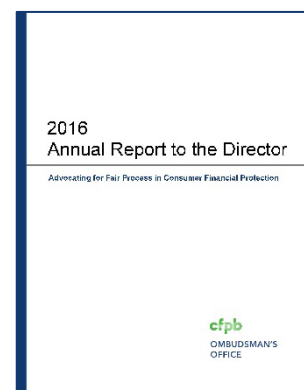
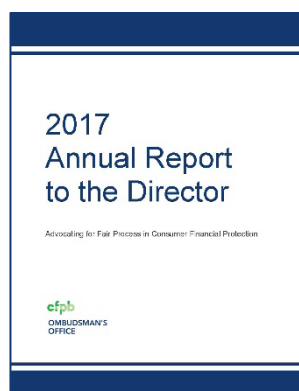
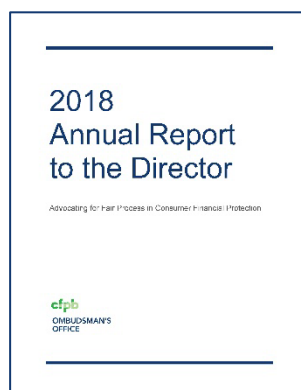


# 2022 Annual Report to the Director

Advocating for Fair Process in  
Consumer Financial Protection



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# Message

I am pleased to present our FY2022 annual report to the Director of the Consumer Financial Protection Bureau, pursuant to the CFPB Ombudsman's Office [Charter](#).

After 10 fiscal years of advocating for fair process in consumer financial protection, we have the opportunity to reflect back on this office's accomplishments since it opened on December 8, 2011. In our 10 Year Anniversary section, this report highlights some key milestones over the years and describes some of the various ways we have assisted the CFPB and the public from our unique vantage point.

In FY2022, as in previous years, this report includes a Demonstrating the Ombudsman in Practice section that provides short examples from this year which illustrate the various ways in which we can assist on topics, such as offering feedback and suggestions on draft CFPB materials, connecting industry to CFPB resources, and considering engagement with the CFPB's telephone contact center.

This year, we continued with new methods of our engagement for inreach (internal engagement) and outreach that emerged as a result of the COVID-19 pandemic. For example, we hosted a virtual Ombudsman Forum with national and regional organizations that assist consumers in the CFPB's Midwest region. During this two-day lunchtime series, which we held in August and September, we facilitated discussions on process topics, including connecting in with the CFPB, engaging various communities, and whether it is clear if consumers should go to the CFPB or another agency for assistance.

We also include a section describing the program launch and first year of our post-examination survey of supervised entities. We describe the survey format, include a description of entities surveyed, and provide a representative set of survey participants' unattributed feedback and recommendations.

The Ombudsman in Brief section discusses information the CFPB provides to the public as well as CFPB videos. We also describe our work on one systemic issue – assisting consumers who submit correspondence to the CFPB via postal mail – and provide updates on issues we previously studied: processes related to certain communications the CFPB receives from the public and connecting with the CFPB through publicly provided contact points.

In addition, our report includes a section with information on our individual inquiry data over time as well as an analysis of the individual inquiries our office received this year. Specifically, there is a discussion of individual inquiries: about the consumer complaint process, from industry, and from small businesses.

As we begin the next decade of advocating for fair process in consumer financial protection, my team and I look forward to continuing to assist in resolving process issues in new and innovative ways while continuing to be a steadfast resource for all.

Wendy Kamenshine

Ombudsman

November 15, 2022

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# 10 Year Anniversary

This year marks 10 fiscal years since we opened the CFPB Ombudsman's Office on December 8, 2011, one month ahead of the statutory deadline,<sup>1</sup> to advocate for fair process in consumer financial protection.

At the start, and even prior to opening the office, we put the various elements in place so as to closely adhere to the foundational ombudsman standards of practice of independence, impartiality, and confidentiality. There was recognition of our adherence to these foundational ombudsman standards in a December 2016 Administrative Conference of the United States (ACUS) study on the use of ombudsman in federal agencies. Our office was selected as one of four extensive case studies and the researchers concluded that: "[t]he impeccable manner in which these ombudsmen exercised independence, impartiality, and confidentiality truly represented a role model for the federal ombudsman community and the entire organization."<sup>2</sup> We also understand that our office's practices served as a model for several of the recommendations adopted by ACUS for government-wide applicability.

Since its inception, every year has presented our office with opportunities to assist the CFPB and the public in various creative ways. We established inreach (internal engagement) and outreach programs, adding new concepts each year, such as our Ombudsman Forum and Interactives programs, to engage with our stakeholders both inside and outside the CFPB. With the significant events occurring worldwide in 2020, our ability to be nimble also allowed us to develop new ways to connect with stakeholders virtually.

For individual inquiries to the office, we adopted a holistic approach to addressing each one, getting the people who reached us to the right resource for assistance. Over the last 10 fiscal years, we have received 15,319 individual inquiries to our office, as shown in the figure below, and assisted consumers, financial entities, consumer groups, trade groups, and others.

In the last few years, we determined that our office would conduct a post-examination survey of supervised entities as a new initiative going forward. This program is another way we have

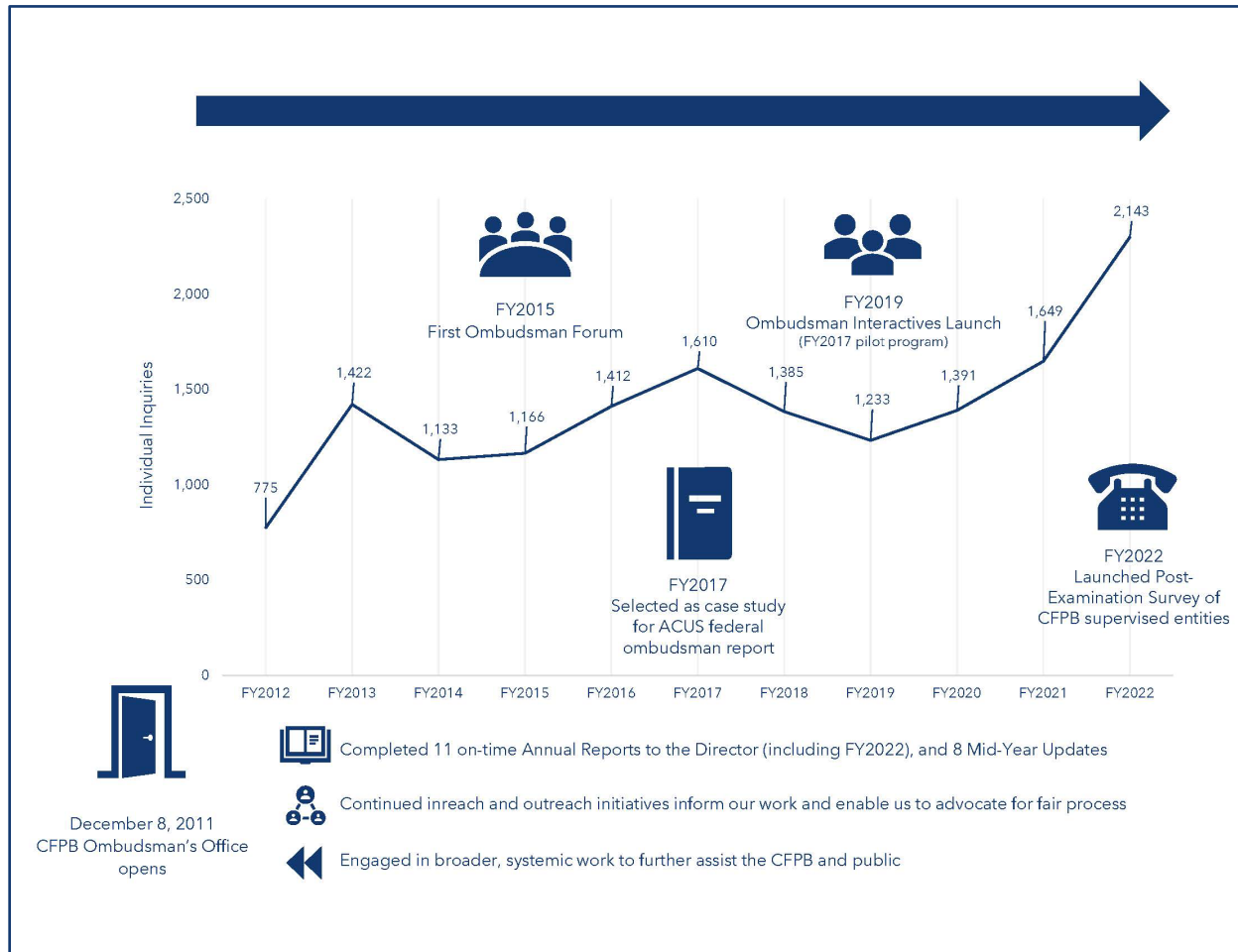
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<sup>1</sup> [Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 \(Dodd-Frank Act\)](#), 12 U.S.C. §5493(a)(5)(A).

<sup>2</sup> C. Houk et al., "[A Reappraisal – The Nature and Value of Ombudsmen in Federal Agencies](#)" (Nov. 14, 2016) at Part 2, p. 105.

assisted the CFPB and the public by utilizing a variety of tools in our toolbox as adapted to each situation. We describe the launch of this program further in a section below.

