



# Accuracy in Consumer Reporting

## An FTC/CFPB Workshop

December 10, 2019 | Washington, DC

### SPEAKER BIOS

#### Opening Remarks

**Noah Joshua Phillips** is a Commissioner on the Federal Trade Commission (FTC). Before coming to the FTC, he served as Chief Counsel for U.S. Senator John Cornyn on the Senate Judiciary Committee. From 2011-2018, he advised Senator Cornyn on legal and policy matters in antitrust, constitutional law, consumer privacy, fraud, and intellectual property. Prior to his Senate service, he worked as a litigator at Cravath, Swaine & Moore LLP and Steptoe & Johnson LLP. He began his career at Wasserstein Perella & Co., an investment bank in New York City. He received his A.B. from Dartmouth College and his J.D. from Stanford Law School.

#### Presentation

**Peggy Twohig** is currently the Assistant Director for Supervision Policy at the Consumer Financial Protection Bureau (CFPB). The Office of Supervision Policy is responsible for developing supervision strategy across bank and nonbank markets and ensuring that policy decisions are consistent across markets, charters, and regions. Prior to her work at the CFPB, she was Director of the Office of Consumer Protection at the Department of the Treasury, where she worked on the proposal to create a new consumer agency as part of financial regulatory reform. Immediately before joining Treasury, she served as Associate Director of the Division of Financial Practices at the Federal Trade Commission. Her 17-year tenure at the FTC focused on enforcement and policy issues related to consumer financial services. Her career also included work as a litigator with the firm of Arnold & Porter in Washington, D.C. She received her law degree from the New York University School of Law and a Master's degree in public policy from Princeton's Woodrow Wilson School of Public and International Affairs in 1983. After law school, she clerked for the Honorable William K. Thomas in United States District Court for the Northern District of Ohio.

#### Panel 1: Furnisher Practice and Compliance with Accuracy Requirements

**Leslie Bender** is the Chief Strategy Officer and General Counsel for BCA Financial Services, Inc., a Miami, Florida headquartered financial services company. She is a Past President of ACA International, the international trade association of credit and collections professionals. She serves on the Steering Committee for the Consumer Relations Consortium and in 2017 collaborated with Consumer Action to produce a teleseminar for legal aid offices on helping legal aid clients understand collections calls. She

has authored several comprehensive professional education programs for compliance officers and compliance attorneys.

**Francis Creighton** is President & Chief Executive Officer of the Consumer Data Industry Association (CDIA). Before joining CDIA, he was Executive Vice President of Government Affairs at the Financial Services Roundtable. A long-time veteran of Capitol Hill, he previously served as Chief of Staff to U.S. Senator Chris Murphy. He holds a Master's degree in Public Policy from Georgetown University, where he is an adjunct faculty member, and received his Bachelor's degree in Political Science and History from the University at Albany, State University of New York. He lives in the Washington, DC area with his wife, Julia.

**Syed Ejaz** is a Policy Analyst at Consumer Reports (CR), where he advocates on credit reporting, mandatory arbitration, higher education, and consumer finance issues. He is CRs' expert on credit reporting and fights each day to ensure that consumers have easy access to accurate credit reports. He regularly advocates on Capitol Hill for a safe, transparent, and accountable financial marketplace. He came to CR from the U.S. Senate, where he served as Correspondent Aide for Sen. Claire McCaskill. He graduated from the University of Missouri with degrees in finance and political science.

**Nessa Feddis** is Senior Vice President and Counsel of Regulatory Compliance and Policy for the American Bankers Association (ABA), which is composed of small, regional, and large banks. She represents ABA members in policy matters on a variety of consumer financial laws, including the Fair Credit Reporting Act (FCRA), and provides compliance assistance and training tools to member banks. In addition, she focuses on fraud prevention and payment system issues.

**Elisabeth Johnson-Crawford** is the Chief Technical Officer at Credit Builders Alliance (CBA) and for the past 8 years has worked with the 537 CBA members who provide financial coaching and products to low- and modest-income consumers. These include 316 members accessing credit reports and over 200 data furnishers. She works with bureau contacts to coordinate regular reporting and identify potential errors in processing, frequently works with members and their software vendors to troubleshoot issues in generating credit reporting data, and researches and plans deployment for new bureau services. She leads a team of bureau services specialists who serve the new and ongoing CBA members and their bureau needs. Prior to working with CBA, she worked at American University for the International Communication Program as an administrator, and she holds a Masters in International Affairs from American's School of International Service.

