

# CFO update for the second quarter of fiscal year 2021

JANUARY 1 – MARCH 31, 2021

Issued: June 01, 2021

## Bureau Fund

As of March 31, 2021, the end of the second quarter of fiscal year (FY) 2021, the CFPB had incurred approximately \$335.8 million in FY 2021 obligations<sup>1</sup> to carry out the authorities of the Bureau under Federal financial consumer law. Approximately \$177.9 million was spent on employee compensation and benefits for the 1,532<sup>2</sup> CFPB employees who were on-board by the end of the quarter.

In addition to payroll expenses, the largest obligations made during the quarter were related to contractual services. Some of the Bureau's significant obligations that occurred during the quarter included:

- \$13.6 million for a one-year building occupancy agreement with the Office of the Comptroller of the Currency;
- \$9.1 million for ongoing enterprise development of the customer relationship management system;
- \$8.0 million for enterprise-wide cloud hosting infrastructure, system administration and support services;
- \$4.3 million for IT portfolio and project management support services;
- \$3.0 million for experts in support of enforcement cases;
- \$2.5 million for Consumer Response contact center services;
- \$2.5 million for ongoing enterprise development of the customer relationship management system;
- \$2.0 million for video and audio-conferencing capabilities and services;
- \$1.8 million for contractor support and software licenses associated with Home Mortgage Disclosure Act operations;
- \$1.6 million to the Office of Employee Benefits (OEB) of the Federal Reserve for OEB assessment fees and personal choice statements;
- \$1.5 million for e-discovery systems and support services;
- \$1.5 million for wide area network services;
- \$1.4 million for program support to the Identity, Credential, and Access Management program;

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<sup>1</sup> This amount includes new obligations and commitments.

<sup>2</sup> Reflects employees on board during pay-period 06, calendar year 2021.

**The tables below categorize spending by expense category and division/program area:**

Table 1: Year-to-date spending by expense category:

<b>Expense Category</b>	<b>FY 2021</b>
Personnel Compensation	125,330,000
Personnel Benefits	52,425,000
Benefits to Former Employees	148,000
Travel	20,000
Transportation of Things	75,000
Rents, Communications, Utilities & Misc.	12,102,000
Printing and Reproduction	2,526,000
Other Contractual Services	127,316,000
Supplies & Materials	3,265,000
Equipment	12,630,000
Land and Structures	-
<b>Total (as of March 31, 2021)</b>	<b>\$ 335,837,000</b>

Table 2: Year-to-date spending by division/program area:

<b>Division/Program Area</b>	<b>FY 2021</b>
Office of the Director	9,148,000
Operations	155,568,000
Consumer Education & External Affairs	43,689,000
Research, Markets & Regulations	18,324,000
Supervision, Enforcement, Fair Lending	72,539,000
Legal Division	9,033,000
Centralized Services <sup>3</sup>	25,745,000
Other Programs <sup>4</sup>	1,791,000
<b>Total (as of March 31, 2021)</b>	<b>\$ 335,837,000</b>

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<sup>3</sup> Includes the cost of certain administrative and operational services provided centrally to other Divisions in support of all strategic goals.

<sup>4</sup> Other Programs includes the costs of the Office of Ombudsman, Administrative Law Judges, and other CFPB programs.

## **FY 2021 Funds Transfers Received from the Federal Reserve**

The CFPB is funded principally by transfers from the Federal Reserve System, up to the limits set forth in the Dodd-Frank Act. Funding from the Federal Reserve System for fiscal year 2021 is capped at \$717.5 million. As of March 31, 2021, the CFPB had received the following transfers for FY 2021. The amounts and dates of the transfers are shown below.

\$203.4M	October 1, 2020
\$118.6M	January 4, 2021
<b>\$322.0M</b>	<b>Total</b>

## Civil Penalty Fund

The Dodd-Frank Act authorizes the CFPB to collect for specified purposes civil penalties it obtains in judicial and administrative actions under federal consumer financial laws. The CFPB is authorized to use these funds for payments to victims of activities for which civil penalties have been imposed and may also use the funds for consumer education and financial literacy programs to the extent that such victims cannot be located or payments to them are otherwise not practicable. As directed by the Dodd-Frank Act, the CFPB maintains a separate account for these funds at the Federal Reserve Bank of New York.

### Civil Penalties Collected in FY 2021

In the first quarter of FY 2021, the CFPB collected civil penalties from 17 defendants totaling \$54.6 million. In the second quarter of FY 2021, the CFPB collected civil penalties from four defendants totaling \$3.1 million, bringing the total collections for the first half of FY 2021 to \$57.7 million.

