



American Conference Institute, the creator of the renowned forum on *Consumer Finance Class Actions & Litigation*, now brings you its compliance counterpart:

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# CONSUMER LENDING REGULATORY COMPLIANCE

*Lessons Learned and Best Practices in an Era of Heightened Government Scrutiny for the Industry*



October 29 – 30, 2015 ★ The Carlton Hotel on Madison Avenue ★ New York, NY

## Featured speakers from key agencies and companies including:

Jesse Silverman  
Enforcement Attorney  
**CFPB**

Phyllis Ford  
Division Director of Oversight and Accountability  
**HUD**

Adriana Rojas  
Associate Counsel  
Office of Inspector General  
**FDIC**

Coty Montag  
Deputy Chief, Housing and Civil Enforcement Sections  
**U.S. DOJ**

Jedd Bellman  
Assistant Commissioner  
**Office of the Maryland Commissioner of Financial Regulation**

Carol Dubie  
Managing Counsel  
Consumer Regulation and Escalated Matters  
**Wells Fargo Law Department**

## Sessions include:

- In-house insights on the current consumer lending environment, compliance and enforcement challenges and how to overcome them
- Speakers from federal and state agencies on the latest regulatory, supervision, investigation and enforcement initiatives and examination procedures for consumer lenders
- The ubiquitous presence of the CFPB: rulemaking updates and everything you need to know about being compliant with the “big brother” of the consumer lending industry
- Nuances in state law regulatory compliance, including a focus on auto lending regulations, and federal preemption issues
- Deep dive into the consumer lending industry’s two biggest product lines — residential mortgages and student loans: unique regulatory scrutiny, hot button topics, emerging trends and more
- All about disclosures: truth in lending (TILA) nuances for consumer lending products plus benchmarking your compliance with the brand new TILA/RESPA integrated disclosure rule (TRID) for home mortgages
- Fair lending: ensuring compliance with all applicable regulations (FHA, ECOA, HMDA, etc.), and factoring in the Supreme Court’s decision on the use of the “disparate impact” theory in fair lending
- The increasingly pervasive use of UDAAP: remaining compliant with the standards and examination and enforcement updates
- Third-party relationship compliance and risk management: enhancing your oversight and control over vendors and service providers in an environment of heightened regulatory expectations
- Protection of consumer financial information including consumer financial privacy (FCRA and GLBA) plus data security and preventing fraud/identity theft
- Proper debt collection practices: avoiding exposure to FDCPA and TCPA violations
- Controversial and emerging lending trends: high interest/short terms loans such as payday and auto title loans and the rise of ‘peer to peer’ or ‘online marketplace’ lending

## ....as well as:

Alona V. Rindal  
Vice President & Assistant General Counsel  
**U.S. Bancorp**

Charles Beveridge  
VP, Associate General Counsel  
**Prospect Mortgage, LLC**

Miriam Dowd  
Counsel and SVP  
**Citizens Financial Group, Inc**

Colin Jones  
Vice President & Counsel, Legal Department  
**TD Bank, N.A.**

Brian Blake, Esq.  
Counsel  
**MERSCORP Holdings, Inc.**

Nicholas G. Sladic  
Vice President, Chief Counsel  
**Capital One Services, LLC**

Margalit A. Moche  
Vice President & Counsel  
**Citizens Financial Group, Inc.**

Joseph Cvelbar  
Director, Housing  
**Consolidated Credit Solutions, Inc.**

## Learn from:



Andy Arculin  
*Former Senior Counsel with the CFPB’s Office of Regulations*



R. Colgate Selden  
*Former Senior Counsel with the CFPB’s Office of Regulations*



Richard Horn  
*Former CFPB Senior Counsel & Special Advisor who led TRID rule*



Jenny Lee  
*Former Enforcement Attorney with CFPB*



James Kim  
*Former Enforcement Attorney with CFPB*

## Here's just some of the agencies, organizations, and companies already booked on to attend:

CFPB	Capital One Services, LLC	Locke Lord LLP
HUD	Arnold & Porter LLP	Bricker & Eckler LLP
FDIC	Skadden Arps, Slate, Meagher & Flom LLP	Alston & Bird LLP
DOJ	Franzen & Salzano P.C.	Offit Kurman
Office of the Maryland Commissioner of Financial Regulation	Stradley Ronon Stevens & Young LLP	Venable LLP
Consolidated Credit Solutions, Inc.	Hudson Cook, LLP	Gordan Feinblatt LLC
Wells Fargo Law Department	Weiner Brodsky Kider PC	Richard Horn Legal, PLLC
U.S. Bancorp	Goodwin Procter LLP	Davis Wright Tremaine LLP
Prospect Mortgage, LLC	Covington & Burling LLP	K&L Gates LLP
Citizens Financial Group, Inc	McGlinchey Stafford	Palmer, Lombardi & Donohue LLP
TD Bank, N.A	DLA Piper LLP	Hunton & Williams LLP
MERSCORP Holdings, Inc.	Bradley Arant Boult Cummings LLP	Troutman Sanders LLP