## **Panel 2: Current Accuracy Topics for Traditional Credit Reporting Agencies**

**Roberto (Bob) Cera** is responsible for overseeing data furnisher contributions to the TransUnion (TU) credit system. He joined TU in 2001 as a data analyst and has since held various operational, technical, and leadership roles. He has recently driven internal operations' processes and best practices internationally and has supported the company's alternative data initiatives and support. He continues

to help educate customers and government offices on credit reporting practices. He is a member of TU's Data Governance council.

**E. Michelle Drake** is a Shareholder at Berger Montague PC, and runs the Firm's Minneapolis office. She focuses her practice on consumer protection, improper credit reporting, and financial services class actions. She has served as lead class counsel on over fifty class and collective actions on behalf of consumers across the nation. She also serves on the Board of the National Association of Consumer Advocates, and the Board of Governors for the Minnesota Association of Justice, is a member of the Partners' Council of the National Consumer Law Center, and an At-Large Council Member for the Consumer Litigation Section of the Minnesota State Bar Association. She also is a frequent speaker, and author, of continuing legal education seminars and materials related to her practice areas, and has been recognized as a Super Lawyer for the last six years for her work.

**Troy G. Kubes** is Vice President and Deputy Chief Compliance Officer for Equifax Inc. He oversees a team focused on compliance and risk mitigation across multiple business units. He joined Equifax in 2000 and spent most of his career within the Equifax Legal Department. His wide range of historical responsibilities included providing counsel for regulatory and compliance efforts among Equifax's operations, technology, and data groups, along with the support of various regulatory initiatives. Additionally, he oversaw support of Equifax's direct-to-consumer business, vendor and sourcing relationships, and the management of all domestic litigation. He has also supported multiple business units including Telco, Insurance, Auto and Financial Institutions. He received his B.B.A., *magna cum laude*, from Stetson University and J.D., with honors, from the University of Florida, where he served as the Editor-in-Chief of the Journal of Law and Public Policy.

**Ed Mierzwinski** has worked in the Washington, DC-based federal lobbying office of the Federation of State Public Interest Research Groups (U.S. PIRG) since 1989. He often lectures or testifies before Congress, state legislatures, and agencies on a wide range of consumer issues, including the FCRA, and has been involved in all significant FCRA policy amendments since 1989. He has published reports on numerous consumer issues, including the need for state consumer protection laws (anti-preemption), Big Data's impact on financial opportunity, the CFPB Public Consumer Complaint Database, internet privacy, identity theft, and credit reporting mistakes. He is a 2003 recipient of Privacy International's "Brandeis Award" for privacy protection efforts and a 2006 recipient of the Consumer Federation of America's "Esther Peterson Consumer Service Award." He sits on several non-profit boards, including Consumer Reports (formerly Consumers Union), the world's largest consumer product testing and advocacy organization. He is a graduate of the University of Connecticut (BA, MS) and previously was Executive Director of the Connecticut PIRG.

**Donna Smith** is responsible for data accuracy management, regulatory compliance, and consumer advocacy for Consumer Information Services, Experian North America. She has held a wide variety of leadership positions in finance, operations, marketing and program management at Experian over her 35-year tenure. She holds a B.S. degree from the University of Virginia's McIntire School of Commerce,

an MBA from California State University, Fullerton and an MA in Psychology from Pepperdine University. She has lead the creation of numerous data accuracy initiatives at Experian and is a passionate advocate for both accuracy and fairness in credit reporting.

**Michael Turner, Ph.D.** is the founder, President and CEO of PERC. He is a prominent expert on credit access, credit reporting and scoring, information policy, and economic development. He has advised two Presidential administrations, testified before Congress and numerous state legislatures, and has partnered with the Bureau of Consumer Financial Protection, the Department of Housing and Urban Development (HUD), and the White House (Council of Economic Advisors/National Economic Council). Prior, he served as Graduate Fellow at the Columbia Institute of Tele-Information at the Columbia Business School in New York City, Executive Director of the Information Services Executive Council, manager of government affairs for the North American Telecommunications Association and staff assistant in the U.S. Senate.

