

Bill Bookout

From: Bill Bookout [Pismobeachdiveshop@charter.net]
Sent: Monday, October 17, 2011 2:43 PM
To: 'Lisa.Cookie@sba.gov'
Cc: 'Hardy.Slay@sba.gov'; 'Hien.Nguyen@sba.gov'; 'carlos.mendoza@sba.gov'; 'leanne.ryner@sba.gov'; 'rmiller@newtimesslo.com'; 'OIGHotline@sba.gov'; 'Hobby, Jill C.'; 'joel.stiner@sba.gov'; 'katherine.maxwell@sba.gov'; 'Butcher-Sumner, Blossom V.'; 'crigley@newtimesslo.com'; 'ombudsman@fdic.gov'; 'ombudsman@sba.gov'; 'legal@fdic.gov'
Subject: RE: SBA Loan Fraud
Attachments: SBA Loan Analysis Presentation-SBA Lender Application.pdf

October 17, 2011

OIG complaint ID # 20110484

U.S. Small Business Administration,
Lisa Cookie and Hardy Slay,
1-916-735-1223
1-916-735-1500

Dear Mrs. Lisa Cookie and Hardy Slay,

I am making a public records request under the Freedom of Information Act (FOIA) for copies of any and all SBA, First Bank of San Luis Obispo, Pacific Capital Bank or Santa Barbara Bank & Trust documents from 2003 to present, regarding the SBA guaranteed loan, Oceano Nursery, identified under SBA Loan PLP 664-196-4009. Attached above, is a 2003 SBA Loan Analysis Presentation for SBA Loan PLP 664-196-4009.

Again, I am making a public records request under the Freedom of Information Act for copies of any and all SBA, First Bank of San Luis Obispo, Pacific Capital Bank or Santa Barbara Bank & Trust documents from 2003 to present, regarding the SBA guaranteed loan, Oceano Nursery, identified under SBA Loan PLP 664-196-4009. This includes all emails, fax's from your department granting SBA Loan Approval!

ODIC Environmental has stated June 20, 2007. *"The subject property was developed as early as 1927 according to property profile The aerial photograph depicts the subject site developed with what appears to be a residential dwelling at the northern central portion of the subject site lot. The immediate vicinity is depicted as residentially developed in aerial photo 1939. Subsequent aerial photographs show the property as vacant land in 1956 until, 1966 when the two buildings consistent with current layout are depicted at the subject site."*

Please provide any and all Environmental Reports for the 470 Price Street property in SBA 2003 loan approval PLP 664-196-4009 ("RE: Oceano Nursery").

Bike and Lock Shop around 1949 (across from Rosa's)



On August 28, 2003 Hien Hguyan, Senior Loan Officer of the Sacramento SBA Loan Processing Center writes a letter to Clay Appleton per SBA Loan Application. August 29, 2003 SBA Sacramento Loan Processing Center Rosa Walton writes Clay Appleton noting that the SBA had received request for Loan Number! August 29, 2003 Rosa Walton writes Clay Appleton stating that the SBA had generated PLP 664-196-4009 ("RE: Oceano Nursery") **Please provide the original documents sent to the SBA per the Oceano Nursery SBA Loan and its approval!**

10/17/2011

How can SBA lenders change out the middle of their signed documents as seen in the original August 29, 2003 "(Authorization (SBA Guaranteed Loan)" attached above? See page 5 attached! **Please provide any and all documents in the SBA Possession under this FOIA Request!** Please provide a copy of the (SBA Form 4, Schedule A) approved by your department on August 29, 2003!

In the SBA Loan Analysis Presentation dated August 20, 2003 attached above. How can Santa Barbara Bank & Trust/FBSLO change page 1? Why would the SBA not want to pay off the \$300,000.00 balloon payment First on the 470 Price Street property as revised on October 1, 2003 as noted on Page four of the changed Santa Barbara Bank & Trust SBA Loan Analysis Presentation dated August 20, 2003? **Please provide any and all documents in the SBA Possession with this FOIA Request!**



Please provide the SBA approval for the 470 Price Street property and the date that the SBA approved this Pismo Beach Gas Station/Laundry Mat Property for SBA Loan # PLP 664-196-4009!