In response to market demand, ACI is pleased to introduce the *front-end compliance* counterpart to our Consumer Finance Class Actions and Litigation Program: **Consumer Lending Regulatory Compliance**. From the CFPB to the prudential regulators, lenders are facing increasingly aggressive regulatory scrutiny with no end in sight, and compliance and risk management is now more critical than ever before.

In addition to unparalleled benchmarking opportunities, this conference will provide attendees with the latest insights and expert advice from our exceptional faculty including on:

- In-house insights on the current consumer lending environment, compliance and enforcement challenges and how to overcome them
- Speakers from federal and state agencies on the latest regulatory, supervision, investigation and enforcement initiatives and examination procedures for consumer lenders
- The ubiquitous presence of the CFPB: rulemaking updates and everything you need to know about being compliant with the “big brother” of the consumer lending industry
- Nuances in state law regulatory compliance, including a focus on auto lending regulations, and federal preemption issues
- All about disclosures: truth in lending (TILA) refresher for consumer lending products plus benchmarking your compliance with the brand new TILA/RESPA integrated disclosure rule (TRID) for home mortgages
- Everything you need to know about fair lending: ensuring compliance with all applicable regulations (FHA, ECOA, HMDA, etc.), plus the Supreme Court’s decision on the use of the “disparate impact” theory in fair lending
- The increasingly pervasive use of UDAP: remaining compliant with the standards and examination and enforcement updates
- Third-party relationship compliance and risk management: enhancing your oversight and control over vendors and service providers in an environment of heightened regulatory expectations
- Protection of consumer financial information including consumer financial privacy (FCRA and GLBA) plus data security and preventing fraud/identity theft
- Proper debt collection practices: avoiding exposure to FDCPA and TCPA violations
- Deep dive into the consumer lending industry’s two biggest product lines — residential mortgages and student loans: unique regulatory scrutiny, hot button topics, emerging trends and more
- Controversial and emerging lending trends: high interest/short terms loans such as payday and auto title loans and the rise of ‘peer to peer’ or ‘online marketplace’ lending

This event will fill up quickly, so register now by calling **1-888-224-2480**, faxing your registration form to **1-877-927-1563**, or registering online at [www.AmericanConference.com/ConsumerLending](http://www.AmericanConference.com/ConsumerLending).

## Day One – Thursday, October 29, 2015

### 7:15 Registration and Continental Breakfast

### 8:00 Co-Chairs' Welcome

*Andrew K. Stutzman*  
Stradley Ronon Stevens & Young LLP

*Jenny Lee*  
DLA Piper LLP  
(former Enforcement Attorney with CFPB)

### 8:05 Judicial Perspectives on Consumer Lending Cases

Judges' Panel 1 8:05 a.m. – 9:35 a.m. (break 9:35 – 9:40)	Judges' Panel 2 9:40 a.m. – 11:10 a.m.
<i>Hon. James G. Carr</i> U.S. Dist. Ct., N.D. Ohio	<i>Hon. Elizabeth Magner</i> U.S. Bankr. Ct., E.D. La.
<i>Hon. Melinda Harmon</i> U.S. Dist. Ct., S.D. Tex.	<i>Hon. Alan S. Trust</i> U.S. Bankr. Ct., E.D.N.Y.
<i>Hon. Michael Baylson</i> U.S. Dist. Ct., E.D. Pa.	<i>Hon. Dennis Graham</i> Colorado Ct. App.
<i>Hon. Nancy F. Atlas</i> U.S. Dist. Ct., S.D. Tex.	<i>Hon. Richard Schmidt</i> U.S. Bankr. Ct., W.D. Tex.
<i>Hon. George C. Steeh</i> U.S. Dist. Ct., E.D. Mich.	<i>Hon. F.A. Gossett</i> U.S. Dist. Ct., D. Neb.
<i>Hon. Richard Kramer</i> Calif. Super. Ct.	<i>Hon. David J. Waxse</i> U.S. Dist. Ct., D. Kan.
<i>Hon. Clifton Newman</i> South Carolina Jud. Dept.	<i>Hon. Mildred Methvin (ret.)</i> U.S. Dist. Ct., W.D. La.
<i>Hon. John W. Madden IV</i> 2nd Jud. Dist., Denver Co	<i>Hon. Robert Collings</i> U.S. Dist. Ct., D. Mass.
<i>Hon. Jose M. Rodriguez</i> Eleventh Judicial Circuit, Fla.	
<u>Moderator of Judicial Panels:</u> <i>Andrew K. Stutzman</i> Stradley Ronon Stevens & Young LLP	

