

EXHIBIT A



Office of Law Faculty

120 Tremont Street
Boston, MA 02108

617-573-8000

www.law.suffolk.edu

October 25, 2019

Director Kathleen Kraninger
Consumer Financial Protection Bureau
1700 G St NW
Washington, DC 20552

Dear Director Kraninger,

I am writing to apply for a position on the Taskforce on Federal Consumer Law.

Consumer law and finance has been the focus of my research and policy work for twenty years. I have written many articles related to consumer protection and a book on the law and economics of mortgage markets and the subprime crisis. In addition, I have held senior public positions and board positions related to consumer protection.

Senior public service

I have held numerous public service positions at the state and Federal level, including serving as a member of: (1) the Federal Reserve Board's Consumer Advisory Council (CAC) where I chaired the Consumer Credit Committee; (2) the CFPB's Consumer Advisory Board; (3) the Community Affairs Research Advisory Board of the Federal Reserve Bank of Boston; and (4) the Federal Reserve Bank of Cleveland's Academic Advisory Council on Subprime Lending.

In these positions, I reviewed and assessed extant and proposed regulations governing consumer financial products as well as empirical and legal research related to consumer finance. The positions have all involved working closely with people representing diverse constituencies, ranging from payday lenders to community development corporations.

While on the CAC, I organized a Data Subgroup with the mission of reducing the data reporting burden on banks by centralizing data collection and access. Our vision was to have a data warehouse that contained all the data that regulators require banks to produce; each regulator would then have access to the data that related to their authority using a single software platform.

I have trained Federal Trade Commission attorneys on mortgage regulations and twice been on consulting teams that were awarded contracts to assist the Department of Housing and Urban Development on fair lending compliance. In addition to my public service activities listed in my resume, I have advised state governments, including Ohio, Massachusetts, California and Illinois, on an array of issues related to consumer credit.

Research and teaching

I have engaged in research on all aspects of consumer finance, ranging from specific products and the delivery of services to the laws that regulate consumer financial products and the structure of financial markets. As a law professor, I have taught courses on consumer credit, including a survey course and an advanced seminar, and a class on the financial crisis, called Credit and Catastrophe. My knowledge of the laws and regulations governing consumer credit is based on both practical experience and deep academic study.

I am a highly respected scholar of consumer law. My publications have garnered numerous awards, including first place awards for a book and an article from the American College of Consumer Financial Services Lawyers-- an organization of lawyers that primarily represent financial institutions. Policy-makers have relied on my research in issuing regulations and passing legislation. A suitability standard that my co-author and I first proposed in 2001 informed pieces of the Dodd-Frank Act. Amendments to Reg. Z and AMPFA have cited my articles.

My research frequently incorporates economic principles and research. I have co-authored several articles with economists and have conducted my own empirical research on consumer protection laws.

Several years ago, I decided to stop teaching and dedicate my time to policy work and research. I continue to hold an appointment as a Research Professor at Suffolk University Law School and have maintained my academic connections such as serving on the Executive Committee of the American Association of Law Schools' Section on Commercial and Related Consumer Law.

I have also joined a number of Boards of Directors, including Consumer Reports, and am working on a new research project on student loan servicing. The flexibility in my schedule allows me to pursue opportunities like the Taskforce, which would not have been possible when I was teaching full-time.

Taskforce goals

Harmonizing, modernizing, and updating consumer credit laws and regulations is long overdue. Examples abound of laws that do not take into account new realities of consumers' behavior. For example, the APR for closed end loans assumes a holding period of thirty years. Although the new TILA/ RESPA integrated disclosure attempts to address this distorting assumption, there are tools that could more accurately approximate borrowers' APRs and, thus, help them to comparison shop and make well-informed choices. Similarly, repeated revisions to TILA regulations have resulted in a complex scheme that is very difficult to navigate. There is significant room for consolidation and reorganizing the regs. The process likely requires returning to first principles and asking whether the regulations efficiently achieve those principles. Any new approaches would benefit from the CFPB's ability to conduct experiments.

Consumers have become accustomed to learning, evaluating products, and making decisions online. Digital innovations can be important tools for assisting consumers in the process of making choices among credit products. To the extent regulations can take this new reality into account, technology could improve transparency and consumer decision-making while also helping lenders increase their efficiency and decrease their costs. Of course, any modernization should take into account potential enforcement challenges for the CFPB and other regulators, operational hurdles for lenders, and the rich behavioral research on how consumers make decisions. Regulations not based on research run the risk of failing at their purpose.

The CFPB is embarking on a laudable and important project. I believe that I have the experience and interpersonal skills to make substantial contributions to the process and goals of the Taskforce.

Sincerely,



Kathleen C. Engel

EXHIBIT B

From: Cameron, Matt (CFPB)
To: Sutton, Yasaman (CFPB)
Cc: Weber, Nathaniel (CFPB)
Subject: RE: Taskforce Compensation
Date: Wednesday, January 29, 2020 12:26:07 PM

Hi Yasi:

Per our conversation and to help provide some additional clarity on Taskforce compensation. We have been working with the Office of Human Capital (OHC), who has had the lead on this. Here's how their compensation was determined:

- Chair, Todd Zywicki
 - Is appointed through our Intergovernment Personnel Act (IPA) authority – through this authority, the Bureau will reimburse his university, George Mason (GMU), directly for the time he is with us. Not to exceed 200 days of service, as outlined in a Memorandum of Understanding (MOU) between the Bureau and GMU. The Director has capped his time of service with us at 200 days to ensure we are being good stewards of Bureau resources in this effort. Given the intermittent schedule, his pay is reimbursed at the hourly rate.
- Dr. J. Howard Beales, III
 - Is appointed through our Expert hiring authority (direct hire authority). His pay was determined through the standard compensation process within OHC and is at the CN-71 grade level. Dr. Beales has also received the designation of a Special Government Employee (SGE), which limits the amount of time he is able to work at the Bureau to 130 days. Given the intermittent schedule, his pay is reimbursed at the hourly rate.
- Dr. Thomas Durkin
 - Is appointed through our Expert hiring authority (direct hire authority). His pay was determined through the standard compensation process within OHC and is at the CN-71 grade level. Dr. Durkin has also received the designation of a Special Government Employee (SGE), which limits the amount of time he is able to work at the Bureau to 130 days. Given the intermittent schedule, his pay is reimbursed at the hourly rate.
- L. Jean Noonan
 - Is appointed through our Expert hiring authority (direct hire authority). Her pay was determined through the standard compensation process within OHC and is at the CN-71 grade level. Ms. Noonan has also received the designation of a Special Government Employee (SGE), which limits the amount of time she is able to work at the Bureau to 130 days. Given the intermittent schedule, her pay is reimbursed at the hourly rate.
- William MacLeod
 - Is appointed through our Expert hiring authority (direct hire authority). His pay was determined through the standard compensation process within OHC and is at the CN-71 grade level. Mr. MacLeod has also received the designation of a Special Government Employee (SGE), which limits the amount of time he is able to work at the Bureau to 130 days. Given the intermittent schedule, his pay is reimbursed at the

hourly rate.

I hope this information is helpful.

Thanks,
Matt

Matt Cameron, Staff Director
Taskforce on Federal Consumer Financial Law
Office of Advisory Board and Councils

From: Sutton, Yasaman (CFPB) (b)(6)
Sent: Wednesday, January 29, 2020 10:36 AM
To: Cameron, Matt (CFPB) (b)(6)
Subject: Taskforce Compensation

Matt,

I have a question re subject.

Need to connect with you prior to my meeting with the Director today at 2:30.

Appreciate it.

Yasi

From: [ARC Human Resources](#)
To: hbeales@gwu.edu; [Dunham, Kerri \(CFPB\)](#); [Hall, Unita \(CFPB\)](#)
Subject: No Response Required: Job Offer Letter for Expert (Taskforce Member), CN-0301-71
Date: Friday, January 10, 2020 10:58:26 AM
Attachments: [Official Offer Letter.docx](#)
[CFPB Ethics Office - Ethics Notice to Prospective CFPB Employee.pdf](#)

This message was sent securely using Zix®

SENSITIVE BUT UNCLASSIFIED

No Response Required: Job Offer Letter for Expert (Taskforce Member), CN-0301-71

J. Howard Beales,

Congratulations on your selection for the position of Expert (Taskforce Member), CN-0301-71 (FPL 71) with Consumer Financial Protection Bureau, located in Washington, DC, USA. The attached letter outlines the details of your appointment. If you have any questions, please contact me.

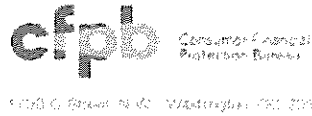
Please read the letter carefully as it includes information regarding the documentation and identification requested for your first day of work.

Thank you,

Kristina Spader

(b)(6)

This message was secured by Zix®.



1/10/2020

Dear J. Howard Beales:

Welcome and congratulations on your selection for a position within the Consumer Financial Protection Bureau, Director. Information regarding your appointment may be found below:

Position Title, Pay Plan-Series-, Grade, Step	Expert (Taskforce Member), CN-0301-71, Step 00
Full Performance Level:	71
Duty Station:	1700 "G" Street, NW Washington, DC 20552
Regional Affiliation:	
Starting Salary:	\$103.39 (Includes a 18% locality rate)
Other Pay Information:	
Type of Action:	Exc Appt NTE, 1/20/2021
Work Schedule:	Intermittent
Effective Date:	1/21/2020
Supervisor Name:	Matt Cameron
Human Capital Customer Consultant:	
Report to Information:	
Orientation Address	1700 G Street NW, Washington, DC 20552
Date and Time	1/21/2020, 8:30am
Contact Name and Phone Number	Tosin Ajayi - (b)(6)

This job offer is contingent upon receipt and verification of any necessary information, if requested, to validate the legality of this appointment.

Relocation expenses will not be paid. You are responsible for the payment of all travel, transportation, and other expenses.

As an intermittent employee, standard payroll taxes will be deducted from your pay and you are not eligible for annual and sick leave. If you have any questions concerning your eligibility for benefits or retirement in connection with this new appointment, please contact the Benefits

Service Center at 304-480-8275 or benefits@fiscal.treasury.gov to discuss your personal situation with a Benefits staff member.

You will occupy a position that requires a personnel background investigation. Continued employment is subject to receipt of satisfactory results of this investigation.

If you think you may have prior Federal service, including military service, please contact our Benefits Service Center at (866) 868-4357, or benefits@fiscal.treasury.gov, to discuss your service history with one of our Benefits staff members. It is very important to hear from you as soon as possible so that our Benefits staff can accurately assign your retirement coverage and benefit(s) to your new appointment.

Locality payments are supplements to base pay that reflect the cost of labor in a particular place. Your eligibility for a locality payment derives from your duty station. Any change in your duty station must be immediately communicated to your Customer Consultant (identified above), as the locality payment is subject to change.

Prior to Your First Day

Complete the forms on the new employee portal. You must complete, print and sign each document accordingly, and be prepared to bring them with you on your first day.

The "Benefits" section houses further information about your benefits options and related forms.

If you have a medical condition, please let us know as soon as possible what, if any, reasonable accommodation you may need. Every effort to ensure that your needs are met in advance of your arrival will be made. Please send any requests for reasonable accommodation to Sinajo Jasmir at (b)(6) [REDACTED]. They will contact you if they need additional information.

Please visit the CFPB New Employee Orientation website to learn more about working at CFPB. It is located here: <https://arc.fiscal.treasury.gov/orientation/fscfpborientation.htm>

On Your First Day

On your first day of work you will be required to provide proof of citizenship. The I-9, Employee Eligibility Verification form, outlines the required forms of identification. Also, please be sure to bring your original form OF-306, Declaration for Federal Employment, with you on your first day of work. If you are a United States citizen by naturalization, you will also be required to provide your original naturalization paperwork.

You will receive specific orientation information one week prior to arrival. For more details, please contact (b)(6)

If you have any questions, please contact me at (b)(6)

Sincerely,

Kristina Spader
Human Resources Specialist

(b)(6)



Ethics Notice to Prospective CFPB Employees

The Consumer Financial Protection Bureau (CFPB) is committed to achieving a standard of exemplary integrity in all that we do. One of the most important ways to ensure our continued success in helping Americans build a strong financial future for themselves and their families is to follow the principle that public service is public trust. Fulfilling this basic tenet helps us earn and keep the trust of financial consumers and the American public. Each of us shares responsibility to assure the vitality of our ethical culture and our reputation as a trusted resource for consumers.

Upon joining the CFPB, you will be subject to a number of ethics laws, including:

- Standards of Ethical Conduct for Employees of the Executive Branch
- Criminal conflict of interest statutes
- CFPB Ethics Regulations

The CFPB Ethics Regulations will prohibit you, your spouse, and minor children from owning or controlling financial interests, such as stocks and corporate bonds, in entities supervised by the CFPB. You may be required to divest these interests before you begin employment or shortly after.

The CFPB Ethics Regulations also will restrict your ability to work on matters involving certain of your creditors, prevent you from seeking credit from certain lenders, and require you to obtain prior approval for outside employment or business activities.

Important Dates

- You will be required to complete initial government ethics training within 3 months of your appointment.
- Certain Bureau employees whose duties require them to exercise discretion in sensitive areas such as contracting, procurement, or regulating, supervising or examining non-Federal entities, must file confidential disclosure reports (OGE Form 450). If you are appointed to a position subject to this filing requirement, you must file your report within 30 days of assuming your position.
- The Director, Executives (Bands 8 and 9), Administrative Law Judges, certain Special Government Employees, and certain Intergovernmental Personnel Act employees are required to file public financial disclosure reports (OGE Form 278e). If you are appointed to a position subject to this filing requirement, you must file your report within 30 days of assuming the position.

Please contact the CFPB Ethics Office at (b)(6) to discuss any questions you may have. We look forward to you joining our team.

