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By Electronic Submission

Ms. Monica Jackson
Office of the Executive Secretary
Bureau of Consumer Financial Protection
1700 G Street NW
Washington, DC 20552

Re: Request for Information Regarding Bureau External Engagements (Docket No. CFPB-2018-0005)

Dear Ms. Jackson:

This letter is submitted on behalf of the Receivables Management Association International (“RMA”) in response to the referenced Request for Information Regarding Bureau External Engagements (“External Engagement”).

We appreciate the opportunity to provide comments and information on External Engagement to the Bureau of Consumer Financial Protection (“Bureau”). While our membership includes both depository and non-depository financial institutions, RMA’s responses will be limited to non-depository participants in the receivables industry.

I. INTRODUCTION

RMA is a national nonprofit trade association representing over 500 companies that purchase or support the purchase, sale, and collection of performing and nonperforming receivables on the secondary market. Our membership includes banks, debt buying companies, collection agencies, collection law firms, and brokers.

RMA is a national leader in promoting strong and ethical business practices within the receivables management industry. RMA requires all its member companies who are purchasing receivables on the secondary market to become certified through RMA’s Receivables Management Certification Program (“RMCP”) as a requisite for membership (publicly available at <https://rmassociation.org/certification>).

Certifications are granted to businesses that comply with uniform and rigorous industry standards of best practices and pass an RMA-conducted criminal background check of the business, its owners, and its executive management. All standards meet federal and state statutory

requirements and many exceed these requirements or create new standards where none existed. The debt buying companies certified by the RMCP hold approximately 80 percent of all purchased receivables in the United States, by RMA's estimates.

RMCP-certified companies are subject to vigorous and recurring, independent, third-party audits to demonstrate to RMA their compliance with the Certification Program. This audit includes an onsite inspection of the certified companies to validate full integration of RMCP standards into the company's operations. Following a company's initial certification, review audits continue to be conducted every three years.

RMA also requires certified companies to engage a chief compliance officer, with a direct or indirect reporting line to the president, chief executive officer, board of directors, or general counsel of the company. The chief compliance officer must maintain individual certification through the Program by completing 24 credit hours of continuing education every two years.

RMA has and continues to be supportive of the Bureau developing fair and balanced rulemaking that adds clarity to the Fair Debt Collection Practices Act. RMA firmly believes that there are professional and ethical ways to collect debts that are legitimately owed which also respects the rights and dignity of consumers.

II. COMMENTS

RMA has been supportive of the Bureau's ongoing efforts to create opportunities for public and non-public engagement through field hearings, town halls, roundtables, Advisory Boards and Councils, and through direct engagement with industry participants. RMA believes the Bureau's engagement efforts have been one of the demonstrated strengths of the Bureau since its creation.

RMA has enjoyed its ongoing collaborative working relationship with the Bureau. The Bureau has always been available for staff-level meetings to hear industry concerns and has consistently sent senior staff to speak at RMA conferences. RMA particularly appreciates the support, encouragement, and feedback the Bureau provided to RMA in the development of the RMCP in 2012 and with its enhancements over the past six years.

However, RMA has experienced some frustrations with the Bureau from time-to-time and offers the following suggestions as opportunities for improvement:

A. Lack of Ability to Communicate with the Director

RMA had requested meetings with Director Cordray in Washington, DC for four years before he finally agreed to meet with the leadership of RMA. As a nonprofit trade association representing over 500 companies nationwide in the receivables management industry, we would have appreciated the opportunity to be able to engage in dialogue with the Director from time-to-time about consumer protection initiatives.

Additionally, Director Cordray refused numerous and repeated invitations to speak at annual conferences of non-depository participants during his entire tenure despite these participants

being one of the industries he frequently cited for criticism. This aversion to speaking at conferences did not extend to the conferences held by consumer groups, originating creditors, academia, and some groups with which the Bureau had no involvement. RMA respectfully believes that any individual who holds the immense power granted the director of the Bureau needs to have the temperament to be able to view industries in an unbiased manner and to avoid broad sweeping pronouncements that correlate the practices of some with the practices of all within an industry.

RMA would note that Acting Director Mulvaney has shown an interest in engaging in direct dialogue with all industries on an even footing, which is a positive sign that the era of perceived hostility to the receivables industry, by our regulator, has come to an end.

B. Lack of Balance

The Bureau has an important mission in the protection of consumers. It is a mission RMA fully embraces and has also built into RMA's national certification program. The RMCP mission statement describes the industry's self-regulatory program as "providing enhanced consumer protections through rigorous and uniform industry standards of best practice" so as to "ensure that those who are certified are aware and are complying with state and federal statutory requirements, responding to consumer complaints and inquiries, and are following industry best practices."

Despite the fact that RMA and the Bureau had shared goals, there was always the sense that the business community did not share the same access or receive the same treatment as national consumer advocacy groups. This frequently could be seen in the development and promotion of field hearings, town halls, and roundtables. It would sometimes feel that these events were created to support a previously determined Bureau agenda and industry involvement was an afterthought with little to no ability to provide any type of meaningful input. Conversely, it appeared that consumer advocacy groups often had carte blanche access to the Bureau and played an active role in coordinating public engagement and the development of consumer protection initiatives.

One only needs to look at the Consumer Advisory Board ("CAB") to see this imbalance. Since the CAB's creation in 2012, there has not been a single RMA member appointed to represent the thoughts of non-depository participants in the receivables industry, particularly those from secondary market, debt-buying companies.

RMA respectfully believes that that the Bureau has the ability to play a unifying role; to bring the business community and consumer advocacy groups together in a collaborative environment to develop meaningful and workable consumer protections that all parties can embrace.

C. Lack of Two-Way Dialogue

RMA and its membership are eager to have ongoing and meaningful dialogue with the Bureau. We truly believe that if the time and effort was made to bring all parties to the table to discuss the problems that consumers and businesses are facing, workable solutions will become readily

attainable. However, RMA's experience (with the notable exception of interactions concerning the RMCP) has generally been that information only flows in one direction with the industry answering questions posed by the Bureau but the Bureau rarely providing answers to questions the industry poses.

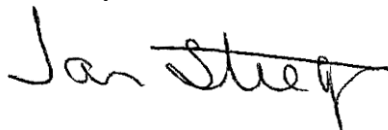
The lack of ongoing two-way dialogue has sometimes resulted in receiving short notices to upcoming Bureau events, including hearings, town halls, and roundtables. As a nonprofit industry trade association, such last minute notifications can create, for RMA, excessive travel expenses and challenges in finding industry members who can attend.

Additionally, while the Bureau has been willing to send staff to RMA conferences (which is very much appreciated), unlike other federal agencies, the Bureau's process to review and respond to speaker requests is cumbersome with the Bureau frequently not committing until just days prior to the conference. This lack of communication creates problems for nonprofit associations as it limits the time needed to promote the Bureau's participation and, in some cases where the Bureau does not send a speaker, leaves a hole in the agenda that has to be filled last minute.

III. CONCLUSION

RMA appreciates the opportunity to comment on this RFI as part of the Bureau's continuing efforts to ensure strong consumer protections in an environment conducive to the lawful collection of consumer debt. Please do not hesitate to contact me if RMA can provide further assistance. We look forward to working together to create a consumer credit market with fair and transparent collection practices.

Sincerely,

A handwritten signature in black ink that reads "Jan Stieger". The signature is written in a cursive style with a horizontal line through the middle of the name.

Jan Stieger,
Executive Director