



Candy Burnette

OF COUNSEL

Candy Burnette focuses her practice on federal and state compliance matters for consumer financial services clients.

Candy has significant experience advising clients on debt collection and servicing issues, including licensing, compliance with the FDCPA and other federal and state laws regulating collection and servicing, and unfair or deceptive acts and practices. Her practice also focuses on direct and indirect automobile financing. Candy's experience includes 12 years in the firm's Commercial Litigation Group, where she defended financial services clients, including banks, national mortgage lenders and servicers, and automobile finance companies in state and federal courts, bankruptcy matters, and arbitration.

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* indicates primary office

Relevant Experience

- Analyzing licensing requirements for consumer financial service providers, including lenders, sales finance companies, mortgage loan originators, brokers, leasing companies, collection agencies, and servicers
- Identifying federal and state substantive conduct requirements for debt collectors and servicers
- Reviewing servicing and collection policies and forms for compliance with federal and state law
- Communicating with state regulators regarding licensing and examination issues
- Identifying and drafting forms and policies to comply with federal and state law requirements for buy-here, pay-here automobile dealers and finance companies
- Advising banks on state lending laws
- Conducting due diligence in connection with portfolio acquisitions
- Drafting consumer credit agreements, including note and security agreements, retail installment contracts, and automobile leases
- Reviewing credit agreements and credit applications for compliance with federal and state law

Professional Affiliations

- American Bar Association (Section of Business Law, Committee on Consumer Financial Services)

Recent Publications

- | | |
|-----------------|--|
| August 28, 2019 | What a new Nevada spousal credit law means for lenders
Auto Finance Excellence |
| 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 <i>Henson v. Santander Consumer USA, Inc.</i> 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 |
| 2016 | CFPB Releases FDCPA Rule Outline; Creditor Collection Rule to Come
Consumer Finance Law Quarterly Report, Vol. 70, Nos. 1 & 2 |
| July 29, 2016 | CFPB Releases FDCPA Rule Outline; Creditor Collection Rule to Come |

Service Areas

[Class Action Defense](#)
[Commercial Litigation](#)
[Consumer Financial Services Compliance](#)

Education

University of Michigan Law School, J.D., 2001
Mississippi College, B.A., 1993, *summa cum laude*

Admissions

Mississippi
Ohio
U.S. District Court for the Northern District of Mississippi
U.S. District Court for the Southern District of Mississippi
U.S. Court of Appeals for the Fifth Circuit
U.S. District Court for the Northern District of Ohio
U.S. District Court for the Southern District of Ohio

On July 28, 2016, the Consumer Financial Protection Bureau (“CFPB”) released an outline of its proposed debt collection rulemaking (“Outline”). The Outline summarizes proposed Fair Debt Collection Practices Act (“FDCPA”) regulations that are under consideration.
McGlinchey Consumer Financial Services Alert

- October 19, 2015 [CFPB Bulletin: New Proposal Bans Class Action Waivers](#)
Financial services companies need to rethink and retool their arbitration and litigation strategies based on the recent action taken by the Consumer Financial Protection Bureau (CFPB).
Consumer Financial Services Client Alert
- February 2010 [How to Avoid Reaping What You Didn't Sow: CAFA's Solution for Removal of Counterclaim Class Actions](#)
Consumer Financial Services Law Report, Volume 13, Issue 16
- November 27, 2009 [A Move in the Right Direction - The Tide is Turning for Removal by Counterclaim Defendants Under CAFA](#)
BNA Inc. Class Action Litigation Report, Vol. 10, No. 22
- January 2009 [Requested En Banc Rehearing Petition to 4th Circuit in Palisades Could Breathe New Life into CAFA Removal Petition](#)
Consumer Financial Services Law Report, Volume 12, Issue 14

Events

- October 18, 2018 [Emerging/Novel Licensing Issues - from Data Brokering to Student Loan Servicing](#)
2018 Consumer Finance Legal Conference New Orleans, LA
- October 18, 2018 [Consumer Communications: How to Call, Text, Chat, Email, and Push your Way through the Federal and State Legal Landscape](#)
2018 Consumer Finance Legal Conference New Orleans, LA
- October 13, 2017 [Licensing Updates: MLOs, NMLS, Debt Buyers, Lead Generators, and Other Traps](#)
16th Annual Consumer Finance Legal Conference
New Orleans, LA
- October 12, 2017 [Henson v. Santander: Impact on FDCPA Advice and Litigation, Update on State Collection Law](#)
16th Annual Consumer Finance Legal Conference
New Orleans, LA
- September 29, 2016 [Update on CFPB Arbitration Rule: Class Waiver Ban on the Horizon](#)
15th Annual Consumer Finance Legal Conference
New Orleans, LA
- September 28, 2016 [The CFPB's Outline of the Proposed FDCPA Rules and Potential Implications for Creditors](#)
15th Annual Consumer Finance Legal Conference
New Orleans, LA
- October 22, 2015 [Compliance Hurdles to Creating an Electronic Transaction](#)
14th Annual Consumer Finance Legal Conference
The Ritz-Carlton New Orleans

New Orleans, LA

October 18, 2013 [Arbitration Update: CFPB Survey and Recent Class Action Decisions](#)
12th Annual Consumer Finance Legal Conference
New Orleans, LA

News Results

November 13, 2019 [Nevada regulators signal enforcement delay of spousal credit rule, lawyer says](#)
Auto Finance Excellence