Sincerely

Bill Bookout
Oceano Nursery SBA Loan # PLP 664-196-4009

From: Bill Bookout [mailto:Pismo Beach Diveshop@charter.net]
Sent: Sunday, October 16, 2011 5:55 PM
To: 'hien.nguyen@sba.gov'
Cc: 'hardy.slay@sba.gov'
Subject: SBA Loan Fraud

October 16, 2011

Hien Nguyen,
6501 Sylvan Road, Suite 122 262
Black Gold Blvd Citrus Heights, CA 95610

Dear Hien Nguyen,

Attached above, is a 2003 SBA Loan Analysis Presentation for SBA Loan PLP 664-196-4009. Can you see if this is the same documents used in the August 29, 2003 SBA loan approval? You had faxed Clay Appleton on August 28, 2003 with an SBA question. (Resubmission Control Number: 30828-166

Sincerely

Bill Bookout
Oceano Nursery

From: Bill Bookout [mailto:Pismo Beach Diveshop@charter.net]
Sent: Friday, October 14, 2011 2:24 PM
To: 'leanne.ryner@sba.gov'

10/17/2011

Cc: 'carlos.mendoza@sba.gov'; 'joel.stiner@sba.gov'; 'katherine.maxwell@sba.gov'; 'velie@calcoastnews.com'; 'rmiller@newtimeslo.com'; 'Butcher-Sumner, Blossom V.'

Subject: RE: Revised FOIA # 34448- Production of Documents (For) Fraud and Breach of Contract committed by Santa Barbara Bank & Trust/FBSLO

OIG complaint ID # 20110484

Leanne Ryner—Carlos Mendoza
U.S. Small Business Administration,
Central California/ Fresno
Small Business Administration
559/487-5785, Ext 2710

Fresno District Office – Mail Code 0942 Carlos G. Mendoza, District Director

carlos.mendoza@sba.gov

559-487-5785x144

Leanne Ryner, Paralegal Specialist

leanne.ryner@sba.gov

559-487-5785x132

Fresno Commercial Loan Service Center– Mail Code 0992

Joel A. Stiner, Center Director

joel.stiner@sba.gov

559-487-5236x215

Katherine Maxwell, Paralegal Specialist

katherine.maxwell@sba.gov

559-487-5136x262

Dear Mrs. Leanne Ryner and Mr. Carlos Mendoza

Please provide and acknowledge under the Freedom of Information Act any and all SBA Loan documents pertaining to SBA Loan PLP 664-196-4009 for Oceano Nursery beginning in 2003 to present! I believe from talking with, Blossom V. Butcher-Sumner Attorney-Advisor U.S. Small Business Administration National Guaranty Purchase Center; that all documents requested of the SBA under the **Freedom of Information Act** are in the Fresno District Office files!

Again, I am making a public records request under the Freedom of Information act for copies of any and all SBA, First Bank of San Luis Obispo, Pacific Capital Bank or Santa Barbara Bank & Trust documents from 2003 to present, regarding the SBA guaranteed loan, Oceano Nursery, identified under SBA Loan PLP 664-196-4009.

Mrs. Sumner has stated that that Santa Barbara Bank & Trust is attempting to sale the Oceano Nursery SBA Loan back to the SBA. Please answer the following questions of the U. S. Small Business Administration per the actions by Santa Barbara Bank & Trust. Please review the website www.sbbtfraud.com along with www.sbaquestions.net for PDF files of Santa Barbara Bank & Trusts actions since 2003. Attached above is two SBA Loan Analysis Presentations; Please provide the any additional SBA loan analysis presentations, that the SBA may have under the **Freedom of Information Act** !

