

# CFO update through the second quarter of fiscal year 2023

OCTOBER 1, 2022 – MARCH 31, 2023

Issued: December 13, 2023

## Bureau Fund

As of March 31, 2023, the end of the second quarter<sup>1</sup> (Q2) of fiscal year (FY) 2023, the Consumer Financial Protection Bureau (CFPB) had incurred approximately \$399.2 million in FY2023 obligations<sup>2</sup> to carry out the authorities of the CFPB under federal financial consumer law. Approximately \$226.1 million was spent on employee compensation and benefits for the 1,645 CFPB employees<sup>3</sup> who were on-board at the end of the quarter.

In addition to payroll expenses, the largest obligations made during Q2 were related to contractual services. Some of the CFPB's significant obligations that occurred during the quarter included:

- \$12.5 million for enterprise-wide cloud hosting infrastructure, system administration and support services;
- \$10.9 million for Consumer Response contact center services;
- \$6.7 million for ongoing enterprise development of the customer relationship management system;
- \$6.2 million for cybersecurity operations, risk management, and associated support services;
- \$5.4 million for experts in support of enforcement cases;
- \$4.2 million for Consumer Response system operations and maintenance;
- \$4.2 million for development of the Small Business Lending Program regulatory data collection system and associated services and support;
- \$4.2 million for program support to the Identity, Credential, and Access Management program;
- \$2.1 million for Federal Financial Institutions Examination Council (FFIEC) membership dues, examiner education, and related services;
- \$1.9 million for IT portfolio and project management support services;
- \$1.9 million for technology data platform development and support;
- \$1.8 million for contractor support and software licenses associated with Home Mortgage Disclosure Act operations;
- \$1.7 million for IT service desk and customer support services;

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<sup>1</sup> January 1, 2023 – March 31, 2023

<sup>2</sup> This amount includes new obligations and upward adjustments to previous year obligations. An obligation is a transaction or agreement that creates a legal liability and obligates the government to pay for goods and services ordered or received.

<sup>3</sup> Reflects employees on board during the final complete pay-period of the quarter (PP06, ending March 25, 2023).

- \$1.7 million for video and audio-conferencing capabilities and services;
- \$1.5 million for equipment and materials to support remote work options for CFPB employees;
- \$1.5 million for e-discovery systems and support services;
- \$1.5 million for organizational development services and training in support of strategic planning, team structure and roles, leadership transitions, communication, conflict resolution, and problem-solving;
- \$1.1 million for program support to internal controls.

**The tables below categorize spending<sup>4</sup> by expense category and division/program area:**

Table 1: Year-to-date spending by expense category:

<b>Expense Category</b>	<b>FY2023</b>
Personnel Compensation	144,465,000
Personnel Benefits	81,586,000
Benefits for Former Personnel	-
Travel	2,751,000
Transportation of Things	100,000
Rents, Communications, Utilities & Misc.	8,122,000
Printing and Reproduction	1,174,000
Other Contractual Services	141,037,000
Supplies & Materials	3,741,000
Equipment	16,180,000
Land & Structures	-
<b>Total (as of March 31, 2023)</b>	<b>\$399,156,000</b>

Table 2: Year-to-date spending by division/program area:

<b>Division/Program Area</b>	<b>FY2023</b>
Office of the Director	12,430,000
Operations	155,192,000
Consumer Education & External Affairs	41,006,000
Research, Markets & Regulations	34,778,000
Supervision, Enforcement, Fair Lending	91,267,000
Legal Division	9,882,000
Other Programs <sup>5</sup>	1,522,000
Centralized Services <sup>6</sup>	53,079,000
<b>Total (as of March 31, 2023)</b>	<b>\$399,156,000</b>

<sup>4</sup> This amount includes FY2023 obligations and upward adjustments to previous year obligations.

<sup>5</sup> Other Programs includes the costs of the Office of Ombudsman, Administrative Law Judges, and other CFPB programs.

<sup>6</sup> Includes the cost of centralized benefits and certain administrative and operational services provided centrally to other Divisions in support of all strategic goals.