**FIGURE 1:** 10 FISCAL YEARS AND BEYOND: FY2012-FY2022<sup>3</sup>



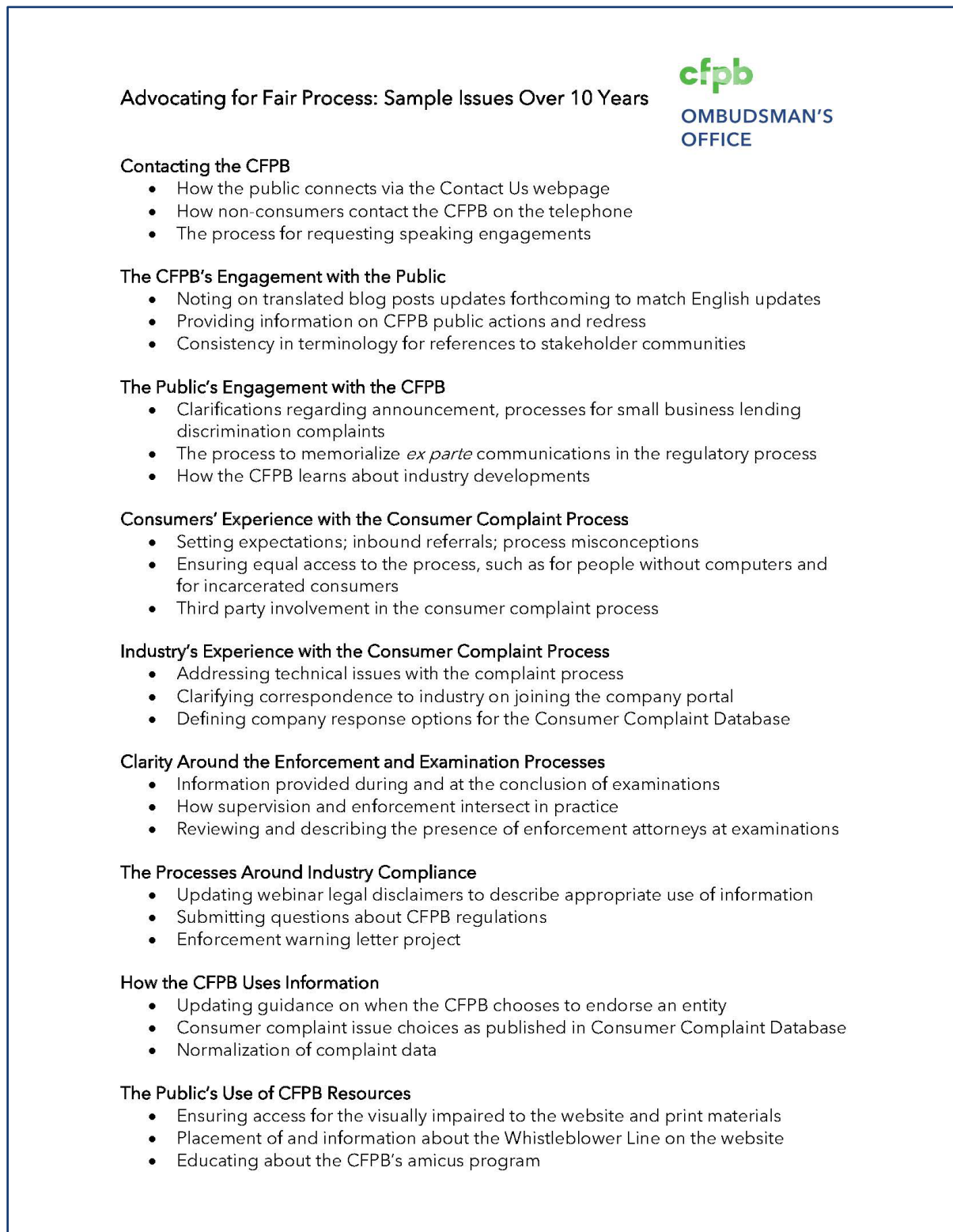
In addition to our inreach and outreach, we have continued to share about our work through our annual reports and, in FY2015, began providing a Mid-Year Update as a way to further share about our work during the year.

<sup>3</sup> For FY2012, our inquiry total for the ten-month period starting when the office opened in December 2011 was 775.

Over this time, we also have provided feedback and recommendations to the CFPB on broader, systemic issues to assist both the CFPB and those people and entities engaging with it. The figure below includes sample issues from our work in the last 10 years.



**FIGURE 2: ADVOCATING FOR FAIR PROCESS: SAMPLE ISSUES**



Finally, in support of our work assisting the CFPB and the public, in the last 10 years we have maintained active participation in the broader ombudsman profession. For example, we have held leadership positions in the federal interagency group the Coalition of Federal Ombudsman and published articles about the federal ombudsman.

Going forward, this anniversary provides an opportunity for us to further our ability to engage with and assist all of our stakeholders while building on this solid foundation.

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## Ombudsman in Practice

The CFPB Ombudsman’s Office is an independent, impartial, and confidential resource and our mission is to advocate for fair process in consumer financial protection. The Ombudsman<sup>4</sup> informally assists in resolving process issues with the CFPB that are: mentioned in individual inquiries received from consumers, financial entities, consumer or trade groups, and others; highlighted in interactions with groups; or observed by the Ombudsman. This section revisits the ombudsman standards of practice that are foundational to our work, outlines our work process, describes our outreach, and shares how we connect through inreach (or internal engagement) with the CFPB.

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## Ombudsman Professional Standards of Practice

The core standards of ombudsman practice are independence, impartiality, and confidentiality. Taken together, these foundational tenets and the adherence to them enable an ombudsman to advocate for fair process and are essential to all aspects of our work:

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<sup>4</sup> In this report, “Ombudsman” refers to the office, the staff, or the person.

**Independence:** We are outside of the CFPB’s business lines, reporting to the CFPB’s Deputy Director and then to the Director, which ensures our independence at the CFPB. It also allows us to act as an early warning system and serve as a catalyst for change.

**Impartiality:** We do not advocate for one side, the inquirer or the CFPB, but instead we advocate for fair process in consumer financial protection.

**Confidentiality:** We have put safeguards in place to preserve confidentiality. We will not share identifying information outside the Ombudsman’s Office unless the inquirer indicates that we can. We also may have to share it if there is: a threat of imminent risk of serious harm; the inquirer raised an issue of government fraud, waste, or abuse; or if required by law.

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## Our Work Process: How We Assist by Advocating for Fair Process

The Ombudsman uses an array of methods to assist consumers, financial entities, consumer or trade groups, and others who contact us for assistance or where we identify opportunities to assist. As such, the assistance we offer exists within a flexible framework that may be adapted to most effectively address an inquirer’s distinct process concerns as they develop. This section describes some of the ways that this flexible framework allows us to tailor the steps we take to try to best assist in resolving a particular process issue and enables us to advocate for fair process.

A good time to contact the Ombudsman is when an individual or entity: tried the regular avenues within the CFPB for resolution and for some reason those avenues did not work to resolve the process issue; wants to highlight a concern in confidence; is not sure where in the CFPB to obtain an answer; would like to suggest that we review a broader process concern; or, wants to make the Ombudsman aware of an issue already shared with the CFPB that we may be studying.

The Ombudsman’s process is the same whether an individual or entity contacts us about a question, concern, or complaint regarding a CFPB process.<sup>5</sup> See [Appendix 1](#). First, we may ask follow-up questions to further understand the information provided. Depending on what we learn, we may decide to research additional information by: reviewing applicable laws,

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<sup>5</sup> The Ombudsman does not assist in resolving issues as between consumers and companies.

regulations, policies, and data; contacting other stakeholders to gather further viewpoints; or connecting with the CFPB to gather additional perspectives.

After conducting any additional research, we assess what approach would best assist the CFPB and the public and how best to advocate for fair process. This analysis could include, for example, the type of inquiry, context of the issue, or pervasiveness of the issue. At times, the Ombudsman may consult with the inquirer on the approach.

We then use a toolbox of resources to try to informally resolve each issue. Keeping in mind our ombudsman standards of practice, we advocate for fair process rather than for someone's desired outcome, although these sometimes overlap. The circumstances surrounding each inquiry inform the type of resolution tool or tools that we use.

We may seek to resolve an individual or systemic issue by providing feedback and making recommendations to the CFPB. To assist, we also can: facilitate discussions, brainstorm and evaluate options and resources, share our independent analyses, offer an impartial perspective,<sup>6</sup> ensure confidentiality of someone's identity,<sup>7</sup> and engage in shuttle diplomacy,<sup>8</sup> among other options. This flexibility and adaptability in our resource set, along with our foundational ombudsman standards of practice, allows us to assist a wide range of stakeholders on various types of issues.

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## The Ombudsman's Internal and External Engagement

The Ombudsman continuously conducts both internal engagement with the CFPB, or inreach, and external engagement with external stakeholders, or outreach. We adapt our inreach and outreach methods to take into consideration the needs of our new and longstanding internal and external stakeholders. We also have adapted our inreach and outreach activities with additional

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<sup>6</sup> For example, the Ombudsman participates in some CFPB working groups in an advisory capacity by providing feedback as the CFPB considers initiatives and activities, but the Ombudsman is not part of the decision-making process.

<sup>7</sup> As described above, we will not share an inquirer's identifying information outside the Ombudsman's Office unless the inquirer indicates that we can. We also may have to share it if there is: a threat of imminent risk of serious harm; the inquirer raised an issue of government fraud, waste, or abuse; or if required by law.