### FY 2021 Civil Penalty Fund Collections:

Defendant name	Civil Penalty Collected	Collection date
Hypotec, Inc.	\$50,000	10/19/2020 10/29/2020 11/27/2020
PHLoans.com, Inc.	\$100,000	10/22/2020
Nissan Motor Acceptance Corporation	\$4,000,000	10/23/2020
Encore Capital Group	\$15,000,000	10/23/2020
Low VA Rates, LLC	\$1,800,000	11/3/2020
Washington Federal Bank, N.A.	\$200,000	11/10/2020
SMART Payment Plan, LLC	\$1	11/12/2020
Afni, Inc.	\$500,000	11/16/2020
U.S. Equity Advantage, Inc. and Robert M. Steenbergh	\$1	12/2/2020
Nationstar Mortgage LLC d/b/a Mr. Cooper	\$1,500,000	12/14/2020

<b>Defendant name</b>	<b>Civil Penalty Collected</b>	<b>Collection date</b>
RAB Performance Recoveries, LLC	\$204,000	12/17/2020
Service 1st Mortgage, Inc.	\$230,000	12/17/2020
Universal Debt & Payment Solutions, LLC; et al. – Tasha Pratcher	\$1	12/28/2020
Discover Bank, The Student Loan Corporation, and Discover Products, Inc.	\$25,000,000	12/29/2020
Envios de Valores la Nacional Corp.	\$750,000	12/30/2020
Santander Consumer USA Inc	\$4,750,000	12/30/2020
Seterus, Inc.	\$500,000	12/31/2020
Omni Financial of Nevada, Inc.	\$2,175,000	1/5/2021
GST Factoring, Inc., et al. – Daniel Ruggiero	\$1	1/19/2021
LendUp Loans, LLC	\$950,000	1/27/2021
GST Factoring, Inc., et al. – Champion Marketing Solutions, LLC and Scott Freda	\$2	3/26/2021
<b>Total</b>	<b>\$57,709,006</b>	

## Civil Penalty Fund Allocations in FY 2021

Period 16: April 1, 2020 – September 30, 2020

On November 27, 2020, the Bureau made its sixteenth allocation from the Civil Penalty Fund. As of September 30, 2020, the Civil Penalty Fund contained an unallocated balance of \$565,384,178.<sup>5</sup> The Fund Administrator set aside \$2,000,000 to cover administrative expenses associated with distributing funds to harmed consumers, reducing the amount available for allocation to \$563,384,178.

A civil penalty was imposed in 21 cases with final orders from Period 16. Under the Civil Penalty Fund rule, victims of the violations for which these civil penalties were imposed are eligible for compensation from the Civil Penalty Fund. Of those 21 cases, six had classes of eligible victims with uncompensated harm that was compensable from the Civil Penalty Fund. Five of those six cases, Main Street Personal Finance, Inc., et al.; Certified Forensic Loan Auditors, LLC, et al.; Timemark Solutions, Inc., et al., GST Factoring, Inc., et al.; and Premier Student Loan Center, et al., received an allocation during this period. The remaining case, Chou Team Realty, et al. did not receive an allocation this period.

The allocations for each case are as follows:

- The Main Street Personal Finance, Inc., et al., case received an allocation of \$1,540,517 from the Civil Penalty Fund. The class of victims who have received an allocation are certain Mississippi based consumers who, from October 1, 2016 to June 2, 2020, received deceptive finance charge disclosures.
- The Certified Forensic Loan Auditors, LLC, et al., case received an allocation of \$3,000,000 from the Civil Penalty Fund. The class of victims who have received an allocation are consumers who, between July 1, 2014 and July 20, 2020, purchased mortgage assistance relief services from defendants. This allocation fully compensates the uncompensated harm in this case, including the final order from Period 15 for which an allocation was deferred pending resolution with additional defendants.
- The Timemark Solutions, et al., case received an allocation of \$3,762,360 from the Civil Penalty Fund. The class of victims who have received an allocation are consumers who, between 2016 and October 2019 paid the defendant for debt-relief services.

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<sup>5</sup> The unallocated balance amount does not include \$10,693,571 in funds that were collected pursuant to two orders that were pending appeal and were thus not yet “final orders” as defined in 12 C.F.R. § 1075.101. Those funds were therefore not available for allocation under 12 C.F.R. § 1075.105(c). The amount includes \$2,017,193 that was sequestered during fiscal year 2020. The sequestration amount was not available for allocation during fiscal year 2020 but was available to the Bureau in fiscal year 2021.

- The GST Factoring, Inc., et al., case received an allocation of \$11,718,432.41 from the Civil Penalty Fund. The class of victims who have received an allocation are consumers who, between 2015 and 2020, paid unlawful advance fees for debt relief services to the defendants.
- The Premier Student Loan Center, et al., case received an allocation of \$89,366,096 from the Civil Penalty Fund. The class of victims who have received an allocation are consumers who, between November 2, 2015, and October 23, 2019, paid the defendants (or their representatives) for debt-relief services.