- 1) Does the SBA normally allow their SBA lenders to not properly amortize their SBA loans as Santa Barbara Bank & Trust has admitted to doing on May 6, 2011 and May 19, 2011?
- 2) Are SBA lenders, legally allowed on SBA business loans to overcharge their SBA borrowers by \$247.00 per month of business working capital against SBA Form 147 Note?
- 3) Is it normal for California, SBA lenders to obtain SBA approval on SBA loans and then change out the middle of the SBA Authorization as has been done with SBA loan # PLP # 664-196-4009-- Approved by the SBA on August 29, 2003?
- 4) **In the Oceano Nursery SBA Loan Deed of Trust dated October 6, 2003 on page four a provision to fight Inverse Condemnation and Eminent Domain, under (Condemnation). Is it normal for all SBA loans to have to fight Inverse Condemnation?** This requirement should make Santa Barbara Bank & Trust liable for any judgments by the County of San Luis Obispo, OCSD, Caltrans or Union Pacific Rail Road. Who is responsible for this requirement and now liens? The SBA or Santa Barbara Bank & Trust? Please view the website www.governorjerrybrown.net
- 5) When the SBA Loan for Oceano Nursery was approved by the SBA on August 29, 2003. Did the SBA require a Phase 1 for the old Oceano Nursery Gas Station?

- 6) When did the SBA approve the 470 Price Street property for PLP # 664-196-4009?
- 7) Was any environmental investigation required by the SBA for the 470 Price Street property in 2003, if this was approved by the SBA?



- 8) Are SBA Lender responsible for Environmental investigations with the 470 Price Street Gas Station property?
- 9) Why did the SBA not pay off the Balloon payment on the 470 Price Street property, when they approved the changing of August 29, 2003 signed (Authorization SBA Guaranteed Loan) ?
- 10) Can the SBA provide a copy of the August 28, 2003 (Lender Checklist for Submitting PLP Loan Requests) as signed by Clay Appleton on August 28, 2003? The copy that I have acquired does not show the Pismo Beach property business's listed!
- 11) In the August 27, 2003 signed (U.S. Small Business Administration Lender's Application For Guaranty Or Participation) When was SBA Form , Schedule A changed by Santa Barbara Bank & Trust adding the 470 Price Street property? I have two copies with different information! One signed August 28, 2003 by Clay Appleton, Steve Mathis and on the other (Copy) at the top with Casey Appell and Steve Mathis typed in. Which is the correct SBA Loan document?
- 12) How did Daniela Medrano and Casey Appell put SBA Loan # PLP 664-196-1009 at the top of the signed SBA Form 159 on August 27, 2003 as the SBA did not approve this SBA Loan until August 29, 2003?
- 13) In the SBA Form 413 dated August 27, 2003 typed by the Bank. Please explain as to how the 470 Price Street property was pledged as collateral?
- 14) In the SBA Form 413 dated August 27, 2003 (Schedule Of Real Estate). Please have the SBA explain as to why the SBA did not pay off the Balloon payment of \$300,000.00 on the 470 Price Pismo Beach, Property?
- 15) In the SBA Form 413 dated August 27, 2003 (Schedule Of Real Estate). Please explain as to why the SBA did not pay off the Balloon payment on the three lots next to 1921 Cienega property paid off in the 2003 SBA Loan? This property was supposed to be used for the Second Nursery Location In Oceano as noted by FBSLO.
- 16) Does the SBA allow all SBA Lenders to change out the middle of their (SBA Loan Analysis Presentations) as seen in two different August 20, 2003 SBBT presentations as seen at www.sbbtfraud.com ?
- 17) In the Second August 20, 2011 (SBA Loan Analysis Presentation) as seen at www.sbbtfraud.com stating: *"The working capital loan to be paid-off is secured by the commercial real estate used for the second business location at 470 Price Street, Pismo Beach Ca. This loan was obtained on 1/03 for inventory and business working capital purposes."* Why did the SBA not pay off the \$375,000.00 borrowed on this 470 Price Street property and 631 Lake Street property as disclosed to FBSLO?
- 18) In the FBSLO two (Loan Committee Presentation Reports dated 10/1/03 and 8/27/03. Was the SBA notified of the changes made on 10/1/03? If So was a Phase 1 Required for the 470 Price Street property?
- 19) **In 2007 Santa Barbara Bank & Trust Appraised the Oceano Nursery property at \$530,000.00.** Why would the SBA and SBBT need to have my personal residence at 631 Lake Street that was used to borrower money to make Mortgage payments to SBBT as additional Collateral in the 2007 Forbearance Agreement? It had been disclosed to FBSLO that

\$75,000.00 was borrowed prior on the 631 Lake Street house for Oceano Nursery!

