

BUCKLEY SANDLER

Enforcement Actions & Investigations Practice

Enforcement actions present serious risks to businesses and individuals—the threat of an investigation can delay or derail important business goals, tarnish reputation, reduce consumer confidence, and trigger parallel legal action from government entities and private litigants. Buckley Sandler helps clients through the most difficult government investigations and enforcement actions. We aggressively defend individuals faced with parallel white collar criminal investigations that can arise in tandem with civil enforcement actions. We aim to be efficient and forward-thinking problem solvers. We excel in formulating and implementing practical strategies that resolve the issue at hand while minimizing cost and collateral consequences.

Our team has successfully litigated and resolved investigations and enforcement actions conducted by state and federal agencies including Department of Justice (DOJ) and U.S. attorneys' offices, the Consumer Financial Protection Bureau (CFPB), Federal Trade Commission (FTC), Securities and Exchange Commission (SEC), Department of Housing and Urban Development (HUD), Federal Housing Finance Agency (FHFA), Federal Communications Commission (FCC), state attorneys general, as well as other oversight authorities like the prudential bank and state regulatory agencies such as the New York Department of Financial Services (NYDFS). These matters have included a variety of issues, ranging from alleged violations of consumer financial statutes (e.g., Truth in Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), Equal Credit Opportunity Act (ECOA), Fair Housing Act (FHA)) and claims alleging unfair, deceptive, and abusive acts and practices (UDAP and UDAAP), to matters involving fraud under the False Claims Act (FCA) and Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA), and cases concerning the Foreign Corrupt Practices Act (FCPA), money laundering and the Bank Secrecy Act (BSA), options backdating, state and federal Racketeer Influenced and Corrupt Organizations (RICO) laws, and tax offenses. We also represent corporations and their executives in connection with Congressional investigations examining industry business practices, as well as with Congressional inquiries and hearings.

Our team has the ability and experience to handle a matter from start to finish, successfully representing clients in these matters through victory at trial, appeals courts, and at the U.S. Supreme Court. Many of our greatest successes, however, are not public because we were able to convince an enforcement agency not to take any action against our clients.

Select representative matters include:

- Represented Verizon Wireless in a settlement with CFPB, FCC, and 51 attorneys general alleging that Verizon Wireless permitted third parties to place unauthorized charges on consumers' wireless phone bills
- Represented JPMorgan Chase Bank in a joint CFPB and Maryland Attorney General investigation into allegations that loan officers accepted leads and marketing assistance from a now-defunct title company in exchange for referrals. The investigation resulted in a settlement for less than \$1 million

with no admission of liability

- Represented Flagstar Bank in a CFPB investigation into the bank's default servicing loss mitigation practices, including UDAAP, which resulted in a \$37.5 million settlement with no admission of liability. This was the first CFPB enforcement action based on the newly promulgated mortgage servicing rules. We negotiated administrative consent order agreement, without any admission of wrongdoing on the part of the company or its employees, directors, officers, or agents
- Represented U.S. Bank in a multi-year FCA investigation of its Federal Housing Administration insured mortgage lending practices initiated by the DOJ, the HUD Office of Inspector General (OIG), and several U.S. Attorney's Offices, which resulted in a \$200 million settlement with no admission of liability
- Represented a credit card issuer in the second enforcement action entered into by the CFPB, issued jointly with the FDIC, in which the agencies alleged deceptive marketing and sales practices related to its "add-on" products
- Represented Customers Bank in enforcement action before the Federal Reserve Board (FRB) concerning UDAP allegations related to financial aid disbursement services for students, which were offered in conjunction with a third party
- Represented a payday loan/check cashing management company in an FTC enforcement action regarding the FCRA Disposal Rule and the Gramm–Leach–Bliley Act Safeguards Rule
- Represented large national bank in lawsuits brought by various municipalities alleging "reverse redlining" in mortgages under the FHA as well as parallel investigations initiated by the DOJ, FRB, and the Office of the Comptroller of the Currency (OCC)