

UNITED STATES OF AMERICA  
Before the  
BUREAU OF CONSUMER FINANCIAL PROTECTION

ADMINISTRATIVE PROCEEDING  
File No. 2015-CFPB-0029

---

In the Matter of:	)	NOTICE OF PROCEDURAL
	)	STATUS AND REQUEST FOR
INTEGRITY ADVANCE, LLC and	)	ADDITIONAL TIME TO ISSUE
JAMES R. CARNES,	)	RECOMMENDED DECISION
Respondents.	)	

---

On May 28, 2019, the Director of the Bureau of Consumer Financial Protection remanded this matter to me for a new hearing and recommended decision in accordance with Part 1081 of the Bureau’s Rules of Practice for Adjudication Proceedings, 12 C.F.R. Part 1081 (“Rules”). In the remand order, the Director noted that there were dispositive issues that needed to be addressed by an administrative law judge in the first instance. The Director did not specify a date for completion of the remand hearing and submission of the recommended decision.

The Rules do not specify the deadline for filing a Recommended Decision in a remand proceeding. They do state, however, that “the hearing officer shall file a recommended decision (in a non-remand case) no later than 90 days after the deadline for filing post-hearing responsive briefs pursuant to § 1081.305(b) and in no event later than 300 days after filing the notice of charges.” 12 C.F.R. § 1081.400(a).

Rule 101, *Expedition and fairness of proceedings* states that to the extent practicable, consistent with the requirements of law, the Bureau’s policy is to conduct such adjudication proceedings fairly and expeditiously and that the hearing officer and counsel shall make every effort to avoid delay. Rule 205, *Non-dispositive motions* and Rule 212, *Dispositive motions* dictate that the parties are to be granted specific time periods in order to file briefs and request oral argument.

Several important preliminary matters have caused substantial delay in this case. Shortly after the case was remanded to me on May 28, 2019, the parties requested time to discuss the possibility of settlement, which I granted. Following the conclusion of those discussions, the parties raised issues regarding the status of the factual record and the applicability of statutes of limitations in this proceeding as a result of recent case law. These issues needed to be fully briefed, argued, and resolved before the case could proceed.

Following resolution of the statute of limitations issue, the Respondents filed a motion to stay the proceedings as a result of the Supreme Court's pending decision in *Seila Law LLC v. CFPB*. This motion is in the process of being briefed by the parties. In the event the motion is granted, additional time will be required to account for that stay. In the event the motion is denied and the case proceeds without delay, additional time will still be required to allow for briefing on several issues Respondents have already raised; motions for summary disposition, which both parties have indicated they intend to file; and additional motions that are likely to be raised during the pendency of proceedings. It is difficult at this time to predict how much time will be required to complete the remand hearing.

As we are approaching 300 days from the date of remand, I find it appropriate to notify the Director of the procedural status of the case and request additional time to complete this remand hearing in a manner that will provide the parties with the required due process, while at the same time being mindful of the need to proceed expeditiously. I therefore request an extension for submission of a recommended decision until no later than 90 days after the deadline for filing post-hearing responsive briefs pursuant to Rule 305(b) and in no event later than 180 days from the date of the Director's order on this request.

Christine L.  
Kirby

Digitally signed by Christine L.  
Kirby  
Date: 2020.03.06 11:40:39  
-05'00'

---

HON. CHRISTINE L. KIRBY  
Administrative Law Judge

Signed and dated on this 6<sup>th</sup> day of March 2020 at  
Washington, D.C.

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the *Notice of Procedural Status and Request for Additional Time to Issue Recommended Decision* upon the following parties and entities in Administrative Proceeding 2015-CFPB-0029 as indicated in the manner described below:

**Via Electronic Mail to Representatives for Bureau of Consumer Financial Protection**

Benjamin Clark, Esq.  
1700 G Street, NW  
Washington, DC 20552  
[benjamin.clark@cfpb.gov](mailto:benjamin.clark@cfpb.gov)

Stephen C. Jacques, Esq., Email: [stephen.jacques@cfpb.gov](mailto:stephen.jacques@cfpb.gov)  
Alusheyi J. Wheeler, Esq., Email: [alusheyi.wheeler@cfpb.gov](mailto:alusheyi.wheeler@cfpb.gov)  
Deborah Morris, Esq., Email: [deborah.morris@cfpb.gov](mailto:deborah.morris@cfpb.gov)

**Via Electronic Mail to Representatives for Respondent**

Richard J. Zack, Esq.  
Pepper Hamilton, Esq.  
3000 Two Logan Square  
Philadelphia, PA 19103  
[zackr@pepperlaw.com](mailto:zackr@pepperlaw.com)

Michael A. Schwartz, Esq., Email: [schwarma@pepperlaw.com](mailto:schwarma@pepperlaw.com)  
Christen M. Tuttle, Esq., Email: [tuttlec@pepperlaw.com](mailto:tuttlec@pepperlaw.com)  
Saverio S. Romeo, Esq., Email: [romeos@pepperlaw.com](mailto:romeos@pepperlaw.com)

Jameelah  
Morgan

Digitally signed by  
Jameelah Morgan  
Date: 2020.03.06  
11:57:49 -05'00'

**Jameelah Morgan**  
**Docket Clerk**  
**Office of Administrative Adjudication**  
**Bureau of Consumer Financial Protection**

Signed and dated on this 6<sup>th</sup> day of March 2020 at  
Washington, D.C.