### 11:10 The Ubiquitous Presence of the CFPB: Rulemaking Updates and Everything You Now Need To Know About Being Compliant with the "Big Brother" of the Consumer Lending Industry

*Jesse Silverman*  
Enforcement Attorney  
Consumer Financial Protection Bureau

*David Stein*  
Bricker & Eckler LLP

*Therese Franzen*  
Franzen & Salzano P.C.

- An overview of the Bureau's jurisdiction
- The Bureau's impact on non-bank lenders
- Overlapping jurisdiction with prudential regulators for big banks
- Impending rulemaking on the horizon
- How to best prepare for CFPB audits and examinations
- Assessing recent enforcement actions and investigations
- Which market sectors are receiving enhanced scrutiny and why?
- The impact of the consumer complaint system
- What's next for the Bureau?

### 12:25 Networking Luncheon for Speakers and Delegates

### 1:25 Speakers from Federal and State Agencies on the Latest Regulatory, Supervision, Investigation and Enforcement Initiatives and Examination Procedures for Consumer Lenders

*Phyllis Ford*  
Division Director of Oversight and Accountability  
U.S. Department of Housing and Urban Development

*Adriana Rojas*  
Associate Counsel  
Office of Inspector General  
FDIC

*Coty Montag*  
Deputy Chief, Housing and Civil Enforcement Sections  
U.S. DOJ

*Jedd Bellman*  
Assistant Commissioner  
Office of the Maryland Commissioner of Financial Regulation

#### Moderator:

*Robert Driscoll*  
McGlinchey Stafford

### 2:50 Afternoon Break

### 3:05 Nuances in State Law Regulatory Compliance, Including a Focus on Auto Lending Regulations, and Federal Preemption Issues

*Haydn J. Richards*  
Bradley Arant Boult Cummings LLP

*James Milano*  
Weiner Brodsky Kider PC

- Applicable regulations for secured vs. unsecured loans
- State usury laws
- State licensing requirements
- State disclosure laws
- A focus on the fragmented auto lending industry
  - State by state nuances in auto lending regulations
- Identifying hotbed jurisdictions on the regulatory front
- Federal preemption impact on consumer protection
  - How states are firing back

## Deep Dive Look at the Consumer Lending Industry's Two Biggest Product Lines — Residential Mortgages, and Student Loans: Unique Regulatory Scrutiny, Hot Button Topics, Emerging Trends and More

### 4:05 Residential Mortgage Challenges

*R. Colgate Selden*  
Alston & Bird LLP  
(former Senior Counsel with the CFPB's Office of Regulations)

*Roland Reynolds*  
Palmer, Lombardi & Donohue LLP

- CFPB's origination rules
- Ability to repay requirements
- Qualified mortgage requirements
- Loan originator compensation
- CFPB's mortgage servicing rules
- Fallout and compliance challenges since the rule implementation dates

### 5:05 The Rise in Student Loan Regulatory Scrutiny

*James Kim*  
Arnold & Porter LLP  
(former Enforcement Attorney with the CFPB)

*Eric Jon Taylor*  
Hunton & Williams LLP

- Top priority for CFPB examination and enforcement
- CFPB public inquiry into student loan servicing practices
- Origination procedures for private student loans with graduated repayment terms
- UDAAP, marketing and advertising considerations
- Mitigating disparate impact claims
- Creating a student loan friendly compliance program in the current environment
- Lessons to be learned from the mortgage industry

### 6:05 Conference Adjourns

## Day Two – Friday, October 30, 2015

### 7:30 Registration and Continental Breakfast

### 8:00 All About Disclosures: Truth in Lending (TILA) Nuances for Consumer Lending Products and Benchmarking Best Practices With Regard to the TILA/RESPA Integrated Disclosure Rule (TRID) for Home Mortgages

*Richard Horn*  
Richard Horn Legal, PLLC  
(former CFPB Senior Counsel & Special Advisor who led the TRID rule)

*Andy Arculin*  
Venable LLP  
(former Senior Counsel with the CFPB's Office of Regulations)