<sup>8</sup> Shuttle diplomacy is a technique used in alternative dispute resolution in which we convey information, questions, and observations back and forth between stakeholders, sometimes without sharing their identities, to assist in resolving an issue.

virtual engagement some of which emerged as a result of the COVID-19 pandemic. Together with our foundational ombudsman standards of practice, our inreach and outreach efforts enable us to assist consumers, financial entities, consumer or trade groups, and others in resolving process issues with the CFPB by analyzing interrelated information and then using our toolbox of resources to advocate for fair process.

## **Outreach: How We Connect with External Stakeholders**

As an independent resource, we conduct our own outreach with external stakeholders to share information about our resource and to learn more about how those stakeholders engage with the CFPB. To assist our external stakeholders most effectively, the Ombudsman continuously plans, develops, and engages in outreach efforts to convey how we may assist and to be aware of current developments.

In accordance with the ombudsman standard of impartiality, we also endeavor to balance our outreach efforts over time to ensure fairness in our engagement with the public. We conduct outreach with a wide array of external stakeholders, such as consumer, trade, and other groups and their memberships, financial entities, state and federal government agencies, and others. By balancing our outreach, we strive to give as many stakeholders as possible an opportunity to engage with the Ombudsman.

Our outreach includes: introductory and follow-up meetings, teleconferences with groups' memberships, presentations at board meetings, speaking at conferences and smaller gatherings, and informal visits to financial entities' operations. [Appendix 2](#) provides information on speaking engagements, Ombudsman Interactives, office hours, and table information we offer for conferences. The Ombudsman's initial outreach with an external stakeholder is the beginning of an ongoing connection. We have open channels of communication with our stakeholders so they can reach us on any given process issue and we also can hear as many perspectives as possible. After the initial outreach with an external stakeholder, the Ombudsman seeks to build upon that connection by offering further engagement. For example, the Ombudsman is available for regular meetings to touch base with groups to maintain engagement with us as well as to share perspectives and emerging trends. Consumer and industry groups as well as financial entities that wish to request an outreach engagement with the Ombudsman may contact our office directly at [CFPBombudsman@cfpb.gov](mailto:CFPBombudsman@cfpb.gov) or (855) 830-7880.

This year, as anticipated in our [FY2021 Annual Report](#), p. 31, we hosted a teleconference series on how the office may be a resource for the LGBTQ+ community and participating groups shared their feedback and questions regarding their CFPB engagement. We also hosted virtual

outreach engagements to further share about the launch of our post-examination survey program with industry stakeholders. In addition, last Fall, we again presented at the new member virtual orientation for the CFPB's Consumer Advisory Board, Community Bank Advisory Council, Credit Union Advisory Council, and the Academic Research Council to share about our resource.

In FY2023, we will continue to seek to expand our outreach opportunities to include continuing with development of our concept for planned outreach with the library community. While an individual, company, group, or other entity may not need to use our resource now, if they are familiar with how we can assist from our outreach programs, they can call upon us to assist in the future.

### **Inreach Within the CFPB: Connecting with Internal Stakeholders**

The Ombudsman's inreach takes two forms, initial and ongoing. Our initial inreach introduces the Ombudsman to new CFPB staff through introductory meetings or presentations and via introductory emails. In these introductions, we describe our resource, how we approach our work, and how we may be of assistance. We strive to ensure that when we contact someone at the CFPB to discuss a process issue, it is not the first time the person has heard of the Ombudsman.

At the same time, the Ombudsman maintains a series of meetings throughout the CFPB with leadership and staff of the divisions and offices, whether monthly, bi-monthly, or quarterly. This regular and continuing engagement ensures we can promptly connect with the right CFPB contacts to address process issues, while also giving us the opportunity to maintain awareness about current CFPB activities. In addition, in these meetings we provide feedback based on perspectives we are hearing, offer feedback in conjunction with proposed initiatives, describe updates on our work, and share recommendations. The figure below shows our inreach meetings this year.

**FIGURE 3: REGULAR INREACH MEETINGS WITH THE CFPB, FY2022**

Monthly Meetings	
Deputy Director Deputy Chief of Staff Executive Secretary Chief Risk Officer Operations Division Division of Supervision, Enforcement, and Fair Lending, Front Office Office of Consumer Response, cross-office managerial leadership	Office of Consumer Response, Stakeholder Services Office of Financial Institutions Office of Intergovernmental Affairs Office of Legislative Affairs Office for Older Americans Office of Public Engagement and Community Liaison Office of Stakeholder Management Office of Supervision Examinations
Bi-monthly Meetings	
Chief of Staff Division of Supervision, Enforcement, and Fair Lending Research, Markets, and Regulations Division, Chiefs of Staff Office of Advisory Boards and Councils Office of Community Affairs	Office of Consumer Response Office of Fair Lending and Equal Opportunity Office of Media Relations Office of Public Affairs Office of Servicemember Affairs Office of Strategy Disability and Accessibility Program
Quarterly Meetings	
Director* Division of Consumer Education and External Affairs Research, Markets, and Regulations Division Legal Division Chief Data Office Office of Consumer Education	Office of Consumer Response, Investigations Section Office of Enforcement Office of Minority and Women Inclusion Office of Mortgage Markets Office of Supervision Examinations, Regional Directors
<p>* The Ombudsman has quarterly meetings with the Director on the calendar and can schedule other meetings, as needed.</p> <p>Note: The Ombudsman meets with CFPB components not listed in the figure above on an as-needed basis.</p>	



In last year's annual report, we described some new inreach opportunities to explore process topics, receive outreach suggestions, and share information about our work. These connections provide additional avenues for us to facilitate resolutions and quickly resolve cross-cutting issues. In FY2022, we continued hosting an office Deputies meeting, to connect these individuals across the CFPB, and brought in CFPB speakers on process related topics. In addition, we started meeting with the LGBTQ+ Employee Resource Group (ERG) with a regular cadence and, next year, anticipate expanding our meetings with the ERGs.<sup>9</sup> With the same purpose, we soon will be scheduling meetings with the CFPB's Diversity and Inclusion Council of Employees (DICE). The Ombudsman understands that DICE focuses on employee engagement and supports the Office of Minority and Women Inclusion's objectives and priorities.

Over the year, we also connected with some CFPB offices to meet in a team-to-team format to meet new team members, share again about our resource, and learn about the latest work in those offices.

In FY2023, we anticipate continuing to develop ways to communicate about our resource and otherwise connect internally with the CFPB.

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## Demonstrating the Ombudsman in Practice

This section provides examples of how we used our toolbox of resources this year, such as providing feedback, facilitating discussions, and suggesting changes, as we assisted in resolving CFPB process issues. In keeping with our ombudsman professional standard of confidentiality, whether in presentations or writing, we provide examples in a format that gives greater understanding of our work, but retains anonymity of the inquirers. The selections below also demonstrate how we tailor the way to best assist in a situation depending on the circumstances.

**Offering Feedback and Suggestions on Draft CFPB Materials** – In our role, we have the opportunity to provide feedback to the CFPB on information that the agency plans to share

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<sup>9</sup> The CFPB provides information on its ERGs on the "[Ensuring a diverse and inclusive workplace culture](https://www.consumerfinance.gov/ombudsman/ensuring-a-diverse-and-inclusive-workplace-culture)" webpage.



publicly. This year, we provided comments on a wide variety of topics. Some of our feedback centered around clarity for the public as well as consideration of the public's expectations in engaging with the CFPB. In addition to the topics described in this year's [Mid-Year Update](#), we also provided feedback, for example, on the announcements for the section 1071 small business lending rulemaking technical sessions, "[Technical Readiness Session\[s\]: Regulatory Data Collection at CFPB, HMDA and the \[R\]oad \[A\]head](#);" the announcement and accompanying information on [consumerfinance.gov](#) on how the public can [petition the CFPB for action](#); [CFPB Requests for Information notices](#); and some [blog posts that reference the consumer complaint process](#).

**Connecting Industry to CFPB Resources** – Over time, company contacts have reached our office for all types of resources relevant to industry. For example, this year we received a few inquiries where company contacts sought information and resources on how to connect with the CFPB. In one instance, a company contact inquired about how to stay connected in with the CFPB and receive additional information germane to their line of work. We suggested that the inquirer sign up for the CFPB Financial Education Exchange ([CFPB FinEx](#)) to receive, as shared by the CFPB, the "latest news [and] invitations to webinars...." We understand the FinEx resource is primarily for organizations and individuals who assist consumers, yet others may benefit as well. We also heard from a different company contact who sought information about disclosure notice requirements. To assist the inquirer, we suggested that they connect directly with the Office of Regulations via that office's "[Submit a regulatory inquiry](#)" webpage, to submit their questions.

**Considering Engagement with the Telephone Contact Center** – The CFPB's telephone contact center is the first interaction many people have with the CFPB. In engaging with the public each day, the Consumer Guides offer support to the callers in various ways. This year, we suggested some other ways for the Consumer Guides to express concern for callers' situations while, at the same time, continuing to share how the CFPB can assist individual consumers. The CFPB implemented many of our suggestions.

**Listening to User Testing of Agency Website** – This year, the CFPB launched user testing of [consumerfinance.gov](#) to update the homepage and other parts of the website as described in a [March blog post](#) and a [blog post later in September](#). We had the opportunity to listen to a few of the user testing sessions and offered suggestions regarding possible external user/stakeholder feedback for the CFPB's consideration.

