



June 9, 2010

**Via Email and First Class Mail**

John D. Hawke, Jr., Esq.  
Arnold & Porter, LLP  
555 Twelfth Street, NW  
Washington, DC 20004-1206

**Re: Follow-Up to the Financial Crisis Inquiry Commission Hearing  
on April 8, 2010**

Dear Mr. Hawke:

On April 15, 2010, Chairman Angelides and Vice Chairman Thomas sent you a letter thanking you for testifying at the April 8, 2010 hearing and informing you that the staff of the Financial Crisis Inquiry Commission ("FCIC") would be contacting you or your office to follow-up on certain areas of your testimony and to submit written questions and requests for information related to your testimony, which are listed below. Please provide your answers and any additional information by June 23, 2010.<sup>1</sup>

1. Please provide detailed information (who, when and how) and a timeline regarding the following:
  - a) Any and all instances in which the OCC<sup>2</sup> requested from state law enforcement officials and consumer groups information or referrals related to incidents of deceptive conduct, unfair lending, predatory lending, mortgage fraud, boiler room-type conduct, or aggressive lending on the part of national banks;
  - b) Any related responses received from any such authorities or consumer groups; and

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<sup>1</sup> The answers you provide to the questions in this letter are a continuation of your testimony and under the same oath you took before testifying on April 8, 2010. Further, please be advised that according to section 1001 of Title 18 of the United States Code, "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than five years, or both."

<sup>2</sup> "OCC" refers to the Office of the Comptroller of the Currency and any of its members, divisions, and offices, including its national, regional or local offices and all other persons acting or purporting to act on its behalf.

Phil Angelides  
*Chairman*

Hon. Bill Thomas  
*Vice Chairman*

Brooksley Born  
*Commissioner*

Byron S. Georgiou  
*Commissioner*

Senator Bob Graham  
*Commissioner*

Keith Hennessey  
*Commissioner*

Douglas Holtz-Eakin  
*Commissioner*

Heather H. Murren, CFA  
*Commissioner*

John W. Thompson  
*Commissioner*

Peter J. Wallison  
*Commissioner*

Wendy Edelberg  
*Executive Director*

- c) Any further actions taken by the OCC in response to any such related information or referrals.

The FCIC appreciates your cooperation in providing the information requested. Please do not hesitate to contact Jeff Smith at (202) 292-1398 or [jsmith@fcic.gov](mailto:jsmith@fcic.gov) if you have any questions or concerns.

Sincerely,



Wendy Edelberg  
Executive Director  
Financial Crisis Inquiry Commission

cc: Phil Angelides, Chairman, Financial Crisis Inquiry Commission  
Bill Thomas, Vice Chairman, Financial Crisis Inquiry Commission  
Jeff Smith, Investigative Counsel, Financial Crisis Inquiry Commission

**From:** Jeff Smith [mailto:jsmith@fcic.gov]  
**Sent:** Thursday, June 17, 2010 9:37 AM  
**To:** Hawke, Jr., John D.  
**Subject:** RE: Follow-Up Request from April 8, 2010 Hearing

Mr. Hawke:

We sincerely appreciate your recount of events, even though our memories do tend to fade with time. I will place this into the record and if we have any follow-up questions we will let you know.

Highest regards,

Jeff

**From:** Hawke, Jr., John D. [mailto:John.Hawke@APORTER.COM]  
**Sent:** Thursday, June 17, 2010 9:22 AM  
**To:** Jeff Smith  
**Subject:** RE: Follow-Up Request from April 8, 2010 Hearing

While my memory tends to fade these days, I clearly recall my first meeting with State AGs. Among others the AGs from Iowa and North Carolina were there. Eliot Spitzer was supposed to attend, but instead he held a press conference blasting the OCC. At the meeting it was clear that we had an irreconcilable difference on preemption, but we had the same objective of protecting consumers. I proposed that we enter into an information-sharing agreement under which the states would refer to the OCC for remedial action any information they had about consumer violations or abuses involving national banks, while the OCC would make similar referrals to the states involving state banks. Sometime after the meeting I circulated a draft of such an agreement, but I don't recall having any response from the states.

**From:** Jeff Smith [mailto:jsmith@fcic.gov]  
**Sent:** Wednesday, June 16, 2010 4:18 PM  
**To:** Hawke, Jr., John D.  
**Cc:** Wendy Edelberg  
**Subject:** RE: Follow-Up Request from April 8, 2010 Hearing

Mr. Hawke:

Thank you for your assistance. Please provide us with any information you may have based upon your memory from your time while working with the OCC. Although we had anticipated that most information and documents would be derived from the OCC, we still wanted you to share any personal knowledge or information that you may have.

Best regards,

Jeff

Jeffrey Smith  
Investigative Counsel  
Financial Crisis Inquiry Commission

202-292-1398  
[jsmith@fcic.gov](mailto:jsmith@fcic.gov)

**From:** Hawke, Jr., John D. [mailto:John.Hawke@APORTER.COM]  
**Sent:** Wednesday, June 16, 2010 1:52 PM  
**To:** Jeff Smith  
**Subject:** Follow-Up Request from April 8, 2010 Hearing

Dear Mr. Smith,

I am responding to the attached letter to me of June 9, 2010 from the Executive Director of the Commission, presenting follow-up questions related to my testimony on April 8. Because I do not have in my possession records or documents that would enable me to answer these questions I am afraid I cannot provide a useful response. However, I understand that the Office of the Comptroller of the Currency, which does have documents and records relating to the subject of these questions, is gathering the information requested and will provide a response to the Commission.

John D. Hawke, Jr.