

**OneWest/CIT Merger
Fabricated Email Inquiry**
Freedom of Information Act (FOIA) Response



DOCUMENTS OBTAINED BY CRC AND INNER CITY PRESS SHOW BANK WHICH FORECLOSED ON 36,000 CALIFORNIA HOUSEHOLDS DOES NOT EXPLAIN HOW FABRICATED LETTERS OF SUPPORT FOR BANK MERGER WERE GENERATED

New information obtained from the regulator of national banks, the Office of the Comptroller of the Currency (OCC), raises a number of questions about the agency's oversight of OneWest Bank, which was acquired by CIT Bank in 2015 in a merger approved by the OCC and the Federal Reserve Board of Governors. The data, obtained via a Freedom of Information Act (FOIA) request, show evidence of fraudulent email letters of support for the merger, and other troubling information about the bank.

Information provided by the OCC confirms that the national bank regulator was aware that certain letters of support for the OneWest/CIT bank merger were fabricated, and sought a response from the bank and its counsel. The FOIA response did not include any answer from the Bank to the OCC's question. The FOIA response also indicated certain consumer complaints and improper foreclosures practices. Perhaps most striking is that amount of information requested that was not provided.

Attachments:

1. CRC/Inner City Press FOIA request letter to OCC (July 10, 2017)
2. OCC response letter and substantiating documentation (Feb 21, 2018)
3. "OneWest CIT Bank Merger Fabricated Comment Letters"

The last correspondence we received from the OCC on CRC's FOIA request was dated September 20, 2018. We continue to seek additional information from the OCC.

For additional information, contact California Reinvestment Coalition at crc@calreinvest.org



CALIFORNIA REINVESTMENT COALITION

*Inner
City
Press*

July 10, 2017

Chief FOIA Officer
Communications Division
Office of the Comptroller of the Currency
400 7th Street SW
Washington, DC 20219

RE: FOIA request seeking expedited processing of all documents relating to certain complaints, communication and conduct of and by OneWest Bank, IndyMac, Financial Freedom, CIT Bank NA and affiliates

Dear Chief FOIA Officer:

The California Reinvestment Coalition (“CRC”) and Inner City Press/Fair Finance Watch (“ICP”) submit this Freedom of Information Act request pursuant to 5 USC 552 and Office of the Comptroller of the Currency (“OCC”) implementing regulations at 12 CFR 4.

Specifically, CRC and ICP request within 20 business days, copies of any and all records, including electronic records in any form, regarding OneWest Bank, IndyMac, Financial Freedom, CIT Bank, and their affiliates (“named entities”), from October 2010 to the present (unless otherwise noted) relating to:

1. The number, nature and resolution of complaints filed, informally or formally, with the Office of Thrift Supervision or the OCC by consumers, borrowers, customers and/or their advocates against named entities a) during the time period of February 2009 to the present, as well as b) during the time period October 2010 thru December 9, 2015.
2. Data or estimates of the number of foreclosures in California and in the nation by named entities a) during the time period of February 2009 to the present, as well as b) during the time period October 2010 thru December 9, 2015.
3. The number of permanent loan modifications applications received (applications), denied (denials) and completed by named entities that did not re-default within two years of modification (permanent loan modifications) a) during the time period of February 2009 to the present, as well as b) during the time period October 2010 thru December 9, 2015.
4. Whether or not any of the named entities were among the four large servicers examined by the General Accountability Office as part of its research that resulted in the February 2014 report, entitled, “TROUBLED ASSET RELIEF PROGRAM: More Efforts Needed on Fair Lending Controls and Access for Non-English Speakers in Housing Programs.”¹

¹ Available at: <https://www.gao.gov/assets/670/660712.pdf>

5. Communications, conversations or interpretations regarding whether named entities were or are subject to California's Homeowner Bill of Rights (HBOR)², and whether they are in fact complying with HBOR.
6. Communications, conversations, complaints or interpretations regarding efforts by the California Attorney General's office to investigate named entities regarding their origination and foreclosure practices in the state, as well as regarding any actions and statements by named entities in response to such investigation by the California Attorney General's office.
7. Whether the OCC took any action or conducted any investigation or made any inquiry into whether named entities and/or their predecessor entities originated Home Equity Conversion Mortgage ("HECM") reverse mortgages without providing borrowers the legally required counseling.
8. Communications, conversations, complaints, interpretations, decisions or actions taken relating to whether emails or other letters or representations of support for the merger of OneWest and CIT Bank were fabricated or manufactured, and whether the purported authors of these emails or letters of support actually supported the merger, or even existed.
9. Whether the OCC tracked IP addresses for comments submitted as part of the OneWest Bank and CIT Bank merger process or used any type of verification process to ensure that fraudulent emails of support or opposition were not submitted to the OCC in order to falsely support or oppose the merger. And whether the OCC has taken any steps to strengthen its public comment process to prevent future processes from being compromised, for example through fabricated email accounts or submissions on behalf of people without their knowledge and/or consent.
10. Communications regarding the existence and conduct of a HUD OIG investigation into Financial Freedom practices, including any communication from and to management of named entities regarding such investigation.
11. Communications, conversations, complaints or actions taken regarding the firing of Joseph Otting as CEO of OneWest Bank or CIT Bank, NA.

