



Austin Brown

Partner

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Austin advises institutions regarding consumer protection compliance, enforcement, and litigation issues. His practice focuses on investigations and enforcement proceedings, class action litigation, compliance advice, examination support, internal corporate investigations, and transactional diligence.

Austin handles matters involving compliance with a broad range of consumer protection statutes and regulations affecting financial services providers, including those relating to: unfair, deceptive or abusive acts or practices (UDAAP); fair lending (ECOA and FHA); credit reporting (FCRA); debt collection (FDCPA); consumer disclosures (TILA); electronic fund transfers (EFTA); loan servicing; mortgage lending (RESPA and HMDA); student lending; and unsecured lending. He defends institutions in investigations and enforcement actions brought by the Consumer Financial Protection Bureau (CFPB), the US Department of Justice (DOJ), the Federal Trade Commission (FTC), state attorneys general, and federal and state bank regulatory authorities. He also has extensive experience advising institutions on compliance and examination issues and defending clients in class action and government enforcement litigation.

He has assisted clients in matters covering all types of financial services issues, including product development, sales and marketing, banking services, pricing and underwriting, credit reporting and servicing and collection activities. Austin also regularly assists institutions with developing and revising compliance and risk management systems.

- Litigation, Arbitration and Investigations
- State Attorneys General
- Regulatory and Government Affairs
- Investigations

- Financial Services
- Technology
- Consumer Goods, Food and Retail

Austin's notable representations include:

- A consumer lender in resolving a CFPB investigation relating to compliance with the FCRA, TILA and UDAAP.
- A consumer lender in defending several class action lawsuits, attorney general investigations, and a lawsuit by the CFPB relating to UDAAP.
- A Paycheck Protection Program (PPP) lender in an FTC investigation.
- An FDIC-regulated bank in successfully appealing material supervisory determinations before the FDIC's Supervision Appeals

Review Committee.

- A large national bank in conducting UDAAP risk assessments of all of the bank's consumer products and services.
- BancorpSouth Bank in resolving a CFPB and DOJ fair lending investigation.
- Commonwealth, Inc., in obtaining the first-ever approval under the CFPB's Compliance Assistance Sandbox Policy.
- A digital payment service in responding to a CFPB civil investigative demand relating to compliance with the EFTA and UDAAP.
- Capital One in connection with a federal lawsuit relating to branch closures.
- Social Capital Hedosophia Holdings in its merger with consumer finance company SoFi.
- Mortgage lenders and auto finance companies in fair lending testing of their pricing and underwriting data.
- A bank director in resolving an investigation by the Office of the Comptroller of the Currency.
- A large regional bank in connection with a CFPB redlining investigation.
- A consumer reporting agency in responding to a Potential Action and Request for Response (PARR) by the CFPB.
- A mortgage loan servicer in responding to a CFPB investigation regarding loss mitigation practices.
- A large bank in the non-public resolution of an investigation by the CFPB and the FRB relating to overdraft practices.
- Several banks and other financial institutions in preparing for CFPB, FDIC, OCC and FRB examinations and responding to supervisory concerns.

Austin frequently speaks and writes on financial services enforcement, litigation and enforcement trends.

CREDENTIALS

Admissions

- District of Columbia
- Maryland

Education

- J.D., Georgetown University Law Center
magna cum laude
- B.A., Vassar College

INSIGHTS

Publications

Consumer Finance Regulatory News and Trends

11 March 2022
Consumer Finance Regulatory News and Trends
CFPB issues compliance bulletin on illegal auto reposessions.

President Biden's Executive Order on Ensuring Responsible Development of Digital Assets: Consumer protection implications, and 3 steps for digital asset issuers

11 March 2022
Digital assets, the Order states, have "profound implications for the protection of consumers."

Consumer Finance Regulatory News and Trends

19 January 2022

Consumer Finance Regulatory News and Trends

CFPB files complaint against debt buyers for debt-placement practices.

Consumer Finance Regulatory News and Trends

19 November 2021

Consumer Finance Regulatory News and Trends

CFPB announces \$2.7 million settlement with reverse mortgage lender.

Consumer Finance Regulatory News and Trends

19 October 2021

Consumer Finance Regulatory News and Trends

CFPB announces \$2.7 million settlement with reverse mortgage lender.