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) BEALES III, JOHN HOWARD					2. Social Security Number (b)(6)		3. Date of Birth (b)(6)		4. Effective Date 01-21-2020		
FIRST ACTION					SECOND ACTION						
5-A. Code 171		5-B. Nature of Action EXC APPT NTE 01/20/21			6-A. Code		6-B. Nature of Action				
5-C. Code ZLM		5-D. Legal Authority 213 3102 L			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number					15. TO: Position Title and Number EXPERT (TASKFORCE MEMBER) 66317865 200530						
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary .00	13. Pay Basis	16. Pay Plan CN	17. Occ. Code 0301	18. Grade or Level 71	19. Step or Rate 00	20. Total Salary \$215,769.00	21. Pay Basis PA
12A. Basic Pay .00		12B. Locality Adj. .00		12C. Adj. Basic Pay .00	12D. Other Pay .00	20A. Basic Pay \$182,855.00		20B. Locality Adj. \$32,914.00		20C. Adj. Basic Pay \$215,769.00	20D. Other Pay .00
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization CONSUMER FINANCIAL PROTECT BUREAU DIRECTOR OFFICE OF THE DIRECTOR FR FT1010000000000000 PP 02 2020						
EMPLOYEE DATA											
23. Veterans Preference (b)(6) 1 ? None 3 ? 10 Point/Disability 5 ? 10 Point/Other 2 ? 5 Point 4 ? 10 Point/Compensable 6 ? 10 Point/Compensable/30%					24. Tenure 0 0 ? None 2 - Conditional 1 ? Permanent 3 - Indefinite			25. Agency Use		26. Veterans Preference for RIF (b)(6) NO	
27. FEGLI A0 INELIGIBLE-EXCLUDED BY LAW OR REG					28. Annuity Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0			
30. Retirement Plan (b)(6)					31. Service Comp. Date (Leave)			32. Work Schedule I INTERMITTENT		33. Part-Time Hours Per Biweekly Pay Period	
POSITION DATA											
34. Position Occupied 2 1 ? Competitive Service 3 ? SES General 2 ? Excepted Service 4 ? SES Career Reserved				35. FLSA Category E E ? Exempt N - Nonexempt		36. Appropriation Code			37. Bargaining Unit Status 8888		
38. Duty Station Code 11-0010-001				39. Duty Station (City-County-State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC							
40. Agency Data		41.		42.		43.		44.			
45. Remarks INELIGIBLE FOR LEAVE. POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND. APPOINTMENT AFFIDAVIT EXECUTED 01/21/2020. REASON FOR TEMPORARY APPOINTMENT: ADMINISTRATIVE NEED. OFF MAINTAINED BY BUREAU OF THE FISCAL SERVICE, 200 THIRD STREET, PARKERSBURG, WV 26106. CREDITABLE MILITARY SERVICE: (b)(6) PREVIOUS RETIREMENT COVERAGE: (b)(6)											
46. Employing Department or Agency CONSUMER FINANCIAL PROTECTION BUR						50. Signature/Authentication and Title of Approving Official E/S BY: JEFFREY SUMBERG CHIEF HUMAN CAPITAL OFFICER					
47. Agency Code FR FT		48. Personnel Office ID 2731		49. Approval Date 01-23-2020							

From: ARC Human Resources
To: (b)(6) Dunham, Kerri (CFPB); Hall, Unita (CFPB)
Subject: No Response Required: Job Offer Letter for Expert (Taskforce Member), CN-0301-71
Date: Friday, January 10, 2020 9:53:21 AM
Attachments: [Official Offer Letter.docx](#)
[CFPB Ethics Office - Ethics Notice to Prospective CFPB Employee.pdf](#)

This message was sent securely using Zix®

SENSITIVE BUT UNCLASSIFIED

No Response Required: Job Offer Letter for Expert (Taskforce Member), CN-0301-71

Thomas Durkin,

Congratulations on your selection for the position of Expert (Taskforce Member), CN-0301-71 (FPL 71) with Consumer Financial Protection Bureau, located in Washington, DC, USA. The attached letter outlines the details of your appointment. If you have any questions, please contact me.

Please read the letter carefully as it includes information regarding the documentation and identification requested for your first day of work.

Thank you,

Kristina Spader

(b)(6)

This message was secured by Zix®.



1/9/2020

Dear Thomas Durkin:

Welcome and congratulations on your selection for a position within the Consumer Financial Protection Bureau, Director. Information regarding your appointment may be found below:

Position Title, Pay Plan-Series-, Grade, Step	Expert (Taskforce Member), CN-0301-71, Step 00
Full Performance Level:	71
Duty Station:	1700 "G" Street, NW Washington, DC 20552
Regional Affiliation:	
Hourly Rate of Pay:	\$103.74 (Includes a 18% locality rate)
Other Pay Information:	
Type of Action:	Exc Appt NTE, 1/20/2021
Work Schedule:	Intermittent
Effective Date:	1/21/2020
Supervisor Name:	Matt Cameron
Human Capital Customer Consultant:	Kerri Dunham - (b)(6)
Report to Information:	
Orientation Address	1700 G Street NW, Washington, DC 20552
Date and Time	1/21/2020, 8:30am
Contact Name and Phone Number	Tosin Ajayi - (b)(6)

This job offer is contingent upon receipt and verification of any necessary information, if requested, to validate the legality of this appointment.

You will be designated as a Special Government Employee which limits your work schedule to no more than 130 days within a 365 day period of time.

Relocation expenses will not be paid. You are responsible for the payment of all travel, transportation, and other expenses.

As an intermittent employee, standard payroll taxes will be deducted from your pay and you are not eligible for annual and sick leave. If you have any questions concerning your eligibility for benefits or retirement in connection with this new appointment, please contact the Benefits Service Center at 304-480-8275 or benefits@fiscal.treasury.gov to discuss your personal situation with a Benefits staff member.

You will occupy a position that requires a personnel background investigation. Continued employment is subject to receipt of satisfactory results of this investigation.

If you think you may have prior Federal service, including military service, please contact our Benefits Service Center at (866) 868-4357, or benefits@fiscal.treasury.gov, to discuss your service history with one of our Benefits staff members. It is very important to hear from you as soon as possible so that our Benefits staff can accurately assign your retirement coverage and benefit(s) to your new appointment.

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If you have a medical condition, please let us know as soon as possible what, if any, reasonable accommodation you may need. Every effort to ensure that your needs are met in advance of your arrival will be made. Please send any requests for reasonable accommodation to Sinajo Jasmir at (b)(6) [REDACTED]. They will contact you if they need additional information.

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you on your first day of work. If you are a United States citizen by naturalization, you will also be required to provide your original naturalization paperwork.

You will receive specific orientation information one week prior to arrival. For more details, please contact (b)(6)

If you have any questions, please contact me at (b)(6)

Sincerely,

Kristina Spader

(b)(6)



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Please contact the CFPB Ethics Office at (b)(6) to discuss any questions you may have. We look forward to you joining our team.

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) DURKIN, THOMAS A					2. Social Security Number (b)(6)		3. Date of Birth (b)(6)		4. Effective Date 01-21-2020		
FIRST ACTION					SECOND ACTION						
5-A. Code 171		5-B. Nature of Action EXC APPT NTE 01/20/21			6-A. Code		6-B. Nature of Action				
5-C. Code ZLM		5-D. Legal Authority 213 3102 1			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number					15. TO: Position Title and Number EXPERT (TASKFORCE MEMBER) 66317866 200530						
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary .00	13. Pay Basis	16. Pay Plan CN	17. Occ. Code 0301	18. Grade or Level 71	19. Step or Rate 00	20. Total Salary \$215,055.00	21. Pay Basis PA
12A. Basic Pay .00		12B. Locality Adj. .00		12C. Adj. Basic Pay .00	12D. Other Pay .00	20A. Basic Pay \$182,250.00		20B. Locality Adj. \$32,805.00		20C. Adj. Basic Pay \$215,055.00	20D. Other Pay .00
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23. Veterans Preference (b)(6) 1 ? None 3 ? 10 Point/Disability 5 ? 10 Point/Other 2 ? 5 Point 4 ? 10 Point/Compensable 6 ? 10 Point/Compensable/30%					24. Tenure 0 ? None 2 - Conditional 1 ? Permanent 3 - Indefinite 0			25. Agency Use		26. Veterans Preference for RIF (b)(6) NO	
27. FEGLI A0 INELIGIBLE-EXCLUDED BY LAW OR REG					28. Annuity Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0			
30. Retirement Plan (b)(6)			31. Service Comp. Date (Leave) (b)(6)		32. Work Schedule 1 INTERMITTENT			33. Part-Time Hours Per Biweekly Pay Period			
POSITION DATA											
34. Position Occupied 2 1 ? Competitive Service 3 ? SES General 2 ? Excepted Service 4 ? SES Career Reserved			35. FLSA Category E ? Exempt N - Nonexempt E		36. Appropriation Code			37. Bargaining Unit Status 8888			
38. Duty Station Code 11-0010-001			39. Duty Station (City-County-State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC								
40. Agency Data		41.		42.		43.		44.			
45. Remarks INELIGIBLE FOR HEALTH BENEFITS. INELIGIBLE FOR LEAVE. POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND. APPOINTMENT AFFIDAVIT EXECUTED 1/21/2020 REASON FOR TEMPORARY APPOINTMENT: ADMINISTRATIVE NEED OPF MAINTAINED BY: BUREAU OF THE FISCAL SERVICE, 200 THIRD ST, PARKERSBURG WV 26106 CREDITABLE MILITARY SERVICE: (b)(6) PREVIOUS RETIREMENT COVERAGE: (b)(6)											
46. Employing Department or Agency CONSUMER FINANCIAL PROTECTION BUR					50. Signature/Authentication and Title of Approving Official E/S BY: JEFFREY SUMBERG CHIEF HUMAN CAPITAL OFFICER						
47. Agency Code FR FT		48. Personnel Office ID 2731		49. Approval Date 01-23-2020							

From: [ARC Human Resources](#)
To: JNoonan@Hudco.com; [Dunham, Kerri \(CFPB\)](#); [Hall, Unita \(CFPB\)](#)
Subject: No Response Required: Job Offer Letter for Expert (Taskforce Member), CN-0301-71
Date: Monday, January 13, 2020 12:31:16 PM
Attachments: [Official Offer Letter.docx](#)
[CFPB Ethics Office - Ethics Notice to Prospective CFPB Employee.pdf](#)

This message was sent securely using Zix®

SENSITIVE BUT UNCLASSIFIED

No Response Required: Job Offer Letter for Expert (Taskforce Member), CN-0301-71

Jean Noonan,

Congratulations on your selection for the position of Expert (Taskforce Member), CN-0301-71 (FPL 71) with Consumer Financial Protection Bureau, located in Washington, DC, USA. The attached letter outlines the details of your appointment. If you have any questions, please contact me.

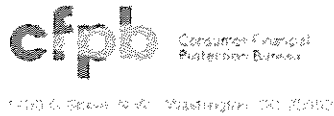
Please read the letter carefully as it includes information regarding the documentation and identification requested for your first day of work.

Thank you,

Kristina Spader

(b)(6)

This message was secured by Zix®.



1/13/2020

Dear Jean Noonan:

Welcome and congratulations on your selection for a position within the Consumer Financial Protection Bureau, Director. Information regarding your appointment may be found below:

Position Title, Pay Plan-Series-, Grade, Step	Expert (Taskforce Member), CN-0301-71, Step 00
Full Performance Level:	71
Duty Station:	1700 "G" Street, NW Washington, DC 20552
Regional Affiliation:	
Annual Salary:	\$215,769 (Includes a 18% locality rate)
Hourly salary with annuity offset Information:	Your hourly rate will be offset by \$46.13 per the gross monthly annuity amount of \$8,023, making your final hourly rate \$57.26
Type of Action:	Exc Appt NTE, 1/20/2021
Work Schedule:	Intermittent
Effective Date:	1/21/2020
Supervisor Name:	Matt Cameron
Human Capital Customer Consultant:	
Report to Information:	
Orientation Address	1700 G Street NW, Washington, DC 20552
Date and Time	1/21/2020, 8:30am
Contact Name and Phone Number	Tosin Ajayi - (b)(6)

This job offer is contingent upon receipt and verification of any necessary information, if requested, to validate the legality of this appointment.

You will be designated as a Special Government Employee which limits your work schedule to no more than 130 days within a 365 day period of time.

As a re-employed annuitant receiving a monthly CSRS annuity, your salary will have to be offset

for that amount. Based on your annual salary of \$215,769, your hourly rate would be \$103.39 before the annuity offset. Your hourly rate will be offset by \$46.13 per the gross monthly annuity amount of \$8,023, making your **final hourly rate \$57.26**

As a reemployed annuitant you will not serve a probationary period; however, you are serving at the will of the appointing officer. To obtain additional information about how re-employment will affect your status as an annuitant, please contact James Hinzman at (b)(6)

Relocation expenses will not be paid. You are responsible for the payment of all travel, transportation, and other expenses.

As an intermittent employee, standard payroll taxes will be deducted from your pay and you are not eligible for annual and sick leave. If you have any questions concerning your eligibility for benefits or retirement in connection with this new appointment, please contact the Benefits Service Center at 304-480-8275 or benefits@fiscal.treasury.gov to discuss your personal situation with a Benefits staff member.

You will occupy a position that requires a personnel background investigation. Continued employment is subject to receipt of satisfactory results of this investigation.

If you think you may have prior Federal service, including military service, please contact our Benefits Service Center at (866) 868-4357, or benefits@fiscal.treasury.gov, to discuss your service history with one of our Benefits staff members. It is very important to hear from you as soon as possible so that our Benefits staff can accurately assign your retirement coverage and benefit(s) to your new appointment.

Locality payments are supplements to base pay that reflect the cost of labor in a particular place. Your eligibility for a locality payment derives from your duty station. Any change in your duty station must be immediately communicated to your Customer Consultant (identified above), as the locality payment is subject to change.

Prior to Your First Day

Complete the forms on the new employee portal. You must complete, print and sign each document accordingly, and be prepared to bring them with you on your first day.

The "Benefits" section houses further information about your benefits options and related forms.