**Offering Feedback on Implementation of Nonbank Supervision Amended Procedural Rule** – The CFPB can supervise a "[nonbank] covered person" where the CFPB "has reasonable cause to determine, by order, after notice to the covered person and a

reasonable opportunity for such covered person to respond . . . [that the person] is engaging, or has engaged, in conduct that poses risks to consumers with regard to the offering or provision of consumer financial products or services.”<sup>10</sup> This year, the CFPB published an amended [procedural rule](#) regarding the supervision of these entities.<sup>11</sup> We provided feedback on the implementation of the amended procedural rule, for the CFPB’s consideration.

**Assisting Inquirers with Recognizing and Reporting Scams** – In FY2022, individuals continued to contact the Ombudsman for assistance with financial scams.<sup>12</sup> Specifically, they described contacts allegedly from CFPB staff or a company affiliated with the CFPB. In these instances, the imposters advised the individual to pay funds upfront to receive payment from a CFPB settlement, or offered to help with obtaining resolutions to specific financial issues. To assist, we shared various CFPB resources from the “[Fraud and scams](#)” webpage as well as resources from other federal agencies, such as the [Federal Trade Commission](#) and the [FBI’s Internet Crime Complaint Center](#). We also connected with the relevant CFPB offices to share about scammers impersonating the CFPB.<sup>13</sup> The CFPB subsequently posted a blog entitled “[Beware of scammers pretending to be from the CFPB](#),” which also is available in [Spanish](#).

**Assisting U.S. Congressional Office Staff with Process Issues** – Congressional office staff sometimes contact the Ombudsman for assistance in resolving issues with their CFPB interactions. In most cases, these contacts are where the Congressional office staff is assisting a constituent in addressing a concern with a financial entity. We may refer the Congressional office staff to a CFPB resource where they can assist their constituents in submitting a consumer complaint. We also may refer them to a CFPB resource to obtain further assistance on previously submitted consumer complaints, if they have not yet tried that resource and are comfortable doing so. If the Congressional office has a process concern regarding their CFPB interactions, we can assist in resolving those issues as well.

**Noting Virtual Currency Not Listed** – Earlier in the year, the CFPB added Frequently Asked Questions to its “[Submit a complaint](#)” webpage regarding the consumer complaint process. One FAQ provides information on which consumer financial products and services

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<sup>10</sup> “[Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 \(Dodd-Frank Act\)](#),” 12 U.S.C. §5514(a)(1)(C).

<sup>11</sup> “[Supervisory Authority Over Certain Nonbank Covered Persons Based on Risk Determination; Public Release of Decisions and Orders](#),” 87 Fed. Reg. 25397 (Apr. 29, 2022).

<sup>12</sup> In our [FY2018 Annual Report](#), p. 16, we shared about receiving inquiries regarding both domestic and international scams. To assist the individuals who contacted our office, we shared various resources to alert them about information on recent scams and how to report them.

<sup>13</sup> As described elsewhere in this report, we will not share identifying information outside the Ombudsman’s Office unless the inquirer indicates that we can. At the same time, we also may have to share it if there is a threat of imminent risk of serious harm. Here, we contacted the relevant CFPB offices for assistance.

consumers can submit complaints to the CFPB. We noted that virtual currency was not included on the list, as we shared with the CFPB. At the same time, consumers can submit complaints about virtual currency to the CFPB on [consumerfinance.gov](https://consumerfinance.gov). Anyone also can learn more about the virtual currency complaints the CFPB has sent to companies in the public [Consumer Complaint Database](#). In October, the CFPB added virtual currency to the FAQ describing the products and services about which consumers can submit consumer complaints.

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# Launch of Post-Examination Survey

In FY2022, we launched our post-examination survey of CFPB supervised entities.<sup>14</sup> The post-examination survey serves as a confidential avenue for supervised entities to share their feedback and recommendations on the CFPB examination process after participation in a supervisory examination. In turn, the Ombudsman's Office provides survey participants' unattributed feedback and recommendations to the CFPB.

## **Format of the Post-Examination Survey**

The post-examination survey incorporates a learning mindset so that we can further understand the entity's experience. As part of this approach, we use three process areas to obtain participants' feedback and recommendations, as follows:<sup>15</sup>

***Supervision materials and resources*** – Includes topics such as information availability, functionality, and content for review by entity representatives who will engage with any part of the examination.

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<sup>14</sup> The history and development of our post-examination survey is in our [FY2020 Annual Report to the Director](#), pp. 14-17, and [FY2021 Annual Report to the Director](#), pp. 13-15.

<sup>15</sup> The Ombudsman will not collect, analyze, or report on examiner performance or the specific details of any given supervisory examination for the post-examination survey.

***Interpersonal communications*** – Includes communications between entity representatives and anyone at the CFPB before, during, or after an examination, using any medium or format.

***End of the examination*** – Includes topics such as timing, knowledge of outcomes or resolutions, clarity in expectations of closure, and awareness of the appeals process.

During the survey engagement, selected entities each meet with at least two members of the Ombudsman’s Office for a scheduled one-hour survey session on the telephone. In keeping with the way we approach all of our work, the questions and communication use informal issue resolution techniques and, as such, we use a conversational, dialogue approach. For each of the three process areas above, we ask survey participants: (1) what worked well? (2) what did not work well, if anything? and (3) what would you change moving forward? This format allows for issue identification without presuming a problem area in any part of the process. In addition, we tailor any follow-up questions to the information provided by the entity. If during the course of the survey call an entity raises a process concern that it would like to try to address, a different Ombudsman colleague will follow up to try to assist so as to take it out of the survey context.

To uphold our professional ombudsman tenet of confidentiality, protect the confidentiality of supervisory information, and enable the participants to speak candidly with the Ombudsman, we will not share with anyone outside of the Ombudsman’s Office which entities we selected or which entity representatives we contacted.

## **Entities Surveyed**

To begin this first year, the Supervision, Enforcement, and Fair Lending (SEFL) Division provided the Ombudsman’s Office with a list of entities and their points of contact that reflected an FY2021 examination mail date.<sup>16</sup> We invited a subset of those entities to participate in our survey, taking into account different CFPB regions, entity product lines, and types of entities to maintain balance among survey participants. Specifically, we separated the list that the SEFL Division provided by region and then used a randomizer tool to select entities to invite to participate in our survey. If the entity had more than one CFPB examination with an FY2021 mail date, we invited the entity to participate regarding the one product line which we determined would further assist us in achieving balance among survey participants.<sup>17</sup>

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<sup>16</sup> The SEFL Division did not provide points of contact for approximately 9 percent of entities with an FY2021 examination mail date.

<sup>17</sup> To invite survey participants, we sent the entity point of contact an email and followed up with one telephone call if we did not hear back. If the entity’s point of contact expressed interest in participating in the survey, but did not confirm a date and time, we followed up.

For participation in our survey, we invited approximately 70 percent of the entities with an FY2021 mail date and a point of contact provided by the SEFL Division.<sup>18</sup> When inviting the entities to participate in the post-examination survey, we provided an explainer document as in [Appendix 3](#).

Of the entities we invited to complete the survey, approximately 50 percent participated.<sup>19</sup> The survey response rate is the number of entities that completed a survey compared with the entities that received an invitation.<sup>20</sup> We had three entities that declined to participate.

Overall, we had a number of a banks and nonbanks that participated in the survey, 42 percent and 58 percent, respectively. Entities from each of the CFPB's four regions participated. The survey also included a variety of different product lines.

### **Survey Participants' Unattributed Feedback and Recommendations**

This Fall, the Ombudsman provided the CFPB with a summary of the survey participants' unattributed feedback and recommendations, for the agency's consideration. Some of the participants' perspectives may be similar and some may differ on the same topic based on the participants' experiences with the CFPB's examination process.

Our survey results do not indicate any distinction by region for entities with an FY2021 mail date. Moreover, we saw no noticeable distinctions for banks or nonbanks engaging with the CFPB's examination process based on their answers to our survey questions of "what worked well" and "what did not work well, if anything."

In response to the question "what would you change moving forward," there were banks and nonbanks in all four regions that had no recommendations. At the same time, for those entities

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<sup>18</sup> This calculation does not include: (1) examined entities for which the CFPB did not provide a point of contact and (2) more than one entry for entities that had different product lines examined with an FY2021 mail date.

<sup>19</sup> We also had a few entities that expressed interest in completing the survey, but we did not hear from them further after our follow up.

<sup>20</sup> The survey response rate does not include: (1) examined entities for which the CFPB did not provide a point of contact; (2) more than one entry for entities that had different product lines examined with an FY2021 mail date; and (3) entities where we received an electronic notification that the entity point of contact did not open our secure email to participate in the survey after some number of months.

In addition, we also did not include two entities in the survey response rate where: (1) due to the confidential nature of the survey, we disqualified an entity from participating because the entity contacted the SEFL Division regarding the survey invitation and (2) an entity did not have information on the particular examination to participate in a survey call.

Our response rate is an estimate because we are continuing to receive electronic notifications indicating that the entity point of contact did not open our secure email to participate in the survey. As such, our response rate could have a corresponding increase.

that had recommendations to share, there were no noticeable distinctions between the recommendations of banks and nonbanks.

