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MEMO TO: Governance, Ethics, and Transparency Committee

F R O M: Michael J. Molina



Chair, Governance, Ethics, and Transparency Committee

SUBJECT: **TRANSMITTAL OF INFORMATIONAL DOCUMENT RELATING TO
BANK OF AMERICA'S COMMITMENT TO PROVIDE MORTGAGES
FOR NATIVE HAWAIIANS ON HAWAIIAN HOMELANDS** (GET-19)

The attached informational document pertains to Item 19 on your Committee's agenda.

CM:MHP:meetingmaterials:GET:transGET19:grs

Attachment



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June 18, 2019

Director of Council Services
Office of Council Services
200 S. High St., Suite 703
Wailuku, Hawaii 96793

Dear Director of Council Services,

Pursuant to Chapter 103D, Hawaii Revised Statutes, please accept this as my letter of interest in being hired as special prosecutor of foreclosure fraud for the County of Maui. Here is my statement of qualifications.

I am the principal and founder of Jacobs Legal, PLLC, a nationally recognized foreclosure defense and consumer protection law firm located at the above address in Miami, Florida. My email address is Jacobs@jakelegal.com. In addition to the information above, you may also call my cell at (305) 331-1333.

The primary practice area of my firm is foreclosure defense, although we also practice consumer protection, commercial litigation, and some serious personal injury.

I graduated from Fordham Law School in 1996. I have been a member in good standing of the New York and New Jersey Bars since 1996. I became a member of the Florida Bar in 1997 after taking a job as a Miami Prosecutor from 1997 to 2000, leaving as an "A" level felony prosecutor handling trials and appeals. From 2001 to 2006, I worked for Camner, Lipsitz and Poller prosecuting foreclosures and representing BankUnited, the largest bank headquartered in Florida, in commercial litigation in debt related actions.

In 2006, I started my own firm and by 2008, with the financial crash, I turned my practice to foreclosure defense. In 2010, I started training with O. Max Gardner III, a North Carolina Bankruptcy attorney that has led the fight against foreclosure abuses across the nation. I travelled to New York, North Carolina, Nevada, and Florida for years participating in these seminars, and became a presenter based on my own work.

I successfully sued Bank of America under the False Claims Act using facts that support my efforts to sanction Bank of America in Hawaii in the U.S. District Court for the Southern District of Florida, Miami Division before the Honorable U.S. District Court Judge Ursula Ungaro in U.S. ex rel. Bruce Jacobs v. Bank of America Corp., et. al., U.S. Dist. Ct. Case No. 1:15-cv-24585-UU. Judge Ungaro refused to dismiss the case holding "[u]sing rubber-stamped endorsements on promissory notes or relying on MERS transfers to foreclose on properties or obtain orders of sales falls within the scope of actions barred by the [\$25 Billion National Mortgage Settlement] Consent Judgment Servicing Standards...."

In a unanimous opinion authored by the now Chief Judge of the Florida's Second District Court of Appeal, Nelly Khouzam, found a claim for fraud based on my work against Bank of America where, "the evidence on which the Bank relied to show standing had been fraudulently created and produced. Specifically, ... the Bank had added the undated endorsement..., had provided perjured testimony to falsely backdate the endorsement, and had submitted a false assignment of the note and mortgage to support its timeline of events." *Sorenson v. Bank of New York Mellon as trustee for Certificate Holders CWALT, Inc.*, No. 2D16-273, 2018 WL 6005236, at *1 (Fla. 2d DCA Nov. 16, 2018).

The Honorable Palm Beach County Senior Judge Howard Harrison after a full trial on the merits into a foreclosure prosecuted using JP Morgan Chase evidence, in which he found Plaintiff had unclean hands in presenting a Cynthia Riley blank endorsement and mortgage assignment as competent evidence of standing to foreclose. Wells Fargo Bank NA as Trustee for Wamu Mortgage Pass-Through Certificates Series 2005-PR4 Trust v. John Riley, dated December 13, 2017, in Palm Beach County Circuit Court Case Number 50-2016-CA-010759-XXXX-MB. JP Morgan Chase dismissed the appeal of Judge Harrison's ruling, satisfied the mortgage, and paid a confidential amount to settle the unclean hands finding.

There are many clients who have benefitted from my work. I recommend you speak to Keith Simpson, (3045) 216-9994 kasmal@bellsouth.net, Rosetta Lewis, (786) 230-0975 klewis9702@yahoo.com, Ryan Atkin, (954) 394-9299 ryanatkin2000@yahoo.com, Hugo Morales (305) 867-3950 mutual.investment.007@gmail.com, and Suzanne De Lisi, (631) 424-2449 suzannedelisi@optonline.net. The only government client I worked for was the Miami-Dade County State Attorneys' office.

I do not bill hourly. Over the past decade of defending foreclosures, I have created a fee structure that works with a combination of an initial payment, a monthly fee, a trial prep fee and a success fee. However, to bring my work to Hawaii involves a very different set of circumstances.

For almost a year, I have worked with Ian Chan Hodges who has tirelessly built the political momentum necessary to obtain serious sanctions against Bank of America, including addressing Bank of America's failure to fulfill its \$150 million commitment to the FHA-247 program on Hawaiian Home Lands. I respectfully request a budget of \$252,000.00 in an upfront payment to be split equally between Mr. Chan Hodges and myself. I also request a cost budget of \$108,000.00 to include travel and other litigation expenses. I would seek a contingency of 18% of the total sanctions awarded, to be paid 9% to my firm and 9% as consulting contingency fee to Mr. Chan Hodges, after a credit for any upfront fees or costs paid.

My firm's website is www.jakelegal.com. Thank you for your consideration of this important matter.

Sincerely,

Bruce Jacobs, Esq.

Bruce Jacobs, Esq.