

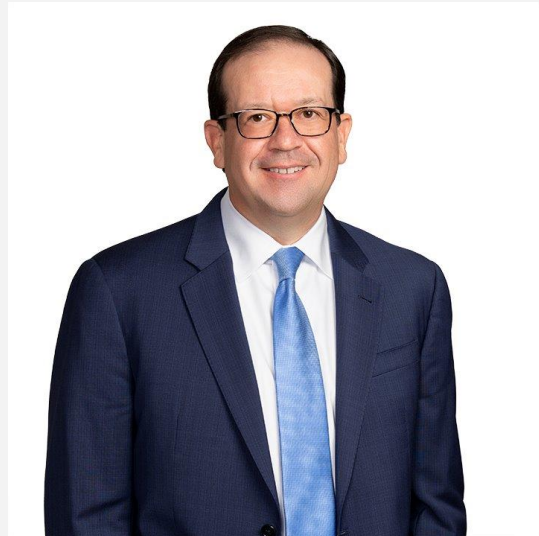
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Financial Institutions Litigation and
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Colgate Selden advises clients such as non-bank lenders, banks, credit unions, investors, FinTechs, financial services companies, and related service providers on the full range of federal and state laws and regulations relevant to loan brokering, lending, settlement and closing, servicing, and secondary market activities. He also advises clients on entity formation, licensing, new loan programs, affiliated businesses, policies and procedures, due diligence, advertising, marketing services, outsourcing arrangements, lead generation, and Fannie Mae and Freddie Mac and federal agency loan program requirements.

Colgate has experience handling numerous litigation, enforcement, intellectual property, tax, employment and labor, trust and estates, corporate formation and M&A, securities, and banking and lending regulatory matters for clients. He is well versed in the Truth in Lending Act (“TILA”), Real Estate Settlement Procedures Act (“RESPA”), Secure and Fair Enforcement for Mortgage Licensing Act (“SAFE Act”), Fair Debt Collection Practices Act (“FDCPA”), Unfair, Deceptive or Abusive Acts or Practices (“UDAAP”), Home Ownership and Equity Protection Act (“HOEPA”), Home Mortgage Disclosure Act (“HMDA”), Equal Credit Opportunity Act (“ECOA”), Fair Housing Act, Fair Credit Reporting Act (“FCRA”), Fair and Accurate Credit Transactions Act (“FACTA”), Gramm-Leach-Bliley Act (“GLBA”), anti-money laundering (“AML”), Bank Secrecy Act (“BSA”), Electronic Signatures in Global and National Commerce Act (“ESIGN”), the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”), the Bank Holding Company Act (“BHCA”), and federal preemption and related state laws.

Aside from the client types noted above his clients also include settlement service providers, home builders, insurance companies, appraisal management companies, lead generators, and outsource service providers as well as all types of private and

quasi-agency participants and ancillary service providers in the consumer and real estate finance markets process ranging from initial marketing and advertising through final loan or financing pay off, write-off, or foreclosure and REO disposition.

In addition to his private practice experience, Colgate served as a managing director and head of regulatory legal, compliance, and risk, for Promontory Mortgagepath LLC, reporting to the founder and CEO, a former comptroller of the currency. At Promontory, he was part of senior leadership and led all regulatory legal, compliance, quality control, and risk matters. In this role he was the lead regulatory counsel for all enterprise technology products and mortgage operations, head of privacy, head of compliance including quality control and examination response, and the chief risk officer. He also was a founder and served as senior counsel to the Consumer Financial Protection Bureau (“CFPB”) and as an attorney-adviser for the U.S Department of the Treasury on the CFPB Implementation Team. While at the CFPB, he was a member of the Loan Originator Compensation (“LO Comp”), TILA-RESPA Integrated Disclosure (“TRID”), Ability to Repay and Qualified Mortgage (“ATR-QM”), Home Equity Line of Credit (“HELOC”), Regulation P (the CFPB’s GLBA Rule), Debt Collection, and Alternative Mortgage Transaction Parity Act (“AMTPA”) rulemaking teams. He also served as the CFPB Office of Regulations team lead for TILA mortgage, Regulation P, and FDCPA regulatory inquiries from industry, Congress, and consumer groups. He additionally was a senior adviser for RESPA section 8 policy.

Colgate is frequently called upon by industry associations and national trade and industry media outlets for his deep market insight and knowledge, including *American Banker*, the American Bankers Association, *Bloomberg BNA*, *Inside Mortgage Finance*, the Mortgage Bankers Association, *Compliance Week*, *The M Report*, *DSNews*, *The Wall Street Journal*, *Bank Director*, *The New York Times*, *Law360*, *Thomson Reuters*, and *Daily Mortgage News & Commentary*. During law school, Colgate served as an editor for the *Vermont Journal of Environmental Law*.

