

File No. 091298

Committee Item No. 1
Board Item No. 8

COMMITTEE/BOARD OF SUPERVISORS AGENDA PACKET CONTENTS LIST

Committee PUBLIC SAFETY

Date 12/7/09

Board of Supervisors Meeting

Date 12/15/09

Cmte Board

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Information Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

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Completed by: Gail Johnson
Completed by: [Signature]

Date 12/3/09
Date 12/10/09

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

8

10/12/01

1 [Accept-Expend Federal ARRA Grant – Mortgage and Investment Fraud Project]

2
3 **Resolution authorizing the Department of the District Attorney of the City and County**
4 **of San Francisco to retroactively accept and expend grant funds from the American**
5 **Recovery and Reinvestment Act in the amount of \$1,066,026 through the United States**
6 **Department of Justice, Bureau of Justice Assistance, for a program entitled “Mortgage**
7 **and Investment Fraud Prosecution and Education Project” for the period from August**
8 **1, 2009 through July 31, 2011.**

9
10 WHEREAS, The City and County of San Francisco desires to create a certain project
11 designated the Mortgage and Investment Fraud Project, to be funded from American
12 Recovery and Reinvestment Act (ARRA) funds made available through the United States
13 Department of Justice (hereafter “DOJ”); and

14 WHEREAS, The grant does not require an ASO amendment; now, therefore, be it

15 RESOLVED, That the Board of Supervisors hereby authorizes the District Attorney of
16 the City and County of San Francisco to retroactively accept and expend funds from DOJ for
17 the purposes of mortgage and investment fraud prosecution; and be it

18 FURTHER RESOLVED, That the District Attorney is authorized to execute on behalf of
19 the City and County of San Francisco the necessary Grant Award Agreements for the
20 purposes of mortgage and investment fraud prosecution, including any extensions,
21 augmentations or amendments thereof; and be it

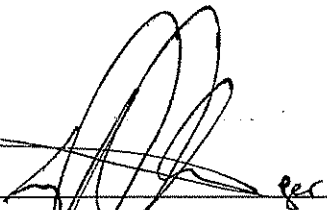
22 FURTHER RESOLVED, That the District Attorney is authorized and empowered to
23 execute, deliver and perform, in the name of the City and County of San Francisco, all
24 applications, contracts, agreements, amendments and payment requests necessary for the
25

1 purpose of securing the mortgage and investment fraud grant funds and to implement and
2 carry out the purposes specified in the applicable grant application; and be it

3 FURTHER RESOLVED, That any liability arising out of the performance of the Grant
4 Award Agreement, including civil court actions for damages, shall be the responsibility of the
5 grant recipient and the authorizing agency; and that the grant recipient and the authorizing
6 agency will hold DOJ harmless from any claims that may arise from the use of grant funds;
7 and be it

8 FURTHER RESOLVED, That grant funds received hereunder shall not be used to
9 supplant expenditures controlled by this body.

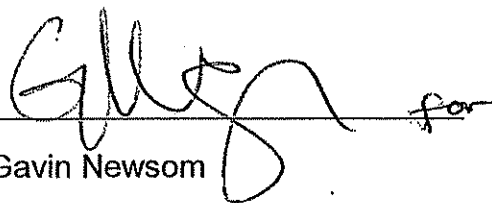
10
11 APPROVED:
12 Office of the District Attorney


13
14 
15 _____
16 Kanala D. Harris

17
18 APPROVED:
19 Office of the Controller

20
21 By: 
22 _____
23 Ben Rosenfield

24
25 APPROVED:
Office of the Mayor

By: 
_____ for
Gavin Newsom

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sheila Arcelona, District Attorney's Office 
DATE: October 19, 2009
SUBJECT: Accept and Expend Resolution for Subject Grant

GRANT TITLE: Federal ARRA Grant – Mortgage Fraud

Attached please find the original and 4 copies of each of the following:

- Proposed grant resolution; original signed by Department, Mayor, Controller
- Grant information form, including disability checklist
- Grant budget
- Grant narrative

Special Timeline Requirements:

*Please place on consent calendar for earliest possible committee!

Departmental representative to receive a copy of the adopted resolution:

Name: Sheila Arcelona Phone: 415-734-3018

Interoffice Mail Address: DAT, 850 Bryant Street, Ste. 322

Certified copy required Yes No

(Note: certified copies have the seal of the City/County affixed and are occasionally required by funding agencies. In most cases ordinary copies without the seal are sufficient).

File Number: 091298
(Provided by Clerk of Board of Supervisors)

Grant Information Form
(Effective March 2005)

Purpose: Accompanies proposed Board of Supervisors resolutions authorizing a Department to accept and expend grant funds.

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Mortgage and Investment Fraud Prosecution and Education Project

2. Department: District Attorney

3. Contact Person: Sheila Arcelona Telephone: 415-734-3018

4. Grant Approval Status (check one):

Approved by funding agency

Not yet approved

5. Amount of Grant Funding Approved or Applied for: \$1,066,026

6a. Matching Funds Required: \$0

b. Source(s) of matching funds (if applicable):

7a. Grant Source Agency: US Department of Justice Bureau of Justice Assistance – ARRA funds

b. Grant Pass-Through Agency (if applicable): n/a

8. Proposed Grant Project Summary:

The primary goal of the project is to decrease mortgage and investment fraud in San Francisco and protect vulnerable homeowners.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:

Start-Date: August 1, 2009

End-Date: July 31, 2011

10a. Amount budgeted for contractual services: \$72,000

b. Will contractual services be put out to bid? Yes

c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? No - federal procurement guidelines preclude the use of preferences in competitive bids.

d. Is this likely to be a one-time or ongoing request for contracting out? One-time

11a. Does the budget include indirect costs?