CRC builds an inclusive and fair economy that meets the needs of communities of color and low-income communities by ensuring that banks and other corporations invest and conduct business in our communities in a just and equitable manner. The California Reinvestment Coalition is a non-profit organization that has been advocating for fair and equal access to credit for all California communities since 1986. Over its 30 years, CRC has grown into the largest state community reinvestment coalition in the country with a membership of 300 nonprofit organizations working for the economic vitality of low-income communities and communities of color.

Inner City Press/Fair Finance Watch, headquartered in the South Bronx of New York City, engages in investigations and journalism regarding human rights, transparency, corporate accountability, community reinvestment, predatory lending, environmental justice, fair housing, social exclusion and related topics. Inner City Press covers (and where applicable is accredited media at) the United Nations, the U.S. Federal Reserve Board, banking and insurance regulatory

² California Civil Code §2920 et seq.

agencies, the Federal Communications Commission, the International Monetary Fund, and various courts.

On June 5, 2017, the President nominated Joseph Otting to the position of Comptroller of the Currency, subject to confirmation by the Senate. Hearings and votes on the nomination are expected in the next few weeks. **Accordingly, CRC and ICP request expedited processing of this request.**

From roughly October 2010 until his firing on or about December 9, 2015, Joseph Otting was the CEO of OneWest Bank and its successor, CIT Bank, NA. The Bank was responsible for tens of thousands of foreclosures in California and the nation, including thousands of foreclosures on seniors, widows and their families. The Bank has also been the subject of regulatory consent decrees, a HUD fair housing complaint, investigations by the Department of Housing and Urban Development Office of Inspector General as well as the New York Attorney General's office, and a recent settlement with the Department of Justice regarding alleged False Claims Act violations.

Particularly in light of the weighty responsibilities of the Comptroller of the Currency, CRC and ICP seek records regarding the performance of OneWest Bank while Mr. Otting was CEO.

We further request that documents and other responses be provided to us as they become available, and not withheld until all documents are available, given the time sensitive nature of this request.

Records Requested

In February of 2009, the OneWest investor group, led by Steven Mnuchin, purchased the failed IndyMac Bank, and its Financial Freedom subsidiary, from the FDIC. In October 2010, Joseph Otting was hired as CEO of OneWest Bank. In mid-August 2014, CIT Group applied to purchase OneWest Bank and reverse mortgage servicer Financial Freedom.

CRC and ICP are seeking OCC documents relating to the number, nature and resolution of all complaints, both formal and informal, filed against OneWest Bank and Financial Freedom, as well as the number of foreclosures and permanent loan modifications processed by OneWest and its affiliates and successors since 2009. CRC and ICP understand that complaints may come in to the OCC through its online complaint system, or otherwise. We also understand that OneWest was originally regulated by the Office of Thrift Supervision, which no longer exists. We are seeking all documents relating to complaints registered, regardless of the channel through which they were lodged.

Further, CRC and ICP seek documents relating to OneWest/CIT Bank's position and practice of arguing that the California Homeowner Bill of Rights does not apply to foreclosures by a national bank servicer on loans that may have been originated by a federally chartered thrift. We agree with the California Attorney General's office that this is a misreading of our state law and preemption principles. We also seek documents reflecting whether the OCC was aware the California Attorney General's office had been investigating certain OneWest/Financial Freedom

foreclosure and origination practices (including allegations that a OneWest predecessor may have originated reverse mortgage loans without providing legally required housing counseling), whether the OCC was aware that OneWest Bank had allegedly obstructed this investigation, and whether the OCC took any action to address these allegations and to ensure that no senior to whom a reverse mortgage was illegally originated would be foreclosed upon without some level of assistance or remedy.

In addition, CRC and ICP seek documents relating to allegations that email or other support for the bank's merger with CIT may have been fabricated, whether the OCC tracks IP addresses from which public comments are submitted, and whether the OCC took any steps to address the possibility that its public comment process was compromised. Finally, CRC and ICP seek documents relating to the reasons for the decision by CIT to fire CEO Otting as communicated to the OCC, if at all.