The Fund Administrator exercised discretion and deferred allocations to classes of consumers in one Period 16 matter, Chou Team Realty, et al., and two prior period matters, Think Finance, LLC, and Northern Resolution Group (Gray). In the Chou Team Realty, et al. case the Bureau is pursuing claims against related defendants, the results of which may affect the amount of uncompensated harm related to victims in this matter. In the Think Finance case, there are related actions which may result in compensation to eligible victims in this matter. In the Northern Resolution Group (Gray) case, the victim allocation is deferred while the Bureau pursues data and determines victim eligibility in a related matter. Each of these cases will be reviewed as part of the Period 17 allocation.

As of the time of this allocation, aside from the Think Finance and Northern Resolution Group (Gray) cases which have been addressed above, there were no prior period victim classes with uncompensated harm that is compensable from the Civil Penalty Fund.

During Period 16, \$0 was allocated for Consumer Education and Financial Literacy purposes.

The total allocation for Period 16 was \$109,387,406.

Period 16 Allocation Summary:

<b>Case Name</b>	<b>Allocation Amount</b>
Main Street Personal Finance, Inc.	\$1,540,517
Certified Forensic Loan Auditors, LLC; et al.	\$3,000,000
Timemark Solutions, Inc., et al.	\$3,762,360
GST Factoring, Inc., et al.	\$11,718,432
Premier Student Loan Center, et al.	\$89,366,096
<b>Total</b>	<b>\$109,387,406</b>

After the Period 16 allocation, the available balance in the Civil Penalty Fund was \$454 million. This amount plus the available collections through March 31, 2021 will be available for the Period 17 allocation in accordance with 12 C.F.R. § 1075.105(c).

## **Bureau-Administered Redress**

Dodd-Frank Act section 1055 authorizes a court in a judicial action, or the CFPB in an administrative proceeding, to grant any appropriate legal or equitable relief for a violation of Federal consumer financial law. Such relief may include redress for victims of the violations, including refunds, restitution, and damages. Relief that is intended to compensate victims is treated as fiduciary funds and deposited into the “Legal or Equitable Relief Fund” established at the Department of the Treasury.

### Bureau Administered Redress Collected in FY 2021:

In the first quarter of FY 2021, the Bureau collected \$5 million in Bureau-Administered Redress from 10 defendants. In the second quarter of FY 2021, the Bureau collected \$1.9 million in Bureau-Administered Redress from 3 defendants, bringing the total collections for the first half of FY 2021 to \$6.9 million. Funds are distributed in accordance with the terms of the final order for each case.

### FY 2021 Bureau-Administered Redress Collections:

<b>Defendant name</b>	<b>Amount Collected</b>	<b>Collection date</b>
Consumer Advocacy Center Inc., d/b/a Premier Student Loan Center, et al. – Tuong Nguyen	\$4,727	10/14/2020
Consumer Advocacy Center Inc., d/b/a Premier Student Loan Center, et al. – Hold the Door, Corp	\$53,696	10/14/2020
Chou Team Realty, LLC, et al. – Relief Defendants Kenneth Lawson and XO Media, LLC	\$200,000	10/21/2020
Consumer Advocacy Center Inc., d/b/a Premier Student Loan Center, et al. – Mice and Men LLC	\$1,143	10/26/2020
USA Service Finance, LLC	\$32,227	10/27/2020
SMART Payment Plan, LLC	\$1,500,000	11/12/2020 12/17/2020



<b>Defendant name</b>	<b>Amount Collected</b>	<b>Collection date</b>
U.S. Equity Advantage, Inc. and Robert M. Steenbergh	\$300,000 <sup>6</sup>	11/30/2020 12/17/2020 1/15/2021 2/12/2021 3/15/2021
Consumer Advocacy Center Inc., d/b/a Premier Student Loan Center, et al. – True Count and First Priority	\$3,077,150	12/23/2020
Universal Debt & Payment Solutions, LLC; et al. – Tasha Pratcher	\$2,500	12/28/2020
GST Factoring Inc., et al. – Champion Marketing Solutions, LLC and Scott Freda	\$5,000	12/28/2020
Candy Kern, Howard Sutter III, and Upstate Law Group LLC	\$725,000	1/28/2021
Consumer Advocacy Center Inc., d/b/a Premier Student Loan Center, et al. – Horizon Consultants LLC	\$999,980	3/4/2021
<b>Total</b>	<b>\$6,901,423</b>	

For additional information on CFPB's Civil Penalty Fund and Bureau-Administered Redress programs, see <http://www.consumerfinance.gov/enforcement/payments-harmed-consumers/>.

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<sup>6</sup> Full payment of the \$9,300,000 judgment for redress will be suspended upon Respondents' payment of \$900,000 in 15 monthly installments of \$60,000 each, with the final payment due on or before January 15, 2022.