## Remarks

**Brian Johnson** is the CFPB's Deputy Director. He first joined the Bureau in December 2017 as Senior Advisor to the Director and was named Principal Policy Director in April 2018. He has served as Acting Deputy Director since July 2018. He joined the Bureau from the House Financial Services Committee, where he spent over five years serving in various capacities including Senior Counsel, Chief Financial Institutions Counsel, and Policy Director. During his time on the Committee, he led the policy and legislative work for the Financial Institutions and Consumer Credit Subcommittee on issues related to consumer protection and credit, mortgage origination, credit reporting, banking, and data security. Prior to joining the Committee, he worked for the Attorney General of Ohio and the White House Domestic Policy Council. He received his B.A. in economics, as well as his J.D., from the University of Virginia.

## Remarks

**Andrew Stivers** is Deputy Director in the Bureau of Economics at the FTC. He has previously served as Acting Deputy of the Office of Analytics and Outreach, Director for Public Health Informatics and Analytics, and Senior Economist at the Center for Food Safety and Applied Nutrition at the U.S. Food and Drug Administration. He was also previously an Assistant Professor in the Department of Economics at Oregon State University.

## Panel 3: Accuracy Considerations for Background Screening

**Terry W. Clemans** has served since 2001 as the Executive Director of the National Consumer Reporting Association, Inc. (NCRA), a Chicago based national trade association representing the housing credit reporting industry. NCRA members account for 80% of the companies in the U.S. that produce credit

reports required by HUD, Fannie Mae, and Freddie Mac for mortgage lending and many of the nation's leading resident screening firms. As executive director for NCRA he is an active advocate on consumer reporting issues in Washington, DC as well as with many state and local fronts. He has been involved in the consumer reporting industry since 1986, including the founding of American Credit Connection, Inc. in 1991, a diversified consumer reporting agency providing mortgage, tenant, and employment screening reports, which he grew from a three person startup to a twenty four employee company when he sold it to a publicly traded competitor in 1998.

**Eric Dunn** joined the National Housing Law Project in 2018 after serving as a legal aid attorney for sixteen years with the Legal Aid & Defender Association of Detroit (2001-2005) and the Northwest Justice Project (2005-2016), and as a lobbyist and statewide housing advocate for the Virginia Poverty Law Center (2016-2018). He is probably best known for his work to improve administrative due process available to subsidized housing tenants, and for his advocacy of rental housing admission issues. He is a graduate of the University of Michigan (1997) and University of Louisville Brandeis School of Law (2000).

**Jamie Gullen** is a supervising attorney in the Employment Unit and Youth Justice Project at Community Legal Services (CLS). Her work focuses on increasing access to education and employment opportunities for youth who have juvenile or criminal records through a combination of direct representation, community education, and policy advocacy. She also leads CLS's community-based record clearing programs and works to expand record clearing as a remedy in Pennsylvania and around the country. She was part of the team that advocated for Pennsylvania's first-in-the-nation Clean Slate law that seals old and minor criminal records through an automated process, and has been a leader in implementing the law in Pennsylvania. She graduated *cum laude* from the University of Pennsylvania Law School in 2012, and has received several awards for her work, including the Penn Law Young Alumni Award, the Sean Peretta Service Award from the Philadelphia Bar Association's Young Lawyers Division, and the Pennsylvania Legal Aid Network's Outstanding Leadership Award as part of a team that advocated for Pennsylvania's Clean Slate law.

**Ariel Nelson** is a staff attorney at the National Consumer Law Center (NCLC) focusing on credit and background reporting and criminal justice debt issues. She is a contributing author to NCLC's *Fair Credit Reporting*. Previously, she litigated administrative and environmental law cases as a staff attorney/clinical teaching fellow at Georgetown University Law Center. She also served as a law clerk to the Honorable Judge David O. Carter of the U.S. District Court for the Central District of California and to the Honorable Judge Dorothy W. Nelson of the U.S. Court of Appeals for the Ninth Circuit. She holds a B.A. from the University of California, Berkeley and a J.D. from Harvard Law School.

**Melissa L. Sorenson** serves as Executive Director for the Professional Background Screening Association (PBSA) (formerly the National Association of Professional Background Screeners). Prior to being retained by PBSA, she worked in the background screening industry in the compliance and legal department at a consumer reporting agency. In her role as Executive Director, she is responsible for

ensuring all contracted and volunteer services align with PBSA's mission, vision, and strategic plan. She holds a law degree from William Mitchell College of Law and is admitted to the Minnesota bar.