The requested documents, listed above, will further the public's understanding of the federal government's role in regulating and supervising the servicing of certain forward mortgages and HECM reverse mortgages, and in regulating large financial institutions. We believe that HECM reverse mortgage and forward mortgage programs, policies and servicing practices have resulted in thousands of foreclosure of seniors, surviving spouses, heirs and families in our states and in the nation, and that this speaks to how well financial institutions and federal loan programs are serving the public and certain communities. The Consumer Financial Protection Bureau's clamp down on servicing abuses, and its proposal to include reverse mortgage loan data in the Home Mortgage Disclosure Act (HMDA) regulations provide further evidence of the governmental and public concern about these issues.

CRC and ICP seek all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

We do not believe that any FOIA exemptions apply to this request. **Please note that we are NOT seeking any personally identifiable borrower or customer information.**

The OCC's Response to this Request

In your response to this request, please specify whether: (1) you are providing all documents responsive to the request; (2) no documents exist that are responsive to the request; or (3) documents exist that are responsive to the request, but you are claiming that some or all of those documents are exempt from disclosure.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information "only if . . . disclosure would harm an interest protected by an

exemption” or “disclosure is prohibited by law.”³ If it is your position that any portion of the requested records is exempt from disclosure, CRC and ICP request that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). As you are aware, a Vaughn index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”⁴ Moreover, the Vaughn index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”⁵ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁶

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.⁷ Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, CRC and ICP welcome an opportunity to discuss this request with you before you undertake your search or incur search or duplication costs. By working together at the outset, CRC, ICP and the OCC can decrease the likelihood of costly and time-consuming efforts in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to us at the addresses at bottom. If it will accelerate release of responsive records to CRC and ICP, please also provide responsive material on rolling basis.

Fee Waiver

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii), CRC and ICP request a waiver of fees associated with processing this request for records. CRC and ICP are nonprofit institutions advocating for fair and equal access to banking and other financial services for low-income and communities of color. We are 501(c)(3) corporations for tax purposes. Accordingly, we believe we fall under the “all other requesters” category.

To qualify for a fee waiver, the requested information must be “in the public interest because it is

³ FOIA Improvement Act of 2016 §2 (Pub. L. No. 114-185).

⁴ *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁵ *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphasis in original).

⁶ *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

⁷ *Mead Data Central*, 566 F.2d at 261.

likely to contribute significantly to the public's understanding of the operations or activities of the government, and is not primarily in the commercial interest of the requester."⁸ ICP and CRC are requesting a waiver of fees as the Federal Reserve, FDIC, OCC, HUD and others routinely grant ICP and/or CRC. The information is sought to inform the public about the operations of government, here, the Office of the Comptroller of the Currency.

As CRC and ICP are nonprofits, the requested information is not in its commercial interest, as we have no commercial interests. Additionally, information regarding OneWest, IndyMac, Financial Freedom, CIT and affiliates will contribute to the public's understanding of the operations or activities of government in light of OCC's role in supervising national banks and formerly federally chartered thrifts, and what is the government's supervision philosophy with regard to national bank oversight. Further, this information will shed light on the practices of OneWest Bank, Financial Freedom and their affiliates at a time when Joseph Otting was CEO of the Bank, and will help the public understand the relationship of the OCC to the impact these institutions have had on all communities, and whether the management at OneWest/Financial Freedom demonstrated proper due diligence to ensure compliance with applicable laws, rules and community norms.

Further, this information will allow CRC and ICP to educate the public about how well federal loan, loan modification, and foreclosure prevention programs are serving the needs of the population. In California and the nation, OneWest Bank and Financial Freedom have foreclosed on thousands of seniors, surviving spouses and heirs, making this a matter of huge public importance.

The disclosure of the requested documents will contribute significantly to the public's understanding of government activities and operations. There is a clear nexus between the documents sought and the ability of CRC and ICP to disseminate information in order to contribute significantly to public understanding of the operations, activities and role of the OCC in regulating national banks. Information about complaints filed with the OCC and the disposition of those complaints will shed light on the extent to which members of the public understand that they can file a complaint with the OCC; whether the OCC's regulation and oversight of OneWest Bank was consistent with complaints filed by the public; and whether the OCC's complaint process is effective in providing redress to consumers for harm caused or assistance to consumers to enable them to avoid future harm, such as foreclosure. This complaint information can be compared to that of other agencies, like the Consumer Financial Protection Bureau (CFPB), as one example. The CFPB, which is only a few years old, has developed a consumer complaint database that is well known to consumers, has resulted in hundreds of thousands of complaints being filed regarding various industries and products, is instantly searchable, and has resulted in certain complaints being addressed if not resolved by institutions upon the intervention of the CFPB.

