



## Brian Fink

### OF COUNSEL

Brian Fink is Of Counsel in McGlinchey Stafford's Consumer Financial Services practice and is based in the firm's Washington, DC office. Brian has extensive high-level experience with the Consumer Financial Protection Bureau (CFPB) and Banking Regulators. Brian advises depository and non-depository financial institutions on aspects of compliance, government investigations, and regulatory issues.

Prior to joining the firm, Brian served as Supervisory Analyst, Attorney Advisor, and Senior Analyst within the CFPB's Office of Supervision Policy. His work focused on the CFPB's payday, deposit and overdraft, mortgage origination, and automobile origination examination programs. He also resolved complex examination issues, with particular emphasis on issues relating to the Truth in Lending Act, Real Estate Settlement Procedures Act, Truth in Savings Act, Electronic Funds Transfer Act, and the determination of unfair, deceptive, and abusive acts and practices (UDAAP).

Before the CFPB was formed in 2011, Brian served as a Supervisory Analyst within the Federal Reserve Board of Governors. In this role, he advised reserve banks regarding UDAP and other significant examination issues and led formal operations reviews of Federal Reserve Banks' compliance examination programs. Before working in government, he was Vice President and Associate General Counsel for M&T Bank, supporting its consumer lending division (automobile, credit card, student, and home equity). He also previously served as Vice President and Compliance, BSA, and CRA Officer for First National Bank of Pennsylvania and Examiner for the Minneapolis Federal Reserve Bank.

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Washington, DC

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#### Service Areas

Consumer Financial Services Compliance

White Collar/Government Investigations Group

#### Education

University of St. Thomas, M.B.A., 2002

Hamline University, J.D., 1999, Dean's Scholarship, *Hamline Law Review*

Oberlin College, B.A., 1993

#### Admissions

New York

Pennsylvania

District of Columbia

#### Recent Publications

June 6, 2019	<p><b><a href="#">Payday Lending Rule Compliance Date Stayed Yet Again by Texas Court</a></b></p> <p>On May 30, 2019, a federal district court in Texas issued an Order that appears to temporarily grant a reprieve for lenders subject to the CFPB's 2017 Payday Lending Rule.</p> <p>McGlinchey Consumer Financial Services Alert</p>
April 8, 2019	<p><b><a href="#">Disparate Impact (Still) a Fair Lending Risk</a></b></p> <p>Auto Finance Excellence</p>
2018	<p><b><a href="#">Transactions Involving Real Estate and Dwellings</a></b></p> <p><i>Chapter Editor</i></p> <p>The Law of Truth in Lending</p>
August 28, 2018	<p><b><a href="#">Ohio Tightens Small Dollar Lending Law</a></b></p> <p>On July 24, 2018, Ohio Governor Kasich signed HB 123 into law, amending and streamlining the Ohio consumer lending laws and making significant changes to the Ohio Short-Term Loan Law.</p> <p>McGlinchey Consumer Financial Services Alert</p>
May/June 2018	<p><b><a href="#">"Kickback and Relax" is not a RESPA Compliance Strategy</a></b></p> <p>Alabama Bankers Association Board Briefs</p>
2017	<p><b><a href="#">Consumer Financial Services Answer Book 2017</a></b></p> <p><i>contributing author</i></p> <p>Practising Law Institute</p>

- June 20, 2017 [Supreme Court Narrows FDCPA Coverage of Debt Purchasers](#)  
 In a unanimous opinion authored by the newly appointed Justice Gorsuch, the Supreme Court has ruled in *Henson v. Santander Consumer USA, Inc.* that a company does not automatically become a “debt collector” under the Fair Debt Collection Practices Act (FDCPA) when collecting accounts it obtained after default.  
 McGlinchey Consumer Financial Services Alert
- August 18, 2016 [Principal Payoff Option: A Viable Exception to the CFPB’s ATR Standard?](#)  
 This article is the third in a series discussing the CFPB’s recently-issued Notice of Proposed Rulemaking, which covers Payday, Vehicle Title, and Certain High-Cost Installment Loans (the “Rule”). This article discusses the only type of loan that would be exempt from the Rule’s ability to repay requirements for covered short-term loans.  
 McGlinchey Consumer Financial Services Alert
- July 6, 2016 [A Presumption of Unaffordability: The CFPB’s Proposed ATR Standard](#)  
 This article is the second in a series discussing the CFPB’s recently-issued Notice of Proposed Rulemaking, which would cover Payday, Vehicle Title, and Certain High-Cost Installment Loans (the “Rule”). This article will discuss the Rule’s ability-to-repay (“ATR”) standard for covered loans.  
 McGlinchey Consumer Financial Services Alert
- June 3, 2016 [Are You Covered? CFPB’s Proposed Rule Would Severely Limit High-Cost, Small Dollar Loans](#)  
 On June 2, 2016, the Consumer Financial Protection Bureau (CFPB) released its Proposed Rule that would severely restrict the ability of lenders to make payday, vehicle title, and certain high-cost installment loans. The Rule totals 1,334 pages and was released with, among other things, a 152-page Supplemental Report, which includes factual findings, and a Request for Information (discussed more below), signaling the potential expansion of such protections.  
 McGlinchey Consumer Financial Services Alert