Yes

No

b1. If yes, how much?

b2. How was the amount calculated?

c. If no, why are indirect costs not included?

Not allowed by granting agency

To maximize use of grant funds on direct services

Other (please explain):

c2. If no indirect costs are included, what would have been the indirect costs? The DA's office does not have an established indirect cost rate agreement with the granting agency.

12. Any other significant grant requirements or comments:

****Disability Access Checklist****

13. This Grant is intended for activities at (check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Existing Site(s) | <input checked="" type="checkbox"/> Existing Structure(s) | <input type="checkbox"/> Existing Program(s) or Service(s) |
| <input type="checkbox"/> Rehabilitated Site(s) | <input type="checkbox"/> Rehabilitated Structure(s) | <input type="checkbox"/> New Program(s) or Service(s) |
| <input type="checkbox"/> New Site(s) | <input type="checkbox"/> New Structure(s) | |

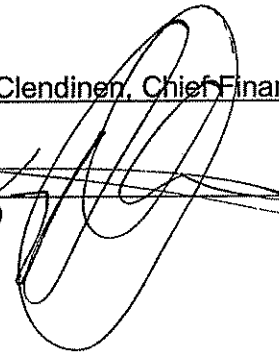
14. The Departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

Comments:

Departmental or Mayor's Office of Disability Reviewer: Martha Knutzen 
(Name)

Date Reviewed: 11.5.2009

Department Approval: Eugene Clendinen, Chief Financial Officer
(Name) (Title)


(Signature)



Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 29, 2009

Ms. Kamala Harris
San Francisco District Attorneys Office
850 Bryant Street, 3rd Floor
San Francisco, CA 94103-4600

Dear Ms. Harris:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 09 Recovery Act Edward Byrne Memorial Competitive Grant Program: Reducing Mortgage Fraud and Crime Related to Vacant Properties in the amount of \$1,066,026 for San Francisco District Attorneys Office.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Kerri Vitalo-Logan, Program Manager at (202) 353-9074; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink that reads "Mary Lou Leary".

Mary Lou Leary
Acting Assistant Attorney General

Enclosures



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

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1. RECIPIENT NAME AND ADDRESS (Including Zip Code) San Francisco District Attorneys Office 850 Bryant Street, 3rd Floor San Francisco, CA 94103-4600		4. AWARD NUMBER: 2009-SC-B9-0060	
		5. PROJECT PERIOD: FROM 08/01/2009 TO 07/31/2011 BUDGET PERIOD: FROM 08/01/2009 TO 07/31/2011	
1A. GRANTEE IRS/VENDOR NO. 946003417		6. AWARD DATE 09/29/2009	7. ACTION Initial
		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Mortgage and Investment Fraud Prosecution and Education Project		10. AMOUNT OF THIS AWARD \$ 1,066,026	
		11. TOTAL AWARD \$ 1,066,026	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY09 Recovery Act (BJA - "Byrne Competitive") Pub. L. No. 111-5, 123 Stat. 115, 130			
15. METHOD OF PAYMENT PAPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Mary Lou Leary Acting Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Kamala Harris Prosecutor	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES		21. ISCUGT5166	
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.
			REG.
			SUB.
			POMS
9	B	SC	80
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OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
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PROJECT NUMBER 2009-SC-B9-0060

AWARD DATE 09/29/2009

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide, Chapter 19.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. **RECOVERY ACT – Conflict with Other Standard Terms and Conditions**
The recipient understands and agrees that all other terms and conditions contained in this award, or in applicable OJP grant policy statements or guidance, apply unless they conflict or are superseded by the terms and conditions included here that specifically implement the American Recovery and Reinvestment Act of 2009, Public Law 111-5 (“ARRA” or “Recovery Act”) requirements. Recipients are responsible for contacting their grant managers for any needed clarifications.



Department of Justice
Office of Justice Programs
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**AWARD CONTINUATION
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PROJECT NUMBER 2009-SC-B9-0060

AWARD DATE 09/29/2009

SPECIAL CONDITIONS

7. RECOVERY ACT – Access to Records; Interviews

The recipient understands and agrees that DOJ (including OJP and the Office of the Inspector General (OIG)), and its representatives, and the Government Accountability Office (GAO), shall have access to and the right to examine all records (including, but not limited to, books, papers, and documents) related to this Recovery Act award, including such records of any subrecipient, contractor, or subcontractor.

The recipient also understands and agrees that DOJ and the GAO are authorized to interview any officer or employee of the recipient (or of any subrecipient, contractor, or subcontractor) regarding transactions related to this Recovery Act award.

8. RECOVERY ACT – One-time funding

The recipient understands and agrees that awards under the Recovery Act will be one-time awards and accordingly that its proposed project activities and deliverables are to be accomplished without additional DOJ funding.