- 20) With the July 2, 2007 Appraisal of \$530,000.00 on the Oceano Nursery property. Why would the SBA and Santa Barbara Bank & Trust still need the 470 Price Street property as collateral?
- 21) Why was the Oceano Nursery appraisal completed after the signed 2007 Forbearance and Workout Agreement? The Appraiser Bruce Beaudoin, at this point Mentions the ODIC Environmental on the Oceano Nursery property and not the Pismo Beach Property!
- 22) Why was the 470 Price Street appraisal completed after the signed 2007 Forbearance and Workout Agreement?
- 23) **Why was the 470 Price Street, ODIC Environmental Phase 1 not available to Bruce Beaudoin, per his July 2, 2007 Appraisal of the 470 Price Street property Under ("Requirements And Conditions of Appraisal")?** Mr. Beaudoin, stated: *"A Phase 1 Environmental Assessment was unavailable." "For purposes of this appraisal, it is assumed that no hazardous-toxic contamination has occurred. Therefore, the cost of cleanup, abatement, encasement and/or remediation and its effects on value have not been considered."*



- 24) Why was ODIC Environmental unable to find 470 Price street property records as seen in the appraisal by Bruce Beaudoin, dated July 2, 2007?
- 25) Why was Bruce Beaudoin, not provided a Phase 1 Environmental Report from Santa Barbara Bank & Trust, per his 470 Price Street July 2, 2007 Appraisal?
- 26) Is Santa Barbara Bank & Trust allowed to Falsify Lender documents in their ODIC Environmental Reports as seen in the June 20, 2007 Phase 1?

Sincerely

Bill Bookout

From: Bill Bookout [mailto:Pismobeachdiveshop@charter.net]

Sent: Wednesday, October 12, 2011 10:56 AM

To: Mendoza, Carlos G.

Cc: Gatell, Graciela M.; Babcock, Lisa J.; Ashker, Terrill K.; OIGHotline@sba.gov; Hobby, Jill C.; San Diego General Box; 'Bob Johnston'; Bryant, James A.; Ellinwood, Carrie R.; Tavernia, Paul J.; Gilchrist, Essie J.; O'Neal, Jim; Ingebretsen, Kristan L.; crigley@newtimesslo.com; rmiller@newtimesslo.com; dvalley@co.slo.ca.us; sbcountyda@co.santa-barbara.ca.us; ctrimble@pismoeach.org; 'Richard Rossi'; Hedgespeth, Grady; Mckeehan, Christopher S.; Babcock, Lisa J.; Fishman, David A.; Harris, Glenn P. (Off. Inspector Gen.); Lowe, Sadie L. (Off. Inspector Gen.); Gold, Martin; Pope, Cynthia D.; Adams, Eric J.; Joe, Edwin L.; lorenzo.flores@sba.gov; Taylor, Richard A.; frank.pucci@sba.gov; Vigil, Anthony J.; Baranick, Rachel; Pavlovskis, Dace S.; Butcher-Sumner, Blossom V.

Subject: RE: FOIA # 34448- Production of Documents (Final) Fraud and Breach of Contract committed by Santa Barbara Bank & Trust/FBSLO

October 12, 2011

OIG complaint ID # 20110484

10/17/2011

CARLOS G. MENDOZA
District Director
Central California/ Fresno
Small Business Administration
559/487-5785, Ext 2710
800/359-1833, OPTION 6

US Small Business Administration
409 3rd St, SW
Washington DC 20416

Dear Mr. Carlos Mendoza;

Re: SBA Loan Fraud and Breach of Contract committed by Santa Barbara Bank & Trust/FBSLO since 2003!

Under the Freedom of Information Act, please provide a detailed list of any and all documents that the Fresno SBA or any SBA office, has per SBA Loan PLP 664-196-4009. I believe the SBA has stated that they are in possession of Appraisals, Environmental reports etc. **Attached are the two different (SBA Loan Analysis Presentations) dated August 20, 2003 and revised October 1, 2003. Also attached is the Lenders application For Guaranty provided to me on October 6, 2003.** Please note that the only property in this form is the 1341 Paso Robles Street property as was the August 20, 2003 (SBA Loan Analysis Presentation)!

