Training in Full Force: Catching Schemers and Aiding Victims

Protecting Homeowners Empowering Victims







Session Overview

The Office for Victims of Crime (OVC) and the Bureau of Justice Assistance (BJA) offers training and technical assistance for state/local agencies, victim service providers, and other organizations seeking to help with the efforts of victimization, prevention, investigation, and prosecution of mortgage fraud.







Session Objectives

In this session, participants will learn about the training, technical assistance and resources available from the following organizations:

- National White Collar Crime Center
- National District Attorneys Association
- National Crime Prevention Council



Session Speakers

James Foley

Manager, Curriculum Development and Training National White Collar Crime Center

David Pendle

Director, White Collar Crime Program National District Attorneys Association

Charles Sczuroski

Senior Trainer National Crime Prevention Council









Mortgage Fraud and Vacant Property Crime Training and Technical Assistance Project

National White Collar Crime Center



Mr. James Foley













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Origin of the Project

- Late 2010 BJA Mortgage Training and Technical Assistance meeting
- National Crime Prevention Council (NCPC)
- National District Attorneys Association (NDAA)
- St. Petersburg College Center for Public Safety Innovation
- National White Collar Crime Center (NW3C)



Four Target Audiences

- NCPC = Consumers
- NDAA = Prosecutors
- St. Petersburg College = Patrol Officers
- NW3C = Investigators















Referral

mortgagefraud@nw3c.org

Requests for training or assistance come in and are referred to appropriate partner.





NW3C

The mission of NW3C is to provide training, investigative support and research to agencies and entities involved in the prevention, investigation and prosecution of economic and high-tech crime.





NW3C Mortgage Fraud Training

- Focuses on three areas ---
- How the mortgage process *should* work
- The players, transactions, and documents
- Types of scams and indicators of fraud







The Players

Sales Level

- Seller
- Seller Agent
- Buyer
- Buyer Agent
- Broker

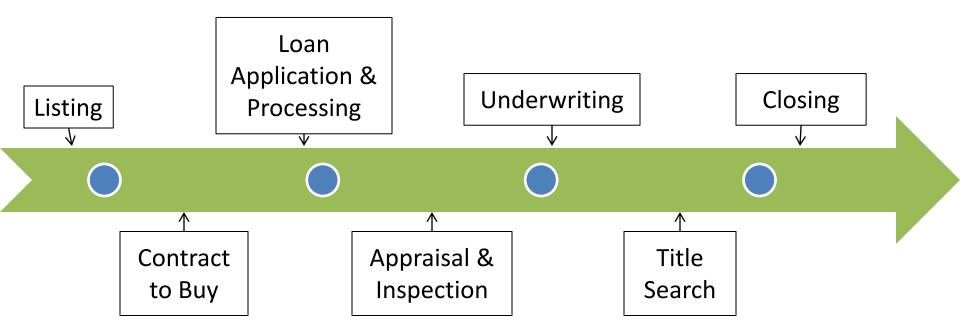
Finance Level

- Loan Officer
- Lender
- Processor
- Appraiser
- Underwriter
- Title Insurer/Agent
- Escrow Agent
- Closing Agent/Attorney





Transactions





Uniform Residential Loan Application

This application is designed to be completed by the applicant(a) with the Lender's assistance. Applicants should complete this form as "Borrower" or "Co-Borrower," as applicable. Co-Borrower isformation must also be provided (and the appropriate box checked) when \Box do income or a sates of a penso other than the Borrower (including the Borrower," as applicable. Co-Borrower isformation must also be provided (and the appropriate box checked) when \Box do income or a sates of a penso other than the Borrower (including the Borrower," as applicable. As a basis for loan the income or assets of the Borrower is aposed will be used as a basis for loan basis for loan base of the Borrower is applicable as a basis for loan base of the Borrower is aposed will be used as a basis for loan base of the Borrower is aposed will be used as a basis for loan base of the Borrower is applicable. As a base for loan base of the Borrower is aposed will be used as a basis for loan base of the Borrower is applicable and a a base for loan base of the Borrower is applicable. The property state, the security property fails paramet to applicable are as a basis for loan base of the Borrower is applicable. The property state, the security property fails paramet to applicable are a basis for loan.

