



April 14, 2020

**VIA Electronic Delivery**

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

**Re: Freedom of Information Act Records Request**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 et seq., and the Office of the Comptroller of the Currency (OCC) and the Department of the Treasury regulations at 12 C.F.R. Part 4 and 31 C.F.R. Part 1, respectively, Democracy Forward Foundation, on its own behalf and on behalf of its clients the National Community Reinvestment Coalition and the California Reinvestment Coalition (collectively “Requesters”), make the following request for records.

**Records Requested**

In an effort to understand and explain to the public the communications that Comptroller of the Currency Joseph Otting engaged in with stakeholders during the course of OCC’s effort to revise the Community Reinvestment Act regulations,<sup>1</sup> Requesters request that the OCC produce the following within twenty (20) business days:

1. All memoranda, e-mails, recordings, transcriptions, notes, calendars, and any and all other records from, relating to, or in any way describing the fact or content of the conversations between Comptroller Otting and bank CEOs about the Community Reinvestment Act rulemaking listed in the OCC memorandum attached hereto.<sup>2</sup>

The search period is December 12, 2019 to the date on which the search is completed.

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<sup>1</sup> See Notice of Proposed Rulemaking, Community Reinvestment Act Regulations, OCC, 85 Fed. Reg. 1204 (Jan. 9, 2020), <https://www.federalregister.gov/documents/2020/01/09/2019-27940/community-reinvestment-act-regulations>; Advanced Notice of Proposed Rulemaking, Reforming Community Reinvestment Act Regulatory Framework, OCC (Sept. 5, 2018), <https://www.regulations.gov/document?D=OCC-2018-0008-0001>.

<sup>2</sup> See Summaries of Comptroller Calls with Bank CEOs, OCC (April 8, 2020), <https://www.regulations.gov/document?D=OCC-2018-0008-2668>.

## **Scope of Search**

Please search for records regardless of format, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical materials. This request includes, without limitation, all correspondence, letters, emails, text messages, calendar entries, facsimiles, telephone messages, voice mail messages, and transcripts, notes, minutes, or audio or video recordings of any meetings, telephone conversations, or discussions. In searching for responsive records, however, please exclude publicly available materials such as news clips that mention otherwise responsive search terms.

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See id.* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

## **Request for Fee Waiver**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), 12 C.F.R. § 4.17, and 31 C.F.R. § 1.7, Requesters request a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees when “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A); *see also* 12 C.F.R. § 4.17(4), 31 C.F.R. § 1.7(k)(1).

*The disclosure of records sought by this Request is likely to contribute significantly to the public understanding of the operations or activities of the government.*

In January, the OCC published a Notice of Proposed Rulemaking to revise the Community Reinvestment Act regulations.<sup>3</sup> During the comment period, it was reported that the Comptroller of the Currency had been contacting banking industry executives to solicit their feedback and support regarding the Proposed Rule.<sup>4</sup> OCC has only published generic, cursory descriptions of these conversations.<sup>5</sup> These extremely short, general descriptions are insufficient to afford the public a meaningful opportunity to evaluate the Notice of Proposed Rulemaking in light of the Comptroller's discussions with key stakeholders, and raise serious concerns regarding OCC's compliance with its obligation under the Administrative Procedure Act to engage in a public process.<sup>6</sup> The requested records therefore have a connection that is "direct and clear" to operations or activities of the Federal Government, and because these records will shed new light on this important topic, they also will be "meaningfully informative" about government operations or activities. 31 C.F.R. § 1.7(k)(2).

*Requesters are able to, and regularly do, disseminate Records obtained through FOIA requests to a broad audience of persons interested in the subject matter.*

In determining whether a fee waiver is appropriate, courts consider whether a requester has a "demonstrated . . . ability to disseminate the requested information," *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to "a reasonably broad audience of persons interested in the subject" of its work. *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require "pointless specificity"; all that is necessary is for a requester to adequately demonstrate its "ability to publicize disclosed information." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, *see id.*, or whether the requester has a history of "contacts with any major news[] companies" that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had failed to identify his relationships with newspaper companies that could disseminate documents).

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<sup>3</sup> *See supra* n.1.

