

**UNITED STATES OF AMERICA
BUREAU OF CONSUMER FINANCIAL PROTECTION**

**ADMINISTRATIVE PROCEEDING File No.
2020-BCFP- 0025**

In the Matter of:

Envios de Valores la Nacional Corp.

CONSENT ORDER

The Bureau of Consumer Financial Protection (Bureau) has reviewed the remittance transfer activities of Envios de Valores La Nacional Corp. (La Nacional) (Respondent, as defined below) and has identified violations of the Electronic Fund Transfer Act (EFTA), 15 U.S.C. § 1693 *et seq.*, and its implementing Regulation E, 12 C.F.R. Part 1005, Subpart B (known as the Remittance Rule). Under §§ 1053 and 1055 of the Consumer Financial Protection Act of 2010 (CFPA), 12 U.S.C. §§ 5563, 5565, the Bureau issues this Consent Order (Consent Order).

I.

Jurisdiction

1. The Bureau has jurisdiction over this matter under §§ 1053 and 1055 of the CFPB, 12 U.S.C. §§ 5563, 5565, and § 919 of EFTA, 15 U.S.C. § 1693o.

II.

Stipulation

2. Respondent has executed a “Stipulation and Consent to the Issuance of a Consent Order,” dated December 14, 2020 (Stipulation), which is incorporated by reference and is accepted by the Bureau. By this Stipulation, Respondent has consented to the issuance of this Consent Order by the Bureau under §§ 1053 and 1055 of the CFPB, 12 U.S.C. §§ 5563, 5565, without admitting or denying any of the findings of fact or conclusions of law, except that Respondent admits the facts necessary to establish the Bureau’s jurisdiction over Respondent and the subject matter of this action.

III.

Definitions

3. The following definitions apply to this Consent Order:
 - a. “Effective Date” means the date on which the Consent Order is issued.

- b. “Board” means Respondent’s duly elected and acting Board of Directors.
- c. “Regional Director” means the Regional Director for the Northeast Region for the Office of Supervision for the Bureau of Consumer Financial Protection, or his or her delegate.
- d. “Related Consumer Action” means a private action by or on behalf of one or more consumers or an enforcement action by another governmental agency brought against Respondent based on substantially the same facts as described in Section IV of this Consent Order.
- e. “Respondent” means Envios de Valores La Nacional Corp. and its successors and assigns.

IV.

Bureau Findings and Conclusions

The Bureau finds the following:

Background

4. Respondent La Nacional is a non-bank remittance provider incorporated in New York and headquartered in Colorado that conducts the majority of its business in the greater New York metropolitan area. La Nacional's primary business is to provide international money transfers, including remittance transfers.
5. Respondent is licensed in 33 states and the District of Columbia and provides remittance transfers from the United States to designated recipients located primarily in the Dominican Republic, Mexico, Guatemala, El Salvador, Ecuador, Colombia, Peru, Nigeria, Honduras, and Nicaragua. Respondent provides these transfers through a network of branches and agents.
6. Respondent's remittance transfers involve transmitting funds and constitute payment services. These services are offered to consumers primarily for personal, family, or household purposes. The services are therefore "consumer financial product[s] or service[s]" under the CFPA. 12 U.S.C. § 5481(6), (15)(A)(iv), (15)(A)(vii).

7. Respondent is also a remittance transfer provider under EFTA and Regulation E because it provides remittance transfers for consumers in the normal course of its business. 15 U.S.C. § 1693o-1(g)(3); 12 C.F.R. § 1005.30(f).
8. In 2010, EFTA was amended by adding § 919 to create a comprehensive system of consumer protections for remittance transfers sent by U.S. consumers to individuals and businesses in foreign countries. Section 919 includes a number of requirements related to remittance transfers, including that:
 - remittance transfer providers must disclose the amount to be received, the currency, and the date of availability, both before and at the time the consumer pays for the transfer, 15 U.S.C. § 1693o-1(a)(1) & (2);
 - consumers have certain rights regarding cancellation and refunds, 15 U.S.C. § 1693o-1(d);
 - remittance transfer providers must investigate disputes and remedy errors regarding remittances, 15 U.S.C. § 1693o-1(d); and
 - remittance transfer providers are liable for certain acts of their agents, 15 U.S.C. § 1630o-1(f).
9. The Bureau issued rules to implement these requirements, which became effective on October 28, 2013. These rules are known as the Remittance Rule.

