



→ A.J. S. Dhaliwal

Special Counsel

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A.J. is special counsel in the Finance and Bankruptcy Practice Group in the firm's Washington, D.C. office.

Areas of Practice

A.J. has over a decade of experience helping banks, non-bank financial institutions, and other companies providing financial products and services in a wide range of matters including government enforcement actions, civil litigation, regulatory examinations, and internal investigations.

With a diversified regulatory, compliance, and enforcement background, A.J. counsels financial institutions in matters involving the Consumer Financial Protection Bureau (CFPB) since it was first established, having served as counsel in numerous investigations, enforcement actions, and supervisory matters. Beyond his CFPB work, A.J. frequently represents institutions in matters initiated by many other federal agencies, including the Department of Justice (DOJ), Federal Trade Commission (FTC), and the Federal Deposit Insurance Corporation (FDIC), as well as state Attorneys General and other state regulators such as the New York Department of Financial Services (NYDFS) and Department of Financial Protection and Innovation (DFPI).

A.J.'s extensive enforcement and bank and consumer regulatory experience, in particular with consumer protection statutes, includes focus on the Truth in Lending Act (TILA), the Real Estate Settlement Procedures Act (RESPA), the Equal Credit Opportunity Act (ECOA), the Fair Housing Act (FHAct), the Fair Credit Reporting Act (FCRA), the Fair Debt Collection Practices Act (FDCPA), the Servicemembers Civil Relief Act (SCRA), Telephone Consumer Protection Act (TCPA), and various unfair, deceptive, or abusive acts and practices (UDAAP) laws under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Section 5 of the FTC Act, and various state laws.

A.J. is active in the District of Columbia Bar, where he serves on the Board of Governors. He is a past president of the Washington D.C. chapter of the South Asian Bar Association of North America (SABA) and has been recognized as a Rising Star by SABA.

Honors

Leading Author - Financial Services, *Lexology Legal Influencers*, Q2 2022

Top Author, *JD Supra* Readers' Choice Awards, 2022

Community Leader Award, South Asian Bar Association of Washington, D.C. (SABA-DC), 2021

Rising Star, South Asian Bar Association of North America (SABA), 2017

Experience

- Represented indirect auto finance company in a DOJ and state AG investigation into subprime auto loan origination and securitization practices
- Represented several card issuers in CFPB enforcement actions relating to unfair billing tactics and deceptive marketing with respect to credit card add-on products
- Represented a large student loan servicer in parallel federal government investigations, focusing on issues related to UDAAP and SCRA compliance
- Represented a credit reporting bureau in a CFPB enforcement action alleging UDAAP violations relating to the marketing of credit scores to consumers
- Represent financial institutions in connection with data breach and cyber matters, including in connection with related state regulatory and enforcement investigations into breaches
- Represent multiple companies stemming from a CFPB sweep of investigations, which led to enforcement actions and negotiated settlements, alleging violations of the CFPA prohibition against deceptive acts and practices, the MAP Rule, and Regulation Z
- Representation of multiple mortgage companies in FCA and FIRREA investigations by the DOJ, various U.S. attorneys' offices, HUD, and VA, concerning compliance with the Fair Housing Administration (FHA) Direct Endorsement Lender program guidelines, VA loan requirements, HECMs, and Fannie Mae and Freddie Mac origination and servicing guidelines
- Represented several banks and non-banks through CFPB examinations and pre-enforcement matters and responding to Proposed Action and Request for Response (PARR)
- Represented a non-bank in a confidential bank regulator enforcement matter based on a referral from the CFPB to the DOJ for alleged fair lending violations
- Responded to FDIC investigation subpoena on behalf of a national bank alleging RESPA violations arising out of co-marketing agreements and desk rentals
- Defended residential mortgage lender in FCA qui tam litigation in Southern District of California regarding the FHA government-insured loan program
- Representing large financial institution in connection with CFPB supervisory examination into fair lending activities
- Advised multiple non-banks on issues related to their advertising and marketing practices in compliance with TCPA, TILA, the MAP Rule, and UDAP/UDAAP
- Advised a FinTech payments processor on matters related to disclosure delivery, advertising and marketing compliance, and risk management
- Represented major card issuer in identifying, self-reporting to CFPB, and remediating UDAAP non-compliance, resulting in the avoidance of a consent order and civil money penalties
- Helped a card issuer redesign existing rewards program, create benchmarks against best in class standards, conduct risk assessments, integrate grandfathered balances, and terminate legacy programs
- Advised credit, debit, and prepaid card issuers in compliance management, deferred interest, and technical compliance with consumer financial laws and regulations

