

American Conference Institute's 7th National Forum on

PREVENTING, DETECTING AND RESOLVING

MORTGAGE FRAUD

October 24–25, 2011 | Washington Marriott | Washington, DC

Distinguished Co-Chairs:

Kristina D. Maritzczak

First Vice President, Associate General Counsel
Flagstar Bank

Scott Goldsberry

Assistant Vice President
Bank of America Home Loans

Featured Speakers include:

Robb Adkins

Executive Director
Financial Fraud Enforcement Task Force

Fred Gibson

Principal Deputy Inspector General
FDIC, Office of the Inspector General

Stacey Smith

Assistant United States Attorney
United States Attorney's Office, E.D. Pa.

Richard Jones

Senior Vice President and General Counsel
Federal Reserve System

Shawn Rice

Senior Special Agent, Criminal Investigation Division
Office of Inspector General, US Department of
Housing & Urban Development

Craig R. Howland

Supervisory Special Agent
Federal Bureau of Investigation

Plus, Hear Leaders in the Field From:

State Regulatory Registry

Freddie Mac

Bank of America

Flagstar Bank

WCS Lending

Morgan Stanley/Saxon Mortgage

FNC Inc.

First American Title Insurance Company

Allstate Appraisal, L.P.

Franklin American Mortgage Company

Equifax Verification Services

IMARC

Fitch Ratings

Mississippi Valley Title Insurance Company

Leading risk management, fraud prevention, and quality assurance professionals, expert outside counsel, seasoned regulators, and government officials will help you adapt to the stepped up regulatory and enforcement landscape and provide best practices on:

- The changing regulatory focus on mortgage fraud: the role of FFETE, FDIC, the U.S. Attorney's Office, the FED, and beyond
- Protecting your company and your clients in light of nationwide and regional mortgage fraud trends, hotspots, schemes and red flags
- Flopping and short sales: reviewing your metrics at all levels in response to these frauds and creating ways to avoid and prevent them
- Settlement agent fraud: the deadly viper of mortgage fraud claims
- How to prepare for and defend against increased loan repurchase requests
- The new and complex world of HUD/FHA lending requirements: using lessons learned from investigations of cases by the agencies to avoid costly penalties, including expulsion from the program
- False Claims Act expansions and related Dodd-Frank and PFCRA anti-fraud measures: how to pinpoint risk and implement relevant and impactful risk mitigation policies and tools in response
- Best practices for fraud prevention and underwriting
- The litigation roundup: assessing the impact of the usual (and not so usual) mortgage fraud cases, including the upswing in claims involving loan modifications and foreclosure rescue groups
- Assessing the exposure that financial institutions now face due to RMBS and trust and securitization litigation
- Investigation & recovery on a budget: effective ways to maximize the recovery of losses through fraud recovery programs that really work
- Reverse mortgage fraud: essential legal and practical strategies for managing risk and preparing for heightened regulatory scrutiny

Enhance your conference experience -- Register for: The Essential Fraud Assessment Sessions

A Mortgage Servicing: Prudently Reviewing Servicing Policies and Procedures to Avoid Complaints and Regulatory Actions, and Crafting an Effective Fraud Prevention Program While Minimizing Costs and Resources

B Beyond Red Flags: Strengthening Mortgage Fraud Prevention and Detection by Thinking Like a Crook to Anticipate How They Will Take Advantage of Loan Modifications, Reverse Mortgages, Delayed Foreclosures, REOs and More

Media Partner:



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Are your fraud prevention policies keeping pace with the market realities? As old fraud schemes resurface and new scams emerge, fraudsters continue to defraud consumers, as well as the banks themselves.

The turmoil created by mortgage fraud has cost the industry nearly billions of dollars in the last decade. Now banks are facing new challenges in light of *U.S. v. Deutsche Bank*, increased repurchase requests, and the countless red flags to watch for. Federal and state enforcement agencies are becoming more aggressive in their efforts to mitigate fraud. As new fraud schemes materialize and old scams become more sophisticated, it is crucial that you keep your prevention and detection practices in top shape.