If you have a medical condition, please let us know as soon as possible what, if any, reasonable accommodation you may need. Every effort to ensure that your needs are met in advance of

your arrival will be made. Please send any requests for reasonable accommodation to Sinajo Jasmir at (b)(6) They will contact you if they need additional information.

Please visit the CFPB New Employee Orientation website to learn more about working at CFPB. It is located here: <https://arc.fiscal.treasury.gov/orientation/fscfpborientation.htm>

On Your First Day

On your first day of work you will be required to provide proof of citizenship. The I-9, Employee Eligibility Verification form, outlines the required forms of identification. Also, please be sure to bring your original form OF-306, Declaration for Federal Employment, with you on your first day of work. If you are a United States citizen by naturalization, you will also be required to provide your original naturalization paperwork.

You will receive specific orientation information one week prior to arrival. For more details, please contact (b)(6)

If you have any questions, please contact me at (b)(6)

Sincerely,

Kristina Spader
Human Resources Specialist

(b)(6)



Ethics Notice to Prospective CFPB Employees

The Consumer Financial Protection Bureau (CFPB) is committed to achieving a standard of exemplary integrity in all that we do. One of the most important ways to ensure our continued success in helping Americans build a strong financial future for themselves and their families is to follow the principle that public service is public trust. Fulfilling this basic tenet helps us earn and keep the trust of financial consumers and the American public. Each of us shares responsibility to assure the vitality of our ethical culture and our reputation as a trusted resource for consumers.

Upon joining the CFPB, you will be subject to a number of ethics laws, including:

- Standards of Ethical Conduct for Employees of the Executive Branch
- Criminal conflict of interest statutes
- CFPB Ethics Regulations

The CFPB Ethics Regulations will prohibit you, your spouse, and minor children from owning or controlling financial interests, such as stocks and corporate bonds, in entities supervised by the CFPB. You may be required to divest these interests before you begin employment or shortly after.

The CFPB Ethics Regulations also will restrict your ability to work on matters involving certain of your creditors, prevent you from seeking credit from certain lenders, and require you to obtain prior approval for outside employment or business activities.

Important Dates

- You will be required to complete initial government ethics training within 3 months of your appointment.
- Certain Bureau employees whose duties require them to exercise discretion in sensitive areas such as contracting, procurement, or regulating, supervising or examining non-Federal entities, must file confidential disclosure reports (OGE Form 450). If you are appointed to a position subject to this filing requirement, you must file your report within 30 days of assuming your position.
- The Director, Executives (Bands 8 and 9), Administrative Law Judges, certain Special Government Employees, and certain Intergovernmental Personnel Act employees are required to file public financial disclosure reports (OGE Form 278e). If you are appointed to a position subject to this filing requirement, you must file your report within 30 days of assuming the position.

Please contact the CFPB Ethics Office at (b)(6) to discuss any questions you may have. We look forward to you joining our team.

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) NOONAN, LINDA JEAN					2. Social Security Number (b)(6)		3. Date of Birth (b)(6)		4. Effective Date 01-21-2020		
FIRST ACTION					SECOND ACTION						
5-A. Code 171		5-B. Nature of Action EXC APPT NTE 01/20/21			6-A. Code		6-B. Nature of Action				
5-C. Code ZLM		5-D. Legal Authority 213 3102 L			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number					15. TO: Position Title and Number EXPERT (TASKFORCE MEMBER) 66318234 200530						
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary .00	13. Pay Basis	16. Pay Plan CN	17. Occ. Code 0301	18. Grade or Level 71	19. Step or Rate 00	20. Total Salary \$215,769.00	21. Pay Basis PA
12A. Basic Pay .00		12B. Locality Adj. .00		12C. Adj. Basic Pay .00	12D. Other Pay .00	20A. Basic Pay \$182,855.00		20B. Locality Adj. \$32,914.00		20C. Adj. Basic Pay \$215,769.00	20D. Other Pay .00
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization CONSUMER FINANCIAL PROTECT BUREAU DIRECTOR OFFICE OF THE DIRECTOR FR FT1010000000000000 PP 02 2020						
EMPLOYEE DATA											
23. Veterans Preference (b)(6) 1 ? None 3 ? 10 Point/Disability 5 ? 10 Point/Other 2 ? 5 Point 4 ? 10 Point/Compensable 6 ? 10 Point/Compensable/30%					24. Tenure 0 ? None 2 - Conditional 1 ? Permanent 3 - Indefinite 0			25. Agency Use		26. Veterans Preference for RIF (b)(6) NO	
27. FEGLI A0 INELIGIBLE-EXCLUDED BY LAW OR REG					28. Annuity Indicator I REEMPL. ANN-CS			29. Pay Rate Determinant 0			
30. Retirement Plan (b)(6)			31. Service Comp. Date (Leave) (b)(6)		32. Work Schedule F FULL TIME			33. Part-Time Hours Per Biweekly Pay Period			
POSITION DATA											
34. Position Occupied 1 ? Competitive Service 3 ? SES General 2 ? Excepted Service 4 ? SES Career Reserved 2				35. FLSA Category E ? Exempt N - Nonexempt E		36. Appropriation Code			37. Bargaining Unit Status 8888		
38. Duty Station Code 11-0010-001				39. Duty Station (City-County-State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC							
40. Agency Data		41.		42.		43.		44.			
45. Remarks * CONTINUATION OF REMARKS * ANNUITY AT PRESENT IS \$96,276.00 PA. YOU ARE REQUIRED TO SUBMIT TO THE PERSONNEL OFFICE A COPY OF ANY SUBSEQUENT NOTICE FROM OPM OF ANY CHANGE IN YOUR GROSS ANNUITY RATE.											
46. Employing Department or Agency CONSUMER FINANCIAL PROTECTION BUR						50. Signature/Authentication and Title of Approving Official E/S BY: JEFFREY SUMBERG CHIEF HUMAN CAPITAL OFFICER					
47. Agency Code FR FT		48. Personnel Office ID 2731		49. Approval Date 01-23-2020							

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) NOONAN, LINDA JEAN					2. Social Security Number (b)(6)		3. Date of Birth (b)(6)		4. Effective Date 01-21-2020		
FIRST ACTION					SECOND ACTION						
5-A. Code 171		5-B. Nature of Action EXC APPT NTE 01/20/21			6-A. Code		6-B. Nature of Action				
5-C. Code ZLM		5-D. Legal Authority 213 3102 L			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number					15. TO: Position Title and Number EXPERT (TASKFORCE MEMBER) 66318234 200530						
8. Pay Plan	9. Occ. Code	10. Grade or Level	11. Step or Rate	12. Total Salary .00	13. Pay Basis	16. Pay Plan CN	17. Occ. Code 0301	18. Grade or Level 71	19. Step or Rate 00	20. Total Salary \$215,769.00	21. Pay Basis PA
12A. Basic Pay .00		12B. Locality Adj. .00		12C. Adj. Basic Pay .00	12D. Other Pay .00	20A. Basic Pay \$182,855.00		20B. Locality Adj. \$32,914.00		20C. Adj. Basic Pay \$215,769.00	20D. Other Pay .00
14. Name and Location of Position's Organization					22. Name and Location of Position's Organization CONSUMER FINANCIAL PROTECT BUREAU DIRECTOR OFFICE OF THE DIRECTOR FR FT1010000000000000 PP 02 2020						
EMPLOYEE DATA											
23. Veterans Preference (b)(6) 1 ? None 3 ? 10 Point/Disability 5 ? 10 Point/Other 2 ? 5 Point 4 ? 10 Point/Compensable 6 ? 10 Point/Compensable/30%					24. Tenure 0 ? None 2 - Conditional 1 ? Permanent 3 - Indefinite 0			25. Agency Use		26. Veterans Preference for RIF (b)(6)	
27. FEGLI A0 INELIGIBLE-EXCLUDED BY LAW OR REG					28. Annuitant Indicator 1 REEMPL. ANN-CS			29. Pay Rate Determinant 0			
30. Retirement Plan (b)(6)			31. Service Comp. Date (Leave) (b)(6)		32. Work Schedule F FULL TIME			33. Part-Time Hours Per Biweekly Pay Period			
POSITION DATA											
34. Position Occupied 1 ? Competitive Service 3 ? SES General 2 ? Excepted Service 4 ? SES Career Reserved 2				35. FLSA Category E ? Exempt N - Nonexempt E		36. Appropriation Code			37. Bargaining Unit Status 8888		
38. Duty Station Code 11-0010-001				39. Duty Station (City-County-State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC							
40. Agency Data		41.		42.		43.		44.			
45. Remarks POSITION IS AT THE FULL PERFORMANCE LEVEL OR BAND. OPF MAINTAINED BY BUREAU OF THE FISCAL SERVICE, 200 THIRD STREET, PARKERSBURG, WV 26106. CREDITABLE MILITARY SERVICE: (b)(6) AS A REEMPLOYED ANNUITANT, YOU SERVE AT THE WILL OF THE APPOINTING OFFICER. INELIGIBLE FOR HEALTH BENEFITS. INELIGIBLE FOR LEAVE. APPOINTMENT AFFIDAVIT EXECUTED 01/21/2020. REASON FOR TEMPORARY APPOINTMENT: ADMINISTRATIVE NEED. PREVIOUS RETIREMENT COVERAGE: PREVIOUSLY COVERED. ANNUAL SALARY TO BE REDUCED BY THE AMOUNT OF YOUR RETIREMENT ANNUITY AND BY FUTURE COST OF LIVING INCREASES. * REMARKS TO BE CONTINUED ON NEXT FORM *											
46. Employing Department or Agency CONSUMER FINANCIAL PROTECTION BUR						50. Signature/Authentication and Title of Approving Official E/S BY: JEFFREY SUMBERG CHIEF HUMAN CAPITAL OFFICER					
47. Agency Code FR FT		48. Personnel Office ID 2731		49. Approval Date 01-23-2020							

Editions Prior to 7-91 Are Not Usable After 6/30/93
NSN 7540-01-333-6236

1 - Employee Copy - Keep for Future Reference

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) NOONAN, LINDA JEAN					2. Social Security Number (b)(6)		3. Date of Birth (b)(6)		4. Effective Date 01-21-2020		
FIRST ACTION					SECOND ACTION						
5-A. Code 002		5-B. Nature of Action CORRECTION			6-A. Code 171		6-B. Nature of Action EXC APPT NTE 01/20/21				
5-C. Code		5-D. Legal Authority			6-C. Code ZLM		6-D. Legal Authority 213 3102 L				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
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27. FEGLI A0 INELIGIBLE-EXCLUDED BY LAW OR REG					28. Annuitant Indicator 1 REEMPL. ANN-CS			29. Pay Rate Determinant 0			
30. Retirement Plan (b)(6)			31. Service Comp. Date (Leave) (b)(6)			32. Work Schedule 1 INTERMITTENT			33. Part-Time Hours Per Biweekly Pay Period		
POSITION DATA											
34. Position Occupied 1 ? Competitive Service 3 ? SES General 2 ? Excepted Service 4 ? SES Career Reserved 2				35. FLSA Category E ? Exempt N - Nonexempt E		36. Appropriation Code			37. Bargaining Unit Status 8888		
38. Duty Station Code 11-0010-001				39. Duty Station (City-County-State or Overseas Location) WASHINGTON DIST OF COLUMBIA DC							
40. Agency Data		41.		42.		43.		44.			
45. Remarks CORRECTS ITEM 32 FROM F. REFLECTS TOUR CHANGE FROM FULL-TIME.											
46. Employing Department or Agency CONSUMER FINANCIAL PROTECTION BUR						50. Signature/Authentication and Title of Approving Official E/S BY: JEFFREY SUMBERG CHIEF HUMAN CAPITAL OFFICER					
47. Agency Code FR FT		48. Personnel Office ID 2731		49. Approval Date 01-23-2020							

OF 69 # (REV. 2-89)

U.S. Office of Personnel Management
FPM Chapter 334**Assignment Agreement**

Title IV of the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371-3376)

INSTRUCTIONS

This agreement constitutes the written record of the obligations and responsibilities of the parties to a temporary assignment arranged under the provisions of the Intergovernmental Personnel Act of 1970.

Within 30 days of the effective date of the assignment, two copies of this form must be sent to:

U.S. Office of Personnel Management
Personnel Mobility Program
Staffing Operations Division/CEG
1900 E street, NW
Washington, D.C. 20415

The term "State or local government," when appearing in this form, also refers to an institution of higher education, and Indian tribal government, and any other eligible organization.

Copies of the completed and signed agreement should be retained by each signatory.

Procedural questions on completing the assignment agreement form or on other aspects relating to the mobility program should be addresses to either mobility program coordinators in each Federal agency or to the staff of the Personnel Mobility Program is the U.S. Office of Personnel Management.

PART 1 - NATURE OF THE ASSIGNMENT AGREEMENT

1. Check Appropriate Box



New Agreement



Modification



Extension

PART 2 - INFORMATION ON PARTICIPATING EMPLOYEE

2. Name (Last, First, Middle)

Zywicki, Todd J.

3. Social Security Number

XXXXXXXXXX

4. Home Address (Street, City, State, Zip Code)

(b)(6)

5.- A. Have you ever been on a mobility assignment?

☐ YES☒ NO

5.- B. If "YES", date of each assignment (Month and Year)

From

To

PART 3 - PARTIES TO THE AGREEMENT

6. Federal Agency (List office, bureau or organizational unit which is party to the agreement)

Consumer Financial Protection Bureau, Office of the Director

7. State or Local Government (Identify the governmental agency)

8. Is assignment being made through a faculty fellows program?

If "YES", give name of the program.