If this is an application for joint credit, Borrower and Co-Borrower each agree that we intend to apply for joint credit (sign below):

Borrower				Co-Borrower									
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Amount S		Interest Rate	56	No. of Months	Amortizatio		GPM		□ Other (explain) □ ARM (type):	ĸ			
	IL PROPERTY INFORMATION AND PURPOSE OF LOAN												
Subject Property Address (street, city, state & ZIP)							No. of Units						
Legal Descripti	Legal Description of Subject Property (stach description if necessary) Year Built									Year Built			
Purpose of Loan Drawbase Construction Other (explain) Refinance Construction-Permanent			Other (explain):		Property will be:			Second	adary Residence 🗆 Investment				
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	s		s					Cost	\$				
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Source of Down									piration data)				
	Borrow				BORROWEI					~	Berrew		
Borrower's Nar	ne (include Jr. or S			m	BORROWE			iude Jr	or Sr. if applicable		aborroota	1.	
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		no.	ages		□ Separated single, divo		livoros	orced, widowed) no.		ages			
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Mailing Addres	Mailing Address, if different from Present Address Mailing Address, if different from Present Address												
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Former Address (street, city, state, ZIP) 🛛 Own 🗆 RentNo. Yrs.													
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Name & Address of Employer 🛛 Self Employed Yrs. on this job				Name & Address of Employer 🛛 Self Employed Yrs. on				s. on thi	s job				
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Position/Title/Type of Business Business Phone (incl. area code)					Position/Title/Type of Business Business Phone (incl. area code)								
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If employed in current position for less than two years or if currently employed in more than one position, complete the following



Uniform

Residential Loan

Application

Page 1 of 5

Who are the Perpetrators?

- Real Estate Investors
- Industry insiders
- Borrowers
- Lenders





Origination and Processing

Scheme	Summary
Loan Origination Fraud	Material misrepresentation on loan application or supporting documents.
Identity Theft	Stolen identity is used to obtain a mortgage.
Straw Buyers	Buyer's information is used (with or without consent) to obtain a mortgage on behalf of another person or entity.
Multiple Loans	Multiple applications are made within hours or days of each other with the intent to defraud the lenders.
Deed/Property Theft	Title to property is transferred without the owner's knowledge via quit claim deed.
Appraisal Fraud	Property value is misrepresented on the appraisal.
Silent Seconds	Secondary loan is not disclosed to the primary lender.



Flipping, Short Sales, & Builder Bailouts

Practice or Scheme	Summary	
Flipping (Legal)	Rehabilitation or renovation of distressed property for profit.	
<i>Illegal</i> Flipping	Renovations are not completed as advertised; appraisal and other documents may be falsified.	
Short Sales (Legal)	Property is sold for less than the remaining mortgage. Must be agreed to by the homeowner and the lender.	
Short Sale Fraud	Short sale is not at arms-length; original homeowner buys back the property and eliminates negative equity.	
Builder Bailout Fraud	Builder arranges for fraudulent sales to eliminate excess inventory and raise capital.	



Loan Modification and Foreclosure

Practice or Scheme	Summary	
Loan Modification (Legal)	Lender agrees to modify terms of loan to avoid foreclosure.	
Loan Modification <i>Fraud</i>	Can involve phony counseling, bait-and-switch, or false "government" modification programs.	
Foreclosure (Legal)	A multi-step process starting with default and ending with the sale of the home.	
Foreclosure Rescue <i>Fraud</i>	Can involve phony counseling, bait-and-switch, rent-to-buy, or bankruptcy to halt foreclosure.	
REO Properties Fraud	Listing agent defrauds the REO company by selling a property multiple times for full commission.	



Reverse Mortgages, Section 8, & Bizarre Scams

Practice or Scheme	Summary
Reverse Mortgage (Legal)	Allows senior citizens to access the equity in their homes. Paid off in full when the home is sold.
Reverse Mortgage Fraud	Reverse mortgages can be fraudulently obtained through POA or QCD; proceeds can be stolen.
Section 8 (Legal)	Federal program to assist low-income families with rental housing.
Section 8 <i>Fraud</i>	Can be perpetrated by tenants, landlords, contractors, and others.
Bizarre Scams	Groups attempt to cancel or invalidate mortgage debt through special knowledge of arcane "laws," bogus liens, or other means.



The Goal of the Training

Reduce the impact of mortgage fraud by increasing law enforcement's knowledge and resources through training and technical assistance.