**Matt Visser** earned his undergraduate degree in Business from John Huntsman School of Business at Utah State University and his MBA in Entrepreneurship from Westminster College in Salt Lake City, Utah. He is a founder, Chief Executive Officer, and President of VICTIG Screening Solutions, where he mentors and supports his employees. He is a contributor to groups like the Center for American Progress, Cornell University, Rutgers University, Juvenile Law Center, Lawyers' Committee for Civil Rights, Community Legal Services of Philadelphia, the Chan Zuckerberg Initiative, the W. K. Kellogg Foundation, New York Civil Rights Commission, and the Power User Group with Tazworks. He is a member of Concerned CRAs and has both a basic and advanced FCRA certification through the Professional Background Screening Association (PBSA). VICTIG is also an accredited member of the PBSA.

## Panel 4: Navigating the Dispute Process

**LaDonna Bohling** is the Chief Compliance Officer with Receivable Solutions, Inc. She has over 20 years of Operational and Compliance experience in third party debt collections experienced in all verticals serving creditors and debt buyers. She is a certified instructor for ACA International and was named one of the 25 most influential women in Collections by Collection Advisor in 2016, Who's Who in Compliance in 2018, and ACA International Certified Instructor of the Year 2019.

**Eric J. Ellman** joined the Consumer Data Industry Association (CDIA) in 1998 and for over two decades, he has developed a strong base of knowledge of consumer reporting in the overall consumer reporting ecosystem. He has testified before legislative and regulatory bodies over 100 times, and he has appeared in many nationally-recognized print, radio, television, and electronic media outlets. He advances CDIA's vision to empower economic opportunity for consumers across the U.S. to help them meet their financial needs. He is a native New Yorker who went to undergrad at American University and to law school at the University of Baltimore. Eric also spent four terms as a member of his town council in Maryland.

**Stephanie Froelich** is the founder and Chief Executive Officer of True Hire, LLC, a company that specializes in providing background checks, tenant screening, exit interviewing, drug testing, and other human resource services to businesses nationwide. True Hire has gone through the rigorous certification with the Professional Background Screening Association (PBSA), and, as such, the company adheres to the high level of ethics and performance standards for the screening industry. With over 22 years of experience in the background check screening business, she has the resources and knowledge large companies need when hiring thousands of employees annually. As an active member of the Society for Human Resource Management and PBSA, she is knowledgeable of industry trends and FCRA compliance procedures.

**Kristi C. Kelly** specializes in assisting consumers with credit reporting and employment background check mistakes, mortgage servicing errors, and abusive debt collection practices. She has successfully litigated hundreds of individual and class action cases against banks, brokers, auto dealers, online lenders, debt collectors, credit card companies, credit bureaus, and foreclosure rescue scammers, receiving a \$686,000 jury verdict in addition to her attorneys' fees in her first jury trial. Kristi is a regular speaker on credit reporting and mortgage servicing issues for the National Consumer Law Center (NCLC), the National Association of Consumer Advocates, the Virginia Continuing Legal Education program, and various legal aid organizations throughout the country. She serves on the Board of Directors for the Legal Aid Justice Center and National Association of Consumer Advocates. She is also on the Partner's Council of NCLC. She was previously a shareholder at Surovell Isaacs Petersen & Levy and a housing and consumer law attorney for Legal Services of Northern Virginia.

**Rebecca Kuehn** is a partner in Hudson Cook, LLP's Washington, D.C. office, where she chairs the Credit Reporting, Privacy, and Data Security Practice Group. Her practice is concentrated on regulatory issues surrounding the collection, sharing, and use of consumer data, and she counsels financial institutions, consumer reporting agencies, service providers, and others in complying with federal and state laws, including the FCRA, the Gramm-Leach Bliley Act, and other privacy laws and regulations. She previously was an assistant director at the FTC, where she led the FCRA program.

**Chi Chi Wu** has been a staff attorney at the National Consumer Law Center (NCLC) for over a decade. She focuses on consumer credit issues at NCLC, including legislative, administrative, and other advocacy. Her specialties include fair credit reporting, credit cards, refund anticipation loans, and medical debt. Before joining NCLC, she worked in the Consumer Protection Division at the Massachusetts Attorney General's office and the Asian Outreach Unit of Greater Boston Legal Services. She is a graduate of Harvard Law School and The Johns Hopkins University. She is co-author of the legal manuals *Fair Credit Reporting Act* and *Collection Actions*, and a contributing author to *Consumer Credit Regulation* and *Truth in Lending*.