

## **2023 OLA Legal Issues Conference – Speaker Biographies (Listed Alphabetically)**



### **Michael M. Aphibal – Associate – Venable LLP**

Michael Aphibal advises clients on regulatory compliance issues in the financial services industry, with a focus on consumer finance and residential mortgage loan origination. Michael has represented a range of institutions, including banks, non-bank lenders, and insurance companies and agencies. He helps clients provide both secured and unsecured loans to their customers, such as mortgages, credit card loans, installment loans, and short-term small-dollar loans. In his consumer financial services practice, Michael has provided counseling related to licensing, employee compensation, loan origination and servicing, customer information sharing and privacy, consumer disclosures, marketing and advertising, and the sale of ancillary products. Michael is also experienced with insurance regulatory issues affecting producers, including licensing, compensation arrangements and associated disclosures, commission splitting and referral fees, anti-rebating, and advertising. He has counseled insurance carriers on product development, including required features and benefits of life and health policies, value added services, rate and form filings, and permissible reasons for rescissions of policies.



### **R. Andrew Arculin – Partner – Blank Rome LLP**

Andy Arculin is a thought leader in the fields of consumer lending, FinTech, and mortgage banking who leverages his prior experience with the Consumer Financial Protection Bureau (“CFPB”) to provide informed counsel. He assists banks, credit unions, non-bank lenders, consumer reporting agencies, technology companies, and their vendors with regulatory compliance, civil enforcement, and transactional matters. His work focuses on the “alphabet soup” of consumer credit statutes and regulations, including the Truth in Lending Act (“TILA”); the Equal Credit Opportunity Act (“ECOA”); the Fair Credit Reporting Act (“FCRA”); the Real Estate Settlement Procedures Act (“RESPA”); the Home Mortgage Disclosure Act (“HMDA”); Unfair, Deceptive and Abusive Acts and Practices (“UDAAP”); and other federal and state statutes and regulations. Prior to serving as chair of the financial services practice at an Am Law 200 firm, Andy served as senior counsel in the CFPB’s Office of Regulations where he was responsible for the development and implementation of consumer financial services regulations under RESPA, TILA, ECOA, and other federal statutes. He served as lead attorney for various CFPB rulemakings and played a key role at CFPB in educating the public and industry leaders about CFPB rulemakings. Andy began his career as an associate at an international law firm, representing financial institutions in cases brought under federal consumer finance laws. He also gained significant experience with complex commercial litigation, class actions, and internal investigations and compliance. He also served as a judicial clerk for the Honorable James C. Cacheris, U.S. District Court for the Eastern District of Virginia. During law school, Andy served as an assistant editor for Catholic University Law Review. Andy coauthored Chapter 15, “Real Estate Settlement Procedures Act and Regulation X,” of Consumer Finance Law: Understanding Consumer Financial Services Regulations, published by the American Bar Association (2021).



**Michael J. Barry – Partner – Blank Rome LLP**

Michael Barry is a regulatory compliance attorney in Blank Rome’s Financial Institutions Litigation and Regulatory Compliance (“FILARC”) group. Michael regularly advises bank and non-bank lenders and other financial institutions on a variety of regulatory matters, including compliance concerns arising out of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (“Dodd-Frank”) and the regulations promulgated by the Consumer Financial Protection Bureau (“CFPB”) governing mortgage origination and mortgage servicing practices. Additionally, Michael counsels non-bank entities on state and federal licensing and registration issues, retail installment sales act issues, and other related consumer financial services statutes and regulations. A number of these clients are participants in the FinTech and digital currency spaces. Prior to joining Blank Rome, Michael worked as a policy aide in the Executive Offices at the Federal Deposit Insurance Corporation (“FDIC”).