We provide a representative set of participants' feedback and recommendations below:

### **Supervision Materials and Resources**

<b>What worked well?</b>	<b>What did not work well, if anything?</b>
<ul style="list-style-type: none"><li>• Advance notice of the examination</li><li>• A clear timeline</li><li>• Examination that stayed on schedule</li><li>• Information requests that were well-coordinated and detailed</li><li>• No surprises from requested materials</li><li>• Easy to follow questions</li><li>• Explanations when there were examination scope changes</li><li>• Ample time to clarify and respond to information requests</li><li>• Examination resources publicly available</li></ul>	<ul style="list-style-type: none"><li>• Significant or broad initial and follow-up information requests</li><li>• Tight deadlines to deliver complex information requests</li><li>• Even in circumstances where entity was provided additional time, those adjustments were insufficient given CFPB requests</li><li>• Expanded examination scope after kickoff</li><li>• Lack of coordination/multiple ongoing examinations</li><li>• Information requests same for information already provided earlier in examination</li></ul>
<b>What would you change moving forward?</b>	
<ul style="list-style-type: none"><li>• Consider entity's resources when scheduling examinations that may be close in time</li><li>• Provide entities with earlier notice of the examination schedule</li><li>• Provide opportunities during the examination to meet to clarify written answers</li><li>• Provide entities with the ability to update or confirm information from prior examination(s) to eliminate identical requests</li><li>• Designate more time to provide information that the CFPB has requested</li></ul>	

## Interpersonal Communications

What worked well?	What did not work well, if anything?
<ul style="list-style-type: none"> <li>• Overall, excellent interactions with team</li> <li>• Team was patient and available for meetings, emails, and calls to discuss concerns or clarifications</li> <li>• Collaborative in all phases of examination</li> <li>• Team worked to ensure facts were correct</li> <li>• Team did not form opinion until end of examination</li> <li>• Prompt responses to specific and general compliance questions</li> <li>• Used tracking sheet to monitor progress</li> <li>• Frequent meetings for all to be informed</li> <li>• Virtual environment worked well</li> <li>• Virtual meetings seemed more intentional</li> </ul>	<ul style="list-style-type: none"> <li>• Insufficient notice before the examination started</li> <li>• Lack of continuity in awareness across team of documents entity already provided</li> <li>• Some issues obtaining clarity on entity's specific questions</li> <li>• During the examination, lack of transparency in communication resulted in challenges for entity in responding to CFPB requests</li> <li>• No clear end date of the examination shared with entity</li> <li>• Lack of communication and certainty about the examination findings</li> <li>• Some technology issues with communicating via portal to share documents</li> </ul>
What would you change moving forward?	
<ul style="list-style-type: none"> <li>• Provide transparency or as much information about the examination in advance as possible, such as regarding the examination schedule, examination scope, updates to the scope, the focus of additional information requests, and what documents/materials the entity should have available for reference and in what format before meeting with the examination team</li> <li>• Provide more opportunities to meet and resolve the differences between the CFPB data request format and what the entity may be able to provide</li> <li>• Implement an information request tracker or tracking sheet for all requests made by the CFPB</li> </ul>	

## End of the Examination

<b>What worked well?</b>	<b>What did not work well, if anything?</b>
<ul style="list-style-type: none"><li>• Clear timing of when to expect final report</li><li>• Received final report in a reasonable time</li><li>• No surprises at closure or in final report</li><li>• Exit meeting was concise, thorough, and kept everyone informed</li><li>• Aware of next steps through formal and informal meetings</li><li>• Solidly understood closeout process</li><li>• Clear information about nature of issues team identified</li><li>• Constructive dialogue and open communication about end of examination</li><li>• Meetings gave entity opportunity to have position on issues heard</li></ul>	<ul style="list-style-type: none"><li>• Unclear when examination ends</li><li>• Lack of transparency regarding decision-making and timing for closure</li><li>• No transparency about findings</li><li>• Lack of meaningful communication about timeframe for next steps, such as timing for exit interview or final report</li><li>• Examination had no end or completion</li><li>• Entity had no exact timeframe as to how it should proceed</li><li>• Unclear about purpose of keeping examination open</li></ul>
<b>What would you change moving forward?</b>	
<ul style="list-style-type: none"><li>• Reduce the time between the exit meeting and receipt of final examination results/report</li><li>• Offer more details in update meetings about status of final report and processing of report by Headquarters</li><li>• Provide more clarity and transparency on what to expect when the onsite portion of the examination ends and when to expect the final examination report, so the entity can plan its examination and other resources accordingly</li><li>• Engage in more discussion with the entity around the remediation timeframes and remediation steps taken</li><li>• Provide transparency around serious findings sooner rather than later for earlier attention and remediation</li></ul>	

## Continuing the Post-Examination Survey

We look forward to begin planning for our next post-examination survey to include inviting another set of entities to participate. To maintain the confidentiality of potential survey participants, supervised entities that have feedback or questions about our survey program may contact our office directly at [CFPBombudsman@cfpb.gov](mailto:CFPBombudsman@cfpb.gov) or (855) 830-7880.



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# Ombudsman Forums and Interactives

This section describes the Ombudsman Forum and Interactives programs, including our adaptations stemming from the COVID-19 pandemic.

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## Ombudsman Forum with National and Regional Organizations that Assist Consumers in the Midwest Region

In 2015, the Ombudsman's Office launched the Ombudsman Forum as another avenue for consumer, trade, and other groups to share feedback on their CFPB interactions as we, in turn, provide feedback and recommendations to the CFPB. For these events, Ombudsman staff lead facilitated discussions, which allow participants to share feedback on the topics as well as offer their recommended solutions to any process concerns.

We select the topics to be discussed at the event ahead of time based on process issues shared with the Ombudsman by the groups or the CFPB prior to the event. In keeping with our ombudsman standards of practice of independence, impartiality, and confidentiality, the Forums are closed to the press, the public, and CFPB staff. After the Forum, we share participants' feedback and recommendations, without attribution, with the CFPB. A set of Frequently Asked Questions about our Ombudsman Forums is in [Appendix 4](#).

A few years ago, we anticipated hosting Ombudsman Forums with consumer groups in each of the CFPB's four regions. We hosted in-person Forums in the West region in Oakland, CA, in 2018, and in the Southeast region in Memphis, TN, in 2019. Thereafter, we adjusted our Ombudsman Forums to the COVID-19 pandemic environment and adopted a virtual setting. In 2021, we hosted our first virtual Forum with consumer-focused organizations in the Northeast region.

This year, we held a virtual Forum with national and regional organizations assisting consumers in the Midwest region during August and again in September over the course of two days for a facilitated 1.5-hour discussion each day. Our discussion topics for the Forum were as follows: Connecting in with the CFPB – Sharing Consumers’ Voices and Any Emerging Process Concerns; Engaging Various Communities to Assist in Resolving Issues with Consumer Financial Products and Services; and Should Consumers Go to the CFPB or Another Federal Agency to Obtain Assistance: Is it Clear? Also, at the beginning of each Forum day, we highlighted resources on [consumerfinance.gov](https://consumerfinance.gov) with which the organizations may be less familiar.

Below is a summary of the feedback and recommendations from Forum participants organized by theme:

**Finding and Using CFPB Resources** – We provided a brief tour of some information available on [consumerfinance.gov](https://consumerfinance.gov) and gave a short demonstration on [how to order printed materials](#); search [consumerfinance.gov](https://consumerfinance.gov) for [news](#), [consumer advisories](#), and [recent updates](#); and access [CFPB’s Spanish language website](#). Participants shared positive feedback about the CFPB’s consumer educational resources such as, [AskCFPB](#), [Your Money, Your Goals](#), [Payments to Harmed Consumers](#), and information on [Public Service Loan Forgiveness](#). Participants also shared that they regularly use CFPB resources in assisting their consumer clients. One participant noted that their organization uses the CFPB’s financial well-being scale in their financial coaching program. Another participant indicated that their organization uses CFPB’s printed materials to assist rural as well as older consumers, who may have different challenges with the Internet. At the same time, some participants were not as aware of other resources that we mentioned, such as the CFPB’s [Contact Us](#) webpage and the [YouTube channel](#). Going forward, one participant expressed an interest in adding a link to [consumerfinance.gov](https://consumerfinance.gov) on their organization’s webpage for greater exposure to their consumer clients.<sup>21</sup>

**Connecting in with the CFPB and Highlighting Emerging Risks for Consumers** – We asked participants to consider how they connect in with the CFPB. One participant said that their connection to the CFPB is solely through submitting consumer complaints on behalf of consumers. Another participant indicated that they previously ordered print materials from the CFPB, but had not used that resource since the start of the COVID-19 pandemic. There also was mention of using the CFPB’s [Contact Us](#) webpage as a way to connect with the CFPB and

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<sup>21</sup> The [CFPB’s “Website Privacy Policy and Legal Notices”](#) webpage provides more information on the use of information created by the CFPB.

determine the correct resource. At the same time, one participant shared that they had not connected with the CFPB for many years.

We also asked participants how they would highlight to the CFPB an emerging risk for consumers. One participant noted that they were unclear about how to do so and they recommended that the CFPB provide more clarity as to where to raise such emerging issues with the CFPB.

**Building on the CFPB's Engagement** – In sharing that local and regional organizations that assist consumers have limited resources, participants recommended that the CFPB host more meetings with them to help them learn about the different services that the CFPB offers. One participant recommended that the CFPB create short webinars and brief slide presentations that could more readily be incorporated into the financial literacy materials of consumer organizations.<sup>22</sup> In addition, they encouraged the CFPB to further share about the vast materials the agency has available for the public.