*Holly Spencer Bunting*  
K&L Gates LLP

- Rule protections
- Rule breakdown
- How to best comply
- TILA right to rescission recent caselaw: *Jesinoski v. Countrywide Home Loans*
- TRID effective date: August 1, 2015
- TRID breakdown:
  - Loan estimate
    - Loan estimate triggers
    - Loan estimate timing
    - Who prepares the loan estimate
    - Loan estimate contents
    - Construction loans
  - Closing disclosure
    - Closing disclosure timing/who provides the closing disclosure/closing disclosure contents
  - Restrictions on increases in closing costs
  - Inclusive finance charge/APR dropped
  - Recordkeeping
- Measures taken for timely compliance
- Costs associated with compliance
- Opinions on consumer friendliness
- Situations not addressed by the regulation that still require additional guidance

### 9:00 In-House Insights on the Current Consumer Lending Environment, Compliance and Enforcement Challenges and How to Overcome Them

*Carol Dubie*  
Managing Counsel  
Consumer Regulation and Escalated Matters  
Wells Fargo Law Department

*Margalit A. Moché*  
Vice President & Counsel  
Citizens Financial Group, Inc.

*Alona V. Rindal*  
Vice President & Assistant General Counsel  
U.S. Bancorp

*Miriam Dowd*  
Counsel and SVP  
Citizens Financial Group, Inc.

*Colin Jones*  
Vice President & Counsel, Legal Department  
TD Bank, N.A.

*Brian Blake, Esq.*  
Counsel  
MERSCORP Holdings, Inc.

*Nicholas G. Sladic*  
Vice President, Chief Counsel  
Loss Mitigation Divisions  
Capital One Services, LLC

*Joseph Cvelbar*  
Director, Housing  
Consolidated Credit Solutions, Inc.

Moderator:

*Andrew K. Stutzman*  
Stradley Ronon Stevens & Young LLP

10:30 **Morning Coffee Break**

10:40 **The Increasingly Pervasive Use of UDAAP: Remaining Compliant with the Standards and Examination and Enforcement Updates**

*John Morton*  
Gordon Feinblatt LLC

*Adam Maarec*  
Davis Wright Tremaine LLP

- What constitutes “unfair,” “deceptive,” or “abusive” acts or practices in the consumer lending industry
  - Practical definition clarity
- How it all effects the advertising and marketing of your products
- How have the standards been used in recent enforcement actions
- Trends in the CFPB’s use of UDAAP claims as a broad enforcement tool and lessons learned from recent enforcement actions
  - What practices has the CFPB targeted?
- Assessing the definition of ‘abusive’ practices
  - Potential pitfalls for financial institutions
  - What types of products or aspects of origination and servicing may be ‘abusive’?
- Addressing potential UDAAP concerns
  - Minimizing exposure to UDAAP issues
- Increasing use of UDAAP provisions by state AGs
- Dealing with the overlap in state and federal jurisdiction of UDAAP issues

11:35 **Controversial and Emerging Lending Trends: High Interest/Short Terms Loans such as Payday and Auto Title Loans and the Rise of ‘Peer to Peer’ or ‘Online Marketplace’ Lending**

*Andrew Smith*  
Covington & Burling LLP

*Nicole Munro*  
Hudson Cook, LLP

High Interest/Short Term

- DOJ/CFPB ‘operation chokepoint’ for payday lending
- Impending CFPB rulemaking
- Prevention and protection against predatory lending

- Debt trap avoidance
- Regulatory considerations vs. decreased consumer access to credit
- Avoiding a subprime crisis like the residential mortgage subprime crisis of a few years ago
- Other regulators’ positions

Peer to Peer

- Challenging traditional lenders
- How it works
- Navigating the murky regulatory environment surrounding this form of lending
- How regulated should marketplace lending be?
- Stifling innovations vs. protecting consumers

12:25 **Networking Luncheon for Speakers and Delegates**

1:25 **Fair Lending: Ensuring Compliance With All Applicable Regulations (FHA, ECOA, HMDA, etc.), and Factoring in Supreme Court’s Decision on the Use of the “Disparate Impact” Theory in Fair Lending**

*Coty Montag*  
Deputy Chief, Housing and Civil Enforcement Sections  
U.S. DOJ

*Ari Karen*  
Offit Kurman

- Review of all relevant fair lending regulations
  - Fair Housing Act (FHA)
  - Equal Credit Opportunity Act (ECOA)
  - Community Reinvestment Act
  - Home Mortgage Disclosure Act (HMDA) final rule
- Impact on compliance for each
- Gray areas within each regulation: potential pitfalls
- Recent fair lending regulatory developments
- Landmark Supreme Court case law on the use of the “Disparate Impact” theory in fair lending
  - Recent decision on *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc*
  - How has this decision directly affected how regulators are looking at fair lending issues?