**Allen H. Denson – Partner – Stroock & Stroock & Lavan LLP**

Allen Denson brings a rare and powerful set of perspectives and tactics when fighting for financial institutions that are forced to defend themselves against financial regulators that challenge their marketing, lending and collection practices. With insights and experience gained working as an enforcement attorney and as a private practice lawyer, Allen has the unique ability to see issues and their solutions more fully than many of his peers. As a former senior attorney at the Office of the Comptroller of the Currency, he developed a boots-on-the-ground understanding of how government officials think when pursuing enforcement issues. And as a private practice lawyer, he utilizes the experience he gained from being on the other side of table to craft winning strategies for his clients. General Counsels, Owners and Chief Executives for financial services providers such as lenders, sales finance and leasing companies, fintechs, banks, debt collectors, lead generators, and auto dealers turn to Allen when they must defend themselves against government overreach. Allen is a frequent advocate before federal and state government regulatory bodies that include the Consumer Financial Protection Bureau (CFPB), Federal Trade Commission (FTC) federal banking regulators (OCC, FDIC, and the Federal Reserve Board), state attorneys general and various state banking departments. Clients regularly report how much they appreciate working with Allen based on his passion for finding a way to get the win. They value how he is unafraid to push the envelope with regulators and get creative to find a solution. He speaks on industry issues across the nation and is a frequent source for media outlets like American Banker, Reuters and Law360. Allen has successfully navigated solutions for his clients in a number of highly contentious matters.



**Andrew Duke – Executive Director – Online Lenders Alliance**

Andrew Duke serves as Executive Director of the Online Lenders Alliance (OLA) – the first and largest trade association representing the growing industry of fintech companies that harness technology to deliver safe, convenient, private, and reliable credit options for consumers. With 27 years in public policy, Andrew Duke brings a wealth of experience to OLA. Andrew served two decades on Capitol Hill, where he served as Chief of Staff to three members of Congress, including House Financial Services Committee Chairman Jeb Hensarling. He also led the Consumer Education and External Affairs Division for two years at the Consumer Financial Protection Bureau. As OLA’s leader, Andrew oversees a membership comprised of job creators, entrepreneurs, publicly traded companies, fraud prevention

experts, privacy protectors, lenders, alternative credit bureaus, and software developers. He is also responsible for educating the public, media, and policymakers about the benefits of access to regulated, safe, and fair credit to consumers and businesses through the innovations of online lending.



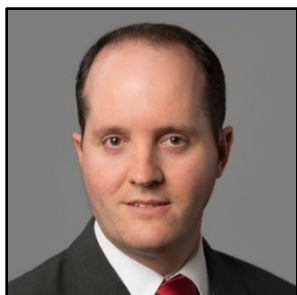
**Daniel C. Fishbein – Associate – Stroock & Stroock & Lavan LLP**

Daniel Fishbein focuses on matters related to the financial services industry. He has represented clients in white collar criminal matters involving healthcare and bank fraud, the Report of Foreign Bank and Financial Accounts (FBAR), the Foreign Corrupt Practices Act (FCPA), the Foreign Agents Registration Act (FARA), residential mortgage-backed securities (RMBS) fraud, insider trading, and the Food, Drug, and Cosmetic Act (FDCA). Daniel has extensive experience counseling clients involved in internal investigations and investigations by the U.S. Securities and Exchange Commission (SEC), U.S. Department of Justice (DOJ), states attorneys general, and other government agencies. He has also represented clients in a range of civil disputes, including shareholder derivative, bankruptcy, and litigation related to mergers and acquisitions.



**Christopher K. Friedman – Associate – Bradley Arant Boult Cummings LLP**

Chris Friedman is the leader of Bradley’s Unsecured Consumer Finance Practice group. An experienced regulatory compliance attorney, Chris works as a partner to unsecured lenders to help address issues related to consumer loan origination including licensing, the development of new products, and the expansion into new jurisdictions. Chris also works with legal and compliance teams to assist with the day-to-day compliance challenges that come with operating in a highly regulated space. Chris is also the leader of Bradley’s alternative commercial lending practice team. In that role, he helps business-purpose lenders and alternative business finance companies address newly increasing regulatory and compliance burdens brought by federal and state regulators. When assisting clients involved in regulatory and compliance matters, Chris draws on his extensive experience as a class action and securities litigator. Currently the co-editor in chief of the American Bar Association’s Class Action and Derivative Suits Newsletter, Chris began his career defending parties involved in civil rights class action cases filed in both state and federal courts. He is also the co-author of the “Settlement” chapter of the American Bar Association’s Class Action Strategy & Practice Guide and is a frequent speaker on class action settlement issues. Chris has argued motions in state and federal court and has litigated matters in a wide range of venues, including the United States Supreme Court, Second Circuit, Ninth Circuit, Eleventh Circuit, and several state courts. He has also litigated several matters before the American Arbitration Association (AAA).



