Texas... fully disabled New Yorker Bob Yale fighting to save his 51 year family home against a massive fraud scheme by One West Bank including arbitrary HUGE six figure add-ons onto his mortgage balance..... and the list of One West Bank’s “designed” fraud goes on. A disabled African American woman confined to a wheelchair had her home illegally foreclosed upon by One West Bank and she was evicted by more than 6 armed police officers with guns drawn on her as she laid helpless on her therapy bed while her caretaker was trying to give her some relief from her disability.

[h] **Illegal** as a Shell Game because the ongoing evidence of One West Bank’s violations of numerous laws has been buried by the U.S. Department of Justice’s intentional refusals to prosecute, including the FBI’s refusals to investigate. [not unlike the attempted burial of the illegal guns in the Holder program going across the border to slaughter our own U.S. Border Patrol officers]. The FBI “lost over 1000 One West Bank complaints,” some with FBI Confirmation Numbers, and ignored personal visits to their branch offices by One West Bank victims but simultaneously collected hundreds of millions of dollars from the government to provide mortgage foreclosure relief/assistance to us victims!

[i] **Illegal** as a Shell Game with purely forged documents, *stolen* recorded property filing numbers, hired *impersonators* of homeowners, perjury, purposely lying to the Federal Bankruptcy Courts and Trustees, fraudulent notarizations that are “entirely fiction,” refusals to comply with court rules, the hiring of criminals [already criminally prosecuted and punished Foreclosure personnel] to continue their criminally illegal acts/tricks/treachery against the homeowners of One West Bank, One West Bank attorneys “lying” to the judges, trickery in intentionally failed communications and defective notifications/services with attorneys representing the homeowners, multiple assignments of One West Bank’s very expensive law firms successively so a homeowner does not know who actually is representing One West Bank for purposes of service of papers so the homeowner is forced to run in expensive circles, imploded mortgage balances due for full payment that include such outrageous add-ons as \$100,000 ADDED onto a mortgage in JUST 2 MONTHS, refusals to explain the actual balance due when the homeowner inquires for purposes of “paying off the mortgage,” sending fictitious monthly mortgage statements that note multiple months of delinquency when in fact the mortgage payments are current, relentlessly badgering and tricking homeowners who have “equity” in their homes, ... THAT IS THE RETALIATION AGAINST “3” HOMEOWNERS/WITNESSES SINCE FEBRUARY 2015...the illegal tampering with Federal Witnesses, in the James Beekman *qui tam*.

One West Bank STEALS from the Elderly and the Disabled!! RIGHT NOW!

If that does not get your attention, how about a New York senior citizen, fully disabled who can pay the promised modification mortgage for his 51 year family home, BUT One West Bank right now is conducting a foreclosure sale because of the enticing extensive equity. One West Bank built in “enormous bonuses” to the managers who could successfully defraud homeowners by such criminal racketeering--the dual tracking has NOT stopped despite One West Bank signing Consent Orders, etc.

Does One West Bank really need money that badly that it has to trick and manipulate a fully disabled senior citizen to steal his 51 year family home?

IMAGINE WHAT WILL HAPPEN WHEN THE ONE WEST BANK CRIMINAL CULTURE SPREADS LIKE THE **DEADLY EBOLA VIRUS** THAT IT IS, TO AN EVEN BIGGER AND MORE FORMIDABLE FORUM...THE CIT GROUP MERGER with the same One West Bank Chairman/Founder Steve Mnuchin serving then as Vice Chairman of a HUGE machine!!!!

So many of you addressed and copied on this letter are co-enablers and contributors to this disgusting, morally abhorrent, illegal and criminal activity of One West Bank.

Draw a line in the sand... say “NO MORE ONE WEST BANK.” You owe it as a human, ...to our Democracy....to our Nation of Laws.

In Conclusion.....

I OBJECT TO THE PROPOSED SALE on behalf of myself and over 450 One West Bank victims in my group. What you were given as “facts” by CIT Group and One West Bank are NOT the truth. **I must remind you that your letter and arguments are not based on reality....not based on the true facts.**

Effective February 20, 2015, the confidentiality of a Federal *qui tam* had been lifted, directly impacting your proposed transaction. The Federal Government is now procedurally “a Plaintiff suing One West Bank for Billions.” I would think that One West Bank would have told your client about this prohibition, amongst its disclosures, but it lied to you too. And then you apparently chose to continue making that ongoing false representation to the records of the Federal Reserve Bank by not correcting the records.