☐ YES☒ NO**PART 4 - POSITION DATA****A - Position Currently Held**

9. Employment Office Name and Address (Street, City, State and ZIP Code)

George Mason University
4400 University Dr.
Fairfax, VA 22030

10. Employee's Position Title

Professor

11. Office Telephone Number
(Include the Area Code)

(703) 993-9484

12. Immediate Supervisor (Name and Title)

Henry Butler, Dean

B - Type of Current Appointment

13. Federal Employees (Check appropriate box.)

☐ Career Competitive

Grade Level

☐ Other (Specify):

14. State and Local Employees

State or Local Annual Salary

(b)(6)

Original Date Employed by the
State or Local Government (Month,
Day, Year)

08/25/2002

C - Position To Which Assignment Will Be Made

15. Employment Office Name and Address (Street, City, State and ZIP Code)

Consumer Financial Protection Bureau
Office of the Director
1700 G Street, NW
Washington, DC 20552

16. Assignee's Position Title

Expert (Taskforce Chair)

17. Office Telephone Number
(Include the Area Code)

18. Immediate supervisor (Name and Title)

Matthew Cameron, Staff Director

PART 5 - TYPE OF ASSIGNMENT

19. Check Appropriate Boxes

- | | |
|---|--|
| <input type="checkbox"/> On detail from a Federal agency | <input type="checkbox"/> Full Time |
| <input type="checkbox"/> On leave c from a Federal agency | <input type="checkbox"/> Part Time |
| <input checked="" type="checkbox"/> On detail to a Federal agency | <input checked="" type="checkbox"/> Intermittent |
| <input type="checkbox"/> On appointment in a Federal agency | |

20. Period of Assignment (Month, Day, Year)

From

To

01/29/2020

01/29/2021

PART 6 - REASON FOR MOBILITY ASSIGNMENT

21. Indicate the reasons for the mobility assignment and discuss how the work will benefit the participating governments. In addition, indicate how the employee will be utilized at the completion of this assignment.

This position is located in the Consumer Financial Protection Bureau, Office of the Director. The CFPB's mission is to regulate the offering and provision of consumer financial products or services under the Federal consumer financial laws and to educate and empower consumers to make better informed financial decisions.

This position is a time-limited temporary position established to serve as the Chair of the Taskforce on Federal Consumer Financial Law. The Taskforce will produce new research and analysis of consumer financial laws in the United States, focusing specifically on harmonizing, modernizing, and updating the enumerated consumer credit laws – and their implementing regulations – and identifying gaps in knowledge that should be addressed through research, ways to improve consumer understanding of markets and products, and potential conflicts or inconsistencies in existing regulations and guidance. The incumbent applies significant breadth and depth of understanding to conduct difficult and complex theoretical, quantitative, and policy relevant research and decision making.

PART 7 - POSITION DESCRIPTION

22. List the major duties and responsibilities to be performed while on the mobility assignment.

Works with the members of the Taskforce on Federal Consumer Financial Law to:

- Examine the existing legal and regulatory environment facing consumers and financial services providers;
- Report recommendations for ways to improve and strengthen consumer financial laws and regulations;

(See attached position description for full list of duties.)

PART 8 - EMPLOYEE BENEFITS

23. Rate of Basic Pay During Assignment

(b)(6) of fully burden salary at estimated at \$141.84/hour

24. Special Pay Conditions (Indicate any conditions that could increase the assigned employee's compensation during the assignment period)

Increase in salary possible due to increase funding by state

25. Leave Provisions (Indicate the annual and sick leave benefits for which employee is eligible. Specify the procedures for reporting, requesting and recording such leave.)

Assignee will continue to earn and use leave in accordance with George Mason University policies.

PART 9 - FISCAL OBLIGATIONS

Identify, where appropriate, the office to which invoices and time and attendance records should be sent.

26. Federal Agency Obligations (If paying more than 50 percent of a Federal employee's salary beyond a 6-month period, specify rationale for cost-sharing decision.)

The Bureau will reimburse GMU for Mr Zywicki's labor at the Bureau. Mr Zywicki will be on an intermittent schedule and is anticipated to work approximately 200 days at 8 hours each day, for a total of 1600 hours. This is approximately (b)(6) of a full-time schedule of 2080 working hours in a year.

CFPD20GMU0036

27. State or Local Government agency Obligations

Salary and benefits will continue to be provided directly to the assignee by GMU. GMU will provide invoices to CFPB for the amounts agreed to in this document. Instructions for submitting invoices to CFPB will be provided under separate cover.

PART 10 - CONFLICTS OF INTEREST AND EMPLOYEE CONDUCT

- ☒ 28. Applicable Federal, State or local conflict-of-interest laws have been reviewed with the employee to assure that conflict-of-interest situations do not inadvertently arise during this assignment.
- ☒ 29. The employee has been notified of laws, rules and regulations, and policies on employee conduct which apply to him/her while on this assignment.

PART 11 - OPTIONS

30. Indicate coverage "N/A", if not applicable.

A. Federal Employees Group Life Insurance

☐ Covered ☒ N/A

B. Federal Civil Service Retirement system or federal Employees Retirement System

☐ Covered ☒ N/A

C. Federal employee Health Benefits

☐ Covered ☒ N/A

31. State or Local Agency Benefits (Indicate all State employee benefits that will be related by the State or local agency employee being assigned to a Federal agency. Also include a statement certifying coverage in all State and local employee benefit programs that are elected by Federal employee on leave without pay from the Federal agency to a State or local agency.)

Full benefits coverage at GMU will continue uninterrupted while on assignment.

32. Other Benefits (Indicate any other employee benefits to be made part of this agreement)

CFPB will not pay the cost of any external training or conferences requested by detailee unless written justification is provided by the CFPB supervisor that the training is to the benefit of CFPB and not for personal advancement.

PART 12 - TRAVEL AND TRANSPORTATION

33. Indicate: (1) Whether the Federal agency or State or local agency will pay travel and transportation expenses to, from, and during the assignment as specified in Chapter 3344 of the Federal Personnel Manual, and (2) which travel and relocation expenses will be included.

Assignee's duty station will be Washington, DC. Assignee will travel to DC on an occasional and as-needed basis. When in DC, assignee will work out of hoteling space at 1700 G Street, NW.

Assignee will be considered an invitational traveler under CFPB policies. Trips may include transportation (e.g. airfare, train, personal vehicle, cab costs) and lodging. Travel expenses will be subject to the Federal Travel Regulations and CFPB policies. CFPB will be responsible for securing travel reservations and assignee is responsible for submitting receipts and other documentation for reimbursement.

PART 13 - APPLICABILITY OF RULES, REGULATIONS AND POLICIES

34. Check Appropriate Boxes.

- ☒ A. The rules and policies governing the internal operation and management of the agency to which my assignment is made under this agreement will be observed by me.
- ☒ B. I have been informed that my assignment may be terminated at any time at the option of the Federal agency or the State or local government.
- ☒ C. I have been informed that any travel and transportation expenses covered from Federal agency appropriations may be recoverable as a debt due the United States, if I do not serve until the completion of my assignment (unless terminated earlier by either employer) or one year, whichever is shorter.
- ☒ D. I have been informed of applicable provisions should my position with my permanent employer become subject to a reduction-in-force procedure.
- ☐ E. I agree to serve in the Civil Service upon the completion of my assignment for a period equal to that of my assignment. Should I fail to serve the required time, I have been informed that I will be liable to the United States for all expenses (except salary) of my assignment. (For Federal Employees only).

PART 14 - CERTIFICATION OF ASSIGNED EMPLOYEE

In signing this agreement, I certify that I understand the terms of this agreement and agree to the rules, regulations and policies as indicated in Part 13 above.

35. Location of Assignment (Name of Organization)

Consumer Financial Protection Bureau (CFPB)

36. Date (Month, Day, Year)

From	To
01/20/2020	01/22/2021

37. Signature of Assigned Employee

38. Date of Signature (Month, Day, Year)

PART 15 - CERTIFICATION OF APPROVING OFFICIALS

In signing this agreement, we certify that;

- the description of duties and responsibilities is current and fully and accurately describes those of the assigned employee;
- this assignment is being entered in to to serve a sound, mutual public purpose and not solely for the employee's benefit;
- at the completion of the assignment, the participating employee will be returned to the position he or she occupied at the time this agreement was entered into or a position of like seniority, status pay.

State or Local Government Agency

Federal Agency

39. Signature of Authorizing Officer

40. Signature of Authorizing Officer

41. Date of Signature (Month, Day, Year)

42. Date of Signature (Month, Day, Year)

43. Typed Name and Title

44. Typed Name and Title

Jeffrey A. Sumberg, Chief Human Capital Officer, CFPB

PRIVACY ACT STATEMENT

Sections 3373 and 3374, Assignment of Employees To or From State or Local Governments, of Title 5, U.S. Code, authorizes collection of this information. The data will be used primarily to formally document and record your temporary assignment to or from a State or local government, institution of higher education, Indian tribal government, or other eligible organization. This information may also be used as the legal basis for personal and financial transactions, to identify you when requesting information about you, e.g., from prior employers, educational institutions, or law agencies, or by State, local, or Federal income taxing agencies.

Solicitation of your Social Security Number (SSN) is authorized by Executive Order 9397, which permitted by use of the SSN as an identifier of individual records maintained by Federal agencies. Furnishing your SSN or any other data requested is voluntary. However, failure to prove any of the requested information may result in your being ineligible for participation in the Intergovernmental Assignment Program.

EXHIBIT C-1



Fwd: INVITATION: March 10 Listening Session on Taskforce on Federal Consumer Financial Law

----- Forwarded message -----

From: **PublicEngagement** <PublicEngagement@cfpb.gov>

Date: Tue, Feb 25, 2020 at 4:05 PM

Subject: INVITATION: March 10 Listening Session on Taskforce on Federal Consumer Financial Law

To: PublicEngagement <PublicEngagement@cfpb.gov>

Dear Colleague:

In January 2020, Director Kraninger announced the appointment of five members to serve on the Consumer Financial Protection Bureau's (Bureau) Taskforce on Federal Consumer Financial Law (Taskforce). The Taskforce is charged with examining ways to harmonize and modernize federal consumer financial laws and must submit a report to the Director with recommendations within a one-year period.

The Taskforce will be hosting a listening session with Bureau stakeholders to seek input on their work ahead. Please note that this listening session is closed press, off the record, not for attribution in social media, and open to invitees only. Please do not forward this invitation outside of your organization.

Date: Tuesday, March 10, 2020

Time: 3:00 - 5:00 p.m. Eastern

Location: CFPB Headquarters ([1700 G St NW; Washington, DC 20552](#)), 6th Floor Lunchroom

RSVP Deadline: Please RSVP to PublicEngagement@cfpb.gov by end of day Wednesday, March 4, 2020

Note: Upon receipt of your RSVP, a discussion outline with some suggested questions will be shared in advance to help you prepare for the listening session. Please be sure to arrive 15 minutes early and bring a photo ID for security.

For more information about the Taskforce, please visit:

<https://www.consumerfinance.gov/about-us/taskforce-federal-consumer-financial-law/>

Sincerely,

Office of Public Engagement and Community Liaison

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03.10.20 - Listening Session - Discussion Outline (2).pdf
173K

EXHIBIT C-2



Taskforce on Federal Consumer Financial Law

Listening Session

I. Summary:

The Taskforce on Federal Consumer Financial Law (Taskforce) will examine the existing legal and regulatory environment facing consumers and financial services providers and report to Director Kraninger its recommendations for ways to improve and strengthen consumer financial laws and regulations. The Taskforce will produce new research and legal analysis of consumer financial laws in the United States, focusing specifically on harmonizing, modernizing, and updating the enumerated consumer credit laws—and their implementing regulations—and identifying gaps in knowledge that should be addressed through research, ways to improve consumer understanding of markets and products, and potential conflicts or inconsistencies in existing regulations and guidance.

During today's discussion, the Taskforce is interested hearing the ideas and perspectives from key Bureau stakeholders on innovation, inclusion, competition, and modernizing the financial regulatory framework.

II. Discussion Questions:

Below are a few questions to help facilitate the discussion but should not limit the discussion to these questions.

- **On Innovation:** What trends in financial technology or FinTech are you seeing today. How could these trends impact the marketplace ten to fifteen years from now? What might be the impact for consumers as the market evolves?
- **On Inclusion:** Do you believe there are regulatory issues that should be addressed at the federal level to promote greater access to consumer financial products or services to underserved individuals and/or communities?
- **On Competition:** Do you believe that promoting competition, innovation, and efficient markets can enhance consumer choice in the marketplace? Does the Bureau have a role in promoting competition while at the same time furthering its mission of consumer protection? Are there examples of state, Federal, or foreign regulators that have successfully balanced these goals?
- **On Regulatory Modernization:** Do you believe there are gaps or conflicts in financial regulations; redundancies in financial regulations; or areas of financial regulation where additional clarity is needed. If so, what are they? And where are there opportunities for improved coordination between federal and state regulators, specifically from the perspective of regulated entities and consumers?
- **On Research:** Are there new areas of research that the Bureau should consider undertaking or expanding on in the consumer financial marketplace?

FOR OFFICIAL USE ONLY

Pre-decisional

EXHIBIT D-1

UNIVERSITY OF MINNESOTA

Twin Cities Campus

*The Law School
Walter F. Mondale Hall*

*Room 285
229-19th Avenue South
Minneapolis, MN 55455
612-625-1000
Fax: 612-625-2011
<http://www.law.umn.edu/>*

October 25, 2019

Consumer Financial Protection Bureau
Washington, D.C.

Re: Task Force on Federal Consumer Financial Law

Dear Consumer Financial Protection Bureau:

The Task Force on Federal Consumer Financial Law is a long overdue effort. I am writing to seek consideration for appointment to the Task Force. I have extensive experience with the full range of federal consumer financial protection laws from numerous perspectives, including public enforcement, private enforcement, legislative-regulatory drafting and the legal academy.

As an Assistant Attorney General in the Minnesota Attorney General's Office, I was lead or supervising attorney in federal court cases using state public enforcement authority under many of these laws, including precedent-setting cases applying the Fair Credit Reporting Act (FCRA) to bank sharing of personal financial information and the application of the Telemarketing Sales Rule (TSR) to nonbank subsidiaries of national banks. In multistate enforcement actions prior to the financial crisis against major subprime mortgage lenders, I was a lead attorney or in the leadership group of enforcement actions employing potential Truth in Lending Act (TILA) and Home Ownership Equity Protection Act (HOEPA) claims in negotiating settlements with hundreds of millions of dollars of relief. Public enforcement of these and other enumerated consumer finance laws provided an opportunity to learn the usefulness-- and limits-- of these laws in addressing systemic market problems.