We also received feedback on the CFPB's translated documents and materials. For example, one participant noted that for translations in languages other than English, the CFPB's materials and information are well understood by their clients.<sup>23</sup> In addition, one participant offered that the Bureau's engagement with the immigrant population could be enhanced by focusing on immigrants with an Individual Taxpayer Identification Number (ITIN) because, as the participant observed, immigrants sometimes can be subject to predatory lending or other unfair financial practices. The participant recommended that the CFPB further engage this community, for example, by assisting with credit building.<sup>24</sup>

**Clarifying Distinct Missions of Different Agencies: Is it Clear for the Consumer and Those Who Assist Consumers?** – Participants expressed that the CFPB, along with many other federal, state, and local agencies, provides a wide array of helpful resources for consumers and their advocates. At the same time, they viewed the process of determining the best place for assistance on some topics as challenging. For example, one participant shared that it appeared to be clear as to which agency to contact and submit a complaint regarding the issue of fraud and scams. Yet, for financial issues with multiple facets, participants indicated that it is difficult to know where to first submit a complaint or raise a financial issue on behalf of their clients, when they do not fully understand each agency's mission or jurisdiction. For example, consumers may be unsure as to where to go concerning auto-related financial activities.

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<sup>22</sup> The CFPB currently provides training resources on its webpage entitled "[Training and implementation](#)."

<sup>23</sup> Callers can access the CFPB's telephone contact center in more than 180 different languages.

<sup>24</sup> The CFPB posted a blog on June 27, 2022, entitled "[Identifying and addressing the financial needs of immigrants](#)."

Similarly, they shared that some consumers may contact the CFPB and the FTC, or just one of these two agencies, regarding debt collection and credit reporting concerns.

Participants suggested that the CFPB help them clarify the different resources available from the CFPB as compared with other agencies. They offered some suggestions with engagement, for example, holding in-person outreach, collaborating more with local and regional organizations that assist consumers, and holding focus groups or symposiums on financial topics. Another participant recommended that the CFPB develop online resources that list the CFPB's as well as other agencies' jurisdictions and would be searchable on [consumerfinance.gov](https://consumerfinance.gov). For example, where the financial subject matter is complex and the jurisdiction unclear, the CFPB could provide a flowchart as a quick reference to guide consumers and those people who assist them as to where to submit a complaint about a financial product or service. Participants mentioned that such steps could make the process of assisting consumer clients more efficient by reducing the chance of sending complaints to the wrong agency from the outset.<sup>25</sup>

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## Ombudsman Interactives

We continue to offer our Ombudsman Interactives to external stakeholders. Modeled after the Ombudsman Forums, Ombudsman Interactives is a facilitated discussion held with attendees at consumer, trade, and other group's conferences. The discussions give participants an opportunity to confidentially provide feedback on process topics and offer their recommended solutions. We select topics for discussion in advance based on process issues previously shared with the Ombudsman by the convening groups or the CFPB.

Stakeholders may reach our office at [CFPBOmbudsman@cfpb.gov](mailto:CFPBOmbudsman@cfpb.gov) or (855) 830-7880 to request an Ombudsman Interactives. The sessions are available by request on a first-come, first-served basis and are subject to the Ombudsman's budget and availability.

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<sup>25</sup> The CFPB receives referrals from and makes referrals to other federal financial agencies, as described on its "[Learn how the complaint process works](https://consumerfinance.gov/learn/how-the-complaint-process-works)" webpage. The website [www.usa.gov](https://www.usa.gov) also has a general search function to locate resources from across the government.

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# Analyzing Individual Inquiries to the Ombudsman

The Ombudsman assists in resolving individual inquiries that pertain to a particular person, company, or group's process issue from their CFPB interactions. This section describes the various kinds of individual inquiries we received in FY2022, the changes in those inquiries received over time, as well as our holistic approach to assisting each inquirer.

In FY2022, we received a total of 2,143 inquiries.<sup>26</sup> The timeline in the 10 Year Anniversary section above shows the change in the number of inquiries to the Ombudsman over time. In last year's report, we indicated the total inquiries we received that year was the highest number in our office's history and this year was significantly higher.

Individuals who contacted the Ombudsman on their own behalf include, for example, people contacting the office about a consumer complaint, seeking information on how to submit such a complaint, or seeking a CFPB resource for direct assistance. We also receive inquiries from: attorneys, representatives, and third parties; parties not authorized to receive information concerning a consumer complaint;<sup>27</sup> financial entities; businesspersons; consumer and trade groups; and local, state, and federal government, as well as Congressional offices.

The figure below shows the balance of inquiry types received by the Ombudsman over the last five years.

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<sup>26</sup> Inquiries do not include Ombudsman outreach and the broader issues received in connection with such outreach.

<sup>27</sup> The Ombudsman does not provide consumer complaint information to anyone not authorized to receive it.

**FIGURE 4:** TYPE OF INQUIRIES RECEIVED BY THE OMBUDSMAN<sup>28</sup>

	FY2018	FY2019	FY2020	FY2021	FY2022
Questions	58%	60%	53%	56%	52%
Complaints	26%	26%	26%	23%	33%
Courtesy Copies to the Ombudsman	11%	10%	14%	12%	9%
Topics of Concern	3%	2%	4%	7%	5%
Feedback on CFPB and Non-CFPB Topics	3%	2%	2%	1%	1%

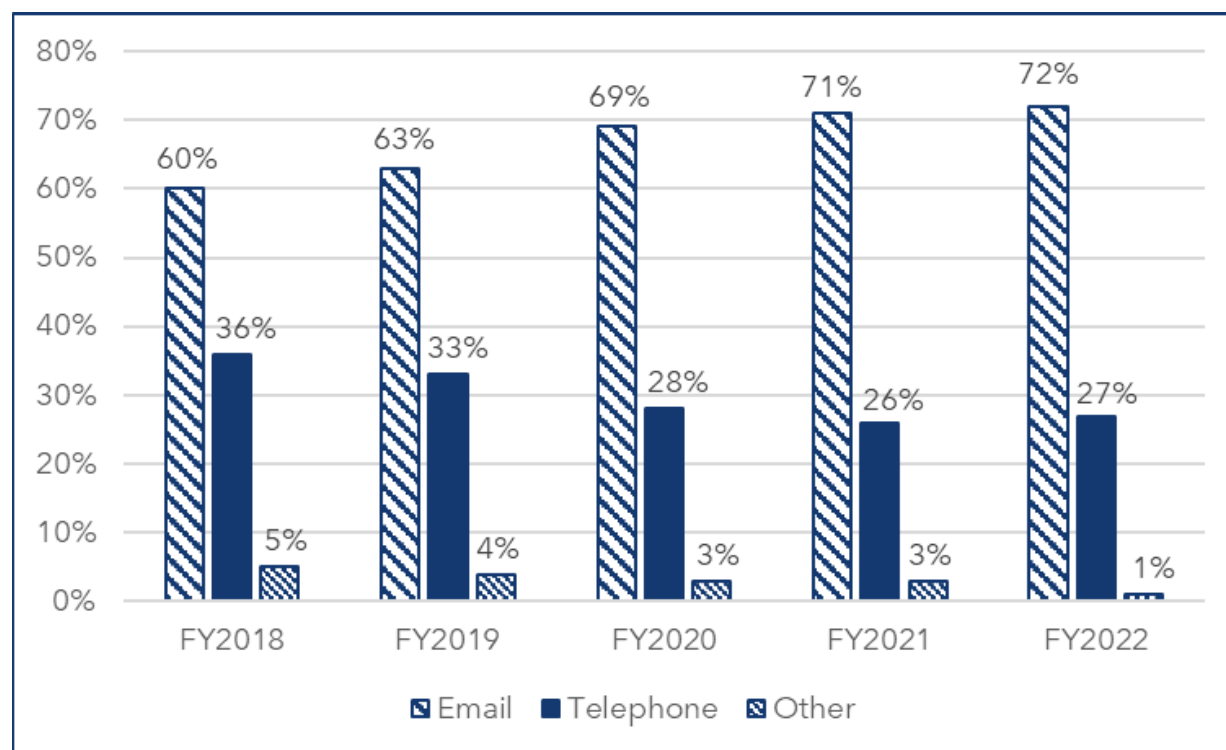
In FY2022, the public could reach the Ombudsman by email ([CFPBOmbudsman@cfpb.gov](mailto:CFPBOmbudsman@cfpb.gov)), toll-free number (855) 830-7880, with a U.S. area code (202) 435-7880, or TTY (202) 435-9835. The Ombudsman first requests that inquirers contact the office by email or telephone before sending letters so the inquirer does not incur unnecessary cost and, this year, we occasionally received letters sent by postal mail.

As shown in the figure below, in keeping with previous years, the Ombudsman continued to receive a majority of first contacts by email in FY2022.

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<sup>28</sup> All percentages in the Analyzing Individual Inquiries to the Ombudsman section are rounded up to the nearest whole number if 0.5 or greater, or rounded down if less than 0.5, except where adding a decimal place is of explanatory value. Consequently, some totals may not equal 100 percent.

**FIGURE 5:** HOW INQUIRERS FIRST CONTACT THE OMBUDSMAN



This year, inquirers contacted the Ombudsman from 47 states, Washington, D.C., and Puerto Rico, as well as from other countries.

### Individual Inquiries About the Consumer Complaint Process

Over the years, the Ombudsman has included an analysis of the individual inquiries we received about the consumer complaint process in our annual reports. We categorized the issues reflected in these inquiries into five principal groupings: Process Critiques, Process Questions, Administrative or Technical Concerns, Customer Service, or Information about the Consumer Complaint.<sup>29</sup> As in the last several years, the proportion of issues received in each of the five categories has been approximately the same, with Process Critiques and Questions together representing around two-thirds of the issues we received.