Upcoming Trainings for Law Enforcement

- Chesterfield, VA
- Nashville, TN
- Fairmont, WV
- St. Paul, MN

- April 23-25, 2013
- May 28-30, 2013
- June 11-13, 2013
- June 18-20, 2013
- Lincoln, NE July 23-25, 2013

Register at nw3c.org



National District Attorneys Association White Collar Crime Program Mortgage Fraud and Property Crime

David Pendle Program Director

Brittney Wilson Project Coordinator

Grace Broughton Staff Attorney (PT)



Mr. David Pendle



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What is NDAA?

- World's oldest and largest professional organization representing prosecutors
 - Founded in 1950
 - Represents 39,000
 prosecutors in U.S.

NDAA headquarters across from D.C. on the Potomac River in Alexandria, Virginia





What is NDAA? (continued)

- Four principal components:
 - 1. Train prosecutors and allied professionals (trained 17,000 in FY 2012)
 - 2. Provide technical assistance



Scott Burns Executive Director

- 3. Lobby Congress and the White House on behalf of its members
- 4. Publish resources (monographs, books, newsletters) on novel or complex legal issues facing state and local prosecutors



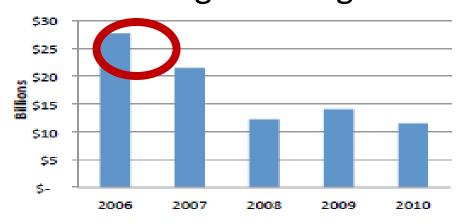
Prosecutors' Response to Mortgage Fraud

- Traditional mortgage fraud (loan origination fraud) exploded by 2006
 - Result of booming housing market and sloppy lending practices
- Law enforcement and prosecutors nationwide created specialty units and task forces
 - NDAA held trainings on mortgage fraud at the National Advocacy Center through 2009



Prosecutors' Response to Mortgage Fraud (continued)

Tighter lending restrictions and free-falling economy
 = declining loan origination losses



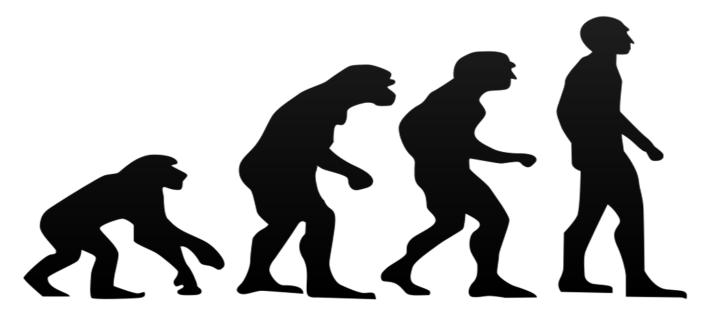
- \$11 billion in 2011
- \$12 billion in 2012(Source: CoreLogic)
- Less focus on crime from prosecutors

Figure 1: CoreLogic - Estimated Fraudulent Loans by Origination Year, 2006 through 2010

Source: FBI 2010 Mortgage Fraud Report, released Aug. 2011



Evolving Market, Evolving Scammers





Are we still vulnerable?

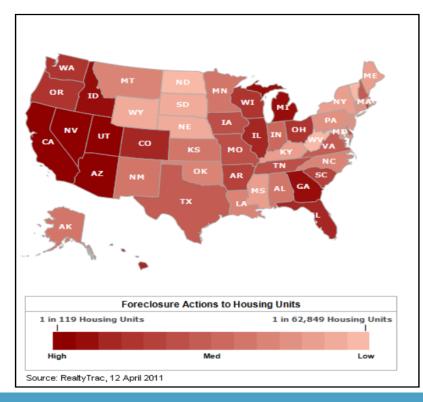






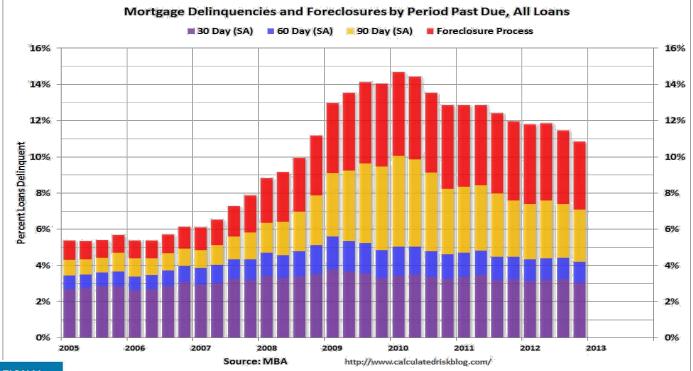


Are we still vulnerable? (continued)