## **FY2023 funds transfers received from the Federal Reserve**

The CFPB is funded principally by transfers from the Federal Reserve System, up to the limits set forth in the Dodd-Frank Act. Funding from the Federal Reserve System for fiscal year 2023 is capped at \$750.9 million. As of March 31, 2023, the CFPB had received the following transfers for FY2023. The dates and amounts of the transfers are shown below.

October 19, 2022	\$315.7M
January 4, 2023	\$286.0M
<b>Total</b>	<b>\$601.7M</b>

## Civil Penalty Fund

The Dodd-Frank Act authorizes the CFPB to collect civil penalties through judicial and administrative actions and to use these funds for specified purposes, including payments to victims harmed by companies or individuals that violated federal consumer financial laws as well as for consumer education and financial literacy programs once all eligible victims have been located and paid. As directed by the Dodd-Frank Act, the CFPB maintains a separate account for these funds at the Federal Reserve Bank of New York.

### Civil penalties collected in FY2023

In the first quarter of FY2023, the CFPB collected civil penalties from eight defendants totaling \$1.8 billion. In the second quarter of FY2023, the CFPB collected \$11.0 million in civil penalties from three defendants, bringing the total collections for FY2023 to \$1.8 billion.

FY2023 Civil Penalty Fund collections:

<b>Defendant Name</b>	<b>Civil Penalty Collected</b>	<b>Collection Date</b>
Regions Bank	\$50,000,000	10/7/2022
Choice Money Transfer, Inc. d/b/a Small World	\$950,000	10/13/2022
All American Check Cashing	\$10,000	11/14/2022
Carrington Mortgage Services, LLC	\$5,250,000	11/25/2022
RD Legal Funding, LLC	\$1	12/6/2022
My Loan Doctor, LLC d/b/a Loan Doctor and Edgar Radjabli	\$150,000	12/20/2022
Wells Fargo Bank, N.A.	\$1,700,000,000	12/27/2022
Servicio Uniteller Inc.	\$700,000	12/30/2022
Forster & Garbus, LLP	\$40,000	1/27/2023 2/23/2023 3/29/2023
TMX Finance LLC	\$10,000,000	3/3/2023
RMK Financial Corp. d/b/a Majestic Home Loan or MHL	\$1,000,000	3/7/2023

<b>Defendant Name</b>	<b>Civil Penalty Collected</b>	<b>Collection Date</b>
<b>Total</b>	<b>\$1,768,100,001</b>	

Civil Penalty Fund allocations in FY2023

Period 20: April 1, 2022 – September 30, 2022

On November 29, 2022, the CFPB made its 20th allocation from the Civil Penalty Fund. As of September 30, 2022, the Civil Penalty Fund contained an unallocated balance of \$471,112,663.54.<sup>7</sup>The fund administrator has set aside \$1,500,000 to cover administrative expenses associated with distributing funds to harmed consumers, reducing the amount available for allocation to \$469,612,663.54.

A civil penalty was imposed in 14 cases with final orders from Period 20. Under the Civil Penalty Fund rule, victims of the violations where civil penalties were imposed are eligible for compensation from the Civil Penalty Fund. Of those 14 cases, four had classes of eligible victims with uncompensated harm that is compensable from the Civil Penalty Fund. All four cases received an allocation during this period. Additionally, there are two prior period cases which received an allocation this period.

The allocations for each case are as follows:

- The BounceBack Inc., et al. case received an allocation of \$1,481,773 from the Civil Penalty Fund. The class of victims who received the allocation are consumers who, between January 1, 2015, and November 1, 2021, (1) received a collection letter from BounceBack, and (2) who paid any money to the company for its financial-accountability class, program fees, or payment plans.
- The Frank R. Gebase Jr., case received an allocation of \$240,995 from the Civil Penalty Fund. The class of victims who received the allocation are consumers whose bank accounts were debited, directly or indirectly, by “Processingstudentloans” between May 2016 and April 2017.
- The Performance SLC, LLC, et al. case received an allocation of \$10,950,818.20. This allocation includes \$10,448,467.90 for consumers who, from January 1, 2016, to April 29, 2022, (1) paid all or a portion of Performance SLC’s fee into a dedicated trust account, or (2) entered into a credit plan agreement to finance