**Brian C. Frontino – Partner – Stroock & Stroock & Lavan LLP**

Brian Frontino is part of the firm’s Financial Services/Class Action Practice Group and handles complex litigation, including both individual and class actions. In particular, Mr. Frontino has extensive knowledge of state and federal laws relating to data security and privacy, debt collection, credit reporting, military lending, automobile finance, unfair business practices and other consumer protection statutes. He represents a wide array of companies, including credit card issuers, mortgage lenders, consumer reporting agencies, e-commerce companies, automotive finance companies and student lenders. Mr. Frontino appears in state and federal courts around the country, at both the trial and appellate levels. Beginning in

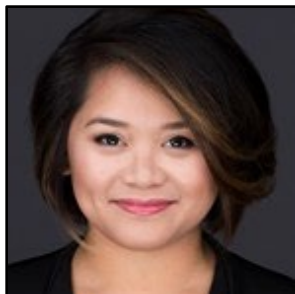
the summer of 2008, Mr. Frontino provided extensive strategic advice and counsel to a major benefits administrator relating to security breach notification requirements. The incident involved apparent loss of electronically-stored Social Security numbers and health information while in transit overseas to a storage facility. Mr. Frontino's successful rapid response to the incident resulted in no major litigation or administrative penalties, and Mr. Frontino continues to provide strategic advice to the client on these issues as they arise. This experience led to his recent involvement in drafting a data security breach policy for the U.S. operations of a major Japanese consumer products retailer. Mr. Frontino also has successfully defended state and federal privacy actions. Most recently, he obtained a decisive victory on behalf of Zappos.com, Inc., when the U.S. District Court for the District of Nevada dismissed a putative class action complaint arising from a data security incident the company suffered in 2012. Mr. Frontino also participated in obtaining a dismissal at the pleading stage of a California state class action alleging identity theft in connection with the opening of retail consumer credit card accounts, and has participated in obtaining dismissal of a federal class action alleging harm based on the theft of multiple desktop computers containing confidential financial information for thousands of consumers, including plaintiff, during a break-in at a secure facility. Mr. Frontino also routinely defends clients in opposing discovery of non-public information of unnamed class members in consumer class actions.



**Daniel V. Funaro – Associate – Blank Rome LLP**

Daniel V. Funaro concentrates his practice on advising consumer and commercial financial services providers on regulatory compliance issues, including compliance with state and federal regulations and state licensing regimes. Daniel has notable experience performing regulatory due diligence for M&A transactions, writing memoranda to advise clients on commercial loan broker and escrow agent licensing requirements, and drafting consumer and merchant terms and conditions for buy now, pay later (“BNPL”) providers.

As a member of the firm's FILARC group, Daniel works on a variety of consumer and commercial financial services regulatory matters, including compliance under TILA, RESPA, FCRA, ECOA, and state and federal UDAP provisions.



**Garylne (Gage) Javier – Associate – Crowell & Moring LLP**

Gage Javier (CIPP/US) is an associate in the Washington, D.C. office of Crowell & Moring and a member of the Privacy & Cybersecurity Group, where she practices at the intersection of law, business, and technology. A Certified Information Privacy Professional (CIPP/US) with a business and scientific background, she provides strategic legal and business solutions for sophisticated entities, including tech and government contracts clients, in matters associated with incident response, privacy and cybersecurity regulatory compliance, and technology-related litigation. Gage's practice

includes the full incident lifecycle, including preparing privacy and incident response policies, engaging forensic experts for privileged investigations after intrusions, and finalizing formal data breach notifications. Her regulatory compliance counseling work includes advising on legal obligations associated with various U.S. and international privacy law regimes, including the California Consumer Privacy Act (CCPA), California Privacy Rights Act (CPRA), EU General Data Protection Regulation (GDPR), Virginia Consumer Data Protection Act (VCDPA), and the Colorado Privacy Act (CPA). Dedicated to working with her clients to reduce their risk profile, Gage advises clients on data governance issues to address business needs while minimizing risks and complying with a rapidly evolving regulatory landscape and other legal obligations. Prior to entering private practice, Gage managed the commercial and government contracts department of a security and intelligence firm by providing worldwide security, intelligence, technology,

