

From: Gilford, Samuel (CFPB)
</o=cfpbexc/ou=exchange administrative group
(fydibohf23spdlt)/cn=recipients/cn=samuel.gilford>
To: Czwartacki, John (CFPB)
</o=cfpbexc/ou=exchange administrative group
(fydibohf23spdlt)/cn=recipients/cn=czwartacki, john201>;
CFPBPress </o=cfpbexc/ou=exchange administrative group
(fydibohf23spdlt)/cn=recipients/cn=press>
Cc: Johnson, Brian (CFPB)
</o=cfpbexc/ou=exchange administrative group
(fydibohf23spdlt)/cn=recipients/cn=johnson, brian843>;
Blankenstein, Eric (CFPB) </o=cfpbexc/ou=exchange
administrative group
(fydibohf23spdlt)/cn=recipients/cn=blankenstein, eric0fe>;
Sutton, Kirsten (CFPB) </o=cfpbexc/ou=exchange administrative
group (fydibohf23spdlt)/cn=recipients/cn=mork, kirsten7c6>
Bcc:
Subject: RE: disparate impacts
Date: Mon Sep 24 2018 15:58:29 EDT
Attachments:

Will do, thanks

From: Czwartacki, John (CFPB)
Sent: Monday, September 24, 2018 3:57 PM
To: Gilford, Samuel (CFPB) <Samuel.Gilford@cfpb.gov>; CFPBPress <CFPBPress@cfpb.gov>
Cc: Johnson, Brian (CFPB) <Brian.Johnson2@cfpb.gov>; Blankenstein, Eric (CFPB) <Eric.
Blankenstein@cfpb.gov>; Sutton, Kirsten (CFPB) <Kirsten.Sutton@cfpb.gov>
Subject: FW: disparate impacts

Pls share this on the record from John Czwartacki, chief communications officer.

“These matters are the subject of an internal deliberative process. No formal decision or position has been taken by the Bureau’s Acting Director. This is - and remains - at the staff level as informed yet informal opinions are shared and subject matter experts engage in the necessary back and forth that precedes a policy discussion. Premature and selectively shared information does not reflect the full extent of these deliberations, nor will it derail that effort.”

From: Rucker, Patrick (Reuters) <patrick.rucker@thomsonreuters.com>
Sent: Monday, September 24, 2018 8:34 AM
To: CFPBPress <CFPBPress@cfpb.gov>
Cc: Czwartacki, John (CFPB) <John.Czwartacki@cfpb.gov>

Subject: disparate impacts

Good morning.

We're reporting on a Bureau matter concerning 'disparate impacts'.

Let me lay out the story below.

I hope that you all can share some thoughts by the end of the day.

Call me anytime to discuss.

The Director does not believe that the Bureau may enforce 'disparate impact' claims as Cordray had done.

In legal lingo, the Director believes that 'disparate impact' claims are not 'cognizable' under the Equal Credit Opportunity Act (ECOA).

The view is shared by folks like Brian Johnson who laid out some of the thinking in this memo from his days at Financial Services Committee.

The Director sought Mary McLeod's opinion on the matter. She let the Director know that she disagreed: that 'disparate impact' claims are 'cognizable' under ECOA.

The Director, through McLeod, sought a further opinion from the Justice Department Office of Legal Counsel (OLC).

The OLC agreed with McLeod's opinion on the matter: that 'disparate impact' claims are 'cognizable' under ECOA.

Regards,

Patrick Rucker

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