9. RECOVERY ACT – Separate Tracking and Reporting of Recovery Act Funds and Outcomes

The recipient agrees to track, account for, and report on all funds from this Recovery Act award (including specific outcomes and benefits attributable to Recovery Act funds) separately from all other funds, including DOJ award funds from non-Recovery Act awards awarded for the same or similar purposes or programs. (Recovery Act funds may be used in conjunction with other funding as necessary to complete projects, but tracking and reporting of Recovery Act funds must be separate.)

Accordingly, the accounting systems of the recipient and all subrecipients must ensure that funds from this Recovery Act award are not commingled with funds from any other source.

The recipient further agrees that all personnel (including subrecipient personnel) whose activities are to be charged to the award will maintain timesheets to document hours worked for activities related to this award and non-award-related activities.

10. RECOVERY ACT – Subawards – DUNS and CCR for Reporting

The recipient agrees to work with its first-tier subrecipients (if any) to ensure that, no later than the due date of the recipient's first quarterly report after a subaward is made, the subrecipient has a valid DUNS profile and has an active registration with the Central Contractor Registration (CCR) database.

11. RECOVERY ACT – Subawards – Monitoring

The recipient agrees to monitor subawards under this Recovery Act award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of Recovery Act funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.



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PROJECT NUMBER 2009-SC-B9-0060

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SPECIAL CONDITIONS

12. RECOVERY ACT – Recovery Act Transactions Listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

(a) The recipient agrees to maintain records that identify adequately the source and application of Recovery Act funds, to maximize the transparency and accountability of funds authorized under the Recovery Act as required by the Act and in accordance with 2 CFR 215.21, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations" and OMB A-102 Common Rules provisions (relating to Grants and Cooperative Agreements with State and Local Governments).

(b) The recipient agrees to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This condition only applies if the recipient is covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.

(c) The recipient agrees to separately identify to each subrecipient the Federal award number, CFDA number, and amount of Recovery Act funds, and to document this identification both at the time of subaward and at the time of disbursement of funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) The recipient agrees to require its subrecipients to specifically identify Recovery Act funding on their SEFA information, similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of Recovery Act funds as well as facilitate oversight by the Federal awarding agencies, the DOJ OIG, and the GAO.

13. RECOVERY ACT – Reporting and Registration Requirements under Section 1512 of the Recovery Act.

(a) This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier recipients must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (www.dnb.com) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov and ensure that any information that is pre-filled is corrected or updated as needed.

(e) The recipient shall notify the OJP program manager of submission of its section 1512(c) report at the time the report is submitted per (d) above. Notification to OJP may be either by submission of a copy of the section 1512(c) data report, or (if not practicable) by electronic notification to the OJP program manager confirming submission of the report. Failure to provide the required notification to OJP will be deemed a failure to report under section 1512(c).



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SPECIAL CONDITIONS

14. **RECOVERY ACT – Reporting Potential Fraud, Waste, and Abuse, and Similar Misconduct**

The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for Recovery Act funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving Recovery Act funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by –

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

15. **RECOVERY ACT – Protecting State and Local Government and Contractor Whistleblowers (Recovery Act, section 1553)**

The recipient recognizes that the Recovery Act provides certain protections against reprisals for employees of non-Federal employers who disclose information reasonably believed to be evidence of gross mismanagement, gross waste, substantial and specific danger to public health or safety, abuse of authority, or violations of law related to contracts or grants using Recovery Act funds. For additional information, refer to section 1553 of the Recovery Act. The text of Recovery Act is available at www.ojp.usdoj.gov/recovery.

16. **RECOVERY ACT – Limit on Funds (Recovery Act, section 1604)**

The recipient agrees that none of the funds under this award may be used by any State or local government, or any private entity, for construction costs or any other support of any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.



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SPECIAL CONDITIONS

17. RECOVERY ACT -- Buy American Notification (Recovery Act, section 1605)

The recipient understands that this award is subject to the provisions of section 1605 of the Recovery Act ("Buy American"). No award funds may be used for iron, steel, or manufactured goods for a project for the construction, alteration, maintenance, or repair of a public building or public work, unless the recipient provides advance written notification to the OJP program office, and a Grant Adjustment Notice is issued that modifies this special condition to add government-wide standard conditions (anticipated to be published in subpart B of 2 C.F.R. part 176) that further implement the specific requirements or exceptions of section 1605.

Section 1605 of the Recovery Act prohibits use of any Recovery Act funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States, subject to certain exceptions, including United States obligations under international agreements.

For purposes of this special condition, the following definitions apply:

"Public building" and "public work" means a public building of, and a public work of, a governmental entity (the United States; the District of Columbia; commonwealths, territories, and minor outlying islands of the United States; State and local governments; and multi-State, regional, or interstate entities which have governmental functions). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

"Manufactured good" means a good brought to the construction site for incorporation into the building or work that has been--

- (1) Processed into a specific form and shape; or
- (2) Combined with other raw material to create a material that has different properties than the properties of the individual raw materials.

"Steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

For purposes of OJP grants, projects involving construction, alteration, maintenance, or repair of jails, detention facilities, prisons, public crime victims' shelters, police facilities, or other similar projects will likely trigger this provision.

NOTE: The recipient is encouraged to contact the OJP program manager -- in advance -- with any questions concerning this condition, including its applicability to particular circumstances.