10. Respondent provides remittance transfers to consumers using its retail branches and a network of agents across the United States.
11. As of October 28, 2013, the effective date of the Remittance Rule, Respondent has been subject to the requirements of EFTA and the Remittance Rule.
12. Respondent failed to adequately comply with many of the Remittance Rule's requirements.

***Respondent violated § 1005.34(a) by
failing to honor cancellation requests and
failing to provide cancellation rights***

13. Section 1005.34 of the Remittance Rule requires remittance transfer providers to honor any oral or written request to cancel a remittance transfer from the sender that is received by the provider no later than 30 minutes after the sender makes payment, provided that the request enables the provider to identify pertinent information about the transfer, and the funds have not been received by the designated recipient.
14. Section 1005.34(b) also requires remittance transfer providers to refund, at no additional cost to the consumer, the total amount of funds provided by the sender in connection with a remittance transfer, including any fees and, to the extent not prohibited by law, taxes imposed in connection with the

remittance transfer, within three business days of receiving a properly-asserted cancellation request.

15. From the effective date of the Remittance Rule through at least April 2019, Respondent failed to honor consumers' properly-asserted cancellation requests, and to provide refunds as a result of those requests, unless the consumer appeared in person at the originating branch or agent location to cancel their remittance transfers.
16. From the effective date of the Remittance Rule through at least April 2019, Respondent also failed to provide the 30-minute cancellation window to consumers, and failed to provide a refund as a result of a properly-asserted cancellation request, in instances where the originating branch or agent location closed less than 30 minutes after the consumer initiated the transfer.
17. Therefore, Respondent violated 12 C.F.R. § 1005.34(a).

***Respondent violated §§ 1005.33(g)(1) and (g)(2)
by failing to develop and maintain policies and procedures
for error resolution under the Remittance Rule***

18. Section 1005.33(g)(1) of the Remittance Rule requires remittance transfer providers to develop and maintain written policies and procedures that are designed to ensure compliance with the Rule's error resolution requirements.
19. Section 1005.33(g)(2) further requires that these policies and procedures ensure the retention of any notices of error submitted by a remittance sender,

any documentation provided by the sender to the provider with respect to the alleged error, and the provider's findings.

20. From the effective date of the Remittance Rule through at least April 2019, Respondent's written policies and procedures did not reference the requirements for complying with the error resolution requirements in the Remittance Rule; did not set forth how Respondent's employees and agents should identify errors; did not define the types of records to be maintained; and did not specify the length of time for which such records must be maintained.
21. Therefore, Respondent violated 12 C.F.R. §§ 1005.33(g)(1) and (g)(2).

Respondent violated § 1005.33(c)(1) by failing to investigate and make error determinations
22. Section 1005.33(c)(1) of the Remittance Rule requires a remittance transfer provider, in response to a consumer's properly-asserted error notice, to investigate promptly and determine whether an error occurred, as defined under section 1005.33(a)(1)(i)-(v).
23. Since the effective date of the Remittance Rule, Respondent has failed to investigate promptly and determine whether an error, as defined under the Remittance Rule, occurred.
24. Therefore, Respondent violated 12 C.F.R. § 1005.33(c)(1).

Respondent violated § 1005.33(d) by failing to provide written reports of its investigation findings

25. Section 1005.33(c)(1) of the Remittance Rule requires that, when a consumer alleges that a remittance transfer provider committed an error, the provider must promptly investigate the alleged error and provide the results of its investigation to the sender within three business days after completing its investigation. If the provider determines that an error occurred as alleged by the sender, the investigation results may be provided orally. 12 C.F.R. § 1005.31(a)(4). However, if the investigation finds no error or finds an error different from the one alleged, the provider must provide the sender with a written explanation. 12 C.F.R. § 1005.33(d).
26. Since the effective date of the Remittance Rule, Respondent has failed to provide consumers with written reports of its investigation findings where no error occurred, or a different error occurred than the one identified in the sender's notice of error.
27. Therefore, Respondent violated 12 C.F.R. § 1005.33(d).

