



Monthly Telephone BRIEFING

January 17, 2020 – 12:00 – 1:30 p.m.

California Consumer Privacy Act: Where We Stand

On January 1, 2020 the California Consumer Privacy Act (CCPA) went into effect. While the legislature's last-minute amendments in 2019 and the California attorney general's proposed (and still pending) regulations cleared up some ambiguities, many questions remain. Waiting for the attorney general to issue final regulations—which may not arrive until July 2020—is not the best option. The CCPA is currently operative and businesses need to make an effort to comply with it as is.

At the January 2020 BCG Telephone Briefing, we will share some insights derived from our work advising BCG members over the last several months about their CCPA compliance efforts. Please join us at the January BCG Telephone Briefing on Friday, January 17, 2020 for a discussion. Questions will be welcome.

Proposed Regulation F: Regulations Under the Fair Debt Collection Practices Act

On May 21, 2019 the Consumer Financial Protection Bureau issued proposed regulations for the first time under the federal Fair Debt Collection Practices Act (FDCPA), 15 USC 1692 *et seq.* The FDCPA is one of the few consumer-protection statutes not implemented by regulation. For over 40 years since the FDCPA was first adopted, the statute has had to speak for itself, leading to a thicket of confusing (and sometimes contradictory) court rulings.

In general the May 2019 proposal would make only modest changes to the existing law, incorporating many of the FDCPA's existing statutory provisions with only minor wording or organizational changes. However, on a few points the proposal would make some interesting changes, including providing a model form of debt validation notice and a safe harbor for voice messages and texts left on mobile phones.

We will discuss the FDCPA proposed regulations at the January Telephone Briefing on Friday, January 17, 2020. The presentation will provide a good refresher on the FDCPA generally.

Side bar points:

- Who is covered by the FDCPA?
- How does the federal FDCPA interact with the California Rosenthal Fair Debt Collection Practices Act?
- What is a "debt collector" under the FDCPA?
- What debt collection practices are prohibited?
- What would the proposed regulation allow as to phone calls made to consumers' cell phones?
- May I ever send an email to a consumer debtor's work email?
- How often may I call a consumer debtor?



Aldrich & Bonnefin is hosting a Monthly Telephone Briefing for Bankers' Compliance Group[®] Members on **Friday, January 17, 2020, at 12 Noon**. This meeting will be presented live and will include at least one question and answer session. Members can ask questions by telephone or email. Each member that registers for the Monthly Telephone Briefing will be given a password and instructions on how to call in to the Briefing.

ORGANIZE YOUR PARTICIPANTS

BCG Main or Registration Contacts are encouraged to organize multiple attendees to participate at one or more locations. All Briefing connections are included in your BCG Membership.

REGISTRATION

To register, please contact your institution's BCG Main or Registration Contact or, if authorized, log in at <http://register.bankerscompliancegroup.com/subadmin>, and select "Register for Events." Registration closes at noon **two business days** prior to the Briefing date. On the day before the Briefing, registrants will receive an email with call-in instructions and a single-use PIN.

CD Package: Members can also register to receive a CD package. This package, which includes copies of any Handouts produced for the Briefing, is mailed to registrants approximately 2-3 weeks after the Briefing.

DOWNLOAD THE HANDOUTS

The Handout(s) are *generally* posted on the BCG Website by noon on the business day before the Briefing. All registrants will receive an email notification when the Handout(s) are posted. To download a Handout, go to www.bankerscompliancegroup.com/monthly-telephone-briefing.php and click on the "Download Handout Here" link at the end of each Handout description.

CANCELLATION

It is not necessary for registrants to contact BCG if they cannot attend a Briefing and need to cancel their registration.

SIGN UP ANNUALLY

Sign up annually for the 2020 BCG Monthly Telephone Briefings! If you like attending the Briefings, but don't want to register every month, you can have your institution's Registration contact sign you up for the entire year.

MISSED THE BRIEFING?

Should you or others at your institution miss the briefing, you can tune into our streaming audio available on the BCG website one week after the Briefing, at www.bankerscompliancegroup.com/listen-while-you-work.php.