

R. Andrew Arculin | Partner
Financial Institutions Litigation and
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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).

Select Engagements

Advisory and Transactional

- Assist banks and non-bank lending companies in the development of FinTech partnership programs, including true lender analysis, designing participation structures, and drafting and negotiating program agreements.
- Perform fair lending and fair servicing audits and compliance reviews for banks, credit unions, and other lenders relating to mortgage origination, mortgage servicing, direct and indirect auto lending, and installment loans.
- Represent a large telecommunications company in the development and oversight of a device financing program, including obtaining state licenses and managing examinations by state regulatory authorities, assisting in new product launches, and negotiating a co-branded credit card program agreement with a leading national bank.
- Assist industry-leading financial education websites and credit lead generation platforms with regulatory compliance, obtaining state licenses, navigating state examinations, and development of white label programs.
- Assist industry-leading loan origination platforms and Reg Tech providers on compliance, risk management, and dispute resolution.
- Design terms and disclosures for mortgage, credit card, and installment loan products and features.
- Advise companies adopting or developing Buy Now Pay Later and other point of sale financing solutions.
- Advise mortgage companies on compliance with TILA-RESPA Integrated Disclosures, Ability-to-Repay/QM, Loan Originator rule, HMDA, and mortgage servicing rules.
- Analyze marketing services agreements, affiliated business arrangements, co-marketing or co-branding agreements, and web-based lead generation platforms for compliance with RESPA Section 8.
- Represented a bank in the development of nationwide student lending and mortgage origination platforms; developed a compliance infrastructure and performed pre-sale due diligence that resulted in the successful sale of the platform.

Acquisition and Investment Due Diligence

- Perform due diligence on FinTech startup companies seeking capital investment on behalf of a nonprofit financial services consultancy’s accelerator program.
- Performed regulatory due diligence on behalf of a private equity bidder in

connection with the acquisition of an industry-leading Reg Tech and mortgage loan origination system company.

- Performed regulatory due diligence on behalf of a financial technology provider that serves mortgage and automotive lending in connection with the acquisition of a third-party payment processor.
- Performed regulatory due diligence on behalf of a large data and technology company in the acquisition of a lead generation platform.

Supervisory and Enforcement

- Defend non-bank financial service companies facing examinations, investigations, or enforcement matters before state regulators, including the CFPB, FDIC, and the California Department of Financial Protection and Innovation (“DFPI”).
- Assist banks and non-bank financial service companies in negotiating examination findings and memoranda of understanding as well as implementing supervisory remediation plans.
- Perform full CFPB readiness assessments and mock examinations for banks, credit unions, non-bank lenders, and credit bureaus.
- Defended a mortgage originator, bi-weekly payment processor, and individual loan officer in investigations brought by the CFPB.
- Defended a financial education website in an enforcement action brought by the DFPI.
- Defended a large credit union in an enforcement action brought by the Maryland Commissioner of Financial Regulation.

Admissions

- District of Columbia

Memberships

- District of Columbia Bar Association

Education

- University of Virginia, BA
- The Catholic University of America Columbus School of Law, JD, cum laude

Recognitions

- 2018–2020, Finance – Financial Services Regulation, listed in *The Legal 500 United States*