Importantly, information sought in this FOIA request will shed light on the extent to which the OCC has taken appropriate action to protect the sanctity of the public comment process, and the extent to which the public comment process may have been compromised by OneWest Bank, its

⁸ Fees for Services, 31 C.F.R. 1.7(d)(1)

management, or others during the merger of OneWest Bank and CIT.

And of great concern in the context of the nomination of Joseph Otting for Comptroller of the Currency, responses to this FOIA request will help the public understand the relationship of the OCC to the exercise of state legislative and enforcement authority with regard to foreclosure prevention protections and related issues involving national banks, and Mr. Otting's view of the role of states in the regulation of national banks.

To this end, we will publicize the results in the CRC newsletter, the ICP blog, and on our websites. We will also use this information in our comment letters to various administrative agencies, and will likely use the information as part of media work to educate the public, regulatory agencies and policy makers regarding the plight of vulnerable residents and communities, and the need for regulators and legislators to more closely scrutinize financial institution practices.

For all of these reasons, a fee waiver is appropriate in this situation. We request that the fee waiver be granted, and that the OCC process our request for information in an expedited fashion.

Application for Expedited Processing

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and 28 C.F.R. § 16.5(b), (e)(1)(iv), CRC and ICP request that the OCC expedite the processing of this request.

We certify to be true and correct to the best of our knowledge and belief, that there is widespread media interest in the nomination of Joseph Otting as the next Comptroller of the Currency, and there exist possible questions concerning the government's integrity which can affect public confidence. Mr. Otting's nomination to be Comptroller of the Currency has drawn significant media interest,⁹ and there was widespread interest in the related confirmation of Treasury Secretary Mnuchin,¹⁰ the former Chairman of OneWest Bank. The Senate is expected to soon take up Mr. Otting's nomination, and information regarding how he approached his role as CEO of a national bank is critical to assisting the Senate and the public to make informed decisions about his integrity and his nomination to be chief regulator of all U.S. national banks.

We further certify that CRC and ICP are engaged in disseminating information to the public. Our organizations work to promote transparency in government, corporate conduct, and financial regulatory oversight, to educate the public about government oversight activities, and to ensure the accountability to the public of government officials and financial institutions.

⁹ See James Puzanghera and James Rufus Koren, "Former CEO of OneWest Bank is Trump's pick for key financial regulatory post." Los Angeles Times, June 6, 2017; Victoria Finkle, "Trump Picks Former OneWest Chief to Oversee Banks," New York Times, June 6, 2017; Ryan Tracy, "Trump Set to Nominate Otting for Comptroller – WSJ," Dow Jones Newswires, June 6, 2017; Jesse Hamilton, "Trump Picks Ex-Banker Otting to Regulate Wall Street at OCC," Bloomberg, June 5, 2017.

¹⁰ See Julie Hirschfield Davis, Binyamin Appelbaum and Maggie Haberman, "Trump Taps Hollywood's Mnuchin for Treasury and Dines with Romney," New York Times, November 29, 2016; Gideon Resnick, "Trump Picks Foreclosure King Mnuchin for Treasury Secretary," Politico, November 29, 2016; Zachary Mider, "Nominating Mnuchin for Treasury will Dredge Up Mortgage Meltdown Controversies," Bloomberg, November 21, 2016; Max Kutner, "Trump's Treasury Pick Steven Mnuchin Ran a Bank Critics Called 'a Foreclosure Machine,'" Newsweek, December 2, 2016.

Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,¹¹ CRC and ICP “gather(s) information of potential interest to a segment of the public, use(s) its editorial skills to turn the raw material into a distinct work, and distribute(s) that work to an audience.”¹² CRC and ICP will use the information gathered, and our analysis of it, to educate the public through reports, press releases, and other media. CRC and ICP will also make materials we gather available on our public website and promote their availability on social media platforms, such as Facebook and Twitter. Examples of CRC and ICP work relating to transparency and public disclosure of documents can be seen on our websites.¹³

Accordingly, CRC’s and ICP’s request satisfies the criteria for expedition.

Conclusion

We share a common mission to promote transparency in government. CRC and ICP look forward to working with you on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Kevin Stein at kstein@calreinvest.org, or Matthew Lee at innercitypress@gmail.com.

Also, if our request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

We look forward to receiving your prompt reply to this request for fee waiver and request for documents. Thank you for your consideration of this request.