- Participated on due diligence teams to assess regulatory risks related to the acquisition of financial services entities, including mortgage originators and servicers
- Representation of a bank in connection with an FDIC examination that alleged RESPA violations

Articles

- Eye on Privacy 2021 Year in Review
01.11.2022
- Decade in the making: CFPB proposes Dodd-Frank Section 1071 Regulations
Daily Journal, 10.27.2021
- Co-author, *The Supreme Court's Ruling in Seila Law LLC v. CFPB: The End of CFPB Constitutionality Litigation?* The Business Lawyer (Spring 2021)
- Co-author, *The devil is in the details: LabMD imposes limitations on the FTC's enforcement authority*, Cybersecurity Law Report (June 2018)
- Co-author, *The FCC's Expanding Definition of Privacy*, Journal of Internet Law (October 2015)
- Co-author, *Petitions To Modify or Set Aside CFPB Civil Investigative Demands: Analysis of Recent Decisions*, LexisNexis® Emerging Issues Analysis (January 2013)

Consumer Finance and Fintech Blog Posts

- "CFPB Targets Student Loan Debt Relief Scam Reboot," June 15, 2022
- "FTC Captures \$2.7 Million in Restitution from Small Business Financer," June 13, 2022
- "California Approves Commercial Financing Disclosure Regulations," June 13, 2022
- "New York Releases Stablecoin Guidance," June 13, 2022
- "California Regulator Seeks Comment on Reworking Consumer Complaint Rules," June 7, 2022
- "CFPB Affirms Compliance with ECOA Adverse Action Notice Requirements," June 7, 2022
- "California Regulator Seeks Comment on Future Crypto Guidance," June 7, 2022
- "CFPB Announces Opening of New Office of Competition and Innovation," June 7, 2022
- "Connecticut Stops FinTech from Unlicensed Lending Activities," June 7, 2022
- "FinCEN Highlights Responsible Crypto Innovation, Warns Service Providers," June 1, 2022
- "OCC Acting Comptroller: Recent Crypto Events Provide a "Wake-Up Call," "Opportunity to Reset and Recalibrate"," May 31, 2022
- "CFPB, NY Reach \$4M Settlement with Debt Collection Operation," May 31, 2022
- "FTC Strengthens Advertising Guidelines Against Fake Reviews," May 31, 2022
- "FTC Takes Action Against Payment Processor," May 31, 2022
- "FDIC and CFPB Take Action to Protect Against Misrepresentations about FDIC Insured Status and Misuse of Name and Logo," May 20, 2022
- "Stablecoin Regulation Update," May 20, 2022
- "CFPB Report on Mortgage Servicers Examines Industry Responses After Pandemic Protections End," May 20, 2022

- "Treasury Department Proposes Non-Loan Status for Earned Wage Access," May 16, 2022
- "CFPB Affirms that ECOA Protects Consumers After Receiving Credit," May 16, 2022
- "CFPB Blog: Stop Overcharging for Auto Loan Add-on Products," May 13, 2022
- "CFPB Issues Spring 2022 Supervisory Highlights," May 13, 2022
- "No Relief in Sight: CFPB and FTC Continue to Take Action Against Debt Settlement Companies," May 13, 2022
- "Governor Newsom Signs Blockchain Executive Order," May 5, 2022
- "FTC Proposes Updates to Telemarketing Sales Rule, Business to Business Exemption in Order To Protect Small Businesses," May 4, 2022
- "California Reinstates Licensing Exemption for Single Commercial Loan Made During 12-month Period," May 3, 2022
- "FTC, DOJ Seek to Enjoin Internet Provider From Facilitating Illegal Robocalls," April 29, 2022
- "California Strikes Back: Filing Cross-Complaint Alleging FinTech is "True Lender," Seeks \$100M Penalty," April 28, 2022
- "FinTechs in Crosshairs as CFPB Invokes Dormant Authority to Examine Nonbanks," April 28, 2022
- "CFPB and NY AG Sue Remittance Provider, citing "Repeat Offender"," April 28, 2022
- "FTC Finalizes Order Against Leading Provider of Business Credit Reports," April 28, 2022
- "CFPB Director Testifies Before Congress," April 28, 2022
- "CFPB Signals Foray into Protecting Small Businesses from Abusive Debt Collectors," April 21, 2022
- "CFPB Director Critical of Small Bank Core Service Providers," April 21, 2022
- "DFPI: Virtual Currency Platform is not Money Transmitter," April 19, 2022
- "CFPB Sues Credit Reporting Agency and Former Senior Executive," April 18, 2022
- "State Investor Advisory Addresses DeFi Risks," April 18, 2022
- "Crypto Round-up: Executive Order Coincides with Uptick in Enforcement Actions," April 18, 2022
- "FDIC Warns Insured Institutions Engaging in Crypto Activities About Risks," April 11, 2022
- "Acting Comptroller Discusses Architecture of Stablecoins," April 11, 2022
- "CFPB Fines Student Loan Servicer \$1 Million to Settle Alleged UDAAP Violations," April 8, 2022
- "Utah Enacts Commercial Financing Disclosure Requirement," April 8, 2022
- "Interagency Task Force Unveils Action Plan to Address Racial Discrimination in Home Appraisals," April 8, 2022
- "FTC Imposes Record-Setting \$10M Fine Against Multistate Auto Dealer, Settling Charges of Racial Discrimination and Unauthorized Charges," April 8, 2022
- "May 1st is Around the Corner: Bank Computer-Security Incident Notification Requirements," April 1, 2022
- "FTC, DOJ Halt Credit Repair Operation Over Deceptive Practices," March 25, 2022
- "Recent Transaction Transfers Ownership of Digital Mortgage Loans via Blockchain," March 25, 2022
- "CFPB Flexes UDAAP Muscle Over Contractual "Gag" Clauses and Fake Consumer Reviews," March 24, 2022

