



Comptroller of the Currency
Administrator of National Banks

US Department of the Treasury
Washington, DC



Office of Thrift Supervision
US Department of the Treasury

June 10, 2011

The Honorable Elijah E. Cummings
Ranking Member
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, DC 20515

Subject: Request for Documents

Dear Ranking Member Cummings:

We have received your letter dated May 31, 2011, requesting copies of the engagement letters concluded between the mortgage servicing companies and the independent consultants they are directed to retain to conduct the foreclosure reviews required by the April 13, 2011, Cease and Desist Orders issued against the servicers. Unfortunately, we are unable to comply with your request.

The OCC and OTS are in the process of reviewing and discussing the proposed engagement letters internally, with our colleagues in the other Federal banking agencies, and with the servicers themselves. Consequently, final engagement letters do not exist. However, even if they did, we would not be able to produce the letters in the absence of legal compulsion. The documents that you have requested are required to be submitted to the OCC and OTS as part of our supervisory process of implementation of the Cease and Desist Orders issued against the servicers and thus constitute confidential supervisory information that is subject to one or more privileges, including the bank examination privilege. Production of those documents, unless legally compelled by the Chairman on behalf of the Committee, could result in a waiver of applicable privileges.

While we are unable to comply with your request, we very much appreciate your concern with these issues, and we will continue to make our staff available for briefings on significant developments with respect to these matters.

Sincerely,

Julie L. Williams
First Senior Deputy Comptroller and Chief Counsel
Office of the Comptroller of the Currency

Deborah Dakin
Acting Chief Counsel
Office of Thrift Supervision

cc: The Honorable Darrel Issa, Chairman
Committee on Oversight and Government Reform