Terrill K. Ashker has stated September 30, 2011 "Also, your allegations of wrong doing committed by your lender have been duly noted, and you will be informed of SBA's findings in due course."

Additional items requested of the U. S. Small Business Administration. I am making a public records request under the Freedom of Information act for copies of any and all SBA, First Bank of San Luis Obispo, Pacific Capital Bank or Santa Barbara Bank & Trust documents from 2003 to present regarding the SBA guaranteed loan for Oceano Nursery, identified under SBA Loan PLP 664-196-4009.

Any and all completed (SBA Form 1149) documents by Pacific Capital Bank, Santa Barbara Bank & Trust, First Bank of San Luis Obispo or the SBA! Does the SBA have the September 13, 2010 (SBA Form 1149) in their files signed by Stephanie Millender?

Please provide a copy of the June 30, 2007 Forbearance Agreement Amortization Schedule not previously provided by the SBA! The SBA has provided the February 5, 2005 amortization schedule per this 2005 change in terms.

Please provide a copy of the 631 Lake Street real estate appraisal mentioned by the U.S. Small Business Administration National Guaranty Purchase Center! This house should not have been used to secure equity by the SBA as seen in the two **SBA Loan Analysis Presentations) attached!**

Please explain as to who at the SBA is in charge of the documents not provided by the National Guaranty Purchase Center as stated? **"The National Guaranty Purchase Center is not in possession of copies of the Loan Analysis Presentation dated August 20, 2003 and the Loan Checklist you requested in your email dated October 6, 2011, and we find our records are non-responsive to that portion of your request."**

"Dear Mr. Bookout:

We have completed your Freedom of Information Act (FOIA) request received on September 27, 2011 for access to any and all SBA, First Bank of San Luis Obispo or Santa Barbara Bank & Trust documents from 2003 to present in regarding SBA guaranteed loan, Oceano Nursery, identified under SBA Loan 6641964009. There is no cost for this FOIA request because the fee is less than \$25. Pursuant to SOP 40 03 3 Chapter 3 (a), SBA will waive the fee if it is less than \$25.00. The documents requested were released in full. Attached is a list that describes each document reviewed.

The National Guaranty Purchase Center is not in possession of copies of the Loan Analysis Presentation dated August 20, 2003 and the Loan Checklist you requested in your email dated October 6, 2011, and we find our records are non-responsive to that portion of your request."

I am officially requesting of the SBA for a copy of the Original August 29, 2003 U.S. Small Business Administration Loan Authorization not provided by the U.S. Small Business Administration National Guaranty Purchase Center! Please note the one provided has been falsified to the SBA as seen attached above per Page 5! Please review the two (SBA Loan Analysis Presentations) showing the Fraud committed by Santa Barbara Bank & Trust/FBSLO

I am officially requesting of the SBA for a copy of the Original August 27, 2003 **(U.S. Small Business Administration SBA Form 4, Schedule A)!** Please note that attached above are two copy's in my possession. Which copy has the SBA Received? When was this received by the SBA?

10/17/2011

I am officially requesting of the SBA for a copy of the Original SBA Form 159 signed 8/27/2003 by Casey Appell, Myself and Daniela Medrano. This form should have SBA Form 4 Schedule A, attached with it!

The U.S. Small Business Administration National Guaranty Purchase Center, has provided an October 6, 2003 Environmental Questionnaire for the 470 Price Street property done on the date of signing the Deed of Trust. **Please provide any and all SBA approval documents for the 470 Price Street property and the date that this questionnaire should have been filled out for SBA approval of the 470 Price Street property?** Please explain as to why at the top of this questionnaire the Pismo Beach Dive Shop is not named or Plumerias Garden & Gifts?

Please provide a copy of the August 28, 2003 **(Lender Checklist for Submitting PLP Loan Requests)** This checklist has not been provided by the U.S. Small Business Administration National Guaranty Purchase Center! Please provide a copy of # C. (Copy of "Supplemental Information for PLP Submission" (VER 7/10/02) ? Please provide a copy of # D. "(Original or Facsimile of "Eligibility Information Required for PLP Submission" VER 1/25/02)" Please provide a copy to the "(a copy of schedule on page 2 of SBA Form 4 or a separate schedule containing the same information)."