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SPECIAL CONDITIONS

18. RECOVERY ACT – Wage Rate Requirements under Section 1606 of the Recovery Act

(a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. The standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are to be incorporated in any covered contracts made under this award that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

(b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Recipients of grants, cooperative agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

19. RECOVERY ACT – Misuse of award funds

The recipient understands and agrees that misuse of award funds may result in a range of penalties, including suspension of current and future funds, suspension or debarment from federal grants, recoupment of monies provided under an award, and civil and/or criminal penalties.

20. RECOVERY ACT - Quarterly Financial Reports

The recipient agrees to submit quarterly financial status reports to OJP. At present, these reports are to be submitted on-line (at <https://grants.ojp.usdoj.gov>) using Standard Form SF 269A, not later than 45 days after the end of each calendar quarter. The recipient understands that after October 15, 2009, OJP will discontinue its use of the SF 269A, and will require award recipients to submit quarterly financial status reports within 30 days after the end of each calendar quarter, using the government-wide Standard Form 425 Federal Financial Report form (available for viewing at www.whitehouse.gov/omb/grants/standard_forms/ffr.pdf). Beginning with the report for the fourth calendar quarter of 2009 (and continuing thereafter), the recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov>) using the SF 425 Federal Financial Report form, not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the grant period.



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SPECIAL CONDITIONS

21. RECOVERY ACT – Provisions of Section 1512(c)

The recipient understands that section 1512(c) of the Recovery Act provides as follows:

Recipient Reports- Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains--

- (1) the total amount of recovery funds received from that agency;
- (2) the amount of recovery funds received that were expended or obligated to projects or activities; and
- (3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including--
 - (A) the name of the project or activity;
 - (B) a description of the project or activity;
 - (C) an evaluation of the completion status of the project or activity;
 - (D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and
 - (E) for infrastructure investments made by state and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.
- (4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), allowing aggregate reporting on awards below \$25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

22. RECOVERY ACT – Inapplicability of General Non-supplanting Requirement to this Award

The recipient understands that, for purposes of this award, the general non-supplanting requirement of the OJP Financial Guide (Part II, Chapter 3) does not apply.

23. RECOVERY ACT – Infrastructure Investment (Recovery Act, sections 1511 and 1602)

The recipient agrees that it may not use any funds made available under this Recovery Act award for infrastructure investment absent submission of a satisfactory certification under section 1511 of the Recovery Act. Should the recipient decide to use funds for infrastructure investment subsequent to award, the recipient must submit appropriate certifications under section 1511 of the Recovery Act and receive prior approval from OJP. In seeking such approval, the recipient shall give preference to activities that can be started and completed expeditiously, and shall use award funds in a manner that maximizes job creation and economic benefits. The text of the Recovery Act (including sections 1511 and 1602) is available at www.ojp.usdoj.gov/recovery.

24. RECOVERY ACT – Additional Requirements and Guidance

The recipient agrees to comply with any modifications or additional requirements that may be imposed by law and future OJP (including government-wide) guidance and clarifications of Recovery Act requirements.

25. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

26. All contracts under this award should be competitively awarded unless circumstances preclude competition. When a contract amount exceeds \$100,000 and there has been no competition for the award, the recipient must comply with rules governing sole source procurement found in the current edition of the OJP Financial Guide.

27. Approval of this award does not indicate approval of any consultant rate in excess of \$450 per day. A detailed justification must be submitted to and approved by the Office of Justice Programs (OJP) program office prior to obligation or expenditure of such funds.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD CONTINUATION
SHEET
Grant**

PAGE 9 OF 9

PROJECT NUMBER 2009-SC-B9-0060

AWARD DATE 09/29/2009

SPECIAL CONDITIONS

28. The recipient agrees, if the funds are used for the hiring and employing of new, additional law enforcement officers and support personnel, that the units of local government will establish procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in Section 1141 of Title 10, United States Code), approved for separation under Section 1174a or 1175 of such title, or retired pursuant to the authority provided under Section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Pub. L. No. 102-484; 10 U.S.C. 1923 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel.
29. The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date. Any written, visual, or audio publications, with the exception of press releases, whether published at the grantee's or government's expense, shall contain the following statements: "This project was supported by Grant No. 2009-SC-B9-0060 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice." The current edition of the OJP Financial Guide provides guidance on allowable printing and publication activities.
30. To promote information exchange and coordinate technical assistance, the Bureau of Justice Assistance requires grant recipients to obtain written approval from the BJA State Policy Advisor prior to using Federal grant funds to travel to non-OJP conferences and trainings.
31. The recipient agrees to participate in BJA-sponsored training events, technical assistance events, or conferences held by BJA or its designees, upon BJA's request.
32. No portion of these federal grant funds shall be used towards any part of the annual cash compensation of any employee of the grantee whose total annual cash compensation exceeds 110% of the maximum salary payable to a member of the Federal government's Senior Executive Service at an agency with a Certified SES Performance Appraisal System for that year.