- Regulation by Definition: CFPB Broadens Definition of “Unfairness” to Rein in Discrimination,” March 17, 2022
- “Online Investment Site Settles with FTC, \$2.4M Fine,” March 16, 2022
- “Fintech Flips Script, Sues California Regulator Over 36% Rate Cap Law,” March 11, 2022
- “Virginia Approves Bill Allowing Banks to Offer Cryptocurrency Custody Services,” March 9, 2022
- “Biden Administration Issues Executive Order on Cryptocurrencies,” March 9, 2022
- “FTC Bans Operators of Alleged Debt Relief Scam, \$5.3M penalty,” March 7, 2022
- “CFPB: Auto Loan Servicers Must Ensure Lawful Repossessions,” March 7, 2022
- “DFPI Approves EWA Provider,” March 7, 2022
- “CFPB Seeks to Prevent Algorithmic Bias in Automated Home Valuation Models,” March 7, 2022
- “CFPB to Monitor Lenders During Expected Increase in Auto Loan Debt,” February 25, 2022
- “Federal Agencies Issue Interagency Statement on Special Purpose Credit Programs Under ECOA, Regulation B,” February 25, 2022
- “California and Georgia Reach Settlement with Rent-to-Own Companies,” February 25, 2022
- “Auto Finance Companies May Face Risk From Holder Rule, Pending California Supreme Court Case,” February 22, 2022
- “CFPB Takes Aim at Prepaid Card Providers Distributing Government Benefits,” February 18, 2022
- “House Financial Services Committee Focuses on PWG Stablecoin Report,” February 10, 2022
- “OCC Prevails in Challenge to “Valid When Made” Rule,” February 9, 2022
- “DC OAG Reaches \$4 Million Settlement with FinTech Over Claims of Predatory Lending,” February 9, 2022
- “FTC Order: Auto Marketing Company and Owner Banned From Industry for Misleading Consumers,” February 1, 2022
- “CFPB Provides Guidance on How Consumers Can Obtain and Dispute Inaccuracies in Credit Reports,” January 28, 2022
- “DFPI Reminds Licensees to Submit Annual Reports by March 15,” January 27, 2022
- “CFPB Addresses “Confusion” Over Earned Wage Access Program,” January 27, 2022
- “CFPB Requests Comments on “buy now, pay later”,” January 27, 2022
- “CFPB to Examine College Lending Practices,” January 26, 2022
- “FTC Says the Holder Rule Does Not Prevent State Law From Requiring Payment of Costs or Attorneys’ Fees Against Loan Holders,” January 25, 2022
- “CFPB Bans Payment Processor for Engaging in Fraudulent Practices,” January 21, 2022
- “Federal Reserve Examines Pros and Cons of a Central Bank Digital Currency,” January 21, 2022
- “OCC: Bank Regulation Would Mitigate Crypto Risk,” January 21, 2022
- “FTC: Provider of Business Credit Reports Engaged in Deceptive and Unfair Practices, Refunds Customers,” January 21, 2022
- “CFPB Likely to Delay Data Sharing Rule Until 2023,” January 18, 2022
- “Lead Generator Settles with FTC Over Alleged FCRA and FTC Act Violations,” January 13, 2022