As a law professor who runs a consumer protection clinic, I have supervised student attorneys in cases employing literally all of the enumerated federal consumer financial protection laws. For example, within the last two months our clinic has filed a federal district court case alleging Fair Debt Collections Practices Act (FDCPA) violations in collection of student loans, has sent a demand letter to a national bank seeking reversal of account charges under the Electronic Funds Transfer Act (EFTA) for an elderly client that discusses the relationship of the TSR and EFTA, and is working on a FCRA claim

related to tenant screening reports. This clinic work provides an opportunity to understand the importance of these laws to individual consumers, often elderly and lower income, who struggle to resolve problems in circumstances or transactions governed under the enumerated consumer credit laws.

As a law professor who writes in the area of consumer protection and civil law enforcement, I am familiar with the academic literature on federal consumer finance laws. I have published pieces ranging from empirical research on state public enforcement of these laws, *State Attorneys General Use of Concurrent Public Enforcement Authority in Federal Consumer Protection Laws*, 33 Cardozo L. Rev. 53 (2011), to practical advice for practitioner on using these laws to assist clients, *Foreclosure Equity Stripping: Legal Theories and Strategies to Attack a Growing Problem*, Clearinghouse Review Journal of Poverty Law and Policy (March-April 2006).

In all of these roles I have participated in the drafting of legislation and regulation in the area of consumer finance. I was the primary drafter of the Minnesota anti-predatory lending law enacted in 2007, which was an early regulatory use of ability to repay standards. I also was the primary drafter of a Minnesota law restricting foreclosure rescue and equity stripping scams which became a model for state legislation, testified before a U. S. Senate Committee on these issues, and worked as a consultant with the Federal Trade Commission in drafting of the Mortgage Assistance Relief Services rule. I have been involved in the drafting of numerous state laws on consumer finance, including in the areas of small dollar lending, debt management, mortgage lending and foreclosure, debt collection and other matters.

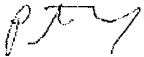
I also would bring to the Task Force an understanding of the CFPB. I testified before the United States House of Representatives Committee on Energy and Commerce, Subcommittee on Consumer Protection on the proposed creation of what would become the Bureau. I also served on the inaugural Consumer Advisory Board.

On some issues, my work in all of these spheres has intersected in a way that allowed me to participate in the development of the law from numerous perspective in different fora. For example, I brought a series of public enforcement cases from 1999 through 2005 that highlighted the sharing of account information and access that involved a problem I labeled as preacquired account marketing. I then participated in FT proceedings that led to the enactment of the preacquired account provisions in the TSR, 16 C.F.R. §310.4. I testified before the U. S. Senate Committee on Commerce, Science and Technology in 2009 on the internet presentation of this issue, and worked with the staff of that committee on the investigations that led to the development of the Restore Online Shoppers confidence Act (ROSCA). I then published a law review piece setting forth the market problem with this sales practice, *The Invisible Hand of Preacquired Account Marketing*, 47 Harv. J. on Legislation 425 (2010). I also spoke with CFPB officials about this practice at a "lunch and learn" and in other settings related to the many early CFPB enforcement actions resulting from bank participation in selling account access as part of this practice.

Finally, I approach the issues from the perspective of an advocate of consumer rights, and proudly consider myself a consumer advocate. I have never been an ideological person, however. And I do not rigidly defend every existing regulation as currently constructed, especially when costly disclosures produce little value in terms of consumer understanding. I also go where the facts lead regardless of whether that position aligns with advocacy group positions or industry position. For instance, I took an early position in alignment with the mortgage industry in opposing property assessed clean energy (PACE) financing. *See Keeping PACE?: The Case Against Property Assessed Clean Energy Financing Programs*, 83 U. Colo. L. Rev. 83 (2011).

Let me know if you would like more information about my application for participation on the Task Force.

Sincerely,

A handwritten signature in black ink, appearing to read 'Prentiss Cox', with a stylized flourish at the end.

Prentiss Cox
Professor of Law

EXHIBIT D-2

PRENTISS COX

University of Minnesota Law School
229 19th Avenue South; Minneapolis, Minnesota 55455
coxxx211@umn.edu
(612) 625-6810

EMPLOYMENT

University of Minnesota Law School, Minneapolis, Minnesota

Professor of Law (2019-present); Associate Professor of Law- tenured (2012-2019); Vaughan G. Papke Professor of Clinical Law (2010-2012); Associate Professor of Clinic Law (2005-2010).

Primary Course Teaching: Consumer Protection Clinic; Civil Procedure I, Law in Practice.

Other Courses Taught: Civil Procedure II; Consumer Protection/Transactions; Comparative Consumer Protection Law; Environmental Sustainability Clinic; Pretrial Skills.

Committee Work: Tenure and Promotions Committee (2014-2018; Chair, 2016-2017); Clinic Continuous Appointment & Promotion Committee (2017-2019); Clinic VAP Appointment (Chair, 2016-2017); Faculty Recognition Committee (2015-present; Chair, 2015-2016); Clinic Teaching Credits Special Committee (2017); Educational Policy Committee (2013-2014); Clinic Appointments (Chair, 2006-2007); Adjunct Appointments; Honor Code Council; Admissions; Career Development; Faculty Advisor, *Minnesota Law Review* Alumni Association (2014-present).

University Awards: University of Minnesota Outstanding Community Service Award (2008); Stanley V. Kinyon Clinical Teacher of the Year (2009 and 2015).

Minnesota Attorney General's Office, Saint Paul, Minnesota

Manager, Consumer Enforcement Division (2001-05); Assistant Attorney General (1991-2005). Special Assistant Attorney General (2019-present). See below for representative litigation.

United States District Court for the Northern District of Illinois, Chicago, Illinois

Judicial Clerk, Honorable P. H. Marshall (1990-1991).

PUBLICATIONS

Books and Book Contributions

LAW IN PRACTICE (West Publishing 2014 and 2d Ed. 2018) (with Laura Thomas).

CONSUMER FRAUD AND DECEPTIVE TRADE PRACTICES IN MINNESOTA (M.S.B.A. 2007 and 2d Ed. 2009) (principal author and editor).

Statutory Fraud, chapter in MINNESOTA BUSINESS TORTS (2011).

Contributor, FORECLOSURES and COST OF CREDIT (National Consumer Law Center).

Contributor (Teacher's Manual), Haydock, Herr and Stempel, FUNDAMENTALS OF PRETRIAL LITIGATION (West Publishing 2010).

Law Review Articles

Fractured Justice: An Experimental Study of Pretrial Judicial Decision-making, U. OF CINCINNATI L. REV. (forthcoming 2020).

Borrower-Centered Student Loan Servicing (forthcoming, with Kathleen Engel)

Strategies of Public UDAP Enforcement, 55 HARV. J. ON LEGISLATION 37 (2018) (with Amy Widman and Mark Totten).

Public Enforcement Compensation and Private Rights, 100 MINN. L. REV. 2313 (2016)

State Attorneys General Use of Concurrent Public Enforcement Authority in Federal Consumer Protection Laws, 33 CARDOZO L. REV. 53 (2011) (with Amy Widman).

Keeping PACE?: The Case Against Property Assessed Clean Energy Financing Programs, 83 U. COLO. L. REV. 83 (2011).

The Invisible Hand of Preacquired Account Marketing, 47 HARV. J. ON LEGISLATION 425 (2010).

The Importance of Deceptive Practice Enforcement in Financial Institution Regulation, 30 PACE L. REV. 279 (2009) (symposium contribution).

Foreclosure Reform Amid Mortgage Lending Turmoil: A Reasonably Radical Proposal, 45 U. HOUSTON L. REV. 683 (October 2008).

Goliath Has the Slingshot: Public Benefit and Private Enforcement of Minnesota Consumer Protection Laws, 33 WM. MITCHELL L. REV. 163 (2006).

Foreclosure Equity Stripping: Legal Theories and Strategies to Attack a Growing Problem, CLEARINGHOUSE REVIEW JOURNAL OF POVERTY LAW AND POLICY (March-April 2006).

Other Publications

Keeping the Baby- If Not The Bathwater: Learning the Right Lessons from the Subprime Crisis, Communities & Banking Magazine, Federal Reserve Bank of Boston (Spring 2011) (article on state FHA mortgage loan programs).

Will Consumer Protection Actually, if Partially, Prevail?, American Bar Association Antitrust Section, 15 Consumer Protection Update (Spring 2010) and Insurance and Financial Services Committee Newsletter (Spring 2010) (article on legislation to create the Consumer Financial Protection Bureau).

Op-Eds, StarTribune: *Why We Must Not Gut Consumer Protections* (June 12, 2017) (with Jose Quinonez and William Bynum); *Hillary Clinton's VP Pick Should Be Rich Cordray*, (June 14, 2016); *Help Banks, One Last Time, And Help Us All*, Op-Ed, StarTribune (December 4, 2010) (with Claire Hill).

Preacquired Account Marketing and the OCC, The Advocate (National Association of Consumer Advocates) (January 2010).

Regulatory Perspectives & Initiatives: State Attorney General Case Selection and Investigation, Practising Law Institute, Vol. 2 Consumer Financial Services Litigation Institute 379 (2006); Vol. 2 Consumer Financial Services Litigation Institute 491 (2005).

Lead Author, Comments to CFPB (Legal Academic Comments on Civil Investigative Demands RFI, 2018; Consumer Clinic Professor Comments on Arbitration Rule, 2017).

LEGISLATIVE AND POLICY WORK

Statutory and Regulatory Reform

Primary drafter of Minnesota anti-predatory lending law. This law was recognized as a model for federal legislation in an editorial by the *New York Times* (“Common Sense Lending,” March 7, 2009), and noted by the *Huffington Post* as a Top Ten Legislative Initiative of 2007.

Primary drafter of Minnesota law restricting foreclosure rescue and equity stripping scams, Minnesota Statutes chapter 325N. This law has been substantially adopted in over twenty other states, including Illinois, Maryland and New York.

Drafted and advocated for legislative bill passed by the 2008 Minnesota Legislature (but vetoed) that would have allowed certain homeowners in foreclosure to defer foreclosure while making partial monthly payments. *See* Amy Merrick, *Foreclosure Bill Puts Governor on Heat Seat*, Wall Street Journal, May 28, 2008.

Substantially participated in and consulted on F.T.C. proceedings to amend Telemarketing Sales Rule, 16 C.F.R. part 310.4 (2002) to regulate preacquired account marketing transactions, and on F.T.C. Mortgage Assistance Relief Services rule, 16 C.F.R. part 322 (2010).

Led multi-state attorneys general effort to reform interstate compact proposal of the National Association of Insurance Commissioners.

Drafted and advocated for other state consumer protection legislation, including laws relating to private mortgage insurance cancellation, regulation of deceptive travel club offers, payday lending regulation, state debt collection, enforcement authority of commerce commissioner, and numerous other laws. Supervised student attorneys in Consumer Clinic in drafting overhaul of state debt management law.

Drafted consumer protection legislative reform proposals for African nations, including Namibia, Gambia and Swaziland.

Legislative Testimony

Written and Oral Testimony, United States Senate Committee on Commerce, Science and Technology, “Unauthorized Charges on Internet by Membership Club Sellers” (Nov. 2009).

Written and Oral Testimony, United States House of Representatives Committee on Energy and Commerce, Subcommittee on Consumer Protection, “The Proposed Consumer Financial Protection Agency: Implications for Consumers and the FTC” (July 2009).

Written and Oral Testimony, United States Senate Committee on Commerce, Science and Technology, “Consumer Protection and the Credit Crisis” (Feb. 2009).

Oral Testimony, FTC Regulatory Forum on Telemarketing Sales Rule (2002)

Testified at Minnesota Legislature hearings on more than twenty occasions regarding mortgage lending, payday lending, public enforcement authority, debt collection and other matters.

EDUCATION

J.D., University of Minnesota, 1990
Magna Cum Laude
Articles Editor, *Minnesota Law Review*

B.A., Oberlin College, 1980
Phi Beta Kappa
Harry S. Truman Scholar (1978)

PRESENTATIONS

Academic and Teaching

“Complicity and Accountability in the Great Recession,” Kluge Center- Library of Congress (2019)
Discussant, *The New Qui Tam*, Berkeley Consumer Law Scholars Conference (2019).
“A Year of UDAP Public Enforcement,” Teaching Consumer Law Conference by University of Houston (2018)
“Attorney Fee Awards in Clinic Cases,” Consumer Clinic Teacher’s Conference (2017).
“An Empirical Analysis of Public UDAP Enforcement,” Teaching Consumer Law Conference by University of Houston (2016)
“Making Do or Doing Over: Old Law and New Online Markets,” Loyola (Chicago) Consumer Law Symposium (2016)
“1L Curricular Reform and Faculty Integration,” AALS Clinical Legal Education Conference (2015)
“Increasing the Prominence of Consumer Law,” Teaching Consumer Law Conference by University of Houston (2014)
“Case Law and Statutes,” Symposium on Case Method, Renmin Law School (2010)
“View from the Clinics,” Teaching Consumer Law conference by University of Houston (2010)
“The Past: Did Capitalism Fail?,” (Moderator), Minnesota Law Review Symposium (2010)
“Consumer Protection and Financial Institution Regulation,” Pace University Symposium (2009)
“Housing Forum,” Center for Urban and Regional Affairs, University of Minnesota (2007)

Government and Elected Officials/ United States

External Keynote Speaker, CFPB Leadership Summit (2017)
Convener-Presenter, State Attorney General Workshop on Student Loan Servicing Practices (2017 and 2019)
“Preacquired Account Marketing Regulation,” Consumer Financial Protection Bureau- Staff Lunch and Learn (2013) and Consumer Advisory Board (2014)
“Law School for Legislators” (2013)
“Town Hall Forum Panel” Consumer Financial Protection Bureau (2011); Community Meeting with officials of Consumer Financial Protection Bureau (Moderator) (2011)
“Effects of Financial Crisis,” Field Hearing by U. S. Senator Al Franken (2010)