Respondent violated § 1005.33(c)(2)(ii) by failing to refund certain fees and taxes

28. Section 1005.33(c)(2)(ii) of the Remittance Rule requires a remittance transfer provider to refund transaction fees and taxes to a sender when the

provider fails to make funds available to the designated recipient by the availability date on the receipt.

29. Since the effective date of the Remittance Rule, Respondent has failed to refund fees and taxes to senders in instances where funds did not become available to designated recipients by the date identified in the receipts.
30. Therefore, Respondent violated 12 C.F.R. § 1005.33(c)(2)(ii).

***Respondent violated §§ 1005.31-36 by failing
to treat international bill pay services as remittance transfers***

31. Section 1005.30(e)(1) of the Remittance Rule establishes that for a service to qualify as a remittance transfer: (1) there must be an electronic transfer of funds; (2) the transfer must be requested by a sender in the United States; (3) the transfer must be sent to a designated recipient; (4) it must be sent by a remittance transfer provider.
32. Respondent offered an international bill payment service that permitted consumers in the United States to transfer funds to a designated recipient outside of the country, through the recipient's account with a commercial entity such as a utility.
33. From the effective date of the Remittance Rule until September 2019, Respondent failed to treat its international bill pay services as remittances covered by the Remittance Rule.

34. Therefore, Respondent violated the disclosure requirements and failed to provide the substantive rights in the Remittance Rule, 12 C.F.R. §§ 1005.31-36.

*Respondent violated §§ 1005.31(b)(1)(vii) and 1005.31(b)(2)(i)
by issuing some prepayment disclosures and receipts that failed to
disclose the appropriate currency of the remittance transfer to be received*

35. Section 1005.31 of the Remittance Rule requires a remittance transfer provider to provide a sender with (1) a written prepayment disclosure with information about the remittance transfer, and (2) a written receipt that includes the information provided in the prepayment disclosure plus the promised date of delivery, contact information for the designated recipient, and information regarding certain sender rights.
36. Section 1005.31(b)(1)(vii) describes the substantive disclosure requirements for prepayment disclosures, and section 1005.31(b)(2)(i) describes the requirements for receipts, including the requirement that providers disclose to a sender “the amount that will be received by the designated recipient, in the currency in which the funds will be received” in prepayment disclosures and receipts.
37. Since the effective date of the Remittance Rule, some of Respondent’s prepayment disclosures and receipts have failed to specify the currency in

which certain remittance transfers would be received, instead using the term “National Currency.”

38. Therefore, Respondent violated 12 C.F.R. §§ 1005.31(b)(1)(vii) and 1005.31(b)(2)(i).

Respondent violated §§ 1005.31(b)(1)(ii) and 1005.31(b)(2)(i) by failing to use the term “transfer fees” or a substantially similar term in some disclosures

39. Sections 1005.31(b)(1)(ii) and (b)(2)(i) of the Remittance Rule requires that remittance transfer prepayment disclosures and receipts disclose to the sender any fees imposed on the remittance transfer by the provider, in the currency in which the remittance transfer is funded, using the term “Transfer Fees” or a substantially similar term.
40. Since the effective date of the Remittance Rule, Respondent’s prepayment disclosures and receipts used the terms “Telex,” “Omission,” and “Handling,” to describe the fees it charged to consumers.
41. “Telex,” “Omission,” and “Handling” are not substantially similar to “Transfer Fees.”
42. Therefore, Respondent violated 12 C.F.R. §§ 1005.31(b)(1)(ii) and (b)(2)(i).

Respondent violated §§ 1005.31(b)(2)(ii) by issuing some receipts that failed to disclose the date on which remittance transfers would be available for pick-up

43. Section 1005.31(b)(2)(ii) of the Remittance Rule requires receipts issued by remittance providers to disclose to a sender the date on which funds will be available to the designated recipient in the foreign country, using the term “Date Available” or a substantially similar term.
44. Since the effective date of the Remittance Rule, some of Respondent’s receipts have failed to identify the date on which the remittance transfers would be available for pick-up by the designated recipients.
45. Therefore, Respondent violated 12 C.F.R. § 1005.31(b)(2)(ii).