The case is pending, and names as a DEFENDANT the internationally convicted financial criminal, GEORGE SOROS who is reported as directly involved in your transactions from many perspectives.

[Broward County, FL Beekman vs. One West Bank Case No.: 9:12-CV-81138-RSR]

You have an 800 pound Gorilla of a Federal *qui tam* sitting next to you, and instead all of your team members are aiding and abetting the named Defendant who is an international convicted financial criminal, George Soros (who also has an international arrest warrant pending against him, as issued by Russian President Putin).

PLEASE CEASE AND DESIST ALL SOLICITATIONS AND ACTIONS TOWARDS

SEEKING APPROVAL OF THE SALE.

Before we proceed to CLAWBACK from you and others all dividends, profits, illegal foreclosure sales, managerial incentives, nonperforming regulators' back pay retroactively collected for years of nonservice, bonus pay, etc. in the perpetration of One West Bank's "biggest robbery in the history of the USA," you are welcome to discuss this further with a member of our group for an immediate resolution and settlement. Our group's goal is to stop immediately the enormous damages nationwide caused by your, your colleagues' and your governmental associates' failures to perform your/their jobs ethically and legally. I, as a victim, write on behalf of a group of victims of One West Bank's criminal racketeering scheme. And there are thousands of more victims, as confirmed by a multitude of lawsuits, settlements, confidential settlements, etc. against One West Bank that inexplicably you had difficulty finding with your legal resources of your enormous international law firm of Sullivan and Cromwell.

I look forward to receiving your prompt response, as I and Rebecca who is the founder of our group have not received any responses from you in the past.

Putting our requests/report in context from recent prosecutorial actions in the past month, I note that the FBI and the U.S. Department of Justice have gone aggressively after the former Speaker of the House Hastert "for telling a lie to the FBI." A Florida Doctor involved in the U.S. Senator Robert Menendez racketeering/corruption scheme has been charged criminally/indicted on health care "fraud." The "various forms of fraud" perpetrated by One West Bank officials, including George Soros, is far more massive and ongoing with a total defiance of the laws and BILLIONS STOLEN already. Indictments, of all the One West Bank team members and regulatory employees referenced, should be forthcoming from those who are paid by us to prosecute, regulate, and oversee. A timely, recent quote from Director James B. Comey, the head of the FBI says it all.....**"If you trespass on our shores with corruption, you will be held accountable."**

For the preceding reasons, and more, the **Proposed Sale of One West Bank to CIT Group with the integral associate/partner/investor/director who is a convicted international financial felon [George Soros] IS NOT IN THE PUBLIC'S INTEREST AND HENCE SHOULD NOT BE APPROVED.**

Notably, the Proposed Sale can be construed as a "Tool of Treason" against our country's economic security and physical safety, according to recent news reports and investigations about George Soros' controls and investments.

Sincerely,
H. Kelly, on behalf of 450 fellow victims of One West Bank

Email: indymacomplaints@gmail.com
Email: neonsunset@aol.com

cc:
U.S. House Committee on Oversight and Government Reform
U.S. House Committee on Financial Services-Chairman Hensarling

U.S. Senate Committee on Finance
U.S. Senate Committee on the Judiciary
U.S. Trustee's Office, Federal Bankruptcy Court

U.S. Senator Elizabeth Warren, Mass.
U.S. Senator Tom Merkley, Oregon
U.S. Senator Al Franken, Minnesota
U. S. Senator Amy Klobuchar, Minnesota
U.S. Senator Bernie Sanders, Vermont
U. S. Senator Rand Paul, Kentucky
U. S. Congressman Eric Swalwell, California

Federal Reserve Bank Board of Governors...Chairman Janet Yellen

Federal Reserve Bank of New York, 33

Liberty Street,

New York, New York 10045

Attention: Ivan J. Hurwitz

Vice President, Bank Applications

ivan.hurwitz@ny.frb.org

adamj.cohen@frb.gov

comments.applications@ny.frb.org

brian.steffey@ny.frb.org

Philip.Bae@ny.frb.org

Office of the Comptroller of the Currency

Midsize Bank Supervision,

Attention: Bob Phelps

1 South Wacker Drive, Suite 2000

Chicago, IL 60606

WE.Licensing@occ.treas.gov

Senior Licensing Analyst David Finnegan David.Finnegan@occ.treas.gov