“Current State of Foreclosures,” Hennepin County Foreclosure Task Force (2010)
“Preacquired Account Marketing Enforcement Actions,” National Association of Attorneys General Consumer Protection Section (2010)
“Foreclosure Law Reform,” American Association of Residential Mortgage Regulators (2008)
“Forum on False Advertising,” (Moderator) Federal Trade Commission (2008)
“State Foreclosure Laws: The Meaning of Difference” and “Ideas for Reform,” Federal Reserve Board Forum: Fixing the Foreclosure System (2007)
Presentations on Foreclosure Crisis to Municipal Elected Officials: Mortgage Mediation, Saint Paul City Council (2012); Hennepin Board of Commissioners (2007); Ramsey Board of Commissioners (2007); Anoka County Local Government Officers (2008)
Press Conferences with U. S. Senator Amy Klobuchar— Credit Repair (2013); Deceptive Cell Phone Charges (2010); Unfair Charges by E-Merchants (2009); Unsafe Toys Imported From China (2007)
Policy Forums with U. S. Representative Keith Ellison: “Financial Regulatory Reform” (2010); “Credit Justices Issues” (2007)

Government and Elected Officials/ International

Consumer Protection Workshop, Officials of the Competition Commission for the Economic Community of West African States (2019)
Gambian Consumer Protection Act, Gambian Government Officials and Stakeholders (2017)
Swaziland Fair Trading Act Reform, Swaziland Government Officials and Stakeholders (2016)
“The Development of A Legal Framework for A Namibia National Consumer Protection Policy,” Namibian Government Officials and Stakeholders (2015)
“Consumer Protection Regulation,” Officials from Competition and Consumer Protection Commission of the Gambia (2011)
“Competition and Consumer Protection Regulation,” Training for Caribbean Competition Commission, Suriname (2010)

Bar, Practice and Public

“CFPB Current Status,” HCBA (2017)
“CFPB- Consumer Industry Watchdog,” American Bankruptcy Institute (2015)
“Perspectives on the CFPB,” MSBA Business and Consumer Litigation Sections (2013)
“CFPB Actions Involving Debt Collectors,” Debtor-Creditor Conference (2013)
“Current State of Residential Foreclosures in Minnesota,” Minnesota Foreclosure Conference Plenary Session (2012)
“The 50-State AG Settlement,” MSBA Consumer Litigation Section (2012)
“Consumer Finance Reform Strategy Meeting,” Pew Charitable Trusts (2011)
“The Consumer Financial Protection Agency Act,” ABA Antitrust Section (2010)
“New Wall Street Reform Act,” U. of Minnesota Law School Summer CLE Program (2010)
“Taking the Mystery Out of the Mortgage Mess,” “New Wall Street Reform Act,” University of Minnesota Law School Summer CLE Program (2009)
“State and Local Responses to the Mortgage Meltdown,” National Consumer Law Center (2008)
“The Foreclosure Crisis Hits Home,” Featured Speaker, University of Minnesota Headliners Program, (2008)
“State and Local Responses to the Mortgage Meltdown,” National Consumer Law Center (2008)
“Mortgage Foreclosures: The Recent Bloody Past and Possible Future,” Minnesota Real Estate Institute Plenary Session (2008)

“Identifying Mortgage Fraud,” Minnesota Real Estate Institute (2007)
 “Foreclosure and Subprime Lending,” American Constitutional Society (2007)
 “Privacy and Law: The Road So Far and Ahead,” U. of Minnesota Food Industry Center (2007)
 “Regulatory Perspectives & Initiatives: State Attorney General Case Selection and Investigation,” Practising Law Institute (2005-2007)
 “State of the Foreclosure Crisis,” Hennepin County Bar Association (2007), Minnesota Mortgage Foreclosure Prevention Association (2007), Sensible Land Use Coalition (2007), Jewish Community Action Forum (2007), Foreclosure Funders Council (2007) and Ramsey County Bar Association (2008).
 “Foreclosure Equity Stripping,” California Legal Services Corporations (2006), Volunteer Lawyer’s Network (2006 and 2007), National Association of Consumer Advocates (2007 and 2008), the Institute for Foreclosure Legal Assistance (2008).
 “Understanding the FDCPA,” Minnesota Legal Services Corporation (2006) and Volunteer Lawyer’s Network (2006)
 “Consumer Protection Beyond the Feds: Lessons Learned from State Enforcement Actions,” American Conference Institute on Consumer Financial Services (2005 and 2006)
 Numerous Minnesota CLE (Minnesota State Bar Association) presentations include the following: “Wall Street Reform Act” (2010) (with former U. S. Senator Norm Coleman), “Advising the Disadvantaged” (2007 and 2008); “Foreclosures in Minnesota” (2006 and 2007); “Consumer Fraud and Deceptive Trade Practices” (2007 and 2009) (Course Chair); “Bankruptcy Institute” (2007)

SELECTED LITIGATION

Initiated and served as lead attorney in multi-state attorneys general actions against Ameriquest Mortgage Corporation. Participated in leadership (negotiating committee) of case against Household International. Total recovery of over \$840 million in two cases. Prosecuted first state attorney general predatory lending lawsuit against First Alliance Mortgage Corporation (“FAMCO”) in 1998. My work on subprime mortgage issues has been described in two books about the mortgage crisis (Mike Hudson, *The Monster*; and Joe Nocera and Bethany McLean, *All the Devils Are Here: The Hidden History of the Financial Crisis*) and in “The Financial Crisis Inquiry Report” of the National Commission on the Causes of the Financial and Economic Crisis in the United States.

Led attorneys general actions to limit abuses with preacquired account marketing practices, including action against Fleet Mortgage Corp that raised novel issues of F.T.C. jurisdiction over non-bank operating subsidiaries of national banks. *State v. Fleet Mortgage Corp.*, 158 F.Supp.2d 962 and 181 F.Supp.2d 995 (D. Minn. 2001).

Directed and served as lead attorney in a series of high profile cases against companies and individuals engaged in practices that stripped the equity from homeowners in foreclosure. Assisted numerous homeowners who had lost legal ownership of their properties to recover title.

Initiated, supervised or litigated cases involving a wide range of consumer transactions. Notable cases include first public enforcement actions on the following matters: credit card issuer default rate re-pricing (Capitol One Bank); liability of a payment processor for aiding and abetting liability with respect to fraudulent transactions (First Premier Bank); public agency use of

invasion of privacy tort (Cross Country Bank); and violations of firm offer requirements of federal Fair Credit Reporting Act (Brookdale Motors).

Represented Minnesota Commissioner of Commerce in complex matters related to insurance, securities regulation and banking, 1991-1995. Litigated a series of inter-related administrative, state court and federal court cases to restrain entities offering workers' compensation and health insurance from evading state insurance regulation under federal ERISA multiple employer welfare arrangement provisions. *See, e.g., Fuller v. Ulland*, 76 F.3d 957 (8th Cir. 1994); *State by Ulland v. Intl. Assn. of Entrepreneurs of America*, 858 F.Supp. 937 (D.Minn.1994); *State by Ulland v. Intl. Assn. of Entrepreneurs of America*, 527 N.W.2d 133 (Minn.App.1995).

Supervised law clinic cases resulting in decisions on novel legal issues and with public policy implications. *See Hagen v. Messerli & Kramer, P.A.*, 85 F. Supp. 3d 1028, 1029 (D. Minn. 2015); *Wall Street Journal* ("Automatic Payments Make Cancelling Charges Difficult", February 22, 2006); *RESPA News* ("Coldwell Banker Burnet: The Broader Implications Of A Big Picture Case," March 27, 2007); and *City Pages* ("Seward Residents: Xcel's Smelly Poles," March 9, 2009).

SELECTED MEDIA

New York Times: "Letting the Banks off the Hook," "Talking Business: An Advocate Who Scares Republicans;" "The States Take on Foreclosures"

Wall Street Journal. "Global Finance: New York Spars in Foreclosure Talks;" "States to Probe Mortgage Mess;" "Countrywide's Pressures Mount;" "Mortgage Brokers" Friend or Foe?"

National Public Radio (NPR): "Proposed Minnesota Law Would Delay Foreclosures," Morning Edition; "Protecting Yourself from Fraud Protection," Marketplace

Other Print/Internet Publications: *Atlantic*, *American Banker*, *New Republic*, *Business Week*, *Daily Beast*, *Forbes*, *USA Today*, *Mother Jones*, *Money*, *National Journal*, *Governing*, *The Hill*, *Bloomberg*, *Huffington Post*, *Los Angeles Times*, *Philadelphia Inquirer*, *Seattle Post-Intelligencer*, *Milwaukee Journal Sentinel*, *Houston Press*, *Houston Chronicle*, *Denver Post*, *Kansas City Star*, *Portland Oregonian*, *Newsday*, *Quartz*, *Christian Science Monitor*, *Omaha World-Herald*, *Detroit Free Press*, and *Miami Herald*.

Other National Broadcast Media: ABC-TV, Canadian Broadcasting Corporation (radio call-in and television documentary), Fox Business News and MSNBC.

Minnesota Media

Quoted in dozens of stories and editorials on Minnesota Public Radio (MPR), *StarTribune* and *Pioneer Press*.

Recurring guest on *Almanac*, a Twin Cities Public Television public affairs show, and MPR public affairs shows "Daily Circuit" and Mid-Morning.

Appeared in news stories or public affairs shows on all major television stations, many radio stations and regional newspapers.

VOLUNTEER PROFESSIONAL SERVICE AND AWARDS

Inaugural Member and Consumer Lending Committee Chair, Consumer Advisory Board,
United States Consumer Financial Protection Bureau (CFPB)
Member, Board of Directors, State Center for Antitrust and Consumer Protection Enforcement
National Advisory Board Member, Institute for Foreclosure Legal Assistance
National Advisory Board Member, Public Health Law Center
Lutheran Social Services Consumer Financial Advocate Award

SELECTED CONSULTING ACTIVITIES

Special Assistant Attorney General, Minnesota Attorney General's Office
Program Evaluation Consultant, Pew Charitable Trusts
Consultant on Rulemaking, Federal Trade Commission
Pro Bono Attorney, National Assn of Consumer Advocates and Tobacco Control Legal Consortium
Consulting Expert, Minneapolis Legal Aid Society
Consulting Expert, Housing Preservation Project
Expert Witness, U. S. Attorney's Office for the District of Minnesota
Expert Witness, Southern Minnesota Regional Legal Services
Consultant, Namibian Competition Commission
Consultant, Swaziland Competition Commission
Consultant, Gambian Consumer Protection and Competition Commission

EXHIBIT E

Kathleen C. Engel
Suffolk University Law School
120 Tremont St.
Boston, MA. 02108-4977

November 26, 2019

Director Kathleen Kraninger
Consumer Financial Protection Bureau

BY EMAIL

Dear Director Kraninger,

I am writing to express concern about my recent interview with Chris Mufarrige and Lora McCray for a position on the CFPB's Taskforce on Federal Consumer Law.

Mr. Mufarrige spent minimal time asking about my qualifications and experience and, instead, posed questions in an inquisitorial manner and on subjects that I found inappropriate. It appeared that his goal in questioning me was to determine my stance on deregulation.

My understanding was that the purpose of the Task Force was to identify CFPB rules that needed modernization and to propose rule changes. Nothing in the announcement indicated that applicants' views on deregulation were a criterion.

Given the ongoing concern that the Bureau's RFI's were a pretext for dismantling rules that were adopted in response to wrongdoing in the mortgage market, I expected that the Task Force would be composed of knowledgeable and objective scholars who understand the ways in which some of the rules are outdated and who appreciate the challenging balance between protecting the market and protecting consumers.

In closing, I want to note that Lora McCray's questions seemed appropriate and in line with the announcement about the Task Force.

Sincerely,

Kathleen Engel

EXHIBIT F



June 4, 2020

Matt Cameron
Staff Director
Taskforce on Federal Consumer Financial Law
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552
matt.cameron@cfpb.gov

Dear Mr. Cameron,

As you are aware, on October 11, 2019, the Consumer Financial Protection Bureau (“Bureau”) announced its intent to establish the Taskforce on Federal Consumer Financial Law (“Taskforce”). On January 8, 2020, Director Kraninger signed the Taskforce’s Charter, which states that the Taskforce will provide the Bureau with “recommendations for ways to improve and strengthen consumer financial laws and regulations” in the form of a final report to be submitted in January 2021.¹ As a “taskforce . . . established [and] utilized by [the Bureau] in the interest of obtaining advice or recommendations,” the Taskforce is subject to the Federal Advisory Committee Act (“FACA”).²

The Taskforce has thus far held at least one meeting on March 10, 2020. During the Bureau’s semi-annual report to Congress, which occurred on the same day, Director Kraninger testified that the March 10 meeting was the “first” of such meetings and that the Taskforce was scheduled to meet with the Bureau’s other advisory committees that same week.³

Advisory committees, like the Taskforce, must meet certain obligations imposed by FACA. Among other things, advisory committees must provide “timely notice” of their meetings to the public and allow interested persons to “attend, appear before, or file statements with [the] committee, subject to such reasonable rules or regulations as the Administrator [of General Services] may prescribe.”⁴ Advisory committees must also provide the public with all “records,

¹ CFPB, *Charter of the Bureau’s Taskforce on Federal Consumer Financial Law* (Jan. 8, 2020), https://files.consumerfinance.gov/f/documents/cfpb_taskforce-charter.pdf.

² 5 U.S.C. App. 2 § 3(2)(c).

³ Consumer Financial Protection Bureau’s Semi-Annual Report to Congress: Hearing Before the U.S. S. Comm. on Banking, Hous., and Urban Aff. (Mar. 10, 2020), <https://www.banking.senate.gov/hearings/02/21/2020/the-consumer-financial-protection-bureaus-semi-annual-report-to-congress>.

