

TENTATIVE AGENDA

2019 FINANCIAL SERVICES CONFERENCE

BALTIMORE MARRIOTT WATERFRONT
BALTIMORE, MARYLAND
APRIL 28-30, 2019

SUNDAY, April 28, 2019

5:00 – 6:30 pm WELCOME RECEPTION AT THE HOTEL

MONDAY, April 29, 2019

7:30 – 8:30 am LIGHT BREAKFAST BUFFET AND REGISTRATION

8:30 – 8:45 am OPENING REMARKS

MICHAEL A. BENOIT, Partner, Hudson Cook, LLP, Washington, DC
LISA C. DELESSIO, Partner, Hudson Cook, LLP, Hanover, MD

GENERAL SESSIONS

8:45 – 9:45 am POLITICS AND REGULATION PANEL

Join a panel of experts discussing policy shifts and the politics influencing consumer financial services regulation and legislation. The panel will present their outlook on the emerging legal and regulatory landscape and the direction(s) in which the political winds are blowing.

Panelists:

MICHAEL A. BENOIT, Partner, Hudson Cook, LLP, Washington, DC
DANIELLE FAGRE-ARLOWE, Senior Vice President, American Financial Services Association, Washington, DC
JON HARSH, Co-Founder and CEO, 202Works, Washington, DC
BILL HIMPLER, President, American Financial Services Association, Washington, DC
MICHELE LIEBER, President, BluePoint DC LLC, Washington, DC

9:45 – 10:00 am BREAK

10:00 – 11:00 am STATE OF PLAY: THE SHIFTING FEDERAL AND STATE REGULATORY LANDSCAPE

Reports of retrenchment in financial regulators' enforcement activity has been greatly exaggerated. Already, 2019 is shaping up to be an active year, as State Attorneys general continue to assert their authority amidst a perceived federal slowdown, while federal agencies have become quite active. Join Hudson Cook's Government Investigations, Examinations, and Enforcement team as they highlight key developments from 2018 and the first quarter of 2019 and make projections of both federal and state priorities in the future.

Panelists:

ANASTASIA V. CATON, Partner, Hudson Cook, LLP, Washington, DC
ALLEN H. DENSON, Partner, Hudson Cook, LLP, Washington, DC
LUCY E. MORRIS, Partner, Hudson Cook, LLP, Washington, DC

11:00 am – 12:00 pm FAIR LENDING DEVELOPMENTS

Another year, another CFPB Director. We've seen a change in direction at the top for fair lending enforcement – will the new Director stay that course or go in yet another direction? What will happen to disparate impact enforcement? Will state enforcement come into its own? What else is on the horizon? Jean and John will bring you up to speed on what's happened and what's in store.

Panelists:

L. JEAN NOONAN, Partner, Hudson Cook, LLP, Washington, DC
JOHN L. ROPIEQUET, Of Counsel, Saul Ewing Arnstein & Lehr LLP, Chicago, IL

12:00 pm – 1:30 pm LUNCH (ON YOUR OWN)

1:30 – 2:30 pm PRIVACY IN THE NEW WORLD: POST-GDPR PRIVACY DEVELOPMENTS IN THE UNITED STATES

Following the example Europe set with General Data Protection Regulation (GDPR), California passed a groundbreaking consumer data privacy law, with an impending effective date of January 2020. But California is not alone – other states have been proposing and adopting additional privacy protections, from enhancing cybersecurity protections (New York) to requiring registration of data brokers (Vermont). And all this activity in the states has prompted a renewed interest in federal privacy legislation. This session will provide an overview of state law developments, discuss the prospects for federal legislation, and how these changes will affect your business and the way you interact with consumers.

Panelists:

ERIC J. ELLMAN, Senior Vice President for Public Policy and Legal Affairs, Consumer Data Industry Association, Washington, DC
REBECCA E. KUEHN, Partner, Hudson Cook, LLP, Washington, DC
J. WEBB MCARTHUR, Associate, Hudson Cook, LLP, Washington, DC
MEGAN NICHOLLS, Chief Compliance Officer, GIACT Systems, LLC, Allen, TX

2:30 – 2:45 pm BREAK

AUTO FINANCE SESSIONS

2:45 – 3:45 pm AUTO FINANCE SESSION: INDEPENDENT DEALERS – WHAT KEEPS THEM UP AT NIGHT?