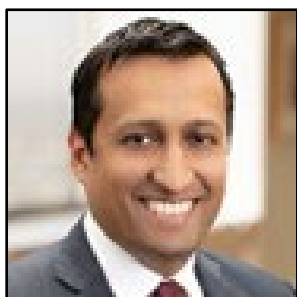
and training services to government and private enterprises. Gage has over 15 years of experience leading teams at the local, regional, and national levels.



**David T. Long, Jr. – Associate – Bradley Arant Boult Cummings LLP**

David Long counsels clients in complex banking and financial services matters in both state and federal courts across the country. Based upon the specific needs of his clients, he advises individuals and corporate clients on their claims and outlines strategies to achieve the best result for each client. A critical member of Bradley’s alternative commercial lending practice group, David has experience assisting factors, merchant cash advance companies, and other commercial lenders develop policies and procedures and disclosures related to California’s new commercial lending disclosure regime. David also has

experience counseling lenders on fair lending issues.



**Mehul Madia – Counsel – Manatt, Phelps & Phillips, LLP**

Mehul Madia is counsel in the Manatt Financial Services group and is based in Washington, D.C. He regularly counsels financial services clients—including banks and nonbanks, insurers, fintechs, and blockchain companies—as they navigate complex enforcement, litigation and regulatory matters. He has extensive experience representing clients in government enforcement actions, internal investigations and class actions, as well as in regulatory compliance matters where he has guided clients through supervisory actions. Mehul has represented clients before a host of government agencies, including the

Consumer Financial Protection Bureau (CFPB), the Department of Justice (DOJ), the Securities and Exchange Commission (SEC), the Department of Housing and Urban Development (HUD), the Commodity Futures Trading Commission (CFTC), the Federal Housing Finance Agency (FHFA), the Federal Reserve Board, the New York Department of Financial Services (NYDFS), and various state attorneys general, as well as in matters involving unfair, deceptive or abusive acts or practices; the Fair Credit Reporting Act (FCRA); the Equal Credit Opportunity Act (ECOA); the Electronic Funds Transfer Act (EFTA); and the Real Estate Settlement Procedures Act (RESPA). Prior to joining Manatt, Mehul served as senior legal advisor to the associate director in the CFPB’s Supervision, Enforcement & Fair Lending (SEFL) division. In that role, he advised the SEFL associate director on all enforcement and supervisory matters the bureau undertook. Mehul also advised on various legal and policy matters relating to student loan origination and servicing, mortgage servicing, auto finance, electronic and remittance transfers, debt collection, and short-term/small dollar lending. Before joining the CFPB, Mehul spent several years with a national financial services law firm where he advised consumer financial services clients on enforcement, litigation and regulatory matters. He also served as Special Assistant United States Attorney at the United States Attorney’s Office for the District of Columbia. After graduating from law school, Mehul served as a law clerk for the Honorable Rhesa H. Barksdale of the U.S. Court of Appeals for the Fifth Circuit. Before law school, Mehul spent two years as a business consultant with a leading multinational professional services company.