Very Truly Yours,

Kevin Stein
Deputy Director
California Reinvestment Coalition
474 Valencia Street
Suite 230
San Francisco, CA 94103
kstein@calreinvest.org

Matthew Lee
Director
Inner City Press/Fair Finance Watch
PO Box 20047
Dag Hamarskjold Station
NY NY 10017
innercitypress@gmail.com

¹¹ See *ACLU v. U.S. Dep’t of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep’t of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

¹² *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

¹³<http://www.calreinvest.org/news/foia-request-seeks-data-on-reverse-mortgage-foreclosures-at-steve-mnuchin%E2%80%99s-former-bank>; <http://www.innercitypress.org/foia.html>



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February 21, 2018

Kevin Stein
Deputy Director
California Reinvestment Coalition
474 Valencia Street, Ste 230
San Francisco, CA 94103

Matthew Lee
Director
Inner City Press/Fair Finance Watch
P.O. Box 20047
Dag Hamarskjold Station
New York, NY 10017

Dear Mr. Stein and Mr. Lee:

This is an interim response to your letter dated July 10, 2017, which was received in my office on July 18, 2017 for processing under the Freedom of Information Act (FOIA), 5 U.S.C. 552.

You requested records regarding OneWest Bank, IndyMac, Financial Freedom, CIT Bank, and their affiliates from October 2010 to the date of your request.

Please note that the OCC reviewed approximately 40,000 pages involving the above named entities to locate responsive records. See our responses below as they relate to your specific request.

1. The number, nature and resolution of complaints filed, informally or formally, with the Office of Thrift Supervision or the OCC by consumers, borrowers, customers and/or their advocates against named entities a) during the time period of February 2009 to the present, as well as b) during the time period October 2010 thru December 9, 2015.

Enclosed is a report of complaints filed with our office against OneWest Bank and its affiliates covering the years 2012 thru June 30, 2017. Other records (352 pages) found that are pertinent to this portion of your request are being withheld by the authority of 5 U.S.C. 552(b)(6) and 12 C.F.R. 4.12(b)(6), personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and 5 U.S.C. 552 (b)(8) and 12 C.F.R. 4.12(b)(8), contained in or related to examination,

operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

2. Data or estimates of the number of foreclosures in California and in the nation by named entities a) during the time period of February 2009 to the present, as well as b) during the time period October 2010 thru December 9, 2015.

No information was found identifying the number of foreclosures in California for the entities you listed. Enclosed is a copy of the [OCC's Foreclosure-Related Consent Orders Status Report](#) dated April 2014 that provides some statistics for 2009 and 2010 related to foreclosures by OneWest Bank (see pages 14 &15). Please note that this is not information typically maintained by our office. Four other pages located responsive to this part of your request are being withheld by the authority of 5 U.S.C. 552(b)(4) and 12 C.F.R. 4.12(b)(4), trade secrets and commercial or financial information obtained from a person and privileged or confidential; and 5 U.S.C. 552 (b)(8) and 12 C.F.R. 4.12(b)(8), contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

3. The number of permanent loan modifications applications received (applications), denied (denials) and completed by named entities that did not re-default within two years of modification (permanent loan modifications) a) during the time period of February 2009 to the present, as well as b) during the time period October 2010 thru December 9, 2015.

Enclosed is a copy of the [OCC's Foreclosure-Related Consent Orders Status Report](#) dated April 2014 that provide some statistics related to loan modifications by OneWest Bank (see pages 14 &15). However, there were no records of statistics for the state of California. Twenty-two additional pages are being withheld by the authority of 5 U.S.C. 552(b)(4) and 12 C.F.R. 4.12(b)(4), trade secrets and commercial or financial information obtained from a person and privileged or confidential; and 5 U.S.C. 552 (b)(8) and 12 C.F.R. 4.12(b)(8), contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

4. Whether or not any of the named entities were among the four large servicers examined by the General Accountability Office (GAO) as part of its research that resulted in the February 2014 report, entitled, "TROUBLED ASSET RELIEF PROGRAM: More Efforts Needed on Fair Lending Controls and Access for Non-English Speakers in Housing Programs."

I can neither confirm nor deny the existence of responsive records. Information of this nature would be withheld pursuant to 5 U.S.C. 552 (b)(8) and 12 C.F.R. 4.12(b)(8), contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

5. Communications, conversations or interpretations regarding whether named entities were or are subject to California's Homeowner Bill of Rights (HBOR), and whether they are in fact complying with HBOR.

No responsive records were located.