This prohibition may be waived on an individual basis at the discretion of the Assistant Attorney General for OJP.
33. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.
34. **RECOVERY ACT - Active CCR Registration**
The recipient agrees expeditiously to obtain active registration with the Central Contractor Registration (CCR) database, and to notify the program office in writing of its registration. Following satisfaction of this requirement, a Grant Adjustment Notice will be issued to remove this special condition.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER
2009-SC-B9-0060

PAGE 1 OF 1

This project is supported under FY09 Recovery Act (BJA – "Byrne Competitive") Pub. L. No. 111-5, 123 Stat. 115, 130

1. STAFF CONTACT (Name & telephone number)

Kerri Vitale-Logan
(202) 353-9074

2. PROJECT DIRECTOR (Name, address & telephone number)

Katherine Miller
Assistant District Attorney
850 Bryant Street, Room 322
San Francisco, CA 94103-4600
(415) 553-1110

3a. TITLE OF THE PROGRAM

BJA FY 09 Recovery Act Edward Byrne Memorial Competitive Grant Program: Reducing Mortgage Fraud and Crime Related to Vacant Properties

3b. POMS CODE (SEE INSTRUCTIONS ON REVERSE)

4. TITLE OF PROJECT

Mortgage and Investment Fraud Prosecution and Education Project

5. NAME & ADDRESS OF GRANTEE

San Francisco District Attorneys Office
850 Bryant Street, 3rd Floor
San Francisco, CA 94103-4600

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 08/01/2009 TO: 07/31/2011

8. BUDGET PERIOD

FROM: 08/01/2009 TO: 07/31/2011

9. AMOUNT OF AWARD

\$ 1,066,026

10. DATE OF AWARD

09/29/2009

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Recovery Act Edward Byrne Memorial Competitive Grant Program (Byrne Competitive Program) will help communities improve the capacity of state and local justice systems and provide for national support efforts including training and technical assistance programs strategically targeted to address local needs. This competitive grant announcement focuses on initiatives in eight areas: 1) preventing and reducing violent crime through community-based data-driven approaches; 2) providing funding for neighborhood-based probation and parole officers; 3) reducing mortgage fraud and crime related to vacant properties; 4) hiring of civilian support personnel in law enforcement (training staff, analysts, dispatchers, etc.); 5) enhancing forensic and crime scene investigations; 6) improving resources and services for victims of crime; 7) supporting problem-solving courts; and 8) national training and technical assistance partnerships.

Under category 3, the San Francisco's District Attorney's Office will use the grant funds to create a model Mortgage and Investment Fraud Unit and engage in a multi-agency public education campaign to empower homeowners and improve neighborhood conditions. The goal of the unit will be to prosecute complex fraud

schemes, coordinate with federal and state law enforcement, and train other jurisdictions on prosecuting mortgage fraud. The grant funds will be used to hire an attorney, a senior investigator, and an investigator; investigate and prosecute up to 10 complex cases annually; collaborate with the U.S. Attorney Mortgage Fraud Task Force and California Department of Real Estate to leverage resources and reduce redundant activities; and develop and launch multi-agency public education campaign that trains 500 San Francisco residents. The campaign will educate the public about mortgage fraud and vacant property crime prevention and provide critical information via radio to over 2 million Bay Area residents.

CA/NCF

Budget Worksheet – Category III

A. Personnel **\$765,284**

Name	Computation	Cost
Attorney	\$6,612.56 x 26.1 pay periods/yr x 2 years	\$345,176
Sr. Investigator	\$4,189.88 x 26.1 pay periods/yr x 2 years	\$218,712
Investigator	\$3,858.16 x 26.1 pay periods/yr x 2 years	\$201,396

B. Fringe Benefits **\$208,262**

Name	Computation (Rate)	Cost
Attorney	\$345,176 x 23.2388%	\$80,215
Sr. Investigator	\$218,712 x 30%	\$65,614
Investigator	\$201,396 x 31%	\$62,433

C. Travel **\$3,380**

Purpose	Location	Item	Computation	Cost
DOJ required - Seattle, WA		Airfare	\$250 average fare x 2 attendees	\$500
		Hotel	\$158 gov't rate x 2 attendees x 2 nights	\$632
		Per diem	\$64 gov't rate x 2 attendees x 2 days	\$256
DOJ required – Wash, DC		Airfare	\$450 average fare x 2 attendees	\$900
		Hotel	\$209 gov't rate x 2 attendees x 2 nights	\$836
		Per diem	\$64 gov't rate x 2 attendees x 2 days	\$256

D. Equipment **\$0**

Item	Computation	Cost
None requested.		

E. Supplies **\$0**

Supply Item	Computation	Cost
None requested.		

F. Construction \$0

Description	Computation	Cost
None requested.		

G. Consultants/Contracts \$72,000

<i>Consultant Fees</i>			
Name	Service	Computation	Cost
TBD	Forensic Accounting Expert	\$200/hr x 200 hours	\$40,000
<i>Contracts</i>			
Item			Cost
Audio news release production and distribution			\$10,000
Graphic design for public education campaign			\$12,000
CBS Outdoor (posting print materials on buses)			\$10,000

H. Other \$17,100

Description	Computation	Cost
<u>Printing costs for public awareness campaign:</u>		
Bus "queens" (for side of buses)	\$76/unit x 50 + delivery costs	\$4300
Bus interior posters	\$12/unit x 150	\$1800
Banner for presentations	\$500/unit for 2	\$1,000
Informational brochures	\$1/brochure for 9000 brochures	\$9,000
Posters	\$5/poster for 200 posters	\$1,000

Total Direct Costs \$1,066,026

I. Indirect Costs

None requested.