Select Engagements

- Advised a technology service provider on the FTC’s Data Safeguards Rule.
- Assisted a Community Development Financial Institution (“CDFI”) with submitting comments for a CDFI eligibility rule proposed by the CDFI Fund.
- Assisted buyers and sellers of Master Servicing Rights (“MSRs”).
- Advised a nationwide nondepository lender during the wind down and dissolution process.
- Assisted a Florida-based nondepository defending a CFPB redlining fair lending enforcement action.
- Assisted a nondepository lender with maintaining its CDFI eligibility.
- Advised a nondepository lender prior to acquiring multiple branches and trade names from another lender on LO Comp, RESPA, Federal Housing Administration (“FHA”) loan program, and state licensing issues, and coordinated corporate structuring, employment law, trademark, and compensation options with other law firm practice teams.
- Advised a technology vendor on compliance and potential fair lending

- concerns regarding existing and proposed digital point of sale platform, product engine, machine learning, and predictive origination outcome tools.
- Participated in escalated foreclosure and strategic litigation defense involving legal regulatory interpretations material to the enterprise-wide activities of the client.
 - Conducted regulatory due diligence on a servicer for a nondepository lender client seeking to acquire servicing capabilities and MSR assets.
 - Advised a west coast credit union on fair lending issues related to proprietary foreign national mortgage and consumer loan programs.
 - Advised a private equity fund on potential loan originator compensation compliance risk before providing a \$50M infusion at the acquisition target.
 - Assisted a community bank with a prior history of lower CAMELS ratings to successfully rebut initial FDIC examination findings.
 - Advised a nonprofit on affiliated business arrangements and RESPA section 8 issues regarding a proposed web-based lead generation joint venture with reverse mortgage lenders.
 - Advised a top 20 nondepository lender on nationwide marketing services agreements with real estate brokerages.
 - Advised a proprietary technology vendor on the applicability of federal, state, and EU privacy laws to technology offerings.
 - Reviewed an auto financing and pricing website developed by an auto sales intermediary for UDAP/UDAAP, TILA, and ECOA issues.
 - Assisted a large international Swiss bank with establishing a U.S.-based mortgage lending platform.
 - Advised a top five VA lender regarding RESPA section 8, state licensing, and loan originator compensation issues for a proposed lead generation arrangement with a third-party website.
 - Advised a family office hedge fund client on its proposed investment in a small dollar finance and money transmitter fintech that would provide financial services between recent immigrants and their families in Central and South America.
 - Facilitated and advised on HUD OIG and DOJ False Claims Act litigation strategies involving alleged FHA program loan violations.
 - Advised a top global bank on using key performance indicators for determining loan originator compensation.
 - Advised a private equity firm on the acquisition target's executives' indirect ownership arrangements of settlement service providers under the Bank Holding Company Act and inclusion of related fees in ATR-QM points and fees thresholds.
 - Assisted a nondepository lender with overtime requirements under federal and California employment law and related loan originator compensation issues.
 - Established a compliance management system and risk function for a proprietary technology and fulfillment services client.
 - Conducted a general compliance review of a proprietary digital mortgage point of sale platform for a top five U.S. bank by assets.
 - Advised the wealth management group of a top five U.S. bank by assets on loan originator compensation structures related to internal referrals between

financial advisor teams.

- Facilitated trademark registrations for a mortgage industry service provider.
- Reviewed marketing and advertising materials for TILA, UDAP/UDAAP, and Regulation N compliance for a nationwide nondepository lender, and assisted with establishing internal review checklists.
- Advised a top five U.S. bank by assets on TILA coverage involving trusts, LLCs, and farms.
- Advised two global international banks on profit-sharing and loan originator compensation issues.
- Advised a cash buyer start-up client on RESPA section 8 issues regarding proposed arrangements with real estate brokers and required use settlement services providers, state licensing, and on various local recording fee impediments and possible corporate structures.
- Conducted federal and state loan package disclosure reviews for a large Wall Street investment bank.
- Assisted a leading third-party review firm on event condition severities regarding various TILA assignee liability issues.
- Reviewed a large investor's proposed jumbo prime proprietary loan program for fair lending and ability to repay issues.
- Counseled a fintech client on unsecured loan state disclosure, usury, and fee laws.
- Reviewed proposed fintech arrangements for a large southeastern bank involving retail store and professional service (*e.g.*, medical and dental) point of sale financing programs regarding potential compliance and litigation issues.
- Assisted a nationwide mortgage lender client with CFPB and state regulator examination prep, examination responses and enforcement actions.
- Conducted a gap analysis of a nationwide mortgage lender client's regulatory policies and procedures.
- Reviewed and coordinated a fair lending analysis by a consultant and a fair lending controls review prior to the bank client's pending merger review by the FDIC.
- Advised a nationwide mortgage lender client engaging a web-based lead aggregator on state licenses required by the vendor to conduct lead generation and mortgage loan brokering.
- Counseled a nationwide nondepository mortgage lender client on establishing vendor management and diligence programs.
- Drafted compliance policies and procedures for a mortgage lending and servicing client.
- Drafted comment letters on behalf of a servicer client regarding various proposed CFPB rulemakings as part of the Administrative Procedure Act notice and comment process.

Admissions

- District of Columbia
- Maryland

Education

- Georgetown University Law Center, LLM
- Ferrum College, BS
- Vermont Law School, JD, with honors