Are we still vulnerable? (continued)





Mortgage Fraud <u>Re-Defined</u>

Real estate fraud now includes scams targeting consumers and distressed homeowners

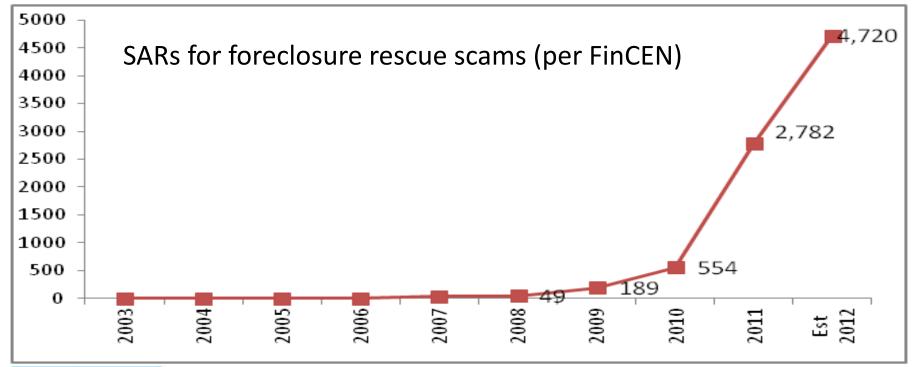
E.g., foreclosure rescue schemes, short sale fraud, loan modification scams, etc.





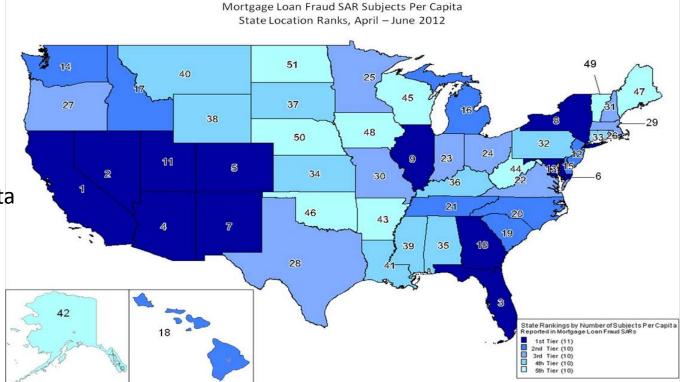


Why we are still vulnerable?





Why we are still vulnerable? (continued)



SARs Reports Per Capita FinCEN June 2012



Why we are still vulnerable? (continued)

Mortgage Fraud Risk InterThinx 2012 Report

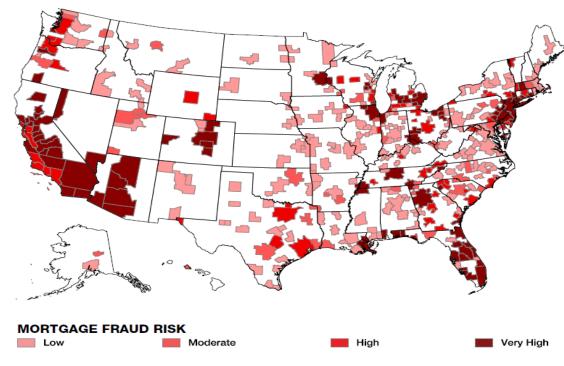


Figure 1: Mortgage Fraud Risk in Q2 2012 by Metropolitan Statistical Area (MSA)



Why we are still vulnerable? (continued)

- Thrives in booming economy
 - Loan originations boom
 - Loan origination fraud, property flips, and equity conversion schemes
- Thrives in sluggish economy
 - Delinquency and foreclosure rates soar
 - Distressed homeowners vulnerable to foreclosure rescue, loan modification, and short sale
- Perpetrators' tenacity and ability to adapt
 - New and hybrid schemes in response to tighter lending practices and law enforcement responses



NDAA's Mortgage Fraud Initiative

Aims to:

- Encourage prosecutors to refocus attention on the emerging fraud in our real estate market
- Enhance skills of investigators and prosecutors in combating mortgage fraud





NDAA's Mortgage Fraud Initiative (continued)

NDAA activities:

- 23 trainings and 7 webinars
- Comprehensive monograph
- Mortgage Fraud Listserv
- Technical Assistance





NDAA's Mortgage Fraud Initiative (continued)





Mortgage Fraud Initiative

NDAA's Partners

- Bureau of Justice Assistance
 - Provides funding and direction
- National partners
 - NCPC
 - NW3C
 - SPC CPSI











The Role of the Prosecutor

Prosecutors not always able to charge

- Must determine if a crime was committed
 - Bad consequences ≠ crime
 - Bad deeds and acts ≠ crime
 - Broken promises ≠ crime
- Traditional disputes involving property and money handled in civil courts (e.g., contract disputes)
- Civil court has some advantages (e.g., burden, remedies)



The Role of the Prosecutor

Prosecutors not always able to charge

- If no crime, prosecutors should:
 - Talk to victims
 - Identify counseling resources
 - Attorney Generals' settlement
 - Local non profit organizations
 - Legal aid groups
 - Referral to state bar / civil attorneys



The Role of the Prosecutor (continued)

- When there is a crime
 - (1) Defined as a crime by statute
 - E.g., passing a bad check
 - (2) Presence of mens rea
 - Intent to defraud at time of crime
- If one of the above, entire prosecution toolbox is available

 Mortgage fraud (if available), theft, forgery, perjury, charges unique to case, etc.



For a Successful Initiative . . .

- Increased awareness among prosecutors of mortgage fraud's current varieties
- Increased collaboration between fraud prosecutors and mortgage fraud investigators
- More cases filed
- More defendants in jail
- Fewer future victims





National Crime Prevention Council The Road to Recovery for Victims of Mortgage Fraud

Mr. Charles Sczuroski





About NCPC – www.ncpc.org

- The National Crime Prevention Council is a private, non-profit 501(c)(3) organization
- Mission Statement To be the nation's leader in helping people keep themselves, their families, and their communities safe from crime
- For 30 years, NCPC has successfully promoted and engaged the public in crime prevention efforts through McGruff the Crime Dog[®], various programs, and the support of government agencies, corporations, foundations, and individuals



The Road to Recovery

The Fraud Enforcement and Recovery Act, passed by

Congress and signed by President Barack Obama in May 2009, allocates \$490 million over two years to increase the number of Justice Department prosecutors and investigators handling mortgage fraud cases.

It enlarged the department's criminal, civil and tax divisions; and enlarges the FBI mortgage-fraud task forces.



You may find yourself a victim of mortgage fraud if:

- The home buying process seemed slower than normal
- You experienced bad customer service
- You felt a lack of information during the process
- The company/person pressured you to sign papers that you did not have a chance to read and that you expressly did not fully understand



Red Flags Revisited

- Do not respond to offers that promise "No Credit, No Problem" or "No Down Payment."
- Refuse to falsify your income or make misleading statements on loan documents.
- Never sign a blank document or a document that contains blank lines.





Red Flags Revisited (continued)

- Read your contracts thoroughly and understand what you are signing.
- Research the latest mortgage scams and how to avoid them.



• Do not respond to pressure to sign documents before you are ready.



Road to Recovery

Financial Fraud Enforcement Task Force

Website: http://www.stopfraud.gov/protect-mortgage.html

Phone: 202-514-2000

Email: <u>ffetf@usdoj.gov</u>





Road to Recovery (continued)

- <u>www.fbi.gov/contactus.htm</u>
 Phone: 800-CALLFBI (225-5324)
 Online Tips: <u>https://tips.fbi.gov/</u>
- To file a complaint with the FBI contact the nearest FBI field office. Locations are listed at <u>www.fbi.gov/contactus.htm</u> or <u>https://tips.fbi.gov/</u> or for major cases you can also report information by calling toll-free number 800-CALLFBI (225-5324).