**Andrew J. Narod – Partner – Bradley Arant Boult Cummings LLP**

Andrew Narod is an experienced litigator who represents bank and non-bank financial services institutions and other types of businesses in class-action litigation, complex commercial litigation, and other high-profile litigation disputes nationwide. His clients entrust him to navigate some of their most sensitive litigation matters in some of the most difficult venues in the country. A considerable amount of Andrew's practice is devoted to representing bank and non-bank financial services entities in class-action litigation and other consumer litigation matters. He has particular experience defending his clients

against state law claims arising under the West Virginia Consumer Credit and Protection Act, the Maryland Consumer Debt Collection Act, and others, and has litigated cases arising under various federal laws, including FCRA, TCPA, RESPA, and the FDCPA. His clients include auto finance companies, mortgage servicers, mortgage originators, small-dollar lenders, credit card issuers, national banks, and others in the financial services space. Andrew devotes a significant portion of his financial services practice to advising his clients regarding compliance with federal and state regulations. He assists fintech companies in navigating novel regulatory questions, guides mortgage servicers through compliance regarding new state laws, and provides strategy guidance to multiple clients concerning TCPA compliance.



**Scott M. Pearson – Partner – Manatt, Phelps & Phillips, LLP**

Scott Pearson is a partner in the firm's Los Angeles office. He focuses his practice on the defense of regulatory enforcement actions and consumer class actions, other complex business litigation, and regulatory compliance counseling. Scott is also one of the pre-eminent authorities on the unique issues facing the fintech and marketplace lending industry. Prominent companies regularly entrust Scott with matters involving bet-the-company exposure or complexity, such as overlapping claims being pursued simultaneously in multiple jurisdictions by federal regulators, state attorneys

general and class action plaintiffs. With more than two decades of experience, Scott serves as a trusted strategic business advisor to Manatt clients, including national banks, mortgage lenders, auto finance companies, fintechs, institutional investors, sports and entertainment companies, retailers, and others. Scott has been called "a true expert in complex litigation and consumer class actions" and "a no-nonsense bulldog lawyer who is highly respected by his peers and the judiciary." In March 2018, he was named a BTI Client Service All-Star for "delivering the absolute best client service" based on a national survey of in-house counsel.



**Kim Phan – Partner – Troutman Pepper Hamilton Sanders LLP**

Kim is a partner in Troutman Pepper's Privacy + Cyber Practice and Consumer Financial Services Groups, where she counsels companies on compliance with federal and state privacy and data security statutes and regulations. Her work encompasses strategic planning and guidance for companies to incorporate privacy and data security considerations throughout product development, marketing, and implementation. She also assists companies with data breach prevention and response. Kim also provides extensive e-commerce and mobile counseling, including mobile app development, conducting online behavioral

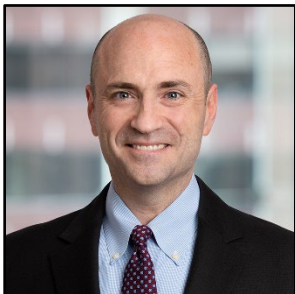
advertising assessments, enhancing website privacy policies, and advising on social media interactions with consumers. Kim also provides guidance to clients on regulatory compliance matters, including supervisory and enforcement interactions with the Consumer Financial Protection Bureau (CFPB), the Federal Trade Commission (FTC), other federal regulatory agencies, and state attorneys general.



**Jonathan L. Pompan – Partner – Venable LLP**

Jonathan Pompan is chair of the firm's Consumer Financial Services Practice Group and Consumer Financial Protection Bureau (CFPB) Task Force. Jonathan's practice focuses on providing comprehensive legal advice and regulatory advocacy to a broad spectrum of clients, such as nonbank financial products and services providers, advertisers and marketers, and trade and professional associations, before the CFPB, the Federal Trade Commission (FTC), state attorneys general, and regulatory agencies. At a time when government consumer protection agencies are stepping up their scrutiny,