Scammers are still targeting the industry despite more diligent efforts to find and report the fraud. It is time for lenders to proactively assess risk and address the areas of concern. Industry players need to develop more communication in an effort to identify the fraudsters and fraud rings.

Take advantage of this unparalleled opportunity to network and develop contacts in an effort to mitigate fraud and a costly loss to your company at ACI's 7th Annual Forum on Preventing, Detecting and Resolving Mortgage Fraud. The forum is designed to provide an environment to give you the advanced, practical strategies you need to enhance your fraud prevention and detection practices. Hear first hand how to work with the government in their enforcement efforts and successful approaches for fraud mitigation. This event features a never before seen faculty from the Financial Fraud Enforcement Task Force, FDIC, US Attorney's Office, the FED, Office of the Inspector General-HUD, Freddie Mac, Flagstar Bank, WCS Lending, Bank of America, Morgan Stanley/Saxon Mortgage, FNC, First American Title Insurance, Allstate Appraisal, IMARC, Franklin American Mortgage, Equifax Verification Services, Fitch Ratings, Mississippi Valley Title Insurance Company and many more.

Enhance your conference experience by also registering for the essential fraud Assessment Sessions:

- Mortgage Servicing: Prudently Reviewing Servicing Policies and Procedures to Avoid Complaints and Regulatory Actions, and Crafting an Effective Fraud Prevention Program While Minimizing Costs and Resources
- Beyond Red Flags: Strengthening Mortgage Fraud Prevention and Detection by Thinking Like a Crook to Anticipate How They Will Take Advantage of Loan Modifications, Reverse Mortgages, Delayed Foreclosures, REOs and More

Register Now by calling 1-888-224-2480, faxing your registration form to 1-877-927-1563, or going online at www.AmericanConference.com/MortgageFraud

WHO YOU WILL MEET

- Mortgage Industry Professionals in the Following Areas:
 - Risk Assessment
 - Quality Assurance
 - Quality Control
 - Fraud Prevention
 - Fraud Investigation
 - Underwriting
 - Compliance
- Corporate Counsel at Mortgage Lenders
- Private Practice Attorneys Specializing in :
 - Mortgage Banking
 - Financial Services
 - Consumer Finance
 - Government Enforcement
- Financial Crimes Investigators
- Key Regulators

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7:30 **Registration and Continental Breakfast**

8:00 **Co-Chairs' Opening Remarks**

Kristina D. Maritzak

First Vice President, Associate General Counsel
Flagstar Bank

Scott Goldsberry

Assistant Vice President
Bank of America Home Loans

8:05 **The Changing Regulatory Focus on Mortgage Fraud: The Role of FFETF, FDIC, the U.S. Attorney's Office, The FED, and Beyond**

Robb Adkins

Executive Director
Financial Fraud Enforcement Task Force

Fred Gibson

Principal Deputy Inspector General
FDIC, Office of the Inspector General

Stacey Smith

Assistant United States Attorney
United States Attorney's Office,
Eastern District of Pennsylvania

Richard Jones

Senior Vice President and General Counsel
Federal Reserve System

Bill Matthews

President & CEO
State Regulatory Registry LLC

Moderator:

Anand S. Raman

Partner
Skadden, Arps, Slate, Meagher & Flom LLP

- The Fraud Enforcement and Recovery Act of 2009
- Evolving Enforcement concerns: continued emphasis on enforcement in mortgage fraud cases and commercial/development lending cases
- Gain various federal agency perspectives
- Federal regulations and preemption of fraud litigations
- How FHA actions is becoming more proactive in mortgage fraud prevention
- How are government agencies working together?
- Old Law, New Remedies: Learn how DOJ is using existing law in new ways to combat mortgage fraud
- Calling All Financial Institutions: Discuss how DOJ is expecting more assistance from financial institutions with creating loss mitigation solutions
- Working with the government
 - Maintain the chain of evidence during and investigation
 - Keeping lines of communication open
- NMLS requirements for unique ID numbers and NMLS operations

9:35 **Protecting Your Company and Your Clients in Light of Nationwide and Regional Mortgage Fraud Trends, Hotspots, Schemes and Red Flags**

Craig R. Howland

Supervisory Special Agent
Federal Bureau of Investigation

Kathy Coon, SRA

Chief Appraiser-Director, Appraisal Quality Control
FNC Inc.