<sup>29</sup> Process Critiques encompasses feedback provided about the complaint process. Process Questions, as distinct from the category of Process Critiques, include inquiries seeking clarification about the entire consumer complaint process or some aspect of it. Administrative or Technical Concerns most commonly includes concerns relating to the consumer's user experience with the CFPB Consumer Portal on [consumerfinance.gov](https://consumerfinance.gov) and related technical concerns. Customer Service relates to communications or interpersonal issues when interacting with the CFPB. Finally, the category Information about the Complaint includes instances where the inquirer wanted additional information about the inquirer's particular consumer complaint submitted to the CFPB.

This year, we continued to hear some of the same Process Critiques about the consumer complaint process as we have over the years. The CFPB shares that the consumer complaint process is designed to obtain a response from the company. After receiving an entity's response, individuals have an opportunity to provide a comment on that response. In its 2021 Consumer Response Annual Report, the CFPB states that: "[c]omplaints provide consumers the ability to bring their issues to the attention of companies. In turn, consumers—and the CFPB—expect complaint responses that are complete, accurate, and timely."<sup>30</sup>

Many of the individuals contacting the Ombudsman over time, including in FY2022, do not think that the company response is satisfactory and would like the CFPB to do more on the consumer complaints. Based on the inquiries to our office, there also continue to be misconceptions about what the consumer complaint process does provide. In our [FY2020 Annual Report](#), we included a figure describing some of these misconceptions about the consumer complaint process. *See also* [Appendix 5](#).

Each year we also hear from inquirers about their interactions with the consumer complaint portal on [consumerfinance.gov/complaint](https://consumerfinance.gov/complaint). For example, this year, inquirers mentioned to us that there was a period of time when they could not view their consumer complaints on the consumer complaint portal.

In addition, this year, we continued to hear from inquirers trying to learn about the status of their consumer complaint. Companies have 15 days to respond to consumer complaints and in some inquiries to our office it had not yet been the 15 days since complaint submission. In other inquiries, we received concerns about complaints referred to the CFPB from other federal agencies where, for example, an attachment did not come with the forwarded complaint or certain identifying information was not incorporated into the new CFPB complaint. In addition, in some inquiries, the CFPB required more information to process the consumer complaint. For others, the inquirers could not understand why their consumer complaint was closed.

Stemming from individual inquiries to the office, we sometimes hear about substantive issues that may inform the CFPB's work. This year, we shared feedback with the CFPB surrounding substantive issues inquirers had regarding the [Public Service Loan Forgiveness \(PSLF\)](#) program. The PSLF program is designed to help people manage federal student loan debt while pursuing a career in public service. This year, there were temporary changes to this program with the PSLF Limited Waiver that expired on October 31, 2022. The feedback we heard from individual inquirers included that they: needed assistance on where to go for information on the PSLF

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<sup>30</sup> See CFPB, [Consumer Response Annual Report](#), Jan. 1, 2021 – Dec. 31, 2021, at p.69 (Mar. 2022).



program, were concerned about the accuracy of the number of payments applied to their loans, were not clear about the status of payments made or whether there is a final decision on their application, may not have been fully advised about PSLF options under the temporary waiver, and shared overall frustrations with servicers' customer service.

## **Individual Inquiries from Industry**

As in past years, the industry-related individual inquiries the Ombudsman received in FY2022 related to a wide array of topics, both familiar and new. We received some inquiries from companies seeking CFPB points of contact for technical guidance with the Company Portal for responding to consumer complaints submitted to the CFPB. For example, one company had a question about how to add information to its company response. We referred the company to a CFPB point of contact in the Office of Consumer Response.

In addition, a company contacted the Ombudsman as they had difficulty uploading a new prepaid card account agreement. The CFPB requires that prepaid account issuers provide their new account agreements for publication in the public prepaid account database.<sup>31</sup> To assist the inquirer to our office, we referred them to [Collect\\_Support@cfpb.gov](mailto:Collect_Support@cfpb.gov), which is the CFPB contact for addressing such issues.

This year, industry inquirers also continued to contact us on where to connect in the CFPB for guidance and clarification on various CFPB rules and regulations. We refer those company contacts to the Office of Regulations [inquiry request form](#). As in years prior, we also received questions about how an inquirer can raise whistleblower concerns, which we continue to refer to the [Whistleblower Line](#).

Lastly, some companies and trade groups shared feedback with the Ombudsman regarding various CFPB communications pertaining to industry activities. In the Ombudsman in Brief section below, we have a discussion on the information the CFPB provides to the public.

## **Individual Inquiries from Small Businesses**

The [Small Business Administration's Paycheck Protection Program \(PPP\)](#) was a federal program to assist small businesses during the COVID-19 pandemic. During FY2022, some small business inquirers contacted the Ombudsman seeking to know how they could share their experiences regarding the PPP. We suggested the small businesses follow up directly with the SBA regarding the PPP loans. In addition, we mentioned that they could describe their experiences to the CFPB

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<sup>31</sup> ["Prepaid Accounts under the Electronic Fund Transfer Act \(Regulation E\) and the Truth In Lending Act \(Regulation Z\)," 81 Fed. Reg. 83934 \(Nov. 22, 2016\).](#)

on its “Tell Your Story” webpage particular to small businesses entitled “[Tell us your story about getting a small business loan](#).” We also received a few small business inquiries about identity theft in conjunction with a PPP loan. Where the inquirer indicated identity theft, we recommended they review the relevant resources on how to protect themselves going forward.

## **Providing Useful Resources**

Through our holistic approach to assisting on individual inquiries, the Ombudsman sometimes provides other resources to assist the inquirer. In FY2022, the Ombudsman provided 2,643 resources external to our office with the majority of them to the CFPB. We often offer various [consumerfinance.gov](#) resources to assist the inquirer as described throughout this report. For consumers or people assisting consumers, we ask them to contact the Office of Consumer Response, an office in the Consumer Education and External Affairs Division (CEEA), if they have not yet submitted a consumer complaint with the CFPB or if their consumer complaint is still in progress. Other CEEA referrals included, for example, information for inquirers to reach the CFPB’s Office of Media Relations ([press@cfpb.gov](#)), Office of Servicemember Affairs ([military@cfpb.gov](#)), and the Office for Older Americans ([CFPB\\_OlderAmericans@cfpb.gov](#)). This year, we again provided some referrals to the Supervision, Enforcement, and Fair Lending Division’s [Whistleblower Line](#), as mentioned above. In addition, for the Research, Markets, and Regulations Division, we may suggest that a company official submit a regulatory inquiry via the Office of Regulation’s [inquiry request form](#), if the official has not tried that avenue.<sup>32</sup>

This year, approximately five percent of individual inquiries had a connection to the COVID-19 pandemic. Similar to last year, many of these inquiries pertained to concerns about rental and mortgage assistance. To immediately assist such inquirers, the Ombudsman’s auto-reply that inquirers receive when emailing our office continues to have a link to the CFPB’s information on [consumerfinance.gov](#) for homeowners, renters, and landlords regarding the pandemic. Inquirers to our office also mentioned the impact of the COVID-19 pandemic on many different consumer financial products and services, such as credit reporting, debt collection, and student loans. We provided information to the inquirers on the consumer complaint process, assisted in resolving any issues with that process, and also referred inquirers to various resources, such as the CFPB’s webpage entitled “[Protecting your finances during the coronavirus pandemic](#).”

In addition to a number of CFPB resources, the Ombudsman also shared resources from other parts of the federal government, including ombudsman resources at other federal agencies, links

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<sup>32</sup> The Office of Regulations does not answer questions of regulatory interpretation for consumers and refers consumers to the telephone contact center for assistance, (855) 411-2372.

to [U.S. Department of Housing and Urban Development housing counselor information](#), the [Eldercare Locator](#) from the Department of Health and Human Services' Administration on Aging, the [Small Business Administration](#), and contact points for the [Federal Trade Commission](#), as well as other federal financial regulators.

We also sometimes provide inquirers with the website [www.usa.gov](http://www.usa.gov), which has a general search function to seek resources from across the government and is described as “your online guide to government information and services.” In addition, resources provided from state government often include attorneys general, consumer protection divisions, and law enforcement.

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## Ombudsman in Brief

Ombudsman in Brief segments provide a longer summary of some topics where we did not engage in a systemic review.

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## CFPB Videos

The CFPB creates and posts videos on various topics to make consumers aware of particular issues with consumer financial products and services, or to share with the public about a CFPB process or new initiative. On some topics, the CFPB seeks engagement with a wide variety of stakeholders. This year, we noted that some CFPB videos that support these engagements have one animated character with particular characteristics.

To understand this juxtaposition further, we requested meetings with the relevant CFPB offices. As part of those discussions, we learned about the Bureau's video development process. In addition, we reviewed CFPB videos over time. The CFPB has a [YouTube channel](#) where the public can locate its videos.

We understand that the development of a CFPB video has a number of stakeholders and multiple steps involved in its concept, creation, and design. We provided feedback to the CFPB, considering our observation that the CFPB seeks engagement with a wide variety of stakeholders and, at the same time, some videos have one animated character with particular characteristics.

We learned that the CFPB had already begun incorporating additional perspectives into the video development process and understand that the CFPB incorporated our feedback.

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## Information the CFPB Provides to the Public

This year, we considered information the CFPB provides to the public, specifically surrounding the language used as well as possible expectations stemming from the information provided.

