

## 09-03-05. Note for Member of Audit Committee

March 5, 2009

William Barnet, III,  
John T Collins,  
General Tommy R Franks,  
Walter E Massey,  
Thomas J May (Chair),  
Admiral Joseph W Frueher  
Audit Committee  
BOA/CFC  
By email and by fax

**RE: Message to the members of BOA Audit Committee;  
Timely response requested by March 10, 2009, 5:00pm**

Mr Barnet III, Mr Collins, General Franks, Mr Massey, Mr May, Admiral Frueher:

I forwarded to each of you on February 27, 2009 my request for review and corrective action regarding the actions of LA Superior Court resulting from false and deliberately misleading banking records provided to that court by Countrywide Legal Department. I described my attempts to get Mr Mozilo and Mr Samuels to stop the fraud starting a year before it was consummated, at a time that both of them advertised their calls for the public at large to call them about any concerns of fraud.

I also described how in response to my requests, instead of responding in any way directly on the matter, they initiated a campaign of retaliation, intimidation and harassment through the use of outside counsel Bryan Cave. I explained that to this date I never had either Countrywide or Bank of America authenticate or repudiate the two records listed as #1 or #2 in the list of six items. But Countrywide in January 2008 asked the court through Bryan Cave for “**declaratory relief**” - that it did not have to answer any more questions about fraud claims by me.

I also forwarded to you some records yesterday.

The attached document is an elaboration on the main points of the February 27, 2009 request. It lists again the same six items that I deem require review, and it provides additional references through documents I made available online, many more than in the original request.

As with the previous record, I am forwarding it also to SEC Enforcement as a complaint for violations by both Mr Samuels and Mr Mayopoulos in re: failure to report pursuant to Sarbanes-Oxley Act, section 307. Surely, if investigation is initiated there are numerous other violations included in the complaint, but I left it to SEC to figure out.

The current position of Office of the General Counsel is inexplicable under assumption of compliance with BAC's Ethics Code and/or Outside Counsel Procedures. I was repeatedly told that Todd Boock was the only one authorized by BAC to represent it in the case. I was also explicitly told several times that Bryan Cave was not authorized to appear. Yet Bryan Cave continues to appear as representing BAC, BAC General Counsel does nothing to stop it, even after being repeatedly noticed of the abuse of my civil rights, and the evidence shows that Officers of BAC cooperate with Bryan Cave in providing records for their false motions in court. In short, Bryan Cave is employed as an – “off the record” Outside Counsel.

As note in the attached document, Countrywide made promises in a Texas U.S. Court in March 2008 to stop what was deemed by that court as routine abuse of outside counsel as a convenient way to avoid accountability for wrongful conduct in litigations. I hope and expect that at least BAC Audit Committee conduct itself in a manner that is consistent with BAC Ethics Code and Outside Counsel Procedures.



Joseph Zernik