⁴ 5 U.S.C. App. 2 § 10(a)(2), (3).

reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda [and] other documents . . . made available to or prepared for or by” the advisory committee.⁵

To date, however, the Taskforce has not provided public notice of, or allowed for public participation in, any of its meetings. Nor has it has made publicly available *any* of its records.⁶

Thus, among other issues with its formation and operation, it does not appear that the Taskforce is in compliance with its obligations to hold its meetings open to the public and to make all material “made available to or prepared for or by” the Taskforce “available for public inspection and copying.”

For the reasons set forth above, the National Association of Consumer Advocates and Professor Kathleen Engel respectfully request that the Bureau and Taskforce make available all documents thus far prepared for or by the Taskforce. They also request that the Bureau and Taskforce provide notice of future Taskforce meetings, hold those meetings open to the public, and make Taskforce records publicly available in a timely manner moving forward.

Sincerely,

/s/ Kristen P. Miller

Kristen Miller
John Lewis
Democracy Forward Foundation

On behalf of

*National Association of Consumer Advocates
Kathleen Engel*

CC:

Mary McLeod
General Counsel
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552
mary.mcleod@cfpb.gov

⁵ *Id.* § 10(b).

⁶ See generally CFPB, *Taskforce on Federal Consumer Financial Law* (last visited June 3, 2020), <https://www.consumerfinance.gov/about-us/taskforce-federal-consumer-financial-law/>.

EXHIBIT G-1



June 1, 2020

Hon. Kathleen L. Kraninger
Director
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

Re: Docket No. CFPB-2020-0013, Request for Information: Taskforce on Federal Consumer Financial Law

Dear Director Kraninger:

The National Association of Consumer Advocates (NACA), a nonprofit organization actively engaged in promoting a fair and open marketplace that forcefully protects the rights of consumers, particularly those of modest means, submits its response to the Consumer Financial Protection Bureau's (bureau or CFPB) Request for Information (RFI) related to "the Taskforce on Federal Consumer Financial Law (taskforce)," established to examine "the legal and regulatory environment facing consumers and providers of consumer financial products and services."¹

NACA is a long time and ardent supporter of the CFPB's creation, its mission, and its efforts to make the financial marketplace fair for consumers and to ensure that financial products and services work better for ordinary people. Moreover, NACA's community, chiefly made up of advocates who represent consumers with financial disputes, including advocates who provide free, civil legal assistance to low-income people, regularly interacts with the bureau on behalf of and for the benefit of their consumer-clients.²

These comments will not respond directly to the substantive inquiries in the RFI. Instead, it sets forth the following reasons to support NACA's request for suspension of the activities of the CFPB's newly formed taskforce:

1) The taskforce's announcement, its creation, and subsequent activities have occurred at a rapid pace. The bureau first announced creation of the taskforce on October 11, 2019, and subsequently launched an application process for taskforce members. Three months later, in January 2020, the bureau published its selection of the taskforce's five members. On March 27, 2020, the taskforce posted its Request for Information to the public, two weeks after the country entered and remains in a virtual shut down and Americans were ordered to quarantine at home to combat the spread of the coronavirus. The RFI, which contemplates broad and wide-ranging issues related to consumer protection law and regulation, and invites responses to sweeping questions about possibly

¹ Bureau of Consumer Financial Protection, *Request For Information To Assist the Taskforce on Federal Consumer Financial Law*, Notice and request for information, 85 Fed. Reg. 18214, April 1, 2020.

² Nat'l Assoc. of Consumer Advocates, *CFPB in Our Communities, Advocates Reflect on the Consumer Bureau's Role in Achieving Justice for Consumers: An Online Survey*, Feb. 2018, <https://www.consumeradvocates.org/media/news/naca-survey-cfpb-fully-immersed-key-resource-and-partner-for-distressed-consumers>.

comprehensive changes to the law, afforded a mere two-month period – until June 1 – in which interested stakeholders could respond to the taskforce’s request.

2) Meanwhile, the extraordinary circumstances of the COVID-19 pandemic forced stakeholders to urgently re-prioritize their activities to respond to the crisis’ impact on consumers and the consumer finance market, leaving little time to respond to the RFI. The bureau itself has received record numbers of COVID-19 related complaints and is charged with assisting tens of millions of Americans devastated by the financial impact of the crisis and overseeing regulated entities’ responses to the unprecedented event.³ Stakeholders submitted requests to the bureau urging it to extend the deadline and provide a more reasonable time period in which the public can respond to the taskforce inquiries. The bureau denied multiple requests from stakeholders and members of Congress⁴ to extend the time period for public comments.

3) None of the members of the five-person taskforce has a history of supporting consumer protection. Instead, their past comments and associations all indicate affinity to financial industry priorities, including deregulation and restrictions on consumers’ access to justice.

The members of this taskforce have described regulations in the financial services context, using terms, such as “paternalistic” and “onerous.” Taskforce members who have spoken of regulation relating to consumer credit have called such regulations “restrictive.” Taskforce members have decried additional regulations to protect consumers who were victims of subprime mortgages during the financial crisis. Taskforce members have opposed expansion of federal agency authority to include consumer redress in certain contexts when tackling fraud, and have opposed monetary penalties against wrongdoers in other contexts. When they have contemplated privacy of unfair and deceptive advertising, taskforce members have minimized the importance of safeguards for consumers and advocated for limited enforcement. And most notably, publications have often quoted taskforce members’ unrelenting criticism of the CFPB and the Dodd-Frank Wall Street Reform and Consumer Protection Act, the 2010 financial reform law that created the agency.⁵

4) The bureau is already equipped to carry out the responsibilities granted to a taskforce. The bureau asserts that the taskforce is inspired by the National Commission on Consumer Finance a commission established in 1968 by the Consumer Credit Protection Act (CCPA), but the two are distinct. The CFPB’s five-member taskforce was not created or authorized by Congress, but by the director. The 12-member 1968 commission was bipartisan with members representing different interests, while the CFPB’s taskforce members hold similar views, including a clear lack of support for stronger consumer protection laws and regulation.

³ Sylvan Lane, *Coronavirus drives record number of complaints to consumer bureau*, THE HILL, May 1, 2020, <https://thehill.com/policy/finance/495705-coronavirus-drives-record-number-of-complaints-to-consumer-bureau>

⁴ Brown Urges CFPB Director Kraninger to Extend Taskforce Deadline, May 28, 2020, <https://www.brown.senate.gov/newsroom/press/release/brown-cfpb-kraninger-extend-taskforce-deadline>

⁵ Rob Seal, *Subprime Mortgages: A Good Thing?*, UNIVERSITY OF VIRGINIA SCHOOL OF LAW NEWS AND MEDIA, April 3, 2008, https://www.law.virginia.edu/news/2008_spr/zywicki.htm; Todd Zywicki, *The Consumer Financial Protection Bureau and the Return of Paternalistic Command-and-Control Regulation*, THE FEDERALIST SOCIETY, Sept. 8, 2015; Todd J. Zywicki and Thomas A. Durkin, *Why Everything Elizabeth Warren Told You About Consumer Credit Is Wrong*, FORBES, Oct. 10, 2014, <https://www.forbes.com/sites/realspin/2014/10/10/why-everything-elizabeth-warren-told-you-about-consumer-credit-is-wrong/#45b08fed301f>; Bob Sullivan, *Five years after financial reform, new consumer agency still hasn’t won over critics*, BOBSULLIVAN.NET, RED TAPE CHRONICLES, July 23, 2015, <https://bobsullivan.net/gotchas/five-years-after-financial-reform-new-consumer-agency-still-hasnt-won-over-critics/>; Testimony of J. Howard Beales III, Before the Subcomm. on Commerce, Manufacturing, and Trade Comm. on Energy and Commerce, House of Representatives on *The FTC at 100: Views from the Academic Experts*, Feb. 28, 2014, <https://docs.house.gov/meetings/IF/IF17/20140228/101812/HHRG-113-IF17-Wstate-BealesH-20140228.pdf>; L. Jean Noonan, *Love Triangle or Bermuda Triangle?*, HUDSON COOK INSIGHTS, February 2012; Kelley Drye, <https://www.kelleydrye.com/Our-People/William-C-MacLeod> (“In his work with trade associations and their members, he has resolutely fought onerous regulations...”).

The establishment of the 1968 commission has more in common with the CFPB, than it does with the taskforce. The commission and the CFPB were both authorized by acts of Congress and granted clear mandates. The commission was created “to study and make recommendations to the Congress and to the President on the functions and structure of the consumer finance industry, as well as consumer credit transactions generally.” The CFPB, established by the Dodd-Frank Act, is charged with overseeing and enforcing federal financial laws that specifically protect consumers.

5) The taskforce could benefit from the CFPB’s legitimate and authoritative position, potentially using it to push harmful, deregulatory principles on the financial marketplace. As previously mentioned, the taskforce membership is entirely composed of individuals whose policy positions are in sync with the traditional positions of the financial industry. According to the RFI, the taskforce is “charged with (1) examining the existing legal and regulatory environment facing consumers and providers of consumer financial products and services; and (2) reporting its recommendations for ways to improve and strengthen Federal consumer financial laws, including recommendations for resolving conflicting requirements or inconsistencies, reducing unwarranted regulatory burdens in light of market or technological developments, improving consumer understanding of markets and products and services, and identifying gaps in knowledge that the Bureau should address through future research.” Any report from this taskforce no matter how dangerous or risky its recommendations could retain an air of legitimacy, which will potentially harm the honest development of consumer law and regulation.

It is always a useful activity to examine existing law and inquire about unexplored ways to achieve the purpose that Congress has set up as CFPB goals in its oversight of the financial marketplace. Legal and regulatory examination can and has been pursued within the CFPB’s current structure, through its ongoing research, rulemaking, and rule reviews. However, it is risky and inappropriate for CFPB leadership to deploy agency resources to hire outside parties who have a clear one-sided ideology to achieve ends that may be contrary to the agency’s mission and the statutory mandates of Title X of the Dodd-Frank Act.

The sudden creation of the CFPB taskforce, its predisposed policy positions, and its ill-timed and limited call for public comments during a national health and economic crisis, raises red flags about its legitimacy and purpose. Whether the taskforce was created in an effort to topple well-established consumer protection laws and regulation or not, the evidence so far in these early stages shows that the taskforce is not needed for the bureau to fulfill its statutory mandate. Accordingly, the bureau should suspend any further taskforce actions, and redirect its attention to critical work that it is already authorized to exercise in protection of American consumers and the safeguarding of the financial marketplace.

Sincerely,

Christine Hines
Legislative Director

EXHIBIT G-2

June 1, 2020

Submitted to eRulemaking Portal

Director Kathleen L. Kraninger
Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 20552

Re: Request for Information from Taskforce on Federal Consumer Financial Law, Docket No.
CFPB-2020-0013

Dear Director Kraninger,

The 27 undersigned consumer, community, and civil rights groups write in response to the request for information from Taskforce on Federal Consumer Financial Law (Taskforce).¹

We view this Taskforce as illegitimate, one-sided, and highly inappropriate during a pandemic. The Taskforce consists solely of five outside conservative academics and industry lawyers, including those who have represented payday lenders or others in CFPB enforcement actions and consumer litigation, and has no consumer representatives.² We are aware of several well-qualified academics who have a track record of working to advance consumer protections who were rejected, some after hostile interrogations. The absence of anyone to hold the Taskforce accountable makes it especially concerning that it was created in apparent evasion of the Federal Advisory Committee Act, even though Congress explicitly mandated that the CFPB follow FACA.³

At a time when the Bureau and all of our organizations should be focused on protecting consumers – and our own organizations and staff – from the impacts of the COVID-19 economic and health crisis, the Bureau has asked the public to comment on broad, far-reaching questions that go to fundamental questions about how to protect consumers. The Bureau has also provided a short 60-day comment window, even though the Bureau recently extended a separate, much narrower, comment request on time-barred debt disclosures because “the pandemic makes it difficult to respond to the [proposed rule]

¹ CFPB, Request for Information: Assist the Taskforce on Federal Consumer Financial Law, 85 Fed.Reg.18214 (Apr. 1, 2014), <https://www.regulations.gov/document?D=CFPB-2020-0013-0001>.

² Evan Weinberger, Bloomberg Law, Financial Watchdog’s Conflicted Task Force Earning Top Dollar (May 11, 2020) (“E. Weinberger, Conflicted Task Force”), <https://news.bloomberglaw.com/banking-law/financial-watchdogs-conflicted-task-force-earning-top-dollar> (noting that the Taskforce has no consumer representation and “consists of five outside conservative academics and industry lawyers who have represented payday lenders in CFPB enforcement actions and consumer litigation, as well as banks and other companies in regulatory matters.”).

³ Congress passed 12 U.S.C. § 5493(h) specifically mandating that CFPB advisory committees be subject to the Federal Advisory Committee Act (FACA) after Republicans on the House Financial Services Committee criticized the CFPB for not holding public meetings. See Trey Garrison, Hensarling calls on CFPB to open closed meetings (March 17, 2014), <https://www.housingwire.com/articles/29332-hensarling-calls-on-cfpb-to-open-closed-meetings/>; Trey Garrison, Bill would force full transparency at CFPB (March 19, 2014), <https://www.housingwire.com/articles/29366-bill-would-open-cfpb-regulators-advisors-to-full-transparency/>. Yet the CFPB Taskforce is styled as an intra-governmental committee not subject to FACA “a CFPB spokesperson confirmed.” E. Weinberger, Conflicted Task Force, *supra*.

thoroughly and to determine when stakeholders will be able to do so.”⁴ Yet even a time extension would not make this an appropriate endeavor. The CFPB should focus on preventing harm to consumers during the pandemic, rather than on an effort to rethink its mission and promote ideas to undo consumer protections.

Many of the questions the Taskforce poses hint at deeply disturbing ideological preconceptions that focus more on undoing consumer protections than enhancing them. Contrary to the subtext of the Bureau’s questions, education, disclosures and competition are not enough to protect consumers. Enforcement must be more than a backstop that is limited to only the most abusive practices. The amount of industry profits or skewed industry cost estimates should not be used to block rules that provide important protection to consumers, even if the consumer benefits are not always quantifiable. Access to credit does not justify preserving predatory lending or destructive practices that leave consumers worse off. States are important backstops against inaction at the federal level. Indeed, Congress already made decisions about how to balance the competing interests on many of the questions the Bureau has posed, such as the important role of states in enforcing CFPB rules.