6. Communications, conversations, complaints or interpretations regarding efforts by the California Attorney General's office to investigate named entities regarding their origination and foreclosure practices in the state, as well as regarding any actions and statements by named entities in response to such investigation by the California Attorney General's office.

No responsive records were located.

7. Whether the OCC took any action or conducted any investigation or made any inquiry into whether named entities and/or their predecessor entities originated Home Equity Conversion Mortgage ("HECM") reverse mortgages without providing borrowers the legally required counseling.

No responsive records were located.

8. Communications, conversations, complaints, interpretations, decisions or actions taken relating to whether emails or other letters or representations of support for the merger of OneWest and CIT Bank were fabricated or manufactured, and whether the purported authors of these emails or letters of support actually supported the merger, or even existed.

Enclosed are 15 pages responsive to this item. Certain information has been withheld under the authority of 5 U.S.C. 552(b)(6) and 12 C.F.R. 4.12(b)(6), personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

9. Whether the OCC tracked IP addresses for comments submitted as part of the OneWest Bank and CIT Bank merger process or used any type of verification process to ensure that fraudulent emails of support or opposition were not submitted to the OCC in order to falsely support or oppose the merger and whether the OCC has taken any steps to strengthen its public comment process to prevent future processes from being compromised, for example through fabricated email accounts or submissions on behalf of people without their knowledge and/or consent.

No responsive records were located.

10. Communications regarding the existence and conduct of a HUD OIG investigation into Financial Freedom practices, including any communication from and to management of named entities regarding such investigation.

Enclosed are ten pages of responsive records. One page is completely redacted and one page has partial redactions pursuant to 5 U.S.C. 552 (b)(8) and 12 C.F.R. 4.12(b)(8), contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions. Four of the ten pages have portions that have been referred to HUD, along with thirty-two other pages that originated with HUD, for a decision regarding disclosure. A copy of your request has also been referred to HUD. Please contact [HUD's FOIA Office](#) if you have any further questions regarding the records that were referred.

11. Communications, conversations, complaints or actions taken regarding the firing of Joseph Otting as CEO of OneWest Bank or CIT Bank, NA.

Enclosed is the only document located relevant to this item.

If you consider any of the above to be an improper denial of your request, you may appeal such denial to the Comptroller of the Currency. The appeal should be filed within 90 days of the date of this letter, should state the circumstances and reasons or arguments in support of the appeal, and be submitted via our online FOIA application at <https://foia-pal.occ.gov/> or be mailed to:

Manager, Disclosure Services & Freedom of Information Act Officer
Communications Division
Office of the Comptroller of the Currency
Suite 3E-218
Washington, DC 20219

By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison, Frank Vance, for assistance at:

Disclosure Services
Communications Division
Office of the Comptroller of the Currency
400 7th Street, SW, Suite 3E-218
Washington, DC 20219
(202) 649-6758
Frank.Vance@occ.treas.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road–OGIS
College Park, MD 20740-6001
(202) 741-5770
(877) 684-6448
ogis@nara.gov
ogis.archives.gov

Sincerely yours,

Frank D. Vance, Jr.

Frank D. Vance, Jr.
Manager, Disclosure Services
& Freedom of Information Act Officer
Communications Division

Enclosure(s)

#2017-00427-F

Finnegan, David

From: (b)(6)@gmail.com on behalf of (b)(6)
<(b)(6)>
Sent: Friday, January 16, 2015 12:57 PM
To: Finnegan, David
Subject: Fraudulent use of my email account (RE: Support for the OneWest and CIT Merge)
Categories: Red Category

Mr. David Finnegan
OCC

This is to bring to your attention that **I received an email from the office of OCC regarding a subject I am completely unaware of.** I DID NOT send the email below that you responded to. This is a fraudulent use of my email account. I will be working with my email hosting provider to ensure that this does not happen again.

I will appreciate your reply acknowledging this very important notice. Thank you very much!

Sincerely,

(b)(6)

----- Forwarded message -----

From: WE Licensing <WE.Licensing@occ.treas.gov>
Date: Fri, Jan 16, 2015 at 11:34 AM
Subject: RE: Support for the OneWest and CIT Merger
To: "(b)(6)" <(b)(6)>

Dear Commenter,

The Office of the Comptroller of the Currency (OCC) acknowledges receipt of your comments regarding the merger of CIT Bank, Salt Lake City, Utah with and into OneWest Bank, National Association, Pasadena, CA.

At this time, the OCC has not made a decision as to whether it will hold public hearings. Should the OCC decide to hold public hearings, we will notify you promptly.