<sup>4</sup> *See* Andrew Ackerman, Bank CEOs Courted By Regulator On Low-Income Lending Overhaul, Wall St. J. (Feb. 21, 2020), <https://www.wsj.com/articles/top-u-s-regulator-said-to-lobby-bank-ceos-on-overhaul-of-low-income-lending-rules-11582309318>.

<sup>5</sup> *See* Summaries of Comptroller Calls with Bank CEOs, *supra* n. 02 ("Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed transition periods and treatment mortgage origination in the proposal.").

<sup>6</sup> *See* Letter from California Reinvestment Coalition and National Community Reinvestment Coalition to Comptroller Otting, Re: Community Reinvestment Act Regulations, Docket ID OCC-2018-0008 (March 17, 2020), <https://www.regulations.gov/document?D=OCC-2018-0008-2238>.

## Democracy Forward Foundation

Democracy Forward Foundation (“DFF”) has a demonstrated ability to disseminate information of public interest requested through FOIA, and intends to publicize records DFF receives that contribute significantly to the public’s understanding of the operations of government.

DFF operates a dedicated communications staff with deep relations with a wide variety of national publications. When DFF obtains materials through FOIA requests that are of significant public interest, DFF’s communications staff regularly works to ensure that these materials and their contents are featured in press articles educating the public about the operation of government; many articles feature additional commentary and analysis from DFF staff about those materials and their relevance to policy issues of public interest.<sup>7</sup>

Additionally, DFF regularly sends press releases and other materials to over 6,000 members of the press and the over 7,000 members on our organization’s email list, discussing ongoing legal

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<sup>7</sup> See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, *“Happy to Do It”: Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy*, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>; Hamid Aleaziz, *Emails Show US Border Officials Didn’t Receive “Zero Tolerance” Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, Huffpost (Dec. 17, 2018), [https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut\\_us\\_5c115061e4b084b082ff8dba](https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba); Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, *‘Just answer the question and kill this story’: In internal emails, Heather Nauert criticized Rex Tillerson’s refusal to deny reports that he called Trump a ‘moron,’* Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), [https://m.huffpost.com/us/entry/us\\_5bd9ff6ee4b01abe6a1ad4a9](https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9); Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback—she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees’ war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

developments related to executive branch policymaking. These materials often include descriptions and analysis of information obtained by DFF through its FOIA requests.<sup>8</sup> In addition, DFF operates a verified Twitter account with over 6,000 followers, and frequently uses the account to circulate significant documents received through FOIA requests.<sup>9</sup>

DFF's website also houses a great deal of information obtained through its FOIA requests, accessible to the public at no cost. DFF's website logged over 187,000 pageviews in 2018 alone.

DFF frequently incorporates documents received through FOIA into related legal actions brought by DFF on behalf of its clients, and in doing so further publicizes documents received by explaining their legal significance.<sup>10</sup>

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<sup>8</sup> See, e.g., *BREAKING: At Congressional Hearing, Sec. DeVos Confronted With Records Revealing Trump Administration's Unlawful Decision to Permit Federal Funds to Arm Teachers* (Apr. 10, 2019), <https://democracyforward.org/press/breaking-at-congressional-hearing-sec-devos-confronted-with-records-revealing-trump-administrations-unlawful-decision-to-permit-federal-funds-to-arm-teachers/>; *BREAKING: New Evidence Reinforces Claim Trump's Title IX Policy Was Based on Sexist Stereotypes, Rendering it Unconstitutional* (Nov. 1, 2018), <https://democracyforward.org/press/breaking-new-evidence-reinforces-claim-trumps-title-ix-policy-was-based-on-sexist-stereotypes-rendering-it-unconstitutional/>; *On 1-Year Anniversary of Equal Pay Roll Back, New Documents Reveal Ivanka Trump's Role in Trump Administration Decision to Roll Back Protections for Women and Working Families* (Aug. 29, 2018), <https://democracyforward.org/press/on-1-year-anniversary-of-equal-pay-roll-back-new-documents-reveal-ivanka-trumps-role-in-trump-administration-decision-to-roll-back-protections-for-women-and-working-families/>; *Democracy Forward Demands Ethics Investigation into White House Official's Role in Developing Special Drug Pricing Project With Novartis* (July 11, 2018), <https://democracyforward.org/press/democracy-forward-demands-ethics-investigation-into-white-house-officials-role-in-developing-special-drug-pricing-project-with-novartis/>; *BREAKING: New Records Reveal DeVos Senior Advisor And Former For-Profit College Executive Directed Rollback of Protections Against Predatory Student Loans* (May 15, 2018), <https://democracyforward.org/press/breaking-new-records-reveal-devos-senior-advisor-former-profit-college-executive-directed-rollback-protections-predatory-student-loans/>; *BREAKING: New Records Suggest Trump-Appointed Political Officials Drove HHS Decision To End Program Grants That Have Helped Reduce Teen Pregnancy Rates To All-Time Low* (Mar. 20, 2018), <https://democracyforward.org/press/breaking-new-records-suggest-trump-appointed-political-officials-drove-hhs-decision-end-program-grants-helped-reduce-teen-pregnancy-rates-time-low/>.

