

UNITED STATES OF AMERICA
Before the
CONSUMER FINANCIAL PROTECTION BUREAU

ADMINISTRATIVE PROCEEDING
File No. 2015-CFPB-0029

In the Matter of)

INTEGRITY ADVANCE, LLC and)
JAMES R. CARNES,)

) ORDER GRANTING THE
) ALJ'S REQUEST FOR
) ADDITIONAL TIME TO ISSUE
) THE RECOMMENDED DECISION
)

On August 9, 2016, Administrative Law Judge Parlen L. McKenna (ALJ) submitted a request pursuant to Bureau Rule 1081.400(b), 12 C.F.R. § 1081.400(b), seeking an additional two weeks within which to file the Recommended Decision in the above-captioned matter. The request is granted and, as a result, the ALJ will file the Recommended Decision no later than September 27, 2016.

The Bureau filed its Notice of Charges in this matter on November 18, 2015. The Bureau's rules provide that "the hearing officer [that is, the ALJ] shall file a recommended decision ... in no event later than 300 days after filing of the notice of charges." 12 C.F.R. 1081.400(a). That means that the Recommended Decision is currently due on September 13, 2016. However, the Bureau's rules do provide for extensions:

In the event the [ALJ] presiding over the proceedings determines that it will not be possible to issue the recommended decision within the [300-day time period], the [ALJ] shall submit a written request to the Director for an extension of the time period for filing the recommended decision. This request must be filed no later than 30 days prior to the expiration of the time for issuance of a recommended decision.


12 C.F.R. § 1081.400(b). On August 9, 2016, more "than 30 days prior to the expiration of the time for issuance of a recommended decision," the ALJ filed a request pursuant to this section seeking an extension of the due date for the Recommended Decision until September 27, 2016. According to the request, "due to the timing of the transcript preparation and subsequent post-hearing briefing schedule ..., the parties' responsive briefs are ... due on September 13, 2016. A brief extension is appropriate to allow me to adequately consider all the parties' arguments and prepare a thorough, well-reasoned decision in this matter." The Bureau's rules allow the parties three days within which to submit "briefs in support of or in opposition to the request. § 1081.400(b). Neither party did so.

I have decided to grant the ALJ's request. As a result of extensions of time that occurred during the course of the proceeding, the parties' final post-hearing briefs do not come due until the 300th day after the filing of the Notice of Charges (that is, September 13). If the ALJ were required to file his Recommended Decision the same day, it would not be possible for him to give those final briefs adequate consideration. Although I recognize the importance of the time limits in the

Bureau's rules, in this instance it is necessary and appropriate, as well as in the public interest, to extend by two weeks the due date for the Recommended Decision.

For the reasons set forth above, I GRANT the ALJ's Request for Additional Time to Issue Recommended Decision, and the ALJ shall now file his Recommended Decision no later than September 27, 2016.

SO ORDERED.


Richard Cordray
Director
Consumer Financial Protection Bureau

August 15, 2016