What are the business, legal and regulatory issues that keep independent dealers up at night, staring at the ceiling counting ceiling tiles and/or pacing? What issues should they be concerned about, but aren't? As a financing source for dealers and/or purchaser of dealer paper, what issues are you concerned about, or should be concerned about, in connection with your dealers? Our panelists will explore these issues, what causes dealers to lose sleep at night and where you should be focused.

Panelists:

CHRIS J. CAPURSO, Associate, Hudson Cook, LLP, Richmond, VA
ERIC L. JOHNSON, Partner, Hudson Cook, LLP, Oklahoma City, OK
SHAUN K. PETERSEN, Senior Vice President, Legal & Government Affairs, National Independent Automobile Dealers Association, Arlington, TX

3:45 – 4:30 pm

AUTO FINANCE SESSION: CREDIT REPORTING ISSUES FACED BY AUTO FINANCE COMPANIES

Companies that furnish information to credit reporting agencies know how important it is to both consumers and the company to “get it right.” In this panel, we will explore the legal and regulatory guidance related to “accuracy” of reported information, discuss how business decisions and technology impact the accuracy of information, and help auto finance companies spot and address issues unique to their business.

Panelists:

PATRICIA E.M. COVINGTON, Partner, Hudson Cook, LLP, Richmond, VA
LISA C. DELESSIO, Partner, Hudson Cook, LLP, Hanover, MD
RAYMOND C. SCOTT, Vice President and General Counsel, Innovate Auto Finance,
Fort Worth, TX

4:30 – 4:45 pm

BREAK

HOUSING AND ALTERNATIVE FINANCE SESSIONS

2:45 – 3:45 pm

HOUSING FINANCE SESSION: RESIDENTIAL MORTGAGE LENDING DEVELOPMENTS

This session will discuss recent federal residential mortgage lending and servicing developments, as well what can be expected for the remainder of 2019.

Panelist:

JED MAYK, Partner, Hudson Cook, LLP, West Chester, PA

3:45 – 4:30 pm

ALTERNATIVE FINANCE SESSION: UPDATE ON SMALL DOLLAR LENDING AND ALTERNATIVE FINANCIAL SERVICES

Panelists will discuss federal rulemaking, key agency actions, cases, and certain state law developments over the last year in the small dollar loan and rent-to-own industries.

Panelists:

HURSELL K. BROWN, Partner, Hudson Cook, LLP, Fort Worth, TX
JUSTIN B. HOSIE, Partner, Hudson Cook, LLP, Ooltewah, TN
C. JEREMY POPE, Partner, Pope/Partners LLC, Auburn, AL
H. BLAKE SIMS, Partner, Hudson Cook, LLP, Ooltewah, TN
K. DAILEY WILSON, Associate, Hudson Cook, LLP, Ooltewah, TN

4:30 – 4:45 pm

BREAK

PRIVACY SESSIONS

2:45 – 3:45 pm

PRIVACY SESSION: TOP 10 TIPS FOR DATA GOVERNANCE: MANAGING RISK BY MANAGING YOUR DATA ASSETS

What do the GDPR, the California Consumer Privacy Act, and data breach laws all have in common? They all are easier to tackle with a strong data governance program. From conducting a data inventory, to setting appropriate restrictions on the use of certain data assets, to responding to consumer requests, a data governance program can ease compliance and save your company money. This panel will discuss the top 10 tips for developing and overseeing a data governance program.

Panelists:

J. WEBB MCARTHUR, Associate, Hudson Cook, LLP, Washington, DC
ERIC D. MULLIGAN, Associate, Hudson Cook, LLP, Hanover, MD
JENNIFER L. SARVADI, Partner, Hudson Cook, LLP, Washington, DC

3:45 – 4:30 pm

PRIVACY SESSION: A NEW WAY TO (REALLY) KNOW YOUR CUSTOMERS: CONSUMER-PERMISSIONED ACCESS TO FINANCIAL ACCOUNTS

Recent regulatory actions have targeted auto dealers and others for providing, or failing to detect the use of, fraudulent documents in connection with financing applications. With some creativity, the usual documents used for proof of income (like W-2s) can be doctored, and direct verifications of employment or income can be time consuming. At the same time, consumer platforms have developed that allow auto dealers and other finance sources to verify income and employment by accessing a consumer's bank account information with their permission. This panel will discuss the risks of fraudulent documents and the recent regulatory actions, the developments around consumer-permissioned access to bank account information, and the regulatory considerations surrounding the use of such data.