With the Fraud and Breach of Contract, that has been committed by Santa Barbara Bank & Trust, per the August 29, 2003 Authorization (SBA Guaranteed Loan). Please provide a copy of the August 27, 2003 (Loan Committee Presentation Report) showing only the Oceano Nursery property pledged for SBA Loan # PLP 664-196-4009. Please provide a copy of the October 1, 2003 (Loan Committee Presentation Report)! Or Explain as to if these are in SBA Possession?

Please provide a copy of the August 28, 2003 eleven page fax to or from the SBA at 10:50 am to 1-916-930-2160 per lender checklist for submitting PLP Loan Requests.

Please provide any and all Field Visit reports for Oceano Nursery (SBA Field Visit Doc (3/00)

Again, I am making a public records request under the Freedom of Information act for copies of any and all SBA, First Bank of San Luis Obispo, Pacific Capital Bank or Santa Barbara Bank & Trust documents from 2003 to present, regarding the SBA guaranteed loan, Oceano Nursery, identified under SBA Loan PLP 664-196-4009.

August 28, 2003 Hien Hguyan, Senior Loan Officer of the Sacramento SBA Loan Processing Center writes a letter to Clay Appleton per SBA Loan Application. August 29, 2003 SBA Sacramento Loan Processing Center Rosa Walton writes Clay Appleton noting that the SBA had received request for Loan Number! August 29, 2003 Rosa Walton writes Clay Appleton stating that the SBA had generated PLP 664-196-4009 ("RE: Oceano Nursery") **Please provide the original documents sent to the SBA per the Oceano Nursery SBA Loan and its approval! Attached is the copy received October 6, 2003 upon signing SBA loan documents for Oceano Nursery PLP-664-196-4009!**

How can SBA lenders change out the middle of their signed documents as seen in the original August 29, 2003 "(Authorization (SBA Guaranteed Loan))"? See page 5 attached! **Please provide any and all documents in the SBA Possession!**

In the SBA Loan Analysis Presentation dated August 20, 2003. How can Santa Barbara Bank & Trust change page 1? Why would the SBA not want to pay off the \$300,000.00 balloon payment First on the 470 Price Street property as revised on October 1, 2003 as noted on Page four of the changed Santa Barbara Bank & Trust SBA Loan Analysis Presentation dated August 20, 2003? **Please provide any and all documents in the SBA Possession!**

Please provide the SBA approval for the 470 Price Street property and the date that the SBA approved this property for SBA Loan # PLP 664-196-4009!

Please provide a detailed list of all documents that the SBA has not provided per the Freedom of Information Act. I believe the SBA has stated that they are in possession of Appraisals, Environmental Reports etc.

Sincerely

Bill Bookout
Oceano Nursery SBA Loan # PLP 664-196-4009

CC James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Terrill K. Ashker

CC Grady Hedgespeth, Asso. Administrator for Financial Assistance, Shawn McKeehan, Special Assistant, Dave Fishman, Glenn P. Harris, Counsel to the Inspector General, Martin Gold, Deputy National Ombudsman, Eric Adams, Lorenzo J. Flores, Richard Taylor, Center Director, Anthony J. Vigil, Deputy District Director, Rachel Baranick, Deputy District Director, Blossom V. Butcher-Sumner

10/17/2011

From: Bill Bookout [mailto:Pismobeachdiveshop@charter.net]

Sent: Saturday, October 01, 2011 06:23 PM

To: Ashker, Terrill K.

