

BANK REGULATORY COMPLIANCE, OPERATIONAL SUPPORT & NEW PRODUCTS

OVERVIEW

We live in a dynamic time. Technology continues to accelerate the pace at which business can be done and the expectations of consumers. At the same time, the regulation and oversight of banks and non-bank financial services companies seems to be in a constant state of change. Now, more than ever, anyone doing business in a financial industry – whether as an insured depository institution, non-depository lender, mortgage company or MSB, payment processor or emerging FinTech company – needs in-depth regulatory guidance to meet the intricate challenges and capture available opportunities.

Our Bank Regulatory Compliance, Operational Support and New Products team has unique and deep experience in consumer and financial regulatory compliance drawn from working in-house with a multi-billion dollar financial institution, as well as working as outside counsel with a wide variety of companies within the space – from start-up tech companies to the largest global financial institutions. This background enables us to develop a scaled approach that aligns with your business needs. We assist commercial banks, financial services companies and other businesses on a broad range of matters arising under federal and state law and regulation, including:

- The Bank Secrecy Act (BSA) and other Anti-Money Laundering (AML) Laws and Regulations;
- The Truth in Lending Act (TILA) and Regulation Z;
- The Truth in Savings Act (TISA) and Regulation DD;
- The Electronic Fund Transfers Act (EFTA) and Regulation E;
- The Real Estate Settlement Procedures Act (RESPA) and Regulation X;
- Issues related to alleged Unfair, Deceptive or Abusive Acts or Practices (UDAAP) under various federal and state authorities;
- The Fair Credit Reporting Act (FCRA) and Regulation V;
- National Automated Clearing House Association (NACHA) Operating Rules and Guidelines;

- State Unclaimed Property laws;
- Consumer Privacy;
- Electronic Contracts and Disclosures;
- Internet and Data Security; and
- Predatory Lending.

In addition to our regulatory practice as described above, we also work with financial services companies on new product development. We look at which laws apply and where the risks associated with the product lie. We advise on the internal control environment that is needed for the product to be implemented in a compliant manner as well as the follow-on launch, execution, and marketing of the product.

We take this risk-based approach to our operational support of the financial institutions we work with too and are often brought in to advise on strategic vendor relationships.

We also recognize that, much as your regulators expect a culture of compliance to pervade your organization, in the current regulatory climate, compliance advice cannot exist in a bubble. Our approach to providing regulatory compliance counsel recognizes that any compliance solution or enforcement resolution must be considered in the context of its practical impacts on your business. We work with our clients to develop workable solutions that allow their businesses to move forward and thrive – whether it be in response to an enforcement action, the launch of a new product or the day-to-day issues that surface in a bank's branches – we always put our clients' business goals and future success first.

MEET THE TEAM



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RELATED PRACTICE AREAS

- Fintech

EXPERIENCE

- Advised large community bank (assets over \$10 billion) on compliance with the Truth in Lending Act and Regulation Z, Fair Credit Reporting Act, Equal Credit Opportunity Act and Regulation B, FFIEC Regulations and Requirements, Consumer Financial Protection Act of 2010 (particularly Title X), and the Electronic Fund Transfer Act and Regulation E. Advice included answering complex, discrete legal questions impacting the deposit and credit products and services offered customers; reviewing product advertising; and updating internal bank policies and customer-facing product agreements for compliance with these laws and regulations.
- Conducted data privacy training for major bank's mortgage division providing an overview of the relevant risks and applicable state and federal privacy laws. Training covered types of data security risks (e.g., phishing, malware), the scope of data security requirements under federal and state laws, highlighted recent bank regulator guidelines on data privacy, and provided some best practices for cybersecurity programs.
- Assisted a regional bank in responding to a data security incident involving unauthorized access by a bank employee to HR data, including health insurance, direct deposit, and employment reprimand information in compliance with the Gramm-Leach-Bliley Act and Regulation P State Privacy Laws and Regulations.
- Completed 50-state survey regarding applicability of state consumer lending laws to bank's proposed lending product to be offered on Fintech partner's platform.
- Completed 50-state assessment of the applicability of debt collection statutes to major car rental company's debt collection operations involving collection of both first party and third party debt. Also provided debt collector licensing application and ongoing licensee requirements for states where client met debt collector definition.
- Assisted money services business in registering with the Financial Crimes Enforcement Network (FinCEN) as required for non-bank financial institutions under Bank Secrecy Act regulations. Updated company's BSA/AML Compliance policy.

- Provided an enterprise-wide compliance risk assessment and Bank Secrecy Act/Anti-Money Laundering assessment for \$18 billion bank, followed by new policies and procedures and customer documents to mitigate risks.
- Advised a bank with respect to matter involving renewal of letters of credit where the Commercial Bank of Syria, an SDN, was the ultimate beneficiary. In addition to voluntary disclosure under OFAC, the case involved threats of lawsuits by intermediary banks arising out of the legally compelled dishonor of the letter of credit.
- Worked with a bank, which issued a pre-paid card that was sold by a third-party card marketer to SDNs, who then used the cards throughout the United States. Successfully resolved the matter through voluntary disclosure with OFAC, and instituted compliance procedures to prevent recurrence.
- Regularly assist banks in developing and including OFAC and sanctions compliance language in loan documents.

RELATED INSIGHTS

Insights

Feb 23, 2024

FinCEN proposes AML/CFT rules for investment advisers