Consumer Finance Regulatory News and Trends

13 September 2021

Consumer Finance Regulatory News and Trends

OCC and DOJ announce US\$3 million penalty against bank for FHA violations.

Consumer Finance Regulatory News and Trends

3 August 2021

Consumer Finance Regulatory News and Trends

CFPB announces \$150,000 settlement with debt-relief companies for deceptive acts or practices.

Interagency Initiative spotlights fair lending compliance in home appraisals

28 June 2021

Increased scrutiny of lenders' appraisal compliance practices is likely.

Consumer Finance Regulatory News and Trends

14 June 2021

Consumer Finance Regulatory News and Trends

OCC releases Community Reinvestment Act evaluations.

Consumer Finance Regulatory News and Trends

12 May 2021
Consumer Finance Regulatory News and Trends
CFPB delays mandatory compliance date for General Qualified Mortgage Final Rule.

FTC's \$9.8 million settlement holds firm and its principals liable for "consumer protection" violations in transactions with small businesses

6 May 2021
The settlement is notable for two reasons.

Expanding the scope of deception? Key questions and takeaways from the CFPB's recent settlements with SettleIt and Nationwide Equities Corporation

5 May 2021
The settlements shine a light on the Bureau's potential strategy for enforcing the Dodd-Frank prohibition against deception.

Events

Previous

Using third parties: What to watch for and what you should be doing now

5 May 2022 | 2:00 - 3:00 pm ET
Webinar

Mitigating your risk in a time of growing consumer protection enforcement and litigation

23 March 2022
Consumer Goods and Retail speaker series
Webinar

Emerging issues and tips for navigating UDAAP enforcement and litigation

20 July 2021 | 2:00 - 3:00 ET
Webinar

Fair lending deep dive

14 June 2021 | 12:00 - 1:00 ET
Webinar

- "On the Fair Lending Forefront: Enforcement Trends and Emerging Risks," Wolters Kluwer CRA and Fair Lending Colloquium, November 16, 2021
- "Women in Housing and Finance Brown Bag Lunch: Fall 2021 Fair Lending Update," *WHF*, September 23, 2021
- "Fair Lending Compliance and Defense Strategies: Challenges in Underwriting, Redlining, and Equitably Implementing Relief Programs," American Conference Institute, Residential Mortgage Regulatory Enforcement & Litigation Conference, November 2020
- "Emerging (and re-emerging) Fair Lending Issues in Pricing, Underwriting, Marketing and Servicing," Marquis Virtual User's Conference, September 14-15, 2020
- "Telling Your Story," QuestSoft Lending Compliance & Risk Management Virtual Conference, October 2020
- "Consumer Compliance Hot Topics," Skadden's 28th Annual Conference on Fair Lending and Consumer Financial Protection, Washington, D.C., April 20, 2020
- "Due Process in Supervision," ABA Banking Law Committee, January 2020
- "Responding to Internally Identified Compliance Concerns," Skadden's 27th Annual Fair Lending and Consumer Financial Protection Conference, April 2019
- "Forecasting Litigation and Settlement Trends in the Mortgage Servicing and Fair Lending Context," American Conference Institute, Residential Mortgage Regulatory Enforcement and Litigation Conference, Dallas, Texas, October 22-23, 2018
- "Is Your Examiner Always Right? Adjusting to the New Regulatory Regime," ABA's National Conference for Community Bankers, February 2016

NEWS

Austin Brown joins DLA Piper's Litigation and Regulatory practice in Washington, DC

15 April 2021

DLA Piper announced today that Austin Brown has joined the firm's Litigation and Regulatory practice as a partner based in Washington, DC.

MEDIA MENTIONS

- "New UDAAP Guidance is Relevant to OCC-Regulated and Nonregulated Institutions Alike," September 25, 2020
- "Special Purpose Credit Programs – Taking a Second Look at a Familiar Tool," July 29, 2020
- "Consumer Financial Protection Bureau Launches Advisory Opinion Process," June 19, 2020
- "Managing Compliance Risks for Income Share Agreements," *Law360*, July 2019
- "Is Your Fair Lending CMS Up-to-Date?" *Mortgage Compliance Magazine*, September 2017
- "CFPB Pursues Aggressive Enforcement Agenda and Arbitration Restrictions," *NY Business Law Journal*, Summer 2016