CONDUCT PROVISIONS

V.

Prohibited Conduct

IT IS ORDERED, under §§ 1053 and 1055 of the CFPA, that:

46. Respondent and its officers, agents, servants, employees, and attorneys who have actual notice of this Consent Order, whether acting directly or indirectly, in connection with the provision of remittance transfers are prohibited from offering or providing remittance transfers without complying with the cancellation and refund provisions of the Remittance Rule, 12 C.F.R. § 1005.34, including but not limited to:

- a. the requirement that remittance transfer providers honor any oral or written properly asserted cancellation request that is received by the provider no later than 30 minutes after the sender makes payment; and
- b. the requirement that remittance transfer providers refund, at no additional cost to the consumer, the total amount of funds provided by the sender in connection with a remittance transfer, including any fees and, to the extent not prohibited by law, taxes imposed in connection with the remittance transfer, within three business days of receiving a properly asserted cancellation request.

47. Respondent and its officers, agents, servants, employees, and attorneys who have actual notice of this Consent Order, whether acting directly or indirectly, in connection with the provision of remittance transfers are prohibited from offering or providing remittance transfers without complying with the error-resolution requirements of the Remittance Rule, 12 C.F.R. § 1005.33, including but not limited to:

- a. the requirement that remittance transfer providers investigate promptly and determine whether an error occurred in response to a consumer's properly asserted error notice;

- b. the requirement to provide the sender with a written explanation if the investigation finds no error or finds an error different from the one alleged in the consumer's properly asserted error notice; and
- c. the requirement that remittance transfer provider refund transaction fees and taxes to a sender when the provider fails to make funds available to the designated recipient by the availability date on the receipt.

48. Respondent and its officers, agents, servants, employees, and attorneys who have actual notice of this Consent Order, whether acting directly or indirectly, in connection with the provision of remittance transfers are prohibited from offering or providing remittance transfers without complying with the disclosure requirements of the Remittance Rule, 12 C.F.R. § 1005.31, including but not limited to:

- a. the requirement that remittance transfer prepayment disclosures and receipts disclose "the amount that will be received by the designated recipient, in the currency in which the funds will be received;"
- b. the requirement that remittance transfer prepayment disclosures and receipts disclose any fees imposed on the remittance transfer by the provider, in the currency in which the remittance transfer is funded, using the term "Transfer Fees" or a substantially similar term; and

- c. the requirement that remittance transfer prepayment disclosures and receipts disclose the date on which funds will be available to the designated recipient in the foreign country, using the term “Date Available” or a substantially similar term.
49. Respondent and its officers, agents, servants, employees, and attorneys who have actual notice of this Consent Order, whether acting directly or indirectly, in connection with the provision of remittance transfers are prohibited from offering or providing international bill-payment services as remittance transfers without complying with EFTA, 15 U.S.C. § 1693o-1, and the Remittance Rule, 12 C.F.R. §§ 1005.31-36.
50. Respondent, in connection with the provision of remittance transfers, must:
- a. implement and maintain written policies and procedures designed to ensure compliance with the Remittance Rule;
 - b. maintain a compliance management system that is designed to ensure that Respondent’s operations comply with the Remittance Rule, including conducting training and oversight of all agents, employees, and service providers that is designed to ensure compliance with the Remittance Rule;

- c. conduct training and oversight of all agents, employees, and service providers that is reasonable designed to ensure compliance with the Remittance Rule.

VI.

Compliance Plan

IT IS FURTHER ORDERED that:

51. Within 30 days of the Effective Date, Respondent must submit to the Regional Director for review and determination of non-objection a comprehensive compliance plan designed to ensure that Respondent's remittance transfer acts and practices comply with all applicable federal consumer-financial laws and the terms of this Consent Order (Compliance Plan). The Compliance Plan must include, at a minimum, detailed steps for addressing each action required by this Consent Order and specific timeframes and deadlines for implementing those steps.
52. The Regional Director will have the discretion to make a determination of non-objection to the Compliance Plan or direct Respondent to revise it. If the Regional Director directs Respondent to revise the Compliance Plan, Respondent must make the revisions and resubmit the Compliance Plan to the Regional Director within 30 days.