Budget Summary Page

A. Personnel/Salary Costs	<u>\$765,284</u>
B. Fringe Benefits	<u>\$208,262</u>
C. Travel	<u>\$3,380</u>
D. Equipment	<u>\$0</u>
E. Supplies	<u>\$0</u>
F. Construction	Unallowable
G. Consultants/Contracts	<u>\$72,000</u>
H. Other	<u>\$17,100</u>
I. Indirect Costs	<u>\$0</u>
TOTAL PROJECT COSTS	<u>\$1,066,026</u>
Federal Request	<u>\$1,066,026</u>
Applicant Funds, if any, to be applied to this project	<u>\$0</u>

Budget Narrative:

A. Personnel

The proposed positions – a prosecutor and two investigators – are the core of the proposed project. The prosecutor will be experienced in mortgage/investment fraud. One investigator will be a senior investigator and one will have experience and training in forensic accounting. These positions will comprise the Mortgage and Investment Fraud unit and will be responsible for investigation and prosecution of mortgage and related investment fraud cases, with an emphasis on complex cases and vulnerable victims (elderly and minority). These staff members also will coordinate with federal and state law enforcement to leverage resources and minimize redundant efforts.

B. Fringe Benefits

Fringe benefits include Social Security, Medicare, Flex Benefits, Health Insurance, Dependent Coverage, Long Term Disability, Retirement, Unemployment Insurance and Dental Insurance. However, costs for some benefits differ based on the position and bargaining unit. The breakdown is as follows:

Attorney:

Social Security	\$6,621 (fixed cost for salaries above \$106,800)
Medicare	1.45%
Flex Benefits	\$2,700
Health Insurance	\$5,478.13
Dependent Coverage	\$3,866.65
Long Term Disability	0.54%
Retirement	9.49%
Unemployment Insurance	0.20%
Dental Insurance	\$1,283.64

Investigators:

Social Security	0
Medicare	1.45%
Flex Benefits	0
Health Insurance	\$5,293.51
Dependent Coverage	\$4,236.62
Long Term Disability	0
Retirement	18.13%
Unemployment Insurance	0.20%
Dental Insurance	\$1,283.64

C. Travel

The proposed budget includes funds for two San Francisco District Attorney staff members to attend two Department of Justice-sponsored grant meetings, one in Washington, DC and one at a regional site (Seattle, WA).

D. Equipment

None requested.

E. Supplies

None requested.

F. Construction

None requested.

G. Consultants/Contracts

The Mortgage and Investment Fraud Unit will contract with a forensic accounting expert for two purposes: (1) to assist in investigation and prosecution of cases, including providing expert testimony; (2) to provide training and technical assistance to Unit staff. This expert has not yet been identified.

A critical piece of the project will be a Public Education Campaign designed to educate vulnerable homeowners at risk of mortgage and investment fraud about their rights and how to get help. This campaign will be comprised of three components: (1) audio news releases which will be broadcast widely on Bay Area radio (including stations that serve minority listeners); (2) information on buses throughout the City; and (3) SFDA staff and representatives from other City agencies presenting information in community-based venues.

Both the audio news release contract and bus campaign will take place twice during the grant period; budgeted contract amounts for both reflect this. The graphic design contract will be used to design the bus campaign and other print materials and is based on similar prior project budgets.

Bus posters (both "queens", which are posted on the exterior sides of buses and interior signs) and informational brochures will be printed in three versions – English, Spanish and Chinese to ensure that the information is accessible to San Francisco's diverse communities.

H. Other

Grant funds will be used to support a Public Education Campaign to educate homeowners who are vulnerable to mortgage and investment-related fraud and empower San Francisco residents to access City resources to prevent crime in vacant properties and neighborhood blight.

Bus posters (both "queens", which are posted on the exterior sides of buses and interior signs) and informational brochures will be printed in three versions – English, Spanish and Chinese to ensure that the information is accessible to San Francisco's diverse communities.

I. Indirect Costs

None requested.

PROGRAM NARRATIVE – CATEGORY III

PROBLEM TO BE ADDRESSED: In San Francisco last year, the number of foreclosures increased by 723 percent, up from just 81 in 2006 to 667 in 2008. The vast majority of the homes lost to foreclosure are in San Francisco's Southeast Sector, the region comprised of low to moderate income families, communities of color and seniors. Indications are that foreclosures for these homeowners are not slowing down. A recent study found that three out of four San Francisco homebuyers received an adjustable rate mortgage from 2005 to 2006. Most at-risk homeowners are Latino, Asian or African American and received riskier and more expensive loans than most white homebuyers. Notices of Default are up 121 percent.

In this climate, mortgage and investment fraud targeting at-risk homeowners is rapidly on the rise. New scams targeting vulnerable communities are cropping up, such as "loss mitigation" companies promising to help distressed homeowners – for a fee. The companies do nothing to help and mortgages fall further behind until banks foreclose on the homes. Countless homeowners have been defrauded by similar schemes. Elderly homeowners are being targeted for "reverse mortgages" – one in every four of which is sold in California – and distressed homeowners are being targeted for scams such as tax reassessment solicitations and investment fraud by professionals who start with legitimate mortgage activities and then engage in subsequent fraud. Instead of receiving desperately needed help, distressed homeowners are being defrauded out of money and their homes.