Panelists:

MARC S. CARLSON, Vice President, Legal, Experian, Costa Mesa, CA
REBECCA E. KUEHN, Partner, Hudson Cook, LLP, Washington, DC
MEGHAN S. MUSSELMAN, Partner, Hudson Cook, LLP, Washington, DC

4:30 – 4:45 pm

BREAK

MERCHANT CASH ADVANCE AND SMALL BUSINESS LENDING SESSIONS

2:45 – 3:45 pm

MERCHANT CASH ADVANCE AND SMALL BUSINESS LENDING SESSION: REGULATORY DEVELOPMENTS AND UPDATES

Find out what's new and what's on the horizon for state and federal regulation of merchant cash advance and small business lending.

Panelists:

KATHERINE C. FISHER, Partner, Hudson Cook, LLP, Hanover, MD
ROBERT F. GAGE, Partner, Hudson Cook, LLP, Ann Arbor, MI
CALEB N. ROSENBERG, Associate, Hudson Cook, LLP, Hanover, MD

3:45 – 4:30 pm

MERCHANT CASH ADVANCE AND SMALL BUSINESS LENDING SESSION: GOVERNMENT INVESTIGATIONS AND STATE AND FEDERAL ENFORCEMENT

2018 was an important year for Merchant Cash Advance as small business financing activities came to the forefront of state and federal regulators' attention. 2019 will likely bring increased scrutiny to small business financing through government investigations and litigation. Join Lucy Morris, Kate Fisher, and Allen Denson as they provide specific details about how to handle and respond to federal and state regulators. Panelists will outline scenarios that are likely to bring regulatory scrutiny and will discuss strategies to respond to state licensing bodies and attorneys general, the Federal Trade Commission, and the Consumer Financial Protection Bureau.

Panelists:

ALLEN H. DENSON, Partner, Hudson Cook, LLP, Washington, DC
KATHERINE C. FISHER, Partner, Hudson Cook, LLP, Hanover, MD
LUCY E. MORRIS, Partner, Hudson Cook, LLP, Washington, DC

4:30 – 4:45 pm

BREAK

GENERAL SESSION

4:45 – 5:45 pm

THE LATEST IN FINTECH REGULATION

This panel will discuss developments in financial technology law as applicable to consumer and business-lending platforms, as well as key regulatory developments and trends. Panelists will address licensing issues for platforms, confessions of judgments and other business financing hot button topics, Fintech charters, among other topics.

Panelists:

CATHERINE M. BRENNAN, Partner, Hudson Cook, LLP, Hanover, MD
DANA F. CLARKE, Partner, Hudson Cook, LLP, Santa Ana, CA
AZBA HABIB, Assistant General Counsel, Kabbage, Atlanta, GA
MEGHAN S. MUSSELMAN, Partner, Hudson Cook, LLP, Hanover, MD
JENANN SHEMISA, General Counsel and Chief Compliance Officer, LendingUSA,
Los Angeles, CA

6:00 – 7:30 pm

COCKTAIL RECEPTION

8:00 – 10:00 pm

DINNER: A TASTE OF BALTIMORE

TUESDAY, April 30, 2019

7:30 – 8:30 am

LIGHT BREAKFAST BUFFET

8:30 – 9:30 am

STATE AND FEDERAL UPDATE ON DEBT COLLECTION REGULATION

In this panel, we will take a look back on the ways in which states took on the mantle of debt collection regulation in 2018, passing laws and regulations affecting debt collection practices, including the collection of time-barred. And, we will also consider the CFPB's forthcoming federal rule on debt collection (a proposal for which is expected in the first quarter of 2019), including what its implications might be for creditors, as well as CFPB enforcement activity as of late in the area of debt collection. We will also offer predictions on the future of debt collection regulation at the state and federal level.