2:15 **Third-Party Relationship Compliance and Risk Management: Enhancing Your Oversight and Control Over Vendors and Service Providers in an Environment of Heightened Regulatory Expectations**

*Charles Beveridge*  
Vice President, Associate General Counsel  
Prospect Mortgage, LLC

*Anand S. Raman*  
Skadden Arps, Slate, Meagher & Flom LLP

*Mark J. Furletti*  
Ballard Spahr LLP

- Impact of enhanced regulatory scrutiny and oversight
- CFPB initiatives
  - Power to supervise “related persons” and “material service providers”
  - To what extent are lenders liable for lending done through a third-party relationship?
  - Examinations and enforcement actions
- OCC activity
- Compliance considerations for third parties
- Implementing best practices to manage and mitigate the risk of outsourcing
- On-going monitoring best practices
  - Conducting independent reviews
- Working with third parties that engage directly with consumers

### 3:15 Afternoon Break

### 3:20 Protection of Consumer Financial Information Including Consumer Financial Privacy (FCRA and GLBA) Plus Data Security and Preventing Fraud/Identity Theft

*Lynne Barr*  
Goodwin Procter LLP

*David N. Anthony*  
Troutman Sanders LLP

- The history and purpose of protecting consumer financial information
- Back to basics compliance guide
- Fair Credit Reporting Act (FCRA) compliance
  - When is a bank or lender subject to compliance: as a user of a consumer report vs. as the consumer reporting agency
  - Regulation of and dealings with consumer reporting agencies
  - How to create an effective compliance management system
  - Minimizing risk of FCRA claims
- Gramm Leach Biley Act (GLBA) compliance: in addition to FCRA compliance
  - Who is covered?
  - What are your obligations
  - Limits on reuse and re-disclosure of NPI
  - Prohibition on disclosing account numbers

4:10

### Proper Debt Collection Practices: Avoiding Exposure to FDCPA and TCPA Violations

*Jenny Lee*  
DLA Piper LLP  
(former Enforcement Attorney with the CFPB)

*Simon Fleischmann*  
Locke Lord LLP

- Fair Debt Collections Practices Act review
- Compliance concerns and enforcement trends
- Minimizing the risk of exposure to FDCPA claims
- Heightened scrutiny of potential FDCPA violations
- Impact of CFPB rulemaking on debt collection litigation
- Preparing for and managing actions taken by state attorneys general and federal and state regulatory agencies relating to debt collection practices
- How debt collectors have adapted their internal compliance and auditing policies and procedures to minimize future litigation
- Telephone Consumer Protection Act review
- How a TCPA violation can be combined with a FDCPA violation
- Compliance concerns, enforcement trends, and recent FCC guidance
- Evolving issues relating to consent and revocation of consent under the TCPA
- The latest on the definition of automated telephone dialing system (ATDS)
- Overcoming TCPA challenges and limiting TCPA exposure in the face of complex and unclear rules
- How technology can be used to minimize your exposure to TCPA claims

5:00

### Conference Ends

#### Who You Will Meet

- ✓ In-House Counsel for Banks and Lenders
- ✓ Operations & Compliance Professionals for Banks and Lenders
- ✓ Private Practice Attorneys Specializing in:
  - Consumer Financial Services
  - Regulatory Compliance

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Director of Sales, American Conference Institute  
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ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

## Continuing Professional Education Credits



American Conference Institute (ACI) will apply for Continuing Professional Education credits for all conference attendees who request credit. There are no pre-requisites and advance preparation is not required to attend this conference.

Course objective: The legal system for consumer lending with an emphasis upon its relationship to business.

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The leading networking and information resource for counsel and senior executives.

Each year more than 15,000 in-house counsel, attorneys in private practice and other senior executives participate in ACI events — and the numbers keep growing.

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### Unparalleled Learning and Networking

ACI understands that gaining perspectives from — and building relationships with — your fellow delegates during the breaks can be just as valuable as the structured conference sessions. ACI strives to make both the formal and informal aspects of your conference as productive as possible.

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Lessons Learned and Best Practices in an Era of Heightened Government Scrutiny for the Industry



Inquire about special rates for in-house & government

October 29 – 30, 2015  
 The Carlton Hotel on Madison Avenue  
 New York, NY

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