- "CFPB Report: Major Credit Bureaus Failed to Meet Statutory Obligations in Response to Consumer Complaints," January 7, 2022
- "FTC Bans Merchant Cash Advance Provider from Industry," January 7, 2022
- "CFPB Takes Action Against Purchaser of Structured Settlements," January 5, 2022
- "New York Makes Remote Online Notarizations Permanent," January 3, 2022
- "CFPB Closes Online Lending Fintech for Violating ECOA and CFPB Consent Order," January 3, 2022
- "DFPI Issues Consent Order to Auto Title Lender," January 3, 2022
- "DFPI Extends NMLS Transition for CFL Licensees to March 15, 2022," January 3, 2022
- "CFPB Issues Orders to Companies Offering BNPL Credit," December 20, 2021
- "CFPB Published Reg. Z Amendments to Facilitate Libor Transition," December 16, 2021
- "Federal Bank Regulators Approve New Cybersecurity Incident Notification Rule," December 8, 2021
- "DFPI Reports Increase in Consumer Loans Under \$2,500, Decrease in Consumer Loans Between \$2,500 and \$10,000," December 3, 2021
- "OCC Chief Counsel Clarifies Bank Authority to Engage in Crypto," December 1, 2021
- "Banking Agencies Provide Crypto-Asset Roadmap as a Result of Interagency "Policy Sprints";", November 24, 2021
- "Eleventh Circuit orders en banc rehearing in *Hunstein*," November 19, 2021
- "New York Enacts Consumer Credit Fairness Act, Impacting Debt Collection Actions," November 17, 2021
- "OCC: Modernize the Bank Regulatory Perimeter on Bank-Fintech Partnerships," November 17, 2021
- "Banking Agencies: Mortgage Servicers Should Prepare For Increased Scrutiny," November 12, 2021
- "New Commissioner Appointed to lead CA DFPI: Cloey Hewlett," November 12, 2021
- "OCC Calls for Regulation of Crypto Banking," November 9, 2021
- "NMLS Transition for California Financing Law Licensees: December 31, 2021 Deadline," November 9, 2021
- "President's Working Group Releases Report on Stablecoins," November 5, 2021
- "FTC to Increase Enforcement Against "Dark Patterns" Directed at Consumers," November 3, 2021
- "FTC Finalizes Safeguard Rules for Non-Bank Financial Institutions," November 3, 2021
- "CFPB Director Chopra Appears at First House Hearing Since Approval as Director," November 1, 2021
- "CFPB, DOJ and OCC Take Action Against National Bank for Alleged Redlining," October 25, 2021
- "CFPB to Tech Companies: Submit Payment System Information," October 25, 2021
- "First CFPB Enforcement Action Under New Director: \$6 Million Fine Against Prison Financial Services Company," October 25, 2021
- "NYDFS Issues Proposed Rules to Implement New Commercial Financing Disclosure Law," October 25, 2021
- "Hawaii Amends Small Dollar Lending Law," October 21, 2021
- "NMLS Transition for California Financing Law Licensees: December 31, 2021 Deadline," October 21, 2021
- "CFPB Updates Supervision and Examination Manual, Adds IT Examination," October 21, 2021

- "CFPB Opts Not to Take Action Against Banking App," October 13, 2021
- "OCC: Crypto and DeFi Must Avoid Another Financial Crisis," October 4, 2021
- "Chopra Confirmed as CFPB Director," October 1, 2021
- "More Regulatory Clarity on the Horizon for FinTech," September 30, 2021
- "Court Agrees with FTC: Can Seek Relief under Section 19," September 27, 2021
- "CFPB Alleges that Service Provider Helped Credit-Repair Businesses Charge Illegal Fees," September 22, 2021
- "CFPB Sues Online Lender for Alleged Violations 2016 Consent Order," September 21, 2021
- "Money Transmission Licenses Required for Virtual Currency Activities in Arkansas and Florida," September 21, 2021
- "Wyoming and Maine Issue New Licensing Requirements Potentially Impacting Passive Loan Investors," September 21, 2021
- "Are Income Share Agreements Loans? The CFPB Says Yes," September 10, 2021
- "FTC Approves Changes to FCRA Rules; Clarifies Application to Motor Vehicle Dealers," September 9, 2021
- "CFPB Issues Proposed Rule Under Section 1071 of Dodd-Frank to Collect Small Business Lending Data," September 3, 2021
- "Banking Agencies Release Due Diligence Guidance on Community Bank-FinTech Relationships," August 31, 2021
- "FFIEC Issues Updated Guidance on Authentication and Access to Financial Institution Services and Systems," August 26, 2021
- "CFPB To Issue Data Collection Regulations for Small Business Lenders in September," August 13, 2021
- "CFPB Confirms November 30 Effective Date for Debt Collection Final Rules," August 11, 2021
- "California Regulator Signals New Scrutiny of Student Lending Industry, Enters Into Consent Order with Servicer of Income Share Agreements," August 10, 2021
- "Maine Enacts "True Lender" Legislation, Amends Consumer Credit Code to Include Anti-Evasion Provisions," August 9, 2021
- "CFPB Reaches Correct Resolution On Juneteenth Disclosure Issues," August 9, 2021