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<http://occ.gov/publications/publications-by-type/licensing-manuals/PublicNCbooklet.pdf>

We appreciate your comments and will consider them during our review of the application. If you have questions, please contact David Finnegan at (720) 475-7650 or

David.finnegan@occ.treas.gov.

Please be advised that a representative of OneWest Bank, National Association has been provided a copy of your comment.

-----Original Message-----

From: (b)(6) [mailto:(b)(6)]
Sent: Friday, January 16, 2015 11:42 AM
To: comments.applications@ny.frb.org; WE Licensing
Subject: Support for the OneWest and CIT Merger

(b)(6)

E-Mail: (b)(6)

Subject: Support for the OneWest and CIT Merger

Dear Chair Yellen, President Dudley and Comptroller Curry,

I am writing to offer my support for the pending OneWest and CIT merger. OneWest serves as a strong source of capital and banking services to the Southern California community. This merger will retain and create new jobs in California. I believe the management team and OneWest have demonstrated its commitment to our community and to serving the needs of not only their clients but the community at large and due to this, I do not believe there is a need for a public hearing.

Kind regards,

(b)(6)

Finnegan, David

From: (b)(6)
Sent: Friday, January 16, 2015 7:56 PM
To: Finnegan, David
Subject: OneWest/CIT

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

I am NOT the writer of the communication below – name, address & zip are wrong:

Dear Commenter,

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Please be advised that a representative of OneWest Bank, National Association has been provided a copy of your comment.

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From: (b)(6) [mailto:(b)(6)]
Sent: Friday, January 16, 2015 12:13 PM
To: comments.applications@ny.frb.org; WE Licensing
Subject: Support for the OneWest and CIT Merger

(b)(6)

E-Mail: (b)(6)

Subject: Support for the OneWest and CIT Merger

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Kind regards,

(b)(6)

Finnegan, David

From: Finnegan, David
Sent: Tuesday, January 20, 2015 8:02 AM
To: (b)(6)
Subject: RE: OneWest/CIT

Thank you for letting us know.

David W. Finnegan
Senior Licensing Analyst/NBE
Western District
720/475-7653

From: (b)(6)
Sent: Friday, January 16, 2015 7:56 PM
To: Finnegan, David
Subject: OneWest/CIT

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From: (b)(6)
Sent: Friday, January 16, 2015 12:13 PM
To: comments.applications@ny.frb.org; WE Licensing
Subject: Support for the OneWest and CIT Merger

(b)(6)

E-Mail: (b)(6)

Subject: Support for the OneWest and CIT Merger

Dear Chair Yellen, President Dudley and Comptroller Curry,

I am writing to offer my support for the pending OneWest and CIT merger. OneWest serves as a strong source of capital and banking services to the Southern California community. This merger will retain and create new jobs in California. I believe the management team and OneWest have demonstrated its commitment to our community and to serving the needs of not only their clients but the community at large and due to this, I do not believe there is a need for a public hearing

Kind regards,

(b)(6)

Finnegan, David

From: (b)(6)@yahoo.com
Sent: Wednesday, February 18, 2015 9:46 AM
To: WE Licensing
Subject: Re: Support for the OneWest and CIT Merger

I did not write this letter!

Sent from (b)(6)

> On Feb 18, 2015, at 8:18 AM, WE Licensing <WE.Licensing@occ.treas.gov> wrote:

>
> Dear Commenter,
>
> The Office of the Comptroller of the Currency (OCC) acknowledges receipt of your comments regarding the merger of CIT Bank, Salt Lake City, UT with and into OneWest Bank, National Association, Pasadena, CA.

> The OCC has decided it will hold a public meeting regarding the merger. Please refer to the following link for more information. <http://www.occ.gov/news-issuances/news-releases/2015/nr-ia-2015-17.html>

> For more information regarding the OCC's practice on receipt and review of public comments received in connection with pending applications, please see Comptroller's Licensing Manual (Public Notice and Comments) at <http://occ.gov/publications/publications-by-type/licensing-manuals/PublicNCbooklet.pdf>

> Please be advised that comments are published without redaction of personally identifiable information including any business or personal information such as name and address, e-mail addresses, or telephone numbers. A representative of OneWest Bank, National Association has been provided a copy of your comment.

> We appreciate your comments and will consider them during our review of the application. If you have questions, please contact David Finnegan at (720) 475-7650 or David.finnegan@occ.treas.gov.