Donald J. Gossman, SRA

Gossman and Associates, Inc.
Appraisal Fraud Consultants

Ann Fulmer

Vice President of Business Relations
Interthinx

R. Bradford Jones, Esq., CPA, CFE

Claims Counsel
Mississippi Valley Title Insurance Company

Moderator

Geoff Milne

Partner
Hunt Leibert Jacobson, P.C.

In this session, you will learn about the latest nationwide trends in fraud over the past year, the fraud hotspots, and how to recognize certain emerging schemes. You will also glean the red flags in current fraud schemes from different regions of the country so that you will recognize them when they come your way. This expert panel will provide:

- Insights on how fraudsters are modifying old schemes and where the fraud is heading
 - Foreclosure Rescue Scams
 - Loan Modification misrepresentation
 - Appraisal Fraud
 - Closing Protection Letters
 - Licensing Fraud
 - Identity Fraud
 - Occupancy Fraud
- New details on unreported fraud: new wave of prosecutions?
- Guidance on how to detect fraud in originations going forward given the new landscape
- Lessons learned from the past years

11:00 **Morning Coffee Break**

11:10 **Identifying and Preparing for Flopping and Short Sale Fraud**

Robert R. Lawrence

Associate General Counsel
Freddie Mac

Scott Goldsberry

Assistant Vice President
Bank of America Home Loans

Jamie Kosofsky
Managing Attorney
Brady & Kosofsky, PA

Cynthia Blair
Department Head
Rogers Townsend & Thomas, PC

Loretta Salzano
Founding Partner
Franzen and Salzano, PC

Moderator:

Hon. Kenneth M. Donohue
Principal and Senior Advisor
Reznick Group, P.C.
(Former Inspector General for HUD)

- Highlighting the red flags to watch for during a closing
- Creating ways to avoid and prevent this type of fraudulent activity
- How to deal with valuation in a short sale
- Looking at the relationship between the appraiser, title company and mortgage broker to tie the players together
- How to apply the proper due diligence in order to understand the current market value of the property
- Understanding what scenarios constitute short sale fraud
- Awareness of Broker Price Opinions (BPO), to counterbalance “flopping” attempts

12:15 **Settlement Agent Fraud: The Deadly Viper of Mortgage Fraud Claims**

Kristina D. Maritzczak
First Vice President, Associate General Counsel
Flagstar Bank

Janice L. Celotti
Managing Attorney
Law Offices of Janice L. Celotti PLLC

Laura Roedel
Vice President-Strategic Marketing
First American Title Insurance Company

Frauds involving settlement agent misconduct are the most deadly variety of mortgage fraud, resulting in mortgage proceeds to be completely lost, with little or no chance of recovery. Thus, prevention efforts are critical. These complex criminal schemes often involve a network of industry insiders, like settlement agents, who intimately understand lending practices and know how to circumvent standard fraud checks. This session will help equip you with the special insight and advanced methods needed to address this most deadly variety of mortgage fraud. Topics include:

- Real case studies; insight into the crimes of settlement agents
- Preventing fraud through settlement agent selection
- National and local methods for settlement fraud prevention
- The truth about closing protection letters
- Pursuing claims to recoup losses

1:15 **Networking Luncheon for Speakers and Delegates**

2:25 **How to Prepare for and Defend Against Increased Loan Repurchase Requests**

Steve Covington
Senior Vice President- National Head of Quality Control
Morgan Stanley/ Saxon Mortgage