Jonathan develops strong and lasting relationships with clients by understanding their business objectives, helping them recognize opportunities and avoid legal pitfalls. Jonathan is deeply involved in the communities within which he practices, and is a frequent speaker and author on legal and regulatory issues of significance to providers of consumer financial products and services, advertisers and marketers, and nonprofit organizations. A substantial portion of Jonathan's work involves advising clients on how to minimize the legal risks related to providing, advertising, and marketing financial products and services to consumers under federal and state consumer protection laws, including laws and regulations under the jurisdiction of the CFPB and FTC. Jonathan's experience includes representing various companies in CFPB, FTC, state attorneys general, and state banking/financial institution department investigations and enforcement actions; conducting compliance audits; obtaining licenses; and assisting in the formation and development of new companies, products, and services. In addition, Jonathan regularly advises on the design of compliance management systems tailored to specific client needs and government expectations. Jonathan is an experienced advertising attorney who regularly advises clients on consumer protection issues, specifically with regard to advertising and promotions, including digital media and lead generation, as well as consumer credit and financial services laws and regulations. He has extensive experience in the issues surrounding mobile marketing, target marketing, lead generation, affiliate marketing, social media, and user-generated content. Jonathan also defends clients in investigations and enforcement actions pursued by the CFPB, FTC, state attorneys general, and other state regulatory agencies, as well as advises in private litigation involving claims, such as false or misleading advertising or unfair, deceptive, or abusive acts and practices.



**Joseph Reilly – Partner – Manatt, Phelps & Phillips, LLP**

Joseph Reilly is a financial services counsel in Manatt's Washington, D.C., office. Joe advises lenders, fintech startups and other financial services providers on compliance, lending and authority matters. He also defends clients in enforcement actions, informal investigations and examinations by the Consumer Financial Protection Bureau (CFPB), the Office of the Comptroller of the Currency, the Federal Reserve, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, state agencies, and mortgage government-sponsored enterprises. Joe helps his

clients navigate the complex regulatory structure of consumer and business lending laws, including compliance issues related to the Truth in Lending Act (TILA)/Regulation Z; the Equal Credit Opportunity Act/Regulation B; the Real Estate Settlement Procedures Act (RESPA)/Regulation X; unfair, deceptive, or abusive acts or practices; the Electronic Fund Transfer Act/Regulation E; the Fair Credit Reporting Act; debt collection laws, Gramm-Leach-Bliley Act privacy provisions; state licensing regimes; and other laws. He advises bank and bank-affiliated clients on bank powers, federal preemption, interstate expansion and a range of Bank Holding Company Act matters. Joe also advises federally chartered Farm Credit lenders on similar issues of authority, preemption and compliance across the range of their lending and investment activities. He has extensive experience advising on mortgage law issues, including RESPA's

anti-kickback provisions, and fair lending, servicing and mortgage insurance issues. Joe frequently works with the American Bankers Association (ABA) and is the principal author of the ABA's most popular publication ever: The CFPB Mortgage Origination Rules Deskbook (equally applicable to nonbank lenders). The 624-page treatise, now in its second edition, is the authoritative volume on mortgage lending regulations mandated by the Dodd-Frank Act. Joe has two decades of experience with national and international law firms, advising consumer financial services clients on regulatory and compliance matters, and earlier in his career, advising financial institutions in private litigation and civil and criminal government enforcement actions. Previously, he worked as an investment banking associate with Credit Suisse. Joe served as law clerk to the Honorable Dennis Jacobs of the U.S. Court of Appeals, Second Circuit and to Federal District (now Circuit) Judge Reena Raggi. Before law school, he served for four years on the U.S. House of Representatives' Financial Services Committee. After completing ROTC at Stanford University, Joe served with the U.S. Army Reserves 450th Civil Affairs Battalion (Airborne).



**Paula M. Vigo Marques – Associate – Blank Rome LLP**

Paula Vigo Marqués helps clients navigate the complex laws and regulations that apply to the financial services industry, bringing her experience as both a certified public accountant and a certified fraud examiner to her practice. Paula assists banks, credit unions, non-bank lenders, consumer reporting agencies, technology companies, and their vendors with regulatory compliance and transactional matters. She counsels clients on a variety of financial services, consumer protection, and general business issues, including compliance with the Truth in Lending Act; Real Estate Settlement Procedures Act; Home Mortgage Disclosure Act; Fair Credit Reporting Act; Equal Credit Opportunity Act; and Unfair, Deceptive and Abusive Acts and Practices. She advises clients on federal and state mortgage banking and financial services laws, origination and servicing requirements, quality control plans, compliance management systems, and regulatory approval and licensing. During law school, she served as an extern at the Financial Industry Regulatory Authority and as an intern at the Securities and Exchange Commission.