



[Month Day, Year]

Recommendation Memorandum for the Director

FROM	[Names of Team Members – Lead, Assist, ALD, LD, and ENF Director], Office of Enforcement
SUBJECT	Authority to Settle with [Subject] and to File Suit – ENF Matter No. [XXX] [If post-ARC matter, include: Exam ID: XXX]

Recommendation

[Per Office of Enforcement Style Guide and Process Blueprint:

- *1” margins; 12-point Georgia font (including footnotes); 12-point Arial headings*
- *bolded section headings;*
- *align text left (not fully justified);*
- *insert page numbering at the bottom center of each page starting on page 2;*
- *do not indent the first line of paragraphs;*
- *single space after periods;*
- *footnotes, not endnotes;*
- *use “Bureau” rather than “CFPB”;*
- *use active voice and concise statements;*
- *memo should be 10-15 pages – if you believe your memo needs to be more than 15 pages, please speak to your ALD before submitting it]*

We recommend that you authorize us (1) to settle with [Subject] under the parameters described in Section [] below and the attached Term Sheet; *[if seeking authority to settle in federal court include: (2) if settlement negotiations are successful, to file a complaint and consent order in federal court effectuating the settlement];* and (3) if settlement negotiations are unsuccessful, to commence an enforcement action, either administratively or in federal court, consistent with the attached complaint.¹

¹ We also seek authority to make non-material changes before filing.

I. Overview

XXX

XXX, we recommend trying to resolve this matter through settlement. Because the specific terms of any consent order will be subject to negotiation and ongoing modification, we are not attaching a draft consent order to this memorandum. As settlement negotiations proceed, we will discuss a proposed order with the Legal Division before we submit it to you [*if negotiating an administrative consent, include: for signature*]. If settlement negotiations fail, we seek authority to commence an enforcement action, either administratively or in federal court, consistent with the attached complaint.

II. Factual Background

[Relevant facts, including adverse facts]

III. Legal Analysis

[Legal analysis of violations that form the basis of the contemplated settlement and proposed action, including analysis of legal weaknesses and contrary precedent]

IV. Recommendation to Settle or Sue

A. Summary

[Summary of proposed settlement parameters; brief description of relief to be sought in litigation, especially if different]

B. Discussion

[Describe basis for proposed settlement parameters; include analysis of potential Civil Money Penalties and statutory factors]

V. Assessment of Risks of the Recommended Approach

[Description of legal or policy risks in settlement or litigation. Include an unbiased assessment of the strength of our claims.]

VI. Conclusion

We recommend that you authorize us to settle this matter under the parameters described in Section XX and the attached Term Sheet. Further, if settlement negotiations are unsuccessful, we recommend that you authorize us to file suit.

Attachment(s)

Tab 1: Draft Decision Memorandum from the Director. (*Only if a decision is involved; see p.4*)

Tab 2: Proposed Term Sheet.

Tab 3: Draft Complaint.

Tab 4: [Subject's] NORA Response