Paul R. Osborne
Partner
Crowe Horwath LLP

Stuart B. Wolfe
Partner
Wolfe & Wyman LLP

- Preparing for the potential losses
- Examining the proper due diligence process to avoid repurchase
- Where does the due diligence burden fall?
- Fannie Mae and Freddie Mac buy back processes – how aggressively will investors, Fannie Mae and Freddie Mac pursue loan repurchase demands for loans affected by documentation problems
- Defending against increased repurchase requests
- FHFA Subpoenas
- Looking at the quality of loans as the basis of securitization

3:35 **Afternoon Refreshment Break**

3:45 **The New and Complex World of HUD/FHA Lending Requirements: Using Lessons Learned from Investigations of Cases by the Agencies to Avoid Costly Penalties, Including Expulsion From the Program**

Andrew Sandler
Partner
Buckley Sandler LLP

Robert Bagley
Underwriting Manager
WCS Lending

As the government becomes more aggressive in pursuing claims on behalf of the FHA, lending institutions need to be more aware of the complex regulation requirements and costly penalties, including expulsion from the program. This session will focus on what claims they are seeing and how the program will function overall; with a full overview of the HUD/FHA direct endorsement program and how to comply with the rules and regulations. Gain a better understanding of the complex FHA lending regulations and how to proactively assess risk and address areas of concern within your company.

4:45 **False Claim Act Expansions and Related Dodd-Frank and PFCRA Anti-Fraud Measures: How to Pinpoint Risk and Implement Relevant and Impactful Risk Mitigation Policies and Tools in Response**

Michelle Canter
Managing Partner, Atlanta
LotsteinLegal PLLC

Adam Feinberg
Chair, Litigation Department
Miller & Chevalier Chartered

Neil Narut
Managing Attorney
Potestivo & Associates P.C

With its treble damages and civil penalty provisions, it is no surprise that the False Claims Act (FCA) has become an important weapon in the U.S. Department of Justice's fight against mortgage fraud. Plus, there are related anti-fraud measures such as those contained in the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Program Fraud Civil Remedies Act. This sessions will delve deeply into:

- The use of the FCA by the Department of Justice and by whistleblowers in mortgage cases
- What to expect in an FCA investigation and litigation
 - how to prevent and defend an FCA suit
- the prevalence of claims under the "Mini False Claims Act," the Program Fraud Civil Recoveries Act (PFCRA)
- The qui tam trends in FCA and PFCRA cases and the anticipated effects of the *Deutsche Bank* case

You will walk away from the session with a keen understanding of the current demands and claims, what to expect with investigation and litigation, and how to protect your company in response.

5:45 Conference Adjourns

DAY TWO | TUESDAY, OCTOBER 25, 2011

7:30 Continental Breakfast

8:00 Best Practices for Fraud Prevention and Underwriting

Bob Simpson
President
IMARC

Steven S. Albert, MAI, SRA
Executive Vice President
Allstate Appraisal, L.P.

Michael Larkin
AVP/Quality Assurance and Special Investigations
Franklin American Mortgage Company

Lisa Binkley
Director-Product Solutions
Equifax Verification Services

Moderator:

Diane Pendley
Managing Director
Operational Risk Group, Structured Finance
Fitch Ratings

- Quality Control/Appraisal Review for Litigation/ Arbitration-Support Purposes
 - maximizing the effectiveness of appraisal reviews – for Any Purpose
 - appraiser Qualifications Matter
 - use of Supporting Exhibits in Reviews
 - use of Consulting Reports along with Appraisal Reviews to Assist in preparation of Findings Letters
- Freddie Mac and Fannie Mae underwriting requirements
- Updating processes to spot fraudulent documentation in full doc loans
 - new methods for detecting sophisticated doctored loan documentation
 - effect of tighter credit restrictions on the loan process
 - what to look for when reviewing borrower documents and matching income to credit history
 - best practices on how to quickly validate a borrower's employment
- Pre-approval fraud prevention: adapting existing practices to new and emerging fraud schemes
 - what red flags should you look for – "hard to spot" characteristics of fraud
 - best practices for educating employees on fraud prevention
 - conducting thorough due diligence to minimize the risk of originating fraudulent loans
 - integrating new software tools into your prevention practices
 - using predictive modeling to bolster fraud prevention practices
 - incorporating the results of strategy reviews into your prevention policy: understanding how you got beat on an account
 - how to perform a quick and accurate triage on a Spot Loan referral
 - maintaining the proper balance between production and risk management
- Pre-funding detection strategies to reveal fraudulent approvals
 - determining which pre-funding diagnostic tools are best for your organization
 - implementing the new diagnostic tools into existing detection strategies
 - how to adequately run checks to identify straw buyers and what to do once they are detected
 - next steps when you suspect fraud in the papers
 - checking title and when to pull files for additional investigation
- When is a compliance audit necessary?
 - Wrapping up the audit and drafting the report