Cc: Mendoza, Carlos G.; OIGHotline@sba.gov; Hobby, Jill C.; San Diego General Box; 'Bob Johnston' <Bobj@westdalecapital.com>; Bryant, James A.; Ellinwood, Carrie R.; Tavernia, Paul J.; Gilchrist, Essie J.; O'Neal, Jim; Ingebretsen, Kristan L.; crigley@newtimesslo.com <crigley@newtimesslo.com>; rmiller@newtimesslo.com <rmiller@newtimesslo.com>; dvalley@co.slo.ca.us <dvalley@co.slo.ca.us>; sbcountyda@co.santa-barbara.ca.us <sbcountyda@co.santa-barbara.ca.us>; ctrimble@pismo-beach.org <ctrimble@pismo-beach.org>; 'Richard Rossi' <richard@rossilegal.com>; Hedgespeth, Grady; Mckeehan, Christopher S.; Babcock, Lisa J.; Fishman, David A.; Harris, Glenn P. (Off. Inspector Gen.); Lowe, Sadie L. (Off. Inspector Gen.); Gold, Martin; Pope, Cynthia D.; Adams, Eric J.; Joe, Edwin L.; lorenzo.flores@sba.gov <lorenzo.flores@sba.gov>; Taylor, Richard A.; frank.pucci@sba.gov <frank.pucci@sba.gov>; Vigil, Anthony J.; Baranick, Rachel; Pavlovskis, Dace S.

Subject: RE: 470 Price Street, Pismo Beach SBA Fraud and Environmental Phase 1

October 1, 2011

OIG complaint ID # 20110484

U. S. Small Business Administration
SBA Legal Council
Sacramento District Office
6501 Sylvan Road, Suite 100
Citrus Heights, Ca 95610

Dear Mr. Ashker Terrill and Jill Hobby

Thank you for U. S. Small Business Administration response September 30, 2011 ***“Also, your allegations of wrong doing committed by your lender have been duly noted, and you will be informed of SBA’s findings in due course.”***

Please answer the following questions of the U. S. Small Business Administration per the actions by Santa Barbara Bank & Trust. Please review the website www.sbbtfraud.com along with www.sbaquestions.net for PDF files of Santa Barbara Bank & Trusts actions since 2003.

- 1) Does the SBA normally allow their SBA lenders to not properly amortize their SBA loans as Santa Barbara Bank & Trust has admitted to doing on May 6, 2011 and May 19, 2011?
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- 5) When the SBA Loan for Oceano Nursery was approved by the SBA on August 29, 2003. Did the SBA require a Phase 1 for the old Oceano Nursery Gas Station?
- 6) When did the SBA approve the 470 Price Street property for PLP # 664-196-4009?
- 7) Was any environmental investigation required by the SBA for the 470 Price Street property in 2003, if this was approved by the SBA?



- 8) Are SBA Lender responsible for Environmental investigations with the 470 Price Street Gas Station property?
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- 12) How did Daniela Medrano and Casey Appell put SBA Loan # PLP 664-196-1009 at the top of the signed SBA Form 159 on August 27, 2003 as the SBA did not approve this SBA Loan until August 29, 2003?
- 13) In the SBA Form 413 dated August 27, 2003 typed by the Bank. Please explain as to how the 470 Price Street property was pledged as collateral?
- 14) In the SBA Form 413 dated August 27, 2003 (Schedule Of Real Estate). Please have the SBA explain as to why the SBA did not pay off the Balloon payment of \$300,000.00 on the 470 Price Pismo Beach, Property?
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- 21) Why was the Oceano Nursery appraisal completed after the signed 2007 Forbearance and Workout Agreement? The Appraiser Bruce Beaudoin, at this point Mentions the ODIC Environmental on the Oceano Nursery property and not the Pismo Beach Property!
- 22) Why was the 470 Price Street appraisal completed after the signed 2007 Forbearance and Workout Agreement?
- 23) **Why was the 470 Price Street, ODIC Environmental Phase 1 not available to Bruce Beaudoin, per his July 2, 2007 Appraisal of the 470 Price Street property Under (“Requirements And Conditions of Appraisal”)?** Mr. Beaudoin, stated: *“A Phase 1 Environmental Assessment was unavailable.” “For purposes of this appraisal, it is assumed that no hazardous-toxic contamination has occurred. Therefore, the cost of cleanup, abatement, encasement and/or remediation and its effects on value have not been considered.”*



- 24) Why was ODIC Environmental unable to find 470 Price street property records as seen in the appraisal by Bruce Beaudoin, dated July 2, 2007?
- 25) Why was Bruce Beaudoin, not provided a Phase 1 Environmental Report from Santa Barbara Bank & Trust, per his 470 Price Street July 2, 2007 Appraisal?
- 26) Is Santa Barbara Bank & Trust allowed to Falsify Lender documents in their ODIC Environmental Reports as seen in the June 20, 2007 Phase 1?

