



## Hudson Cook September 2017 Update

October 3rd, 2017

### ***Hudson Cook – In the News***

The **Center for Auto Finance Excellence** (a part of *Auto Finance News*) published an article on September 5 by **Michael Benoit**, chairman of Hudson Cook, titled “[The Cynic’s View on the CFPB Arbitration Rule](#).” Michael followed up this article with another one, “[Compliance Insider: The Cynic Returns](#),” that the Center for Auto Finance Excellence published on September 15 and that also discussed the CFPB’s arbitration rule.

**Eric Johnson’s** article “CFPB’s New Arbitration Rule – What Do We Need to Know?” appeared in the September/October issue of *Non-Prime Times*.

On September 6, **Lucy Morris**, a partner in Hudson Cook’s Washington, D.C., office was quoted in an [article](#) in *Bloomberg BNA* discussing how states are poised to boost enforcement in areas such as auto finance, student loans and money laundering amid concerns of a pullback by the CFPB. “I do think we’re going to see increased state attorney general enforcement activity,” said Lucy.

**Tom Hudson** was quoted in an *Automotive News* article about floorplan fraud. In the September 11 [article](#), Tom said selling out of trust will probably never fully disappear. “The case summaries seem to be saying that even careful floorplanners can get burned by inventive dealers.”

On September 13, **Erica Kramer** and **Justin Hosie’s** article “[Web Content Accessibility Gets New Scrutiny Under the Americans with Disabilities Act](#)” was published by **Carpliancecenter.com**. Erica and Justin discuss how a surge of cases and enforcement actions are extending the Americans with Disabilities Act’s requirements for web content like websites and mobile applications.

**Anne Fortney**, partner emerita with the firm, was featured in a September 26 *Inside ARM* [article](#) that discusses Anne’s recent testimony before the House Subcommittee on Financial Institutions and Consumer Credit during a hearing entitled “Legislative Proposals for a More Efficient Federal Financial Regulatory Regime.”

According to Anne, none of the bills being considered at the hearing would jeopardize the protections in the major consumer financial services laws: the Fair Credit Reporting Act, Fair Debt Collection Practices Act and Credit Repair Organizations Act. Furthermore, she suggested that the current bills would make these laws more “effective and fair for everyone ... by bringing common sense into the interpretation of each law and by correcting some judicial misinterpretations.”

*Subprime Auto Finance News* ran an [article](#) on September 27 about the opening presentation

giving by Tom Pahl of the Federal Trade Commission during the the National Policy Conference, recently hosted by the National Independent Automobile Dealers Association. He recapped some of the most recent FTC actions and highlighted what might be a thorn for dealers and finance companies. The article notes, “The legal team at **Hudson Cook** highlighted that the FTC issued a guidance document answering certain frequently asked questions about the revised Used Car Rule and the revised Buyers Guide.”

*Subprime Auto Finance News* also mentioned on September 29 that **Meghan Musselman**, a partner in the Maryland office of Hudson Cook, has been appointed vice chair of the American Bar Association (ABA) Banking Law Committee for a three-year term.

## ***Hudson Cook – On the Road***

On August 28, **Hudson Cook** sponsored **deBanked**’s first-ever industry golf outing, held at Marine Park Golf Course in Brooklyn, NY. deBanked covers the alternative finance industry that includes merchant cash advance, business lending, p2p lending, fintech stocks, bitcoin and more. Click [here](#) to view photos from the event.

Hudson Cook partners **Lucy Morris** and **Nicole “Nikki” Munro**, and associate **Chris Capurso** participated in the ABA’s Consumer Financial Services Committee 2017 Annual Meeting held in Chicago from September 13-16.

Lucy moderated a panel on “State Enforcement Actions and Initiatives: Filling the Federal Gap” at the ABA Business Law Section annual meeting in Chicago. The panel included highly experienced state AAGs from Illinois, Iowa and Washington, and the vice president of non-bank supervision of the Conference of State Bank Supervisors.

Nikki also moderated a panel that addressed corporate social responsibility (CSR) issues and legal requirements in the financial services industry and the CSR programs implemented by financial institutions in response, with a focus on the recent efforts of financial institutions to combat human trafficking in the context of new payment technologies. Chris was one of the speakers for the “Beer and Basics” program, which provided an overview of relevant legal issues in consumer financial services law.

**Eric Johnson** gave a virtual workshop via webinar on September 14 to the **Texas Independent Automobile Dealers Association** on credit reporting compliance that included independent dealers from several states.

Also in September, **Jean Noonan** did a webinar for **RouteOne’s Regulatory Working Group** discussing CFPB issues. Later, Jean led a roundtable at the **ABA Consumer Financial Services Committee** meeting in Chicago on data breaches. There was a lively discussion of the recent Equifax breach and its implications for consumers and furnishers of information.

**Rebecca “Becki” Kuehn**, a partner in the firm’s Washington, DC, office, was part of a session about the Federal Trade Commission (FTC) during the 2017 **National Association of Professional Background Screeners (NAPBS) annual conference** that took place September 17-19 in Orlando, FL. Robert “Bob” Schoshinski, assistant director of the Division of Privacy and Identity Protection at the FTC led the conversation while Becki (Bob’s predecessor), asked NAPBS members questions, including about the FTC’s thinking on accuracy and the impact of reduced identifiers in public records, and how often a CRA should get a certification of permissible purpose

from an end user.

Also during the conference, Hudson Cook attorneys **Jennifer Sarvadi** and **Kavitha Subramanian**, along with assistance from Becki, hosted a panel discussion covering the “do’s & don’ts” of establishing an internal and/or external compliance audit program, as well as the pros and cons of hiring outside counsel or audit firms to conduct routine business.

Also in September, **Patty Covington** moderated the **National Automotive Finance (NAF) Association’s Quarterly Compliance Roundtable** in California. The Quarterly Compliance Roundtable Program provides a peer-to-peer learning environment with fellow members who hold similar positions and deal with similar challenges. To maintain a high level of thoroughness, the NAF Association has asked attorneys from Hudson Cook to moderate these quarterly meetings.

**Cathy Brennan** participated in a panel at the **Frontiers of Digital Finance Conference** on October 2 in New York. Presented by the Columbia Business School, Frontiers of Digital Finance is a mutual learning environment for financial institutions, innovative startups, investors, technologists, other industry practitioners and academics to build a deeper foundation for success in digital finance. To view the full conference agenda, click [here](#).

Cathy, **Jean Noonan** and **Becki Kuehn** are on the faculty of the **Eighth Annual National Institute on Consumer Financial Services Basics**. The conference, which is taking place October 19-20 in Arlington, VA, is presented by the American Bar Association Business Law Section. All three attorneys will present individually at this annual in-person educational institute, designed to expose practitioners to key areas of CFS law. To register for the conference or for more information, click [here](#).

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