9:00 The Litigation Roundup: Assessing the Impact of the Usual (and Not So Usual) Mortgage Fraud Cases, Including the Upswing in Claims Involving Loan Modifications and Foreclosure Rescue Groups

Rachel M. Dollar, Esq, CMB
Partner
Smith Dollar PC

Michael Pfeifer

Partner
Pfeifer & de la Mora, LLP

Eric Weinstein

Partner
Ellenoff Grossman & Schole LLP

- “War Stories”: a summary of the usual, and not so usual mortgage fraud cases
- Cost effective case preparation and targeted investigation: who are the players?
- Case preparation and evaluation
- Successful litigation strategies
- Working with law enforcement
- Gathering key documents and evidence

10:00 **Morning Coffee Break**

10:10 **Crafting a Winning Strategy to Defend Against RMBS and Trust and Securitization Litigation**

Karyn Caldwell

Vice President, Associate General Counsel
Flagstar Bank

Kristina D. Maritzak

First Vice President, Associate General Counsel
Flagstar Bank

Veronica Rendon

Partner
Arnold & Porter LLP

Residential mortgage backed security litigation has come to the forefront for financial institutions in today’s continuing volatile economic climate. Many financial institutions are receiving demands for repurchases from bond insurers such as MBIA and Assured Guaranty which are leading to high stakes litigation. This session will help you strategically deal with a repurchase demand and master the issues involved in defending this litigation, along with other strategic discussions pertinent to this subject matter.

11:05 **Investigation & Recovery on a Budget: Effective Ways to Maximize the Recovery of Losses Through Fraud Recovery Programs That Really Work**

Alton Sizemore Jr. CPA, CFE, CFF

Director of Investigations
Forensic/Strategic Solutions, PC

Roland Reynolds

Partner
Palmer, Lombardi & Donohue LLP

David Fleck

Of Counsel
Rudow Law Group, LLC

In the current environment, lenders and servicers have very limited resources with which to battle staggering fraud losses.

This panel will focus upon effective ways to maximize the recovery of losses by exploring fraud recovery programs that really work. Points will include:

- How to document fraud claims
- Identifying and targeting responsible parties
- Establishing realistic damages claims
- Managing a portfolio of fraud cases on a limited budget; including single loan cases, as well as major multi transaction fraud schemes
- Inventive uses of existing in-house staff to document and prepare claims
- Techniques to manage cases on a budget
- Streamlining of audit and investigative procedures
- The use of pre-litigation procedures to resolve claims
- Litigation cost containment techniques that work.
- Preventing employee wrongdoing from the inside
- Dealing with issues of attorney client privilege
- Creating corporate compliance programs for document review procedures
- When to notify the government of internal wrongdoing

12:00 **Reverse Mortgage Fraud: Essential Legal and Practical Strategies for Managing Risk and Preparing for Heightened Regulatory Scrutiny**

Shawn Rice

Senior Special Agent
Criminal Investigation Division
Office of Inspector General,
US Department of Housing & Urban Development

Katharine Musso

Partner
Jones, Walker, Waechter, Poitevent, Carrère & Denègre, L.L.P.