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## Events

- October 16, 2019 [Federal and State Enforcers: Discussion of New Risks in Concurrent Enforcement, Supervision, and Examination Under Dodd-Frank](#)  
 2019 Consumer Finance Legal Conference  
 New Orleans, LA
- October 15, 2019 [Evolution of Scoring Models and Data for Underwriting Decisions](#)  
 2019 Consumer Finance Legal Conference  
 New Orleans, LA
- October 15, 2019 [Rolling Out a New Product](#)  
 2019 Consumer Finance Legal Conference  
 New Orleans, LA
- October 18, 2018 [The OCC FinTech Charter: No Applicants and Significant Controversy](#)  
 2018 Consumer Finance Legal Conference New Orleans, LA
- October 18, 2018 [What’s Left of Fair Lending in the Auto Space?](#)

2018 Consumer Finance Legal Conference New Orleans, LA

- October 17, 2018 **Life Under Mulvaney: Current Focus and Future Priorities, Update on Orders and Examination Trends, Rulemaking and RFI Status, Empowerment of State Regulators, and Congressional Efforts to Reform**  
2018 Consumer Finance Legal Conference  
New Orleans, LA
- October 13, 2017 **Managing Informational Requests and the Impact on Attorney-Client Privilege**  
16th Annual Consumer Finance Legal Conference  
New Orleans, LA
- October 11, 2017 **The CFPB's Regulation by Enforcement: Update of Recent Enforcement Actions**  
16th Annual Consumer Finance Legal Conference  
New Orleans, LA
- February 17, 2017 **CFPB Audits: Being Prepared and Staying Compliant to Save Time and Money**  
Lorman Banking Live Webinar
- December 9, 2016 **What Goes on at the CFPB?**  
2016 LBA Bank Counsel Conference  
New Orleans, LA
- September 29, 2016 **Fair Lending, Disparate Impact, and Indirect Finance after Inclusive Communities**  
15th Annual Consumer Finance Legal Conference  
New Orleans, LA
- September 29, 2016 **CFPB Short-Term Credit Proposal (Payday Loan Rule)**  
15th Annual Consumer Finance Legal Conference  
New Orleans, LA
- September 28, 2016 **Recent Trends in CFPB Enforcement**  
15th Annual Consumer Finance Legal Conference  
New Orleans, LA
- May 19, 2014 **Regulatory Chat - Consumer Financial Protection Bureau**  
Compliance Week Conference 2014  
Washington, DC
- October 4-7, 2013 **The Regulatory Outlook**  
25th Annual Financial Service Centers of America (FiSCA) Conference  
Marco Island, FL
- September 24, 2013 **CFPB Office of Consumer Response**  
Money Transmitter Regulators Association Annual Conference  
New Orleans, LA
- May 21, 2013 **Regulator Chat: Consumer Financial Protection Bureau**  
Compliance Week Conference 2013  
Washington, DC
- March 7, 2013 **CFSA Welcomes the CFPB: A Discussion About Supervisory Examinations and the Importance of Compliance in the Industry**

Community Financial Service Association of America  
Dana Point, CA

- October 5, 2012 [The Regulatory Outlook](#)  
24th Annual Financial Service Centers of America (FiSCA) Conference  
Chicago, IL
- June 13, 2012 [Regulatory Update: State and federal regulators discuss priorities for 2012 and beyond](#)  
American Financial Services Association/National Association of Consumer Credit Administrators  
State Government Affairs and Legal Issues Forum  
Fort Lauderdale, FL
- May 7, 2012 [Introduction to The Consumer Financial Protection Bureau \(CFPB\)](#)  
California Financial Service Providers Association Western States Conference and Trade Show  
Coronado, CA

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#### News Results

- April 26, 2016 [McGlinchey Stafford Announces Relocation and Expansion of Washington, DC Office](#)  
McGlinchey News Release
- December 15, 2015 [McGlinchey Stafford Commemorates One-Year Anniversary of Washington, DC Office; Adds Former CFPB Regulator Brian Fink and Consumer Finance Attorney Peter L. Cockrell](#)  
McGlinchey News Release