The San Francisco District Attorney's Office has built significant expertise and success in prosecuting mortgage and investment fraud. The Office has also supported federal enforcement efforts and advocated for legislative protection for potential

mortgage fraud victims. As of today, we are operating well beyond actual capacity. The SF DA's Office and Police Department have a swelling backlog of fraud cases. At the same time, the SF DA's Office has suffered significant budget cuts in the last year, resulting in staff layoffs and an office-wide strain on resources. We need to create a stand-alone Mortgage and Investment Fraud Unit that can keep up with demand and also begin targeting the "middle men" who play a central role in the fraud industry – the local lenders, real estate brokers, loan consultants and investment advisors who facilitate fraud against hundreds of people. Pursuing cases against these criminals requires extremely intensive and detailed investigations. Middle men are sophisticated and their companies disappear quickly. We also need resources to partner closely with the U.S. Attorney's Mortgage Fraud Task Force and California's Department of Real Estate (DRE) – which is itself dramatically understaffed - and to engage in public education to help residents avoid fraud, protect their homes, and reduce crime around vacant properties.

With additional resources, San Francisco is poised to stop mortgage and investment fraud, help distressed homeowners, reduce blight, and develop a replicable model for other jurisdictions. Just this year, the San Francisco Mayor's Office and the Board of Supervisors developed a fair lending working group that analyzed the foreclosure crisis in San Francisco and made recommendations on how to help homeowners. The SF DA's Office recently joined with the Assessor-Recorder's Office to begin a public education initiative to raise awareness about fraud, teach financial literacy, and connect residents to agencies that can help.

EXPEDITIOUS JOB CREATION AND ECONOMIC BENEFITS: The SF DA's Office will fill requested positions within 60 days of the City accepting the grant.

Addressing mortgage fraud through prosecution and public education also creates significant benefits in the local economy. Distressed homeowners get help to protect their homes and avoid foreclosure. They are also empowered to recognize and avoid fraud. Stability for at-risk homeowners improves the local economy and reduces neighborhood blight, which helps improve San Francisco's image and ability to attract and protect legitimate businesses families, and residents.

PROJECT GOALS AND OBJECTIVES: The Mortgage and Investment Fraud Prosecution and Education Project aims to promote economic recovery and assist those most impacted by the recession by curtailing and preventing fraud, protecting homeownership, and empowering residents to improve neighborhood conditions.

Project Goal: The primary goal of the project is to decrease mortgage and investment fraud in San Francisco and protect vulnerable homeowners.

Project Objectives: (a) Create a model Mortgage and Investment Fraud Unit in the San Francisco District Attorney's Office that prosecutes complex fraud schemes, coordinates with the U.S. Attorney's Office Mortgage Fraud Task Force and California Department of Real Estate, and trains other jurisdictions on how to prosecute mortgage fraud; and (b) Engage in a multi-agency public education campaign to empower homeowners and improve neighborhood conditions.

Measurable Outcomes: (1) Create a Mortgage and Investment Fraud Unit comprised of 3 new positions; (2) Investigate and prosecute 5-10 complex cases annually; (3) Collaborate with U.S. Attorney Mortgage Fraud Task Force and California Department of Real Estate Investigations Division to leverage resources and reduce redundant activities; (4) Train 500 San Francisco residents about mortgage fraud and

vacant property crime prevention and provide critical information via radio to over 2 million Bay Area residents; and (5) Work with the City to identify sustainable funding.

PROJECT DESIGN AND PROPOSED IMPLEMENTATION: This proposal is designed to address the current gaps in San Francisco's ability to stamp out fraud and build off existing strengths in the City's infrastructure.

(a) Prosecution Component: We seek to create a fully-staffed Mortgage and Investment Fraud Unit in the SF DA's Office. The Unit will include an attorney with extensive experience prosecuting mortgage/financial fraud cases and two investigators (including one senior investigator), at least one of which has experience in forensic accounting. The Unit will contract with a forensic accounting expert to advise on specific cases and develop team capacity. The team will also participate in ongoing training provided by the U.S. Attorney's Mortgage Fraud Task Force, California District Attorneys' Association, and the Commission on Peace Officers Standards & Training.

The Mortgage and Investment Fraud Unit will focus its investigation and prosecution on state-chartered lending institutions, as well as mortgage brokers, real estate agents and investment advisors who have preyed upon vulnerable populations. There clearly is a role for both federal and state prosecution of the various types of mortgage and investment fraud. The unit's work will fill a critical gap in enforcement by uncovering the fraudulent acts of these "middle men," who play a central role in the industry, thus impacting these crimes on a significant scale. Investigating and prosecuting these types of cases, especially when they involve businesses and financial institutions, is very time-consuming and complex, taking many, many months to investigate and, oftentimes, twice as long to prosecute to completion. We will

immediately expand our participation in the United States Attorney's Mortgage Fraud Task Force, a regional task force that has been collaborating on issues of mortgage fraud in many of the Bay Area counties. The SF DA'S Office already has an established relationship with the Task Force and has been an active member of this task force to the degree that our limited resources have permitted. The Unit also will immediately establish a referral relationship with the California DRE's Investigations Division so that DRE can refer local cases to the DA's Office. DRE can then leverage our local investigation and prosecution efforts to mitigate its own significant understaffing.

