



April 24, 2025

Committee on Professional Standards
286 Washington Avenue Extension
Suite 200
Albany, NY 12203

To The Committee on Professional Standards,

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans.

We are writing to file a complaint against New York Attorney General Letitia James based on information that has recently been made public. On April 14, 2025, William J. Pulte, Director, U.S. Federal Housing (FHFA), sent a letter to Attorney General Pam Bondi and Deputy Attorney General Todd Blanche, referring Ms. James for criminal prosecution.¹

Factual Allegations Pursuant to Mr. Pulte’s Letter to DOJ

As shown below, the evidence indicates that Ms. James falsified bank documents and property records to acquire government-backed assistance, loans, and more favorable loan terms. While serving as the Attorney General for the state of New York, Ms. James purchased a home in Norfolk, Virginia, and in the process, declared that she intended “to occupy this property as my principal residence.”² This meant that she would be a full-time resident of Norfolk, Virginia. The obvious reason for making this certification would be to obtain a lower interest rate on the mortgage loan. Additionally, on another occasion, Ms. James appears to have misrepresented the number of dwelling units in a multi-dwelling building she owned. She continued to misrepresent the number of dwelling units in subsequent years to obtain additional benefits, to which she was not entitled, including a mortgage refinancing through a federally backed lender, at a rate lower than that typically offered through the private market.

¹ Letter from William J. Pulte, Director of U.S. Federal Housing FHFA, to the Hon. Pamela J. Bondi, Attorney General of the United States (Apr. 14, 2025) (available at <https://perma.cc/5XL4-NCV3>) (attached as Ex. 1).

² See *id.* at Ex. A.

First, Mr. Pulte’s letter and exhibits allege that in August of 2023, Ms. James purchased a home in Norfolk, Virginia, through a power of attorney granted to Ms. Shamice Thompson-Hairston. During the purchase, the documents reflect that this Virginia property would be Ms. James’ “primary residence.” Ms. James was elected as the Attorney General for the State of New York in 2018. In 2022, Ms. James flirted with a run for governor. Instead of running for governor, she decided to run for re-election as the New York State Attorney General and won. From 2018 until present, Ms. James has been the elected Attorney General of New York State. It is unlikely she ever planned to be a full-time resident of Norfolk, Virginia.

Second, Mr. Pulte’s letter provides evidence that Ms. James purchased a multi-dwelling unit building with five units listed on the certificate of occupancy.³ However, in 2011, she submitted an application for the Home Affordable Modification Program (“HAMP;”) indicating the property only had four dwelling units (and not five), and she did the same in a 2019 refinance through Fannie Mae and Freddie Mac.⁴ These loans are capped at four dwelling units per property. As identified in Mr. Pulte’s letter, a building with more than four dwelling units is treated differently and requires a larger down payment and increased interest rates because the risk is higher. Further, the HAMP program (which Ms. James also took advantage of) was limited to properties with four dwelling units or fewer. It appears Ms. James misrepresented the number of dwelling units to obtain more favorable loan terms or mortgage assistance through HAMP.

Rules of Professional Conduct

As the New York Rules of Professional Conduct preamble states, a lawyer is an officer of the legal system who has a duty to uphold the law and promote the administration of justice.⁵ A lawyer should further the public’s understanding, trust, and confidence in the rule of law and the justice system “because in a constitutional democracy, legal institutions depend on popular participation and support to maintain their authority.”⁶ Further, the legal profession is “largely self-governing.” The legal profession helps preserve the law from governmental abuse.⁷ If the government itself regulated the legal profession, the profession would lose part of its purpose. Thus, lawyers are expected to observe the Rules of Professional Conduct. Failure to do so harms the entire profession and the rule of law. “So long as practitioners are guided by these principles, the law will continue to

³ *Id.* at 2.

⁴ *Id.* at Ex. D; *id.* at Ex. E.

⁵ N.Y. State Bar Association Rules of Pro. Conduct, Preamble, ¶1.