> -----Original Message-----

> From: (b)(6)@yahoo.com [mailto:(b)(6)@yahoo.com]

> Sent: Saturday, February 14, 2015 4:36 AM

> To: comments.applications@ny.frb.org, WE Licensing

> Subject: Support for the OneWest and CIT Merger

> (b)(6)

> (b)(6)

> E-Mail: (b)(6)@yahoo.com

> Subject: Support for the OneWest and CIT Merger

> Dear Chair Yellen, President Dudley and Comptroller Curry,

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...
! !
serving the needs of not only their clients but the community at large and due to this, I do not believe there is a need for a public hearing.

>

> Kind regards,

> (b)(6)

>

>

>

>

>

Finnegan, David

From: (b)(6)@yahoo.com
Sent: Monday, February 23, 2015 11:24 PM
To: WE Licensing
Subject: Re: Support for the OneWest and CIT Merger

To whom it may concern<
I never send this email. I am not aware of the merge of the companies
Someone got a hold on my email address. Sorry
Thanks,

(b)(6)

On Wednesday, February 18, 2015 8:18 AM, WE Licensing <WE.Licensing@occ.treas.gov> wrote

Dear Commenter,

The Office of the Comptroller of the Currency (OCC) acknowledges receipt of your comments regarding the merger of CIT Bank, Salt Lake City, UT with and into OneWest Bank, National Association, Pasadena, CA.

The OCC has decided it will hold a public meeting regarding the merger. Please refer to the following link for more information: <http://www.occ.gov/news-issuances/news-releases/2015/nr-15-17.html>

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From: (b)(6)@yahoo.com [mailto:(b)(6)@yahoo.com]
Sent: Saturday, February 14, 2015 4:35 AM
To: comments.applications@ny.frb.org, WE Licensing
Subject: Support for the OneWest and CIT Merger

(b)(6)

(b)(6)

E-Mail: (b)(6)@yahoo.com

Finnegan, David

From: Finnegan, David
Sent: Tuesday, January 20, 2015 8:04 AM
To: (b)(6)
Subject: RE: Fraudulent use of my email account (RE: Support for the OneWest and CIT Merge)

Thank you for letting us know about this situation.

David

David W. Finnegan
Senior Licensing Analyst/NBE
Western District
720/475-7653

From: (b)(6)@gmail.com [mailto:(b)(6)@gmail.com] **On Behalf Of** (b)(6)
Sent: Friday, January 16, 2015 12:57 PM
To: Finnegan, David
Subject: Fraudulent use of my email account (RE: Support for the OneWest and CIT Merge)

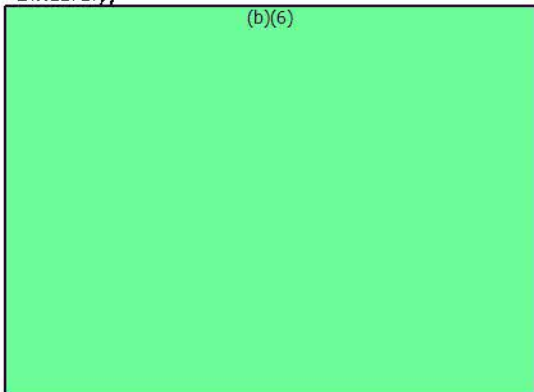
Mr. David Finnegan
OCC

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I will appreciate your reply acknowledging this very important notice. Thank you very much!

Sincerely,

(b)(6)



----- Forwarded message -----
From: WE Licensing <WE.Licensing@occ.treas.gov>
Date: Fri, Jan 16, 2015 at 11:34 AM
Subject: RE: Support for the OneWest and CIT Merger

To: (b)(6) (b)(6)

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Kind regards,

(b)(6)

Finnegan, David

From: Finnegan, David
Sent: Tuesday, January 20, 2015 8:13 AM
To: Salley, Stephen M (Salley@sullcrom.com)
Subject: FW: OneWest/CIT

FYI and review. We would appreciate any information you can provide regarding this submission.

Thank you,
David

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Western District
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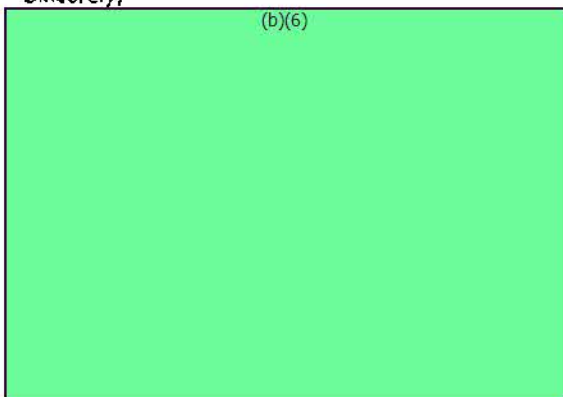
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