

UNITED STATES OF AMERICA  
Before the  
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING  
File No. 2015-CFPB-0029

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In the Matter of	)	ORDER DIRECTING
	)	OFFICE OF ADMINISTRATIVE
INTEGRITY ADVANCE, LLC and	)	ADJUDICATION TO WITHDRAW
JAMES R. CARNES	)	NOTICE
	)	

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On February 13, 2017, the Bureau’s Office of Administrative Adjudication notified the parties that this matter had been submitted for final Bureau decision. Consistent with 12 U.S.C. 5563(b)(3), the Bureau’s rules provide that the “Director will issue … the Director’s final decision and order within 90 days after such notice, unless within that time the Director orders that the adjudication proceeding or any aspect thereof be remanded to the hearing officer for further proceedings.” 12 C.F.R. 1081.405. On March 9, 2017, I issued an order stating that I was inclined to direct the Office of Administrative Adjudication to withdraw the notification that this matter had been submitted for final Bureau decision in light of the D.C. Circuit’s vacatur of the judgment in *PHH Corp. v. CPFB*, 839 F.3d 1 (D.C. Cir. 2016). The order also directed the parties to state whether they objected to withdrawal of the notice.

Enforcement counsel objected to withdrawal of the notice because, in its view, the resolution of the issues presented in *PHH* will not determine the outcome of this proceeding and because further delay would be inefficient and would increase harm to affected consumers. Respondents did not object to withdrawal of the notice, although they did raise concerns about when the notice would be reissued.

I have determined that withdrawal of the notice is appropriate under the particular circumstances of this case. Although this course will delay my resolution of this appeal, I believe it will help minimize unnecessary or duplicative proceedings and will facilitate a more efficient resolution of this matter. I note that Enforcement counsel has already fully investigated Respondents’ conduct and that the parties have conducted discovery, completed proceedings before the ALJ, and briefed and argued the issues to me on appeal. As a result, this is not a situation in which a delayed decision will prejudice Enforcement counsel’s ability to investigate or prove potential violations of the consumer financial laws. Moreover, in this case, I believe that withdrawal of the notice may expedite the ultimate resolution of this matter, and, with it, the provision of any relief for consumers.

Therefore, I hereby direct the Office of Administrative Adjudication to notify the parties that it has withdrawn the notification that this matter had been submitted for final Bureau

decision. I will make a further determination as to how this appeal should proceed (including whether to solicit the views of the parties) after the en banc court issues a decision in *PHH Corp. v. CFPB*, No. 15-1177 (D.C. Cir.).

SO ORDERED.



Richard Cordray

Director

Consumer Financial Protection Bureau

March 30, 2017

## **CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the *Order Directing Office of Administrative Adjudication to Withdraw Notice* 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 Consumer Financial Protection Bureau**

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### **Via Electronic Mail to Representatives for Respondent**

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Jameelah  
Morgan

Digital signature of Jameelah Morgan  
Date: 2017.03.31  
11:22:13 -04'00'

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

Signed and dated on this 31<sup>st</sup> day of March, 2017 at  
Washington, D.C.