Finance and Bankruptcy Law Blog Posts

- "Federal Agencies Request Comments on Risk Management Guidance for Third-Party Relationships," July 19, 2021
- "CFPB Takes Action Against FinTech Company for Originating Unauthorized Loans," July 19, 2021
- "FHFA Releases Policy Statement On Fair Lending," July 15, 2021
- "CFPB Blogs About Buy Now Pay Later," July 13, 2021
- "FDIC Chairman Discusses FinTech and Bank Innovation," July 7, 2021
- "CFPB and Georgia AG Settle With Debt-Relief Company," July 7, 2021
- "DFS Settles with Indirect Auto Lenders to Resolve Fair Lending Violations," July 7, 2021

- "CFPB Issues Summer 2020 Supervisory Highlights," July 7, 2021
- "House Votes to Repeal OCC True Lender Rule," June 28, 2021
- "Lina Khan Sworn in as New FTC Chair," June 28, 2021
- "CFPB to Resume Examinations Under the Military Lending Act," June 22, 2021
- "FTC Takes Novel Approach to Seek Civil Money Penalties in the Wake of AMG Capital Ruling," June 18, 2021
- "Second Circuit Reverses Ruling in FDCPA Case," June 15, 2021
- "House Subcommittee Launches Investigation into FinTech Companies' Role in Allegedly Fraudulent PPP Loans," June 15, 2021
- "CFPB Issues Mortgage Servicing FAQs," June 15, 2021
- "CFPB Issues FAQs on Electronic Fund Transfers," June 8, 2021

Privacy Law Blog Posts

- "On the Clock: Cyber Incidents Notification Deadline Approaching for Banks," April 19, 2022
- "NYDFS Issues Cybersecurity Guidance in Response to Events in Ukraine," March 9, 2022
- "FTC Fines Lead Generation Company \$1.5M Citing Misuse of Consumer Financial Data," January 24, 2022
- "CFPB's Latest Orders Place Data Practices Front and Center for 2022," January 5, 2022
- "Beginning in May 2022 Banks Will Have 36 Hours to Disclose Certain Types of Cyber Incidents," December 9, 2021
- "Non-Banking Institutions Will Want to Review Security Measures in Light of Update to Safeguards Rule," November 4, 2021
- "European Securities Watchdog Fine Highlights Importance of Data Integrity and Regulatory Access," September 27, 2021
- "NYDFS Issues Ransomware Guidance," July 12, 2021

Media Mentions

Consumers turn to 'buy now, pay later,' stoking worry about repayment ability
Roll Call, 10.26.2021

Events

Who Turned Out the Lights?: FTC Steps Up "Dark Patterns" Enforcement of Retailers
Webinar, 02.02.2022

Memberships

American Bar Association, Banking Law Committee

District of Columbia Bar Association, Board of Governors (2018-2021)

National Asian Pacific American Bar Association

South Asian Bar Association of North America
South Asian Bar Association of Washington, DC

Podcasts & Webinars

Who Turned Out the Lights?: FTC Steps Up “Dark Patterns” Enforcement of Retailers
02.02.2022

Practices

Commercial Lending and Financial Transactions
Corporate
White Collar Defense and Corporate Investigations
California Consumer Privacy Act (CCPA)
Consumer Protection
Emerging Company & Venture Capital
False Claims Act
Joint Ventures and Strategic Alliances
Mergers and Acquisitions
Privacy and Cybersecurity
Private Equity
Telephone Consumer Protection Act (TCPA)

Industries

Blockchain
Blockchain and Fintech
Consumer Finance
Financial Services
Fintech
Mortgage Banking

Education

- LL.M., The George Washington University Law School, 2008
- J.D., Western New England University School of Law, 2007
- B.A., Simon Fraser University, 2001

Admissions

District of Columbia

Maryland