53. After receiving notification that the Regional Director has made a determination of non-objection to the Compliance Plan, Respondent must implement and adhere to the steps, recommendations, deadlines, and timeframes outlined in the Compliance Plan.

VII.

Role of the Board

IT IS FURTHER ORDERED that:

54. The Board must review all submissions (including plans, reports, programs, policies, and procedures) required by this Consent Order prior to submission to the Bureau.
55. Although this Consent Order requires Respondent to submit certain documents for the review or non-objection by the Regional Director, the Board will have the ultimate responsibility for proper and sound management of Respondent and for ensuring that Respondent complies with the laws that the Bureau enforces, including federal consumer financial laws and this Consent Order.
56. In each instance that this Consent Order requires the Board to ensure adherence to, or perform certain obligations of Respondent, the Board must:
 - a. authorize whatever actions are necessary for Respondent to fully comply with the Consent Order;

- b. require timely reporting by management to the Board on the status of compliance obligations; and
- c. require timely and appropriate corrective action to remedy any material non-compliance with any failures to comply with Board directives related to this Section.

VIII.

Order to Pay Civil Money Penalty

IT IS FURTHER ORDERED that:

- 57. Under § 1055(c) of the CFPA, 12 U.S.C. § 5565(c), by reason of the violations of law described in Section IV of this Consent Order, and taking into account the factors in 12 U.S.C. § 5565(c)(3), Respondent must pay a civil money penalty of \$750,000 to the Bureau.
- 58. Within 10 days of the Effective Date, Respondent must pay the civil money penalty by wire transfer to the Bureau or to the Bureau's agent in compliance with the Bureau's wiring instructions.
- 59. The civil money penalty paid under this Consent Order will be deposited in the Civil Penalty Fund of the Bureau as required by § 1017(d) of the CFPA, 12 U.S.C. § 5497(d).

60. Respondent, for all purposes, must treat the civil money penalty paid under this Consent Order as a penalty paid to the government. Regardless of how the Bureau ultimately uses those funds, Respondent may not:
- a. claim, assert, or apply for a tax deduction, tax credit, or any other tax benefit for any civil money penalty paid under this Consent Order; or
 - b. seek or accept, directly or indirectly, reimbursement or indemnification from any source, including but not limited to payment made under any insurance policy, with regard to any civil money penalty paid under this Consent Order.
61. To preserve the deterrent effect of the civil money penalty in any Related Consumer Action, Respondent may not argue that Respondent is entitled to, nor may Respondent benefit by, any offset or reduction of any compensatory monetary remedies imposed in the Related Consumer Action because of the civil money penalty paid in this action or because of any payment that the Bureau makes from the Civil Penalty Fund. If the court in any Related Consumer Action offsets or otherwise reduces the amount of compensatory monetary remedies imposed against Respondent based on the civil money penalty paid in this action or based on any payment that the Bureau makes from the Civil Penalty Fund, Respondent must, within 30 days after entry of a final order granting such offset or reduction, notify the Bureau, and pay the

amount of the offset or reduction to the U.S. Treasury. Such a payment will not be considered an additional civil money penalty and will not change the amount of the civil money penalty imposed in this action.

IX.

Additional Monetary Provisions

IT IS FURTHER ORDERED that:

62. In the event of any default on Respondent's obligations to make payment under this Consent Order, interest, computed under 28 U.S.C. § 1961, as amended, will accrue on any outstanding amounts not paid from the date of default to the date of payment, and will immediately become due and payable.
63. Respondent must relinquish all dominion, control, and title to the funds paid to the fullest extent permitted by law and no part of the funds may be returned to Respondent.
64. Under 31 U.S.C. § 7701, Respondent, unless it already has done so, must furnish to the Bureau its taxpayer-identification number, which may be used for purposes of collecting and reporting on any delinquent amount arising out of this Consent Order.
65. Within 30 days of the entry of a final judgment, consent order, or settlement in a Related Consumer Action, Respondent must notify the Regional

Director of the final judgment, consent order, or settlement in writing. That notification must indicate the amount of redress, if any, that Respondent paid or is required to pay to consumers and describe the consumers or classes of consumers to whom that redress has been or will be paid.