Panelists:

THOMAS J. BUITEWEG, Partner, Hudson Cook, LLP, Ann Arbor, MI
ANASTASIA V. CATON, Partner, Hudson Cook, LLP, Washington, DC
CHUCK F. DODGE, Partner, Hudson Cook, LLP, Hanover, MD

9:30 – 10:30 am

VOLUNTARY PROTECTION PRODUCTS – ISSUES AND INNOVATION

In an ever-changing marketplace, we regularly advise clients on compliance issues related to the offering, sale and financing of voluntary protection products. During this program, we will discuss our methodology for evaluating whether a voluntary protection product may be financed and the extent to which the product may be subject to regulation under state insurance law. Through this discussion, we will address considerations implicated by products or product features that may be new to the marketplace. We will also provide an overview of some of the recent trends in regulation and enforcement.

Panelists:

CATHARINE S. ANDRICOS, Partner, Hudson Cook, LLP, Washington, DC

THOMAS J. BUITEWEG, Partner, Hudson Cook, LLP, Ann Arbor, MI

10:30 – 10:45 am

BREAK

10:45 – 11:45 am

ETHICS: Legal Ethics in the Digital Age

This program will help you safely navigate the crossroads of technology and legal ethics, so you can avoid becoming attorney roadkill on the information superhighway. Our panelists will discuss several technology-centric ethical considerations, including:

- The professional responsibility to stay up to speed on current technology;
- The impact of technology on keeping client information confidential;
- Unique challenges for attorneys advising virtual currency clients, accepting virtual payments and safeguarding digital property; and
- The perils of conducting legal research on the open web.

Panelists:

KATRINA S. CHRISTAKIS, Partner, Pilgrim Christakis LLP, Chicago, IL

RYAN S. STINNEFORD, Partner, Hudson Cook, LLP, Portland, ME

11:45 am – 12:45 pm

LUNCH (PROVIDED)

12:45 – 1:30 pm

ACCOMMODATING VULNERABLE CONSUMERS: DISSECTING COMPLEX LEGAL ISSUES REGARDING THE ACCESSIBILITY OF FINANCIAL PRODUCTS AND SERVICES

When it comes to dealing with consumers, a “one-size-fits all” approach isn’t always best. Federal and state law provide special protections to certain consumer groups, including those with limited English proficiency, individuals with both physical and mental disabilities, seniors, active duty servicemembers and their dependents, and the unbanked/underbanked. Both courts and regulators alike now expect financial services companies to address these additional federal and state protections by tailoring their business practices to accommodate the various needs of “vulnerable consumers.” This panel will discuss a number of the special protections afforded by both Federal and state law, such as the Military Lending Act, the Servicemembers Civil Relief Act, the Equal Credit Opportunity Act, and the Americans with Disabilities Act. In addition, we will address how UDA(A)P and unconscionability claims may be heightened if a consumer is a member of these vulnerable groups. Finally, we will offer some practical insights into how you can change your business practices to better accommodate consumers.

Panelists:

ANDREA S. COTTRELL, Associate, Hudson Cook, LLP, Fort Worth, TX
ERICA A.N. KRAMER, Partner, Hudson Cook, LLP, Ooltewah, TN
K. DAILEY WILSON, Associate, Hudson Cook, LLP, Ooltewah, TN

1:30 – 2:30 pm

REGULATORY CONSIDERATIONS IN PREPARING FOR A DEBT OR EQUITY CAPITAL RAISE

Discussion of regulatory compliance issues for consumer lenders in preparing to raise operating capital. This panel will be a roundtable discussion of an underwriter/commercial lender, a general counsel for a company experienced in capital raises, and the outside compliance counsel. We will discuss topics such as issues to consider before you contact a commercial lender or investor, options for structuring your capital raise, what to expect in the due diligence review process, and how to quickly close the capital raise. This panel will discuss the compliance issues and risks that should be addressed before, during, and after the capital raise. There will be no discussion of SEC compliance issues.

Panelists:

CHRISTOPHER A. ARNOLD, Senior Managing Director, Crystal Financial LLC, Boston, MA
HURSELL K. BROWN, Partner, Hudson Cook, LLP, Fort Worth, TX
STEPHEN J. SCHALLER, General Counsel, KMD Partners, LLC, Chicago, IL

2:30 pm

END OF CONFERENCE