⁶ *Id.*

⁷ *Id.* at ¶4.

be a noble profession.”⁸ And failure to comply with an obligation or prohibition “is a basis for invoking the disciplinary process.”⁹

The Rules of Professional Conduct define fraud as conduct that “has a purpose to deceive.”¹⁰ Ms. James’ material misrepresentations meet that definition and call into question her candor, trustworthiness, and honesty. If Ms. James took the actions described in Mr. Pulte’s letter, Rule 8.4 (b) and (c) have been violated. Rule 8.4(b) and (c) state: “A lawyer or law firm shall not: ... (b) engage in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness or fitness as a lawyer”; (c) “engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.”¹¹

Analysis

The New York bar has an independent duty to conduct its own investigation into the allegations raised in Mr. Pulte’s letter to the Department of Justice. While “beyond a reasonable doubt” is the well-known standard for a criminal prosecution, the Rules of Professional Conduct are not so strict and only require a “fair preponderance of the evidence.” *Matter of Scudieri*, 101 N.Y.S.3d 333, 337 (App. Div. 2019) (“It is well settled that the standard of proof in attorney disciplinary proceedings is a fair preponderance of the evidence[.]”). This Committee has the authority to begin an investigation based on this complaint or to act on its own. N.Y. COMP. CODES R. & REGS. tit. 22, § 1240.7(a)(1). Further, there is currently no other legal action or proceeding that this would be intertwined with in the State of New York. This Committee should exercise its statutory authority and launch its own independent investigation into these allegations. The legal profession ought to continue to regulate itself. A failure to do so would tell the public that certain officials are above the law.

If Ms. James has engaged in fraud by deceiving her lenders and the government to obtain financial benefits she would otherwise not be entitled to, then she has engaged in professional misconduct and violated her obligations as a lawyer and is subject to discipline by the New York Bar. *See* N.Y. Comp. Codes R. & Regs. tit. 22, § 1240.2(a).

Mr. Pulte’s letter identifies Ms. James’ alleged intentional misrepresentation, through her own declaration, that she intended to occupy the property in Norfolk,

⁸ *Id.* at ¶5

⁹ *Id.* at ¶11.

¹⁰ N.Y. State Bar Association Rules of Pro. Conduct R. 1(i) (NY State Bar Ass’n 2022).

¹¹ N.Y. State Bar Association Rules of Pro. Conduct R. 8.4 (NY State Bar Ass’n 2022).

Virginia, as her principal residence. At the time she declared her intent to make Norfolk, Virginia her principal residence, she was serving as the Attorney General for the State of New York. Additionally, the year before Ms. James made this declaration, she ran for reelection as Attorney General of New York and won. After serving less than a year of her new term, it seems unlikely she intended to relocate to another state, hundreds of miles away. There is no public indication that she ever planned to relocate to Norfolk, Virginia. Further, the New York constitution, in Article IV, Section 2 and Article V, Section 1, requires that the Attorney General have been a resident of New York for at least five years. Further, state law requires that public office holders be residents of the state.¹² If, in fact, Ms. James occupied the Norfolk, Virginia home as her principal residence, she would have failed to continue being a New York resident and would have been ineligible to hold her office.

If, however, Ms. James was intentionally deceptive about making the home in Norfolk, Virginia her principal residence, she violated the Rules of Professional Conduct by engaging in conduct that “involve[ed] dishonesty ... [or] deceit” in violation of Rule 8.4(c). If she did it for financial gain, then she violated Rule 8.4(b), by “engag[ing] in illegal conduct that adversely reflects on the lawyer’s honesty, trustworthiness, or fitness as a lawyer.” Further, if Mr. Pulte’s allegations are well-founded, she has brought disrepute to the Bar and caused serious damage to the reputation of the profession.

Additionally, Mr. Pulte’s letter identifies her intentional misrepresentations through her repeated various mortgage applications or filings for government assistance, in which she reduced the number of dwellings in a multi-dwelling building she owns. If the building has five dwellings, as indicated by the certificate of occupancy, then her repeated representations that it has only four dwellings are likely fraudulent. It appears she has continued to make this representation to obtain financial benefits she otherwise would not be entitled to. Ms. James’ actions meet the definition of fraud as defined in the Rules of Professional Conduct. Thus, if she has engaged in the activity as alleged, she has violated Rule 8.4.

Conclusion

Significantly, as the chief legal officer for the State of New York, Ms. James ought to aspire to the highest ethical standards. Instead, it appears she has repeatedly traded in her integrity for a monetary benefit through deceiving lenders and the public in pursuit of personal enrichment. Such actions harm the rule of law and

¹² N.Y. Pub. Off. Law § 3.

bring disrepute to the profession. Ms. James' conduct, if it is as alleged, shows that she has failed to uphold the letter and spirit of the Rules of Professional Conduct. The New York Bar Committee on Professional Standards for the Albany region should immediately launch an investigation into Ms. James' actions, and if it determines the allegations are true, impose appropriate discipline. As Ms. James herself previously explained, "no matter how big, rich, or powerful you think you are, no one is above the law."¹³

/s/ Nicholas R. Barry
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¹³ Press Release, New York State Attorney General, Attorney General James Wins Landmark Victory in Case Against Donald Trump (Feb. 16, 2024) (available at <https://perma.cc/PTM8-H9G9>).