X.

Reporting Requirements

IT IS FURTHER ORDERED that:

66. Respondent must notify the Bureau of any development that may affect compliance obligations arising under this Consent Order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor company; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this Consent Order; the filing of any bankruptcy or insolvency proceeding by or against Respondent; or a change in Respondent's name or address. Respondent must provide this notice, if practicable, at least 30 days before the development, but in any case no later than 14 days after the development.
67. Within 7 days of the Effective Date, Respondent must:

- a. designate at least one telephone number and email, physical, and postal addresses as points of contact, that the Bureau may use to communicate with Respondent;
 - b. identify all businesses for which Respondent is the majority owner, or that Respondent directly or indirectly controls, by all of their names, telephone numbers, and physical, postal, email, and Internet addresses; and
 - c. describe the activities of each such business, including the products and services offered, and the means of advertising, marketing, and sales.
68. Respondent must report any change in the information required to be submitted under ¶ 65 at least 30 days before the change or as soon as practicable after the learning about the change, whichever is sooner.
69. Within 90 days of the Effective Date, and again one year after receiving notice of non-objection to the Compliance Plan, Respondent must submit to the Regional Director an accurate written compliance progress report (Compliance Report) that has been approved by the Board, sworn to under penalty of perjury, which, at a minimum:
- a. lists each applicable paragraph and subparagraph of the Order and describes in detail the manner and form in which Respondent has

- complied with each such paragraph and subparagraph of the Consent Order;
- b. describes in detail the manner and form in which Respondent has complied with the Compliance Plan; and
 - c. attaches a copy of each Order Acknowledgment obtained under Section XI, unless previously submitted to the Bureau.

XI.

Order Distribution and Acknowledgment

IT IS FURTHER ORDERED that:

- 70. Within 7 days of the Effective Date, each Respondent must submit to the Regional Director an acknowledgment of receipt of this Consent Order, sworn under penalty of perjury.
- 71. Within 30 days of the Effective Date, Respondent must deliver a copy of this Consent Order to each of its board members and executive officers, as well as to any managers, employees, service providers, or other agents and representatives who have responsibilities related to the subject matter of the Consent Order.
- 72. For 5 years from the Effective Date, Respondent must deliver a copy of this Consent Order to any business entity resulting from any change in structure referred to in Section X, any future board members and executive officers,

as well as to any managers, employees, service providers, or other agents and representatives who will have responsibilities related to the subject matter of the Consent Order before they assume their responsibilities.

73. Respondent must secure a signed and dated statement acknowledging receipt of a copy of this Consent Order, ensuring that any electronic signatures comply with the requirements of the E-Sign Act, 15 U.S.C. § 7001 *et seq.*, within 30 days of delivery, from all persons receiving a copy of this Consent Order under this Section.
74. Within 90 days of the Effective Date, Respondent must provide the Bureau with a list of all persons and their titles to whom this Consent Order was delivered through that date under Paragraphs 71-72 and a copy of all signed and dated statements acknowledging receipt of this Consent Order under Paragraph 73.

XII.

Recordkeeping

IT IS FURTHER ORDERED that:

75. Respondent must create and retain the following business records:
 - a. all documents and records necessary to demonstrate full compliance with each provision of this Consent Order, including all submissions to the Bureau;

- b. templates of all prepayment disclosures, receipts, and combined disclosures, along with records sufficient to demonstrate the dates and locations in which each template was in use and the number of consumers who received each template; and
 - c. all consumer complaints and refund requests (whether received directly or indirectly, such as through a third party), and any responses to those complaints or requests.
76. Respondent must make the documents identified in ¶ 75 available to the Bureau upon the Bureau's request.

XIII.

Notices

IT IS FURTHER ORDERED that:

77. Unless otherwise directed in writing by the Bureau, Respondent must provide all submissions, requests, communications, or other documents relating to this Consent Order in writing, with the subject line, "In re Envios de Valores La Nacional Corp., File No. 2020-BCFP-0025" and send them by overnight courier or first-class mail to the below address and contemporaneously by email to Enforcement_Compliance@cfpb.gov and to:

Regional Director, Northeast Region
Bureau of Consumer Financial Protection
140 East 45th Street, 4th Floor
New York, NY 10017

XV.