This is an issue of national significance, and the proposed unit will be in a unique position to develop expert practices that it can then share with other prosecutors across the county. District Attorney Harris is an active leader in both the National District Attorneys Association and California District Attorneys Association, and our staff regularly participates in conferences to train other jurisdictions about our model practices.

(b) Public Education Component: In coordination with the Assessor Recorders Office and the City Attorney's Office, the SF DA's Office will systematically outreach to homeowners receiving Notices of Default, warn homeowners of mortgage scams, train residents in financial literacy, post warnings on websites and Public Service Announcements on radio, and work with community centers, churches, and neighborhood associations to train residents in accessing services, reporting fraud, reporting blight associated with abandoned buildings, and working with city agencies to help reduce crime around abandoned properties in their neighborhoods.

IMPROVING FUNCTIONING OF THE CRIMINAL JUSTICE SYSTEM: An appropriately resourced Mortgage and Investment Fraud Unit will enable the SF DA's

Office to respond to the exploding increase in mortgage fraud and related crimes.

Without this Unit, our office – and thus the criminal justice system – simply cannot investigate and prosecute these crimes, particularly those that are most complex and affect multiple victims. Focusing on crimes involving elderly and minority victims also fortifies the criminal justice system’s capacity to protect those least able to protect themselves. Collaboration with the U.S. Attorney strengthens local and federal efforts.

APPLICANT CAPABILITY/STAFF COMPETENCIES: The SF DA’s Special Prosecutions Division is fully prepared to quickly implement the project. The Mortgage and Investment Fraud prosecutor will leverage the expertise of Alan Kennedy, a veteran prosecutor who has extensive experience prosecuting mortgage and investment fraud of elderly victims. The new investigators will have the full support of the SF DA’s Investigations Bureau. The Unit will work closely with the SF DA’s Communications Team to develop and implement the public education component, building on similar efforts already successfully created and implemented by our communications staff.

MANAGEMENT STRUCTURE/PROJECT STAFFING: The Mortgage and Investment Fraud Unit will be comprised of one prosecutor and two investigators. It will be part of the SF DA’s Special Prosecutions Division and will report to the Chief of Special Prosecutions, who is a member of District Attorney Harris’s Executive Team. The public education component will be managed by the SF DA’s Communication Director, who is also a member of the Executive Team.

FISCAL TRACKING: All federal grants are tracked by federal CFDA numbers. Upon receiving funds, the SFDA Finance Division sets up grants in the accounting system with unique grant codes. The CFDA numbers are imbedded into each of these

grant codes. Expenditures appropriate to the grant are directly charged to the grant.

Expenditures are monitored monthly with cost reimbursement requests no less than once a quarter.

EVALUATION COMMITMENT & CAPACITY: The SF DA's Office is willing to participate in an NIJ evaluation of the proposed project and has a successful history working with NIJ on evaluation activities, most notably the evaluation of our First Offender Prostitution Program, in which the NIJ's contracted evaluator wrote that "We have conducted many studies at many sites over many years, and we have never had greater cooperation and support than we have experienced while conducting this evaluation." The Special Prosecutions Division has a successful history of tracking data and providing reports to the City's Real Estate Fraud Prosecution Trust Fund Committee.

ASSESSING EFFECTIVENESS: Investigation and prosecution effectiveness will be demonstrated through the successful prosecution of cases and positive collaborative relationships with the U.S. Attorney and California DRE. The public education campaign's effectiveness will be demonstrated through increased numbers of homeowners and residents requesting assistance from appropriate city agencies. As described on pages 5-6, the project will improve the functioning of both local and federal criminal justice systems.

DATA COLLECTION & REPORTING: We will track data for this project on the following mandatory performance measures: (1) Number of jobs retained (by type) due to Recovery Act funding; (2) Number of jobs created (by type) due to Recovery Act funding; (3) Percent of essential services maintained without disruption; (4) Percent increase of essential services; (5) Number of collaborative partnerships established to

avoid reductions in essential services and duplication; (6) Percentage of planned initiatives implemented; (7) Percentage of individuals who completed (intended) programming; and (8) Cost savings as a result of new initiatives implemented.

Data for (1)-(4) will be collected and maintained by the Mortgage and Investment Fraud Unit Attorney; (3) and (4) will be calculated based on the number of mortgage and investment cases investigated in the prior year compared with the number of cases in the first and second grant years. Data for (5) will be tracked by the both Mortgage and Investment Fraud Unit (for collaborations with the U.S. Attorney and California Department of Real Estate) and the Communications Team (for collaboration with other City departments on the public education campaign). Data for (6) and (7) will be tracked by the SF DA's Policy Team as it relates to the public education campaign. The SF DA's Policy Team will analyze (8), collect data for (1)-(8) and report it to DOJ.

TIMELINE & SUSTAINABILITY PLAN: All project activities will begin immediately upon commencement of the grant period. Investigation and prosecution activities will continue steadily throughout the 24 month period; the public education campaign will be launched in months 5 with ongoing activities through month 24. Throughout the grant period the SF DA's Office will work with relevant city agencies and officials to develop a sustainability plan. Due to a recent change in state law, San Francisco will be receiving increased funds from real estate transfers; we anticipate that a portion of that funding will be used to sustain this project. Public education materials and collaborative relationships created through the project will strengthen the SF DA Office's mortgage fraud work well beyond the grant period.