U. S. Small Business Administration, again thank you for your help in this matter that has put Oceano Nursery out of business in Oceano by Santa Barbara Bank & Trust.

I am hoping to once again Re-Open Oceano Nursery and the SBA's help is needed with the Fraud and Breach of Contract that has been committed by Santa Barbara Bank & Trust.

Please answer the above public questions of the U.S. Small Business Administration. Again, Terrill K. Ashker has stated September 30, 2011. ***“Also, your allegations of wrong doing committed by your lender have been duly noted, and you will be informed of SBA's findings in due course.”*** Please see that the SBA responds to all of the SBA questions asked above within 4 Days as this information will be needed October 12, 2011.

Sincerely

Bill Bookout

CC James Bryant, Carrie Ellinwood, Paul Tavernia, Essie Gilchrist, Jim Oneal, Carlos Mendoza, Kristan Ingebretsen and Terrill K. Ashker
CC Richard Rossi

CC Grady Hedgespeth, Asso. Administrator for Financial Assistance, Shawn McKeehan, Special Assistant, Dave Fishman, Glenn P. Harris, Counsel to the Inspector General, Martin Gold, Deputy National Ombudsman, Eric Adams, Lorenzo J. Flores, Richard Taylor, Center Director, Anthony J. Vigil, Deputy District Director, Rachel Baranick, Deputy District Director

From: Ashker, Terrill K. [mailto:terrill.ashker@sba.gov]

Sent: Friday, September 30, 2011 11:54 AM

To: Bill Bookout

10/17/2011

Cc: Mendoza, Carlos G.; OIGHotline@sba.gov; Hobby, Jill C.; San Diego General Box; Bob Johnston; Bryant, James A.; Ellinwood, Carrie R.; Tavernia, Paul J.; Gilchrist, Essie J.; O'Neal, Jim; Ingebretsen, Kristan L.; crigley@newtimesslo.com; rmiller@newtimesslo.com; dvalley@co.slo.ca.us; sbcountyda@co.santa-barbara.ca.us; ctrimble@pismo beach.org; Richard Rossi; Robert Forouzandeh

Subject: RE: 470 Price Street, Pismo Beach SBA Fraud and Environmental Phase 1

Mr. Bookout:

As I have informed you on numerous previous occasions, it is SBA's policy that all participating lenders must service and, when necessary, liquidate their SBA-guaranteed loans. This means that you must submit your request to have the 470 Price Street property removed as collateral for your loan to your lender. SBA will not have any involvement in such a servicing matter unless your lender tentatively decides to approve your request, but not unless its decision is approved by SBA. In this event, your lender will contact SBA directly.

Also, your allegations of wrong doing committed by your lender have been duly noted, and you will be informed of SBA's findings in due course. Please be reminded once again, however, that it is your responsibility to protect your rights & property interests. To that end, I believe that you have retained the professional legal services of Mr. Richard Rossi. It is best that any further inquiries directed to SBA originate with Mr. Rossi.

Terrill K. Ashker
SBA Fresno District Counsel (Acting)

From: Butcher-Sumner, Blossom V. [mailto:Butcher-Sumner.Blossom@sba.gov]
Sent: Wednesday, October 05, 2011 10:59 AM
To: Pismo beachdiveshop@charter.net
Subject: FOIA # 34448- Acknowledgment Letter

Dear Mr. Bookout,

Attached is a letter regarding your FOIA request. If you have any questions, please feel to contact me.

<<Letter of Acknowledgment of FOIA request- FOIA #34448.doc>>

Blossom V. Butcher-Sumner
Attorney-Advisor
U.S. Small Business Administration
National Guaranty Purchase Center
1145 Herndon Parkway
Herndon, VA 20170
(703) 487-9550 (Direct Dial)
(202) 741-6920 (Fax)
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