- The latest on reverse mortgage or Home Equity Conversion Mortgages (HECMs) fraud
- What is the interplay with other types of mortgage fraud?
- Avoiding fraud in securitization of reverse mortgages and the secondary market
- Strategies for managing mortgagee letters
- Looking out for the use of “straw buyers”
- What are the typical red flags and how do you use red flags as a prevention tool?
 - no notes in loan file (or no information regarding the property)
 - working with “abandoned” property
 - delinquent taxes or no property insurance
 - problems with title insurance or fraudulent appraisals
- Best practices for fraud prevention and what to do if you have detected a fraud scheme
- Coordination between HUD and FinCEN
- Banking Regulatory Agency Guidelines and Examinations
 - elder abuse
 - state consideration regarding powers of attorney

12:45 **Main Conference Ends - Lunch for Internal Fraud Assessment Session Attendees**

Post-Conference Essential Fraud Assessment Sessions

TUESDAY, OCTOBER 25

1:45 p.m. – 3:45 p.m.

A Mortgage Servicing: Prudently Reviewing Servicing Policies and Procedures to Avoid Complaints and Regulatory Actions, and Crafting an Effective Fraud Prevention Program While Minimizing Costs and Resources

Rachel M. Dollar, Esq., CMB
Partner
Smith Dollar PC

Paul R. Osborne
Partner
Crowe Horwath LLP

Like never before, mortgage-servicing companies are under investigation by the federal government and state banking regulators for sloppy paperwork and other problems, in the form of investigations, lawsuits, and major financial penalties for violation of consumer-protection laws. There is a major probe underway on how banks and other mortgage servicers deal with struggling homeowners. Minor changes in loan-servicing practices are not going to cut it. The industry is facing fundamental changes in the servicing of mortgage right now, requiring major enhancements on your part.

This session will serve as your one-stop guide and checklist on all the key servicing issues involved in **Regulatory Reform, Compliance, Agency and Enforcement Updates, Home Retention and Foreclosure, Default and Bankruptcy Issues, and Business Strategy and Operations**. It will help you zero in on the servicing side on compliance with state and federal regulations while implementing practical approaches and efficient resolution of defaults and foreclosures due to the market conditions.

Topics include:

- Reducing regulatory enforcement risk by prudent review of servicing policies and procedures
 - interviews with appropriate staff
 - review and analysis of the relevant documents; policies and procedures; training practices and manuals; HR policies; servicing and accounting systems and procedures
- An examination of fraud in the back end of the mortgage market: what you now need to know
- Cost/benefit analysis: things to take into consideration when conducting internal investigations
- Detecting fraud in originations: whose responsibility is this?
- The Risk Assessment Process: Have Gaps been identified in the Mortgage Servicing Area?
- Reviews of loan files and servicer reports: whose responsibility is this?
- Determining whether investigations can be outsourced
- Can Freddie Mac/Fannie Mae LQI reviews identify fraud elements?
- Uncovering complex fraud schemes when there are multiple players involved
- Contingency plans for servicer failures

3:50 p.m. – 5:50 p.m.

B Beyond Red Flags: Strengthening Mortgage Fraud Prevention and Detection by Thinking Like a Crook to Proactively Anticipate How They Will Take Advantage of Loan Modifications, Reverse Mortgages, Delayed Foreclosures, REOs and More

David Fleck
Of Counsel
Rudow Law Group, LLC

Lists of red flags are based on crime techniques of the past. Unfortunately, the crooks are often one or two steps ahead of us and always come up with new, creative, entrepreneurial ways to steal money. Red flags can be like blinders if we focus on them too closely. This innovative session will give you a full “360” on how to think like the bad guys and anticipate how they will take advantage of new products and services like loan modifications, reverse mortgages, delayed foreclosures, and REOs. It will review documents from an actual fraudulent transaction so that you can adequately detect evidence of fraud going forward.

Session topics include:

- What motivates mortgage fraudsters?
- What goals do fraudsters have in mortgage transactions?
- How do they accomplish their goals?
- How do they steal identities?
- How do they forge documents?
- How do they get forged documents notarized?
- How do they get forged documents recorded?
- Spotting indicia of fraud in
 - the loan application
 - the HUD-1
 - the appraisal report

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Hear from:

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- A Mortgage Servicing
- B Beyond Red Flags: Thinking Like a Crook

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