Moreover, the CFPB already consumed thousands of hours of our organizations’ time by posing many of these same questions in the 12 requests for information that Acting CFPB Director Mick Mulvaney put out in 2018 on a wide range of aspects of the Bureau’s operations and the laws and regulations it oversees:

- Civil investigative demands;⁵
- Administrative adjudications;⁶
- Enforcement processes;⁷
- Supervision program;⁸
- External engagements;⁹

⁴ CFPB, Supplemental notice of proposed rulemaking; extension of comment period, 85 Fed. Reg. 30890, 30891 (May 21, 2020).

⁵ See, e.g., Americans for Financial Reform et al., <https://www.nclc.org/images/pdf/rulemaking/coalition-cid-rfi-2018.pdf> (April 26, 2018) (coalition overview comments); Americans for Financial Reform et al., <https://www.nclc.org/images/pdf/rulemaking/cfpb-crl-cfa-rfi-2018.pdf> (April 26, 2018) (longer comments); Public Citizen, <https://www.regulations.gov/document?D=CFPB-2018-0001-0074> (April 25, 2018); Legal Academics, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Legal-Academic-on-Civil-Investigatory-Demands.pdf> (April 25, 2018); Applesseed Network, <https://www.regulations.gov/document?D=CFPB-2018-0001-0081> (April 26, 2018); National Association of Consumer Advocates, <https://www.regulations.gov/document?D=CFPB-2018-0001-0073> (April 26, 2018).

⁶ See, e.g., Center for Responsible Lending et al., <https://www.regulations.gov/document?D=CFPB-2018-0002-0027> (May 7, 2018); Financial Services Scholars, <https://www.regulations.gov/document?D=CFPB-2018-0002-0024> (May 7, 2018).

⁷ See, e.g., Allied Progress, et al., <https://www.nclc.org/images/pdf/rulemaking/coalition-34-cfpb-enforcement.pdf> (May 14, 2018) (coalition overview comments); Americans for Financial Reform, et al., <https://www.nclc.org/images/pdf/rulemaking/cfpb-enforcement-rfi-group.pdf> (May 14, 2018) (longer comments).

⁸ See, e.g., National Consumer Law Center, et al., <https://www.nclc.org/images/pdf/legislation/43-group-comments-cfpb-superv.pdf> (May 21, 2018) (coalition overview comments); Americans for Financial Reform, et al., <https://www.nclc.org/images/pdf/legislation/natl-group-detailed-comments-cfpb-superv.pdf> (longer comments).

⁹ See, e.g., Allied Progress, et al., <https://www.nclc.org/images/pdf/rulemaking/group-comm-rfi-external-engagements.pdf> (May 29, 2018). CAB: Consumer Lending Subcommittee, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/CAB-Comment-on-External-Engagement.pdf> (April 18, 2018); Consumers Union, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Consumer-Union-Comment-on-External-Engagement.pdf> (May 25, 2018); Legal Academics, <https://ourfinancialsecurity.org/wp->

- Consumer complaint information;¹⁰
- Rulemaking process;¹¹
- Adopted regulations;¹²
- Inherited regulations;¹³

[content/uploads/2018/06/Legal-Academic-on-External-Engagements.pdf](https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Legal-Academic-on-External-Engagements.pdf) (May 29, 2018); Appleseed, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Appleseed-Comment-on-External-Engagements.pdf> (May 29, 2018); Consumer Action, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Consumer-Action-Comment-on-External-Engagements.pdf> (May 29, 2018); National Association of Consumer Advocates, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/NACA-Comment-on-External-Engagements.pdf> (May 29, 2018).

¹⁰ See, e.g., Alaska Public Interest Research Group, et al., https://www.nclc.org/images/pdf/regulatory_reform/cfpb-complaint-db-rfi-sign-on-2018.pdf (June 4, 2018); Veterans and Military Service Leaders, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Veterans-and-Military-Leaders-comment-on-RFI.pdf> (June 4, 2018); National Consumers League, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/National-Consumers-League-comments-on-RFI-regarding-public-reporting-practices.pdf> (June 4, 2018); AARP, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/AARP-Comment-on-RFI-regarding-public-reporting-practices-and-consumer-complaint-information.pdf> (June 4, 2018); Legal Academics, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Legal-Academic-on-Complaint-Reporting.pdf> (June 4, 2018); The Indiana Assets & Opportunity Network, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/The-Indiana-Assets-Opportunity-Network-.pdf> (June 4, 2018).

¹¹ See, e.g., Americans for Financial Reform et al., <https://www.nclc.org/images/pdf/rulemaking/letter-group-cfpb-rfi-2018.pdf> (June 7, 2018) (coalition overview comments); <https://www.nclc.org/images/pdf/rulemaking/comment-afr-crl-nclc-cfpb-rulemaking-rfi.pdf> (June 7, 2018) (longer comments); Appleseed, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Appleseed-Comment-on-Rulemaking-processes.pdf> (June 7, 2018); Woodstock Institute, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Woostock-Comment-on-Rulemaking-Processes.pdf> (June 7, 2018); Consumers Union, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Consumers-Union-Comment-on-Rulemaking-Processes.pdf> (June 7, 2018); Public Citizen, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Public-Citizen-Comment-on-Rulemaking-Processes.pdf> (June 7, 2018); Legal Academics, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Legal-Academic-on-Rulemaking-Processes.pdf> (June 7, 2018).

¹² See, e.g., Americans for Financial Reform et al., <https://www.nclc.org/images/pdf/rulemaking/comments-adopted-regulations-coalition-rfi-cfpb.pdf> (June 19, 2018) (overarching comments); National Consumer Law Center et al., https://www.nclc.org/images/pdf/regulatory_reform/comments-cfpb-rfi-housing-rulemaking.pdf (June 19, 2018) (mortgages); National Consumer Law Center et al., <https://www.nclc.org/images/pdf/rulemaking/comm-cfpb-rfi-adopted-rules-prepaid-cards.pdf> (June 19, 2018) (prepaid accounts); National Consumer Law Center et al., <https://www.nclc.org/images/pdf/rulemaking/comm-cfpb-rfi-adopted-rules-remittances.pdf> (June 19, 2018) (remittances and credit cards); National Consumer Law Center et al., <https://www.nclc.org/images/pdf/rulemaking/comm-cfpb-rfi-adopted-rules-debt-coll.pdf> (June 19, 2018) (upcoming debt collection regulations); Legal Academics, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Legal-Academic-on-Adopted-Regulations.pdf> (June 19, 2018).

¹³ See, e.g., Americans for Financial Reform, et al. <https://www.nclc.org/images/pdf/rulemaking/cfpb-inherited-regs-all-regs.pdf> (June 25, 2018) (overarching comments); National Consumer Law Center et al., <https://www.nclc.org/images/pdf/rulemaking/cfpb-inherited-regs-and-non-lending.pdf> (June 25, 2018) (Regulation E, overdraft fees and bank account issues); Americans for Financial Reform, et al., <https://www.nclc.org/images/pdf/rulemaking/cfpb-inherited-regs-disparate-impact.pdf> (June 25, 2018) (fair lending); National Consumer Law Center, et al. <https://www.nclc.org/images/pdf/rulemaking/cfpb-inherited-regs-electronic-communications.pdf> (June 25, 2018) (electronic communications); National Consumer Law Center, et al., <https://www.nclc.org/images/pdf/rulemaking/cfpb-inherited-regs-pace.pdf> (June 25, 2018) (Property Assessed Clean Energy (PACE) loans); National Consumer Law Center, et al.,

- Guidance materials;¹⁴
- Financial education programs¹⁵
- Consumer complaints and inquiries.¹⁶

We have attached over 500 pages of comments that our groups and others submitted – on top of hundreds of additional pages of comments on other Bureau rulemakings and information requests – in response to those 2018 requests for information. Yet the Bureau appears to have largely ignored the lengthy and detailed responses that our organizations submitted. We urge you to review those comments and others by the multitude of other organizations, academics, and members of the public who provided suggestions on things that the CFPB can do, within its jurisdiction, to improve the protection of consumers.

We do not intend to spend more time rebutting the implications in the Taskforce’s questions; in many cases, even a single question – such as whether we can count on disclosures and consumer “choice” to protect people – has been the subject of extensive research, commentary and debate over decades. Nor do we intend to embark on a project to justify the entire federal statutory consumer protection framework. Our organizations have thin resources that have already been severely strained by the need to respond to the coronavirus crisis. While some organizations and members of the public may submit brief responses to Taskforce questions, the Taskforce should not view those responses – or the absence of rebuttals to those who support weakening consumer protections – as legitimizing this enterprise.

The Taskforce claims to be inspired by the National Commission on Consumer Finance created in 1968. But the CFPB’s Taskforce has only five members, all with a track record of pushing for de-regulation – and, in some cases, conflicts of interests in the clients they have represented and may represent in the future.¹⁷ In contrast, the National Commission on Consumer Finance was specifically authorized and funded by Congress; its work was bipartisan; a majority of its 12 members, supported by dozens of staff and student researchers, were members of Congress accountable to the public; its work spanned four years and drew on multiple public hearings with hours of testimony from leading consumer advocates as well as individual consumers and lenders.¹⁸ Whereas the National Commission concerned itself with problems in the consumer financial market, the Taskforce asks about the burdens of compliance with consumer protections.

<https://www.nclc.org/images/pdf/rulemaking/cfpb-inherited-regs-tila-respa-mortg.pdf> (June 25, 2018) (Regulation Z (TILA) and Regulation X (RESPA); National Consumer Law Center, et al.,

<https://www.nclc.org/images/pdf/rulemaking/cfpb-inherited-regs-tila-respa-mortg.pdf> (June 25, 2018) (FTC mortgage rules); Legal Academics, <https://ourfinancialsecurity.org/wp-content/uploads/2018/06/Legal-Academic-on-Inherited-Regulations.pdf> (June 25, 2018).

¹⁴ See, e.g., Alabama Appleseed Center for Law & Justice, et al.,

<https://www.nclc.org/images/pdf/rulemaking/coalition-comm-guidance-cfpb-rfi.pdf> (July 2, 2018).

¹⁵ See, e.g., Allied Progress, et al., https://www.nclc.org/images/pdf/regulatory_reform/Comments-CFPB-on-Financial-Education-RFIs.pdf (July 9, 2018).

¹⁶ See, e.g., Allied Progress, et al., <https://www.nclc.org/images/pdf/rulemaking/grp-comments-rfi-cfpb-cons-inquiry-process.pdf> (July 16, 2018); California Reinvestment Coalition (July 13, 2018), <https://californiareinvestmentcoalition.app.box.com/s/i31q75dgg7o4k12ualcxqz504zbxexph>.

¹⁷ E. Weinberger, Conflicted Task Force, *supra* (noting that the Taskforce has no consumer representation and “consists of five outside conservative academics and industry lawyers who have represented payday lenders in CFPB enforcement actions and consumer litigation, as well as banks and other companies in regulatory matters.”).

¹⁸ See National Commission on Consumer Finance, Consumer Credit in the United States (December 1972), <https://babel.hathitrust.org/cgi/pt?id=uc1.31822024338451&view=1up&seq=1>.

Even responsible industry players will be harmed by this diversion. Banks and other companies are overwhelmed trying to assist their customers seeking help due to the COVID-19 crisis. That's where their attention needs to be, not on this academic exercise, opining on the theoretical virtues of principle-based versus prescriptive regulation or on regulation versus deregulation. And if the CFPB actually implements any recommendations of the Taskforce, companies will face the prospect of see-sawing regulatory frameworks that, in light of the illegitimacy of this Taskforce, may well be undone by the next change of leadership.

The CFPB has received record-setting numbers of complaints by consumers crying out for help in dealing with abusive companies and the impacts of the coronavirus economic crisis. The CFPB should listen to and respond to those cries, not spend time proposing harmful changes to the consumer protection framework that protects the American public.

Yours very truly,

Allied Progress
Americans for Financial Reform Education Fund
Arkansans Against Abusive Payday Lending
California Reinvestment Coalition
Center for Digital Democracy
Center for Economic Integrity
Center for Responsible Lending
Consumer Action
Consumer Federation of America
Interfaith Center on Corporate Responsibility
Jacksonville Area Legal Aid, Inc.
Kentucky Equal Justice Center
Maryland Consumer Rights Coalition
Mississippi Center for Justice
NAACP
National Association of Consumer Advocates
National Consumer Law Center (on behalf of its low income clients)
National Fair Housing Alliance
National Housing Law Project
North Dakota Economic Security and Prosperity Alliance
Public Citizen
Public Counsel
Reinvestment Partners
Texas Appleseed
U.S. PIRG
Virginia Citizens Consumer Council
Virginia Poverty Law Center

EXHIBIT G-3



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June 1, 2020

Consumer Financial Protection Bureau
Request For Information To Assist the
Taskforce on Federal Consumer Financial Law
Docket No. CFPB-2020-0013
May 29, 2020

Dear Director Kraninger:

I am responding to your Request for Information to Assist the Taskforce on Federal Consumer Financial Law.

It is deeply concerning that you have elected to issue an RFI when the country is in the middle of a serious pandemic that has killed over 100,000 and sickened almost two million. There are parents who cannot feed their children. Hard-working people who love this country are being evicted from their homes. Forty million have lost their jobs.

This is a time when American families need the CFPB to protect them from fraud and to help craft solutions to the financial crisis for which they bear no responsibility. It is not the time for your Task Force of questionable legality to embark on an effort to dismantle consumer protection.

I helped coordinate legal scholars' responses to the CFPB's 2018 RFIs related to the Bureau's consumer protection activities. In lieu of asking these scholars to write responses to the current RFI, which duplicates the 2018 RFIs, I have provided the URL for the twelve responses legal academics made in 2018:

<https://lawdigitalcommons.bc.edu/cfpb-comments/>.

Sincerely,

Kathleen C. Engel,
Research Professor of Law
Suffolk University Law School