Road to Recovery (continued)

• HUD Approved Housing Counseling Agencies

Call: 1-800-347-3735 HUD Office of Inspector General Website: <u>http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm</u>

• Consumer Financial Protection Bureau

Website: <u>www.consumerfinance.gov</u>; <u>https://help.consumerfinance.gov/app/mortgage/ask</u> Phone: 855-411-CFPB (2372)



Road to Recovery (continued)

• HOPE NOW Alliance

Call: 1-888-995-HOPE for free counseling services Website: <u>www.preventloanscams.org</u>

Email: <u>hotline@hudoig.gov</u>

• NeighborWorks America Website: <u>www.nw.org</u>



NCPC Mortgage Fraud Deliverables www.ncpc.org/mortgagefraud

- TV and Radio Public Service Announcements
- Audio Podcasts
- Webinars
- Online Video (News Segment)
- Fact Sheets, palm cards, fliers, posters
- Mortgage Fraud Toolkit for Victim Service Advocates



Podcast Interviews Available

- Mortgage Fraud Scams Charles Sczuroski NCPC senior trainer
- Foreclosure Scams Charles Sczuroski NCPC senior trainer
- **Preventing Mortgage Fraud** Reilly Dolan, Assistant Director Division of Financial Practices Federal Trade Commission



- Using Short Sales to Avoid Foreclosure and Mortgage Fraud Mary Collins, Prudential Realty
- Financial Crimes Enforcement Network James Fries, past director

Webinars Available for Downloading

- Understanding Mortgage Fraud, NCPC
- Help for Victims of Mortgage Fraud The Financial Fraud Enforcement Task Force, guest presenters representing the Department of Justice, U.S. Trustee's Program, HUD OIG, OIG Federal Housing Finance Agency, OIG Department of the Treasury, FBI
- The Fight Against Distressed Homeowner Fraud Lawyers' Committee for Civil Rights Under Law
- Unfair and Abusive Mortgage Loan Servicing Practices National Fair Housing Alliance
- Research Funding on Victims of Mortgage Fraud and the Road to Recovery



Are You a Victim of MORTGAGE FRAUD?

Did you respond to an offer that promised "No Credit, No Problem" or "No Down Payment"?

Was your income or statements on loan documents misleading?

Did you check references to ensure you worked with licensed real estate professionals – agents, lenders, appraisers?

Did you sign a blank document or a document that contained blank lines?

Were you pressured to sign documents you didn't understand?

You may have been a victim of mortgage fraud. To begin the steps to recovery,

STICE FOR VICT

LISTICE FOR ALL



REPORT IT:

<u>vww.stopfraud.gov</u> vww.preventloanscams.org mail <u>hotline@hudoig.gov</u> -800-CALLFBI

GET HELP:

NATIONAL

HUD Approved Housing Counseling Agencies Call: 1-800-347-3735 HUD Office of Inspector General Mebsite: <u>http://www.hud.gov/offices/hsg/sfh/hcc/hcs.dr</u> HOPE Now Alliance Call: 1-888-995-HOPE for free counseling services

NeighborWorks America Website: <u>www.nw.org</u>

To learn more about mortgage fraud, visit www.ncpc.org.

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RADIO PSA SCRIPTS

- All Shapes and Sizes (60- and 30-second spots) warns listeners about loan modification scams
- Homework (60- and 30-second spots) protect listeners from scammers who claim they want to save victims' homes from foreclosure:



For more information contact: **Michelle Boykins** mboykins@ncpc.org **Chantez Bailey** cbailey@ncpc.org



Mortgage Fraud Toolkit

WHO IS THE AUDIENCE?

 Victim Service Providers, Attorneys, Law Enforcement Agencies, and Victim Service Advocates

WHAT WILL THE KIT INCLUDE?

- Tips, fliers, and information to share with mortgage fraud victims
- List of credible organizations to refer mortgage fraud victims
- Step-by-step guide to assist mortgage fraud victims through recovery process
- Podcast interviews and webinars
- PPT presentation for VSP and other allied professionals to use during meetings, trainings, and/or conferences relating to mortgage fraud



NCPC Training

- Mortgage Fraud Overview and Road to Recovery presentation
- Three day Crime Prevention Through Environmental Design (CPTED) Abandoned Properties and Foreclosed Homes training
 - Includes causes of housing crisis (i.e. mortgage fraud, foreclosure scams)
 - Three-pronged approach to addressing vacant properties



Questions and Answers







For More Information

National Crime Prevention Council

2001 Jefferson Davis Highway Suite 901 Arlington, VA 22202 202-466-6272

www.ncpc.org

National White Collar Crime Center 5000 NASA Boulevard Suite 2400 Fairmont, WV 26554 www.nw3c.org

National District Attorneys Association 99 Canal Center Plaza Suite 330 Alexandria, VA www.ndaa.org





Don't Forget...

Take the time to visit the Exhibition Hall and Resource Center!