<sup>9</sup> See, e.g., the following tweets and tweet threads from @DemocracyFwd: <https://twitter.com/DemocracyFwd/status/910123899035226112> (Sep. 19, 2017); <https://twitter.com/DemocracyFwd/status/976991060680462336> (Mar. 22, 2018); <https://twitter.com/DemocracyFwd/status/996480908877271042> (May 15, 2018); <https://twitter.com/DemocracyFwd/status/998986714105483264> (May 22, 2018); <https://twitter.com/DemocracyFwd/status/1022870550769754112> (July 27, 2018); <https://twitter.com/DemocracyFwd/status/1035144352345903105> (Aug. 30, 2018); <https://twitter.com/DemocracyFwd/status/1053294640382779392> (Oct. 19, 2018); <https://twitter.com/DemocracyFwd/status/1071105652867690496> (Dec. 7, 2018).

<sup>10</sup> See, e.g., Second Amended Complaint for Injunctive Relief at 31, *SurvJustice, Inc., et al. v. DeVos et al.*, No. 3:18-cv-00535-JSC (N.D. Cal. Oct. 31, 2018), ECF No. 86, reported on in Klein, *supra* n. 4; Memorandum of Law in Support of Plaintiffs' Motion for Preliminary and Permanent Injunction at 14-15, *Healthy Teen Network and Mayor and City Council of Baltimore v. Azar and U.S. Dep't of Health and Human Services*, No. 1:18-cv-00468-CCB (D. Md. Mar. 27, 2018), ECF No. 18-1, reported on in Przybyla, *supra* n. 4.

## National Community Reinvestment Coalition

National Community Reinvestment Coalition (“NCRC”) has a robust public distribution outlet through its website at [ncrc.org](http://ncrc.org) and is known for its research and analysis. NCRC routinely publishes information for the public, shares information with the press and is regularly cited in articles published by national, regional, local and trade news organizations.<sup>11</sup> NCRC routinely shares information and statements with roughly 1,000 press contacts, through newsletters and messages sent to roughly 35,000 email contacts, and by publishing for NCRC’s online audiences at [ncrc.org](http://ncrc.org)<sup>12</sup> and through social media.<sup>13</sup> NCRC will share with the public significant findings from the requested records.

## California Reinvestment Coalition

California Reinvestment Coalition (“CRC”) frequently submits FOIA requests to enhance the public’s understanding of the actions of financial regulatory agencies.<sup>14</sup> It publicizes the