Compliance Monitoring

IT IS FURTHER ORDERED that:

78. Within 30 days of receipt of a written request from the Bureau, Respondent must submit additional Compliance Reports or other requested non-privileged information, related to requirements of this Consent Order, which must be made under penalty of perjury; provide sworn testimony related to requirements of this Consent Order and Respondent's compliance with those requirements; or produce documents related to requirements of this Consent Order and Respondent's compliance with those requirements.
79. Respondent must permit Bureau representatives to interview, about the requirements of this Consent Order and Respondent's compliance with those requirements, any employee or other person affiliated with Respondent who has agreed to such an interview. The person interviewed may have counsel present.
80. Nothing in this Consent Order will limit the Bureau's lawful use of civil investigative demands under 12 C.F.R. § 1080.6 or other compulsory process.

XVI.

Modifications to Non-Material Requirements

IT IS FURTHER ORDERED that:

81. Respondent may seek a modification to non-material requirements of this Consent Order (*e.g.*, reasonable extensions of time and changes to reporting requirements) by submitting a written request to the Regional Director.
82. The Regional Director may, in his or her discretion, modify any non-material requirements of this Consent Order (*e.g.*, reasonable extensions of time and changes to reporting requirements) if he or she determines good cause justifies the modification. Any such modification by the Regional Director must be in writing.

XVII.

Administrative Provisions

IT IS FURTHER ORDERED that:

83. The provisions of this Consent Order do not bar, estop, or otherwise prevent the Bureau from taking any other action against Respondent, except as described in ¶ 84. Further, for the avoidance of doubt, the provisions of this Consent Order do not bar, estop, or otherwise prevent any other person or governmental agency from taking any action against Respondent.

84. The Bureau releases and discharges Respondent from all potential liability for law violations that the Bureau has or might have asserted based on the practices described in Section IV of this Consent Order, to the extent such practices occurred before the Effective Date and the Bureau knows about them as of the Effective Date. The Bureau may use the practices described in this Consent Order in future enforcement actions against Respondent and their affiliates, including, without limitation, to establish a pattern or practice of violations or the continuation of a pattern or practice of violations or to calculate the amount of any penalty. This release does not preclude or affect any right of the Bureau to determine and ensure compliance with the Consent Order, or to seek penalties for any violations of the Consent Order.
85. This Consent Order is intended to be, and will be construed as, a final Consent Order issued under § 1053 of the CFPA, 12 U.S.C. § 5563, and expressly does not form, and may not be construed to form, a contract binding the Bureau or the United States.
86. This Consent Order will terminate 5 years from the Effective Date. The Consent Order will remain effective and enforceable until such time, except to the extent that any provisions of this Consent Order have been amended, suspended, waived, or terminated in writing by the Bureau or its designated agent.

87. Calculation of time limitations will run from the Effective Date and be based on calendar days, unless otherwise noted.
88. Should any Respondent seek to transfer or assign all or part of its operations that are subject to this Consent Order, that Respondent must, as a condition of sale, obtain the written agreement of the transferee or assignee to comply with all applicable provisions of this Consent Order.
89. The provisions of this Consent Order will be enforceable by the Bureau. For any violation of this Consent Order, the Bureau may impose the maximum amount of civil money penalties allowed under §1055(c) of the CFPA, 12 U.S.C. § 5565(c).
90. In connection with any attempt by the Bureau to enforce this Consent Order in federal district court, the Bureau may serve Respondent wherever Respondent may be found and Respondent may not contest that court's personal jurisdiction over Respondent.
91. This Consent Order and the accompanying Stipulation contain the complete agreement between the parties. The parties have made no promises, representations, or warranties other than what is contained in this Consent Order and the accompanying Stipulation. This Consent Order and the accompanying Stipulation supersede any prior oral or written communications, discussions, or understandings.

92. Nothing in this Consent Order or the accompanying Stipulation may be construed as allowing Respondent or their Board, officers, or employees to violate any law, rule, or regulation.

IT IS SO ORDERED, this 18th day of December, 2020.



Kathleen L. Kraninger
Director
Bureau of Consumer Financial Protection