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<sup>7</sup> The unallocated balance amount does not include \$10,693,571 in funds that were collected pursuant to two orders that are currently pending appeal and are thus not yet “final orders” as defined in 12 C.F.R. § 1075.101. Those funds are therefore not available for allocation under 12 C.F.R. § 1075.105(c). The amount includes \$9,833,640 that was sequestered during fiscal year 2022. The sequestration amount was not available for allocation during fiscal year 2022 but became available to the Bureau in fiscal year 2023.

payment of Performance SLC's fee, and \$502,350.30 for consumers who were referred to PSettlement by OneLoanPlace.com from August 27, 2018, to April 29, 2022, and paid a fee to PSettlement.

- The Hello Digit, LLC case received an allocation of \$38,220 from the Civil Penalty Fund. The class of victims who received the allocation are consumers whose overdraft reimbursement requests were (1) submitted to Hello Digital between January 1, 2017, and August 10, 2022, and (2) denied because the fee was caused by a subscription fee.
- The Think Finance, LLC, et al. case received an allocation of \$384,010,543.61 from the Civil Penalty Fund. Eligible victims in this matter are consumers in Arizona, Arkansas, Colorado, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Minnesota, Montana, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, and South Dakota who obtained credit from Plain Green, Great Plains, and Mobiloans, and who made payments in excess of the principal they borrowed on that credit between 2011 and 2019.
- The Future Income Payments, LLC, et al. case received an allocation of \$11,086,433.97 from the Civil Penalty Fund. The class of victims who received the allocation are consumers who sold a portion of their income stream to FIP or a related entity, or to a third party where the transaction was brokered through FIP or a related entity, in exchange for a lump sum from approximately 2011 through 2018.

The fund administrator exercised discretion and deferred an allocation to a class of consumers in one prior period matter, Northern Resolution Group (Gray). In the Northern Resolution Group (Gray) case, the victim allocation is deferred while the CFPB pursues data and determines victim eligibility in a related matter. This case will be reviewed as part of the Period 21 allocation.

As of the time of this allocation, aside from the Northern Resolution Group (Gray) case which has been addressed above, there were no prior period victim classes with uncompensated harm that is compensable from the Civil Penalty Fund.

During Period 20, \$0 was allocated for consumer education and financial literacy purposes.

The total allocation for Period 20 was \$407,808,784.

Period 20 Allocation Summary:

<b>Case Name</b>	<b>Allocation Amount</b>
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BounceBack, Inc., et al.	\$1,481,773
Frank Ronald Gebase, Jr.	\$240,995
Performance SLC, LLC, et al.	\$10,950,818
Hello Digit, LLC	\$38,220
Think Finance, LLC, et al.	\$384,010,544
Future Income Payments LLC, et al.	\$11,086,434
<b>Total</b>	<b>\$407,808,784</b>

## Bureau-Administered Redress

Dodd-Frank Act Section 1055 authorizes a court in a judicial action, or the CFPB in an administrative proceeding, to grant any appropriate legal or equitable relief for a violation of federal consumer financial law. Such relief may include redress for victims of the violations, including refunds, restitution, and damages. Relief that is intended to compensate victims is treated as fiduciary funds and deposited into the “Legal or Equitable Relief Fund” established at the Department of the Treasury.

### Bureau-Administered Redress collected in FY2023:

In the first quarter of FY2023, the CFPB collected \$13,493 in Bureau-Administered Redress from one defendant. In the second quarter of FY2023, the CFPB collected \$153,382 from the two defendants, bringing total Bureau-Administered Redress collections for FY2023 to \$166,875. Funds are distributed in accordance with the terms of the final order for the case.

### FY2023 Bureau-Administered Redress collections:

<b>Defendant Name</b>	<b>Amount Collected</b>	<b>Collection Date</b>
Consumer Advocacy Center Inc., d/b/a Premier Student Loan Center, et al. – Relief Defendant Sarah Kim	\$68,593	11/30/2022 2/22/2023
Hydra Financial	\$98,282	3/17/2023
<b>Total</b>	<b>\$166,875</b>	

[See additional information on CFPB’s Civil Penalty Fund and Bureau-Administered Redress programs.](#)