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<sup>11</sup> Examples of NCRC being cited, quoted, or published in the news media on matters pertaining to the Community Reinvestment Act include: Steve Dubb, *Will Federal Regulators Gut Community Development under Cover of COVID?*, Nonprofit Quarterly (Apr. 8, 2020), [https://nonprofitquarterly.org/will-federal-regulators-gut-community-development-under-cover-of-covid/?mc\\_cid=01a51ac018&mc\\_eid=\[UNIQID\]](https://nonprofitquarterly.org/will-federal-regulators-gut-community-development-under-cover-of-covid/?mc_cid=01a51ac018&mc_eid=[UNIQID]); Jesse Van Tol & Jaime Weisberg, *This is no time for CRA reform*, American Banker (Apr. 8, 2020), <https://www.americanbanker.com/opinion/this-is-no-time-for-cra-reform>; Jesse Van Tol, *Mission, Money & Markets: Changes to Little-Known Banking Law Could Suck Billions Out of Poorer Communities*, Kresge Foundation (Mar. 18, 2020) <https://kresge.org/content/mission-money-markets-changes-little-known-banking-law-could-suck-billions-out-poorer>; *Trump’s deregulation push takes a new aim. A Fed board member is pushing back.*, Wash. Post. (Jan. 28, 2020), [https://www.washingtonpost.com/opinions/trumps-deregulation-push-takes-a-new-aim-a-fed-board-member-is-pushing-back/2020/01/28/403c2d7a-3e11-11ea-8872-5df698785a4e\\_story.html](https://www.washingtonpost.com/opinions/trumps-deregulation-push-takes-a-new-aim-a-fed-board-member-is-pushing-back/2020/01/28/403c2d7a-3e11-11ea-8872-5df698785a4e_story.html); *Changing Rules to Help Bankers and Hurt Poor Neighborhoods*, N.Y. Times (Jan. 10, 2020), <https://www.nytimes.com/2020/01/10/opinion/Community-Reinvestment-Act.html>.

<sup>12</sup> See <https://ncrc.org/research/> and <https://ncrc.org/category/press/> (contents incorporated herein as examples of analysis, publication and reach). Examples of press releases to enhance public knowledge of the Community Reinvestment Act include: *NCRC Submits Comment Letters on Proposed Changes to CRA* (Apr. 9, 2020), <https://ncrc.org/ncrc-submits-comment-letters-on-proposed-changes-to-cra/>; *Study: Proposed Rule Changes to CRA Could Encourage Neglect of Entire Markets By Big Banks* (Mar. 26, 2020), <https://ncrc.org/study-proposed-rule-changes-to-cra-could-encourage-neglect-of-entire-markets-by-big-banks/>; *Study: Proposed Rule Changes to CRA Would Let Banks Lend Less To LMI Borrowers And Communities* (Mar. 9, 2020), <https://ncrc.org/study-proposed-rule-changes-to-cra-would-let-banks-lend-less-to-lmi-borrowers-and-communities/>.

<sup>13</sup> Examples of NCRC’s use of social media to enhance public knowledge of CRA-related matters include: <https://twitter.com/NCRC/status/1247574399420641280> (Apr. 7, 2020); <https://twitter.com/NCRC/status/1243248284556296198> (Mar. 26, 2020); <https://twitter.com/NCRC/status/1243241311815249922> (Mar. 26, 2020); <https://twitter.com/NCRC/status/1243239801589022720> (Mar. 26, 2020); <https://twitter.com/NCRC/status/1215364876174077961> (Jan. 9, 2020); <https://twitter.com/NCRC/status/1187431566919819264> (Oct. 24, 2019); <https://twitter.com/NCRC/status/1248331787392241677> (Apr. 9, 2020); <https://twitter.com/NCRC/status/1247954328201113600> (Apr. 8, 2020)

<sup>14</sup> See, e.g., *Federal Reverse Mortgage Program Results In Widows Losing Their Homes After Death Of Spouse* (March 12, 2018), <http://calreinvest.org/press-release/federal-reverse-mortgage-program-results-in-widows-losing-their-homes-after-death-of-spouse-2/>; *Fact Sheet: CIT Group’s Financial Freedom is Responsible for nearly 40% of HECM Reverse Mortgage Foreclosures*, <http://calreinvest.org/wp-content/uploads/2018/08/CRC20Fact20Sheet20>

government's responses to its requests in its newsletter and on its website. CRC also uses this information to further enhance public discourse through comments and communications to various administrative agencies, and through its media work to educate the public, regulatory agencies, and policymakers about the plight of vulnerable residents and communities and the need for regulators and legislators to more closely scrutinize financial institution practices.<sup>15</sup>

*Requesters are purely noncommercial requesters.*

Requesters are not filing this request to further a commercial interest, and any information disclosed by Requesters as a result of this FOIA request will be disclosed at no cost. A fee waiver would fulfill Congress's legislative intent in amending FOIA. *See Judicial Watch*, 326 F.3d at 1312 ("Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters." (quotation marks omitted)).

*Democracy Forward is a representative of the news media.*

A representative of the news media is one that "publishes or otherwise disseminates information to the public," and in particular one that "gathers information from a variety of sources; exercises a significant degree of editorial discretion in deciding what documents to use and how to organize them; devises indices and finding aids; and distributes the resulting work to the public." *Nat'l Sec. Archive v. US Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Representatives of the news media qualify for a waiver of all fees except "reasonable standard charges for document duplication" as a representative of the news media pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II).

As documented above, DFF extensively disseminates information gathered through FOIA requests to the public, via sharing that information with other news outlets, publishing and sending press releases and other updates to our website and email list, and alerting our followers on social media to new developments in our work, including highlights from documents obtained through FOIA. This process entails a great degree of editorial discretion in deciding which documents to highlight and how to organize them for the public, as our team of lawyers and policy experts carefully examine and build a thorough understanding of the documents we receive from FOIA and their relationship to policies of interest to the public.

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about20Financial20Freedom20Foreclosures20Since20April202009.pdf; Fact Sheet: OneWest Bank Expected to Receive Over \$2.4 billion from the FDIC, <http://calreinvest.org/wp-content/uploads/2018/08/CRC-FDIC-Loss-Share-Fact-Sheet.pdf>.

<sup>15</sup> See, e.g., David Dayen, The Fake Public Comments Supporting a Bank Merger are Coming from Inside the House, *The Intercept* (Sept. 29, 2018), <https://theintercept.com/2018/09/29/joseph-otting-occ-onewest-bank-merger-cit/>; David Wharton, HUD Addresses Concerns About Reverse Mortgage Foreclosures, *DS News* (March 14, 2018), <https://dsnews.com/daily-dose/03-14-2018/hud-addresses-concerns-reverse-mortgage-foreclosures>; Matthew Goldstein and Alexandra Stevenson, Trump's Treasury Pick Moves in Secretive Hedge Fund Circles, *NYT* (Dec. 19, 2016), <https://www.nytimes.com/2016/12/19/business/dealbook/steven-mnuchin-trump-treasury-hedge-funds.html>.

Beyond disseminating information to reporters for them to publish, and sharing press releases and updates, Democracy Forward has also sought to disseminate information directly to the public through reports and opinion pieces written by our staff.<sup>16</sup>

*CRC and NCRC are “other requesters” under applicable FOIA regulations.*

CRC and NCRC are nonprofit institutions advocating for fair and equal access to banking and other financial services for low-income and communities of color. CRC and NCRC are 501(c)(3) non-profit corporations and accordingly fall under the “all other requesters” category. 12 C.F.R. § 4.17(b)(2)(iii).

For all the foregoing reasons, Requesters qualify for a fee waiver.

## **Conclusion**

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within the 20-day period, please contact Democracy Forward as soon as possible at [foia@democracyforward.org](mailto:foia@democracyforward.org). We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Nitin Shah

Nitin Shah

Jeffrey Dubner

*Counsel for Requesters Democracy Forward Foundation, National Community Reinvestment Coalition, and California Reinvestment Coalition*