**Language** – We gave the CFPB feedback regarding the language used in various draft blog posts and other documents, prior to the CFPB posting them on [consumerfinance.gov](https://consumerfinance.gov). In this feedback, the Ombudsman considered, for example, engagement with the consumer complaint process so as to further set expectations; specificity of the information, such as if the language used indicated that the information was about some or all of the companies in an industry; and the use of certain terms across industries. This feedback builds on our work last year regarding the consistency in terminology for references to stakeholder communities, [FY2021 Annual Report](#), pp. 25-26, as well as on our work in 2015 pertaining to the language used in press releases that accompany consent orders, [FY2015 Annual Report](#), pp. 22-24.

**Reports and Announcements** – Some of the CFPB’s work shared on [consumerfinance.gov](https://consumerfinance.gov) assists consumers immediately while other work may assist consumers in the future. For example, the CFPB issues reports about particular products or makes announcements regarding information collected from industry for analysis, which may assist consumers at a later time. This year, we offered feedback to the CFPB on how the individual consumer could engage with the CFPB after the release of these documents.

As described earlier in this annual report, in our role, we also have the opportunity to provide feedback to the CFPB on information that the agency plans to share publicly. For example, we learned that the agency planned to announce Market Monitoring Orders for five Buy Now Pay Later companies in a [press release](#). We noted that the agency’s Consumer Guides who answer calls from the public did not have information on Buy Now Pay Later to provide to consumers. In addition, the information on [consumerfinance.gov](https://consumerfinance.gov) was not easy to locate. As such, we recommended that the Consumer Guides have information on Buy Now Pay Later, particularly to respond to callers who learned about the agency’s Orders in the press. The CFPB then added this text to the readily available information the Consumer Guides have to share with callers.

In another example, the CFPB released its “[Annual report of credit and consumer reporting complaints: An analysis of complaint responses by Equifax, Experian, and TransUnion](#)” with an

accompanying [press release](#) which described issues with credit and consumer reporting companies' complaint responses. As explained on [consumerfinance.gov](https://consumerfinance.gov), the agency's consumer complaint process is designed to obtain a response from the company. Over time, the Ombudsman has received individual inquiries from consumers who used the CFPB's consumer complaint process for credit and consumer reporting complaints and were dissatisfied with the company response. The CFPB's consumer complaint process provides consumers with the opportunity to give feedback on the company response which the CFPB reviews and the company has access to review. At the same time, for their awareness, we provided feedback to the CFPB anticipating consumers' questions as to what the CFPB's report would mean in practice for consumers' credit and consumer reporting complaints where consumers were displeased with the company response.

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## Systemic Reviews – Focus for FY2022

In addition to individual inquiries, the Ombudsman reviews systemic issues that may be affecting consumers or financial entities nationwide, in a particular region, or with a certain process. We decide to review topics as systemic issues to see if we may be able to add value in our role as an independent, impartial, and confidential resource. We consider three questions in reviewing systemic issues: (1) Is the agency fairly applying a process it established? (2) If there is no set process, should we recommend creating one? (3) Does an existing process require a change to provide a fair application of it? The Ombudsman feedback and the recommendations that we provide to the CFPB may be: also suggested by others, but not implemented; ideas shared with the Ombudsman as we explored an issue; or, the Ombudsman's ideas of how to address an issue. The objective is to resolve the issue, but sometimes there are other possible solutions that also may work to reach the same result and we welcome implementation of those ideas.

In FY2022, the Ombudsman reviewed one issue as a systemic issue, as described below.

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## Assisting Consumers Who Submit Correspondence to the CFPB via Postal Mail

In FY2021, we heard from some consumers who mailed correspondence to the CFPB intending the correspondence to be a consumer complaint, but were concerned that they did not hear back from the company.<sup>33</sup> From our research, we learned that the CFPB processed the correspondence as inquiries (questions) rather than as consumer complaints to be sent to a company for a response, based on certain factors.

The CFPB shares that its consumer complaint process is designed to obtain a response from the company. Once the company responds, the consumers have the opportunity to provide feedback on that response. In its 2021 Consumer Response Annual Report, the CFPB states: “[t]he CFPB uses [consumer complaint] information to monitor risk in financial markets, assess risk at companies, and prioritize agency action. The CFPB makes complaint data and analyses readily available to CFPB staff to support their supervisory, enforcement, and market monitoring activities. Additionally, the CFPB makes complaint data available to other federal and state agencies, as well as the public.”<sup>34</sup>

To assist the consumers who contacted the Ombudsman, we connected with the CFPB to understand how the Bureau processes correspondence submitted by postal mail. As we described in our [FY2021 Annual Report](#), pp. 12-13, we understand that the CFPB considers several factors when processing correspondence to determine if it is a consumer complaint to be sent to a company for a response, an inquiry about a consumer financial product or service that is not sent to a company for a response, or feedback for the CFPB’s consideration. For example, when a consumer does not provide the consumer’s name or identify a company, the CFPB will process the correspondence as an inquiry.

The number of pages submitted in postal mail correspondence is another factor that the CFPB uses to determine if the correspondence is a consumer complaint, an inquiry, or feedback. Specifically, if the correspondence includes more than 50 pages, the CFPB processes the written correspondence as an inquiry and not a consumer complaint. At the same time, in researching

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<sup>33</sup> In calendar year 2021, the CFPB received approximately 2.5 percent of its consumer complaints via postal mail, fax, or referral. See CFPB, [Consumer Response Annual Report](#), Jan. 1, 2021 – Dec. 31, 2021, at p. 6 (Mar. 2022).

<sup>34</sup> See *id.* at p. 69.

this topic last year, we noted that the CFPB’s public materials did not share the page limit qualifier for mailed correspondence to be processed as a consumer complaint. In addition, when the CFPB processed postal mail correspondence as an inquiry, the CFPB sent a letter to the consumer that explained the consumer complaint process, including how to submit a consumer complaint online, over the phone, or by postal mail, but did not specify the 50-page limit.

Some populations, such as justice involved individuals, use postal mail more than others. In addition, individuals living in certain parts of the country that lack Internet connectivity may use postal mail to send in consumer complaints to the CFPB.

To increase transparency in the process and further set expectations with consumers, we offered feedback that the CFPB should provide information about the page limit for mailed correspondence to be designated as a consumer complaint.

Stemming from our feedback, as described in our [FY2022 Mid-Year Update](#), the CFPB added FAQs to the “[Submit a complaint](#)” webpage. Consumers also can locate this information from the “[Learn what to include in your complaint](#),” link under the “Mail a complaint” information on the [Contact Us](#) webpage. The FAQs include “What’s most important for me to include in a complaint,” along with information on a 50-page limit for providing documents as shown in the figure below.<sup>35</sup>

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<sup>35</sup> As of this writing, the FAQs are not yet available on the CFPB’s [Spanish language website](#).

**FIGURE 6:** THE CFPB'S "SUBMIT A COMPLAINT" WEBPAGE

The CFPB also updated the letter to let consumers know to only include copies of documents that support the facts, such as account statements and communications with the company, and to share about the 50-page limit.<sup>36</sup> In addition, the CFPB provided the 50-page limit to the agency's telephone contact center so that the Consumer Guides can provide the information to callers who may wish to send consumer complaints to the CFPB by postal mail.

The Ombudsman considers this review closed.

<sup>36</sup> The CFPB does not transfer the documents from the correspondence labeled as an inquiry to the new submission.



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# Systemic Reviews – Updates on Previous Reviews

This section provides an update on two reviews from FY2021.

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## Processes Related to Certain Communications the CFPB Receives from the Public

While the role of the Ombudsman is to assist in resolving CFPB process issues, we also hear from consumers about their financial situations. At times, when contacting the Ombudsman or the CFPB, a consumer may state an intention to harm themselves or others in describing the impact of a personal financial situation. In FY2021, in a statement to the Ombudsman, a consumer shared an intention to do self-harm and expressed the same intention in the consumer complaint the consumer submitted to the CFPB. In addition to trying to assist this individual consumer,<sup>37</sup> we decided to review this topic more broadly to further understand the manner in which the Bureau identifies and processes communications received from the public related to self or other harm.

For our research, we reviewed existing CFPB materials and met with various offices within the agency. In these meetings, we highlighted the topic and communicated what we learned in our research, particularly in light of the continued financial impact and strain of the COVID-19 pandemic on consumers. Using the facilitative tool in our ombudsman toolbox, we also connected various CFPB offices around this topic.

To assist the Bureau and the public, last year we recommended that the CFPB decide the manner in which external electronic communications received should be reviewed for certain public statements. This year, in our continued attention to this topic, we recommended that

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<sup>37</sup> As described elsewhere in this report, we will not share identifying information outside the Ombudsman's Office unless the inquirer indicates that we can. At the same time, we also may have to share it if there is a threat of imminent risk of serious harm. Here, we contacted the CFPB's Office of Security for assistance.

CFPB staff receive additional information to use in reviewing and handling external electronic communications.

As of this writing, we understand the Bureau is continuing to engage around these processes and we will provide an update in our next report.

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## Connecting with the CFPB Through Publicly Provided Contact Points

Last year, we learned that the public may have had challenges connecting with some of the publicly provided contact points on [consumerfinance.gov](https://consumerfinance.gov). Over time, the Ombudsman's Office has received feedback regarding how to connect with the CFPB, including in our Ombudsman Forums, our other outreach activities, and in individual inquiries to the office.

In 2019, the CFPB added several contact points on the CFPB's Connect with Us section of the [Contact Us](#) webpage for the public to reach the CFPB either by telephone or via an email box. In our regular inreach meetings across the CFPB last year, we learned that some of the contact points provided on the CFPB's Connect with Us section of the [Contact Us](#) webpage were in need of review.