**Attachment:** OCC Memorandum, “Summaries of Comptroller Calls with Bank CEOs”

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<sup>16</sup> See, e.g., *A Blueprint for Cronyism: President Trump’s Illegal Infrastructure Plan to Enrich His Friends*, Democracy Forward Foundation (Jan. 30, 2018), <https://democracyforward.org/wp-content/uploads/2018/01/Infrastructure-Report.pdf>; Elana Schor, *Trump critics seize on developer ties to infrastructure plan*, Politico (Jan. 30, 2018), <https://www.politico.com/story/2018/01/30/trump-infrastructure-developers-state-of-union-376326> (press coverage of DFF’s report on White House infrastructure policy); *Airlines and the Trump Administration*, Democracy Forward Foundation (Jan. 11, 2018), <https://democracyforward.org/updates/airlines-and-the-trump-administration/>; Bart Jansen, *Lost bags, airline fees: Protections for travelers rights stall under Trump*, USA Today (Jan. 19, 2018), <https://www.usatoday.com/story/news/2018/01/19/lost-bags-airline-fees-protections-travelers-rights-stall-under-trump/1043879001/> (press coverage utilizing the information DFF organized regarding regulatory changes); *What Has Trump Done on Guns? A Lot.*, Democracy Forward Foundation (Feb. 21, 2018), <https://democracyforward.org/updates/trump-done-guns-lot/>; Christi Parsons, *Trump ‘supportive’ of tougher gun law, but his record suggests that may not mean much*, LA Times (Feb. 20, 2018) (press coverage utilizing the information DFF organized regarding regulatory changes); Anne Harkavy and Farhana Khera, *When the Trump administration lies, it might literally be illegal: Learn about the Information Quality Act*, NY Daily News (Feb. 14, 2019), <https://www.nydailynews.com/opinion/ny-oped-when-the-trump-administration-lies-it-might-literally-be-illegal-20190213-story.html> (piece co-authored by DFF executive director); Meg Uzzell and Rachael Klarman, *Why These Women Are Suing Trump to Help End the Gender Pay Gap*, Teen Vogue (Nov. 28, 2017), <https://www.teenvogue.com/story/women-sue-trump-gender-pay-gap> (piece authored by two members of DFF’s staff).



## Summaries of Comptroller Calls with Bank CEOs

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Date: 1-22-20

Participants: Comptroller and Andy Cecere, CEO of US Bank

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed transition periods and treatment mortgage origination in the proposal.

Date: 1-23-20

Participants: Comptroller and Greg Braca, CEO of TD Bank

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed treatment mortgage origination, standby letter of credits, and the record keeping/reporting requirements in the proposal.

Date: 1-23-20

Participants: Comptroller and Bruce Van Saun, CEO of Citizens Bank

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed treatment the balance sheet value approach and record keeping/reporting requirements in the proposal.

Date: 1-23-20

Participants: Comptroller and Greg Carmichael, CEO of 5/3 Bank

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed assessment areas, clarity of what qualifies, and the record keeping/reporting requirements in the proposal.

Date: 1-24-20

Participants: Comptroller and Tim Wennes, CEO of Santanter Bank

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed the record keeping/reporting requirements in the proposal.

Date: 1-24-20

Participants: Comptroller and Charlie Scharf, CEO of Wells Fargo

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed treatment mortgage origination in the proposal.

Date: 1-24-20

Participants: Comptroller and Steve Cummings, CEO of MUFG

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed the record keeping/reporting requirements in the proposal.

Date: 1-24-20

Participants: Comptroller and Chris Carey, CEO of City National Bank

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal.

Date: 1-24-20

Participants: Comptroller and Beth Mooney, CEO of Key Bank

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed the importance of examiner judgement and timely feedback on exams.

Date: 1-24-20

Participants: Comptroller and Richard Fairbank, CEO of Capital One

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed treatment mortgage origination in the proposal and impact of proposal on major market areas.

Date: 1-24-20

Participants: Comptroller and Steve Steinour, CEO of Huntington Bank

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed the general need for reform and the balance sheet value approach in the proposal.

Date: 1-24-20

Participants: Comptroller and David Casper, CEO of BMO

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed the general need for reform and clarity of CRA.

Date: 1-27-20

Participants: Comptroller and Brian Moynihan, CEO of Bank of America

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed implementation costs and the treatment of different types of deposits under the proposal.

Date: 1-27-20

Participants: Comptroller and Bill Demchak, CEO of PNC

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed the treatment of tax credits, housing credits, and syndications under the proposal.

Date: 1-27-20

Participants: Comptroller and James Gorman, CEO of Morgan Stanely

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed the need of retaining strategic plans in the proposal.

Date: 1-30-20

Participants: Comptroller and Mike Corbat, CEO of Citi

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed credit for activities outside of an assessment area.

Date: 1-31-20

Participants: Comptroller and Jamie Dimon, CEO of JPMC

Summary: Comptroller provided a summary of the NPR and the four key areas of reform and the mischaracterizations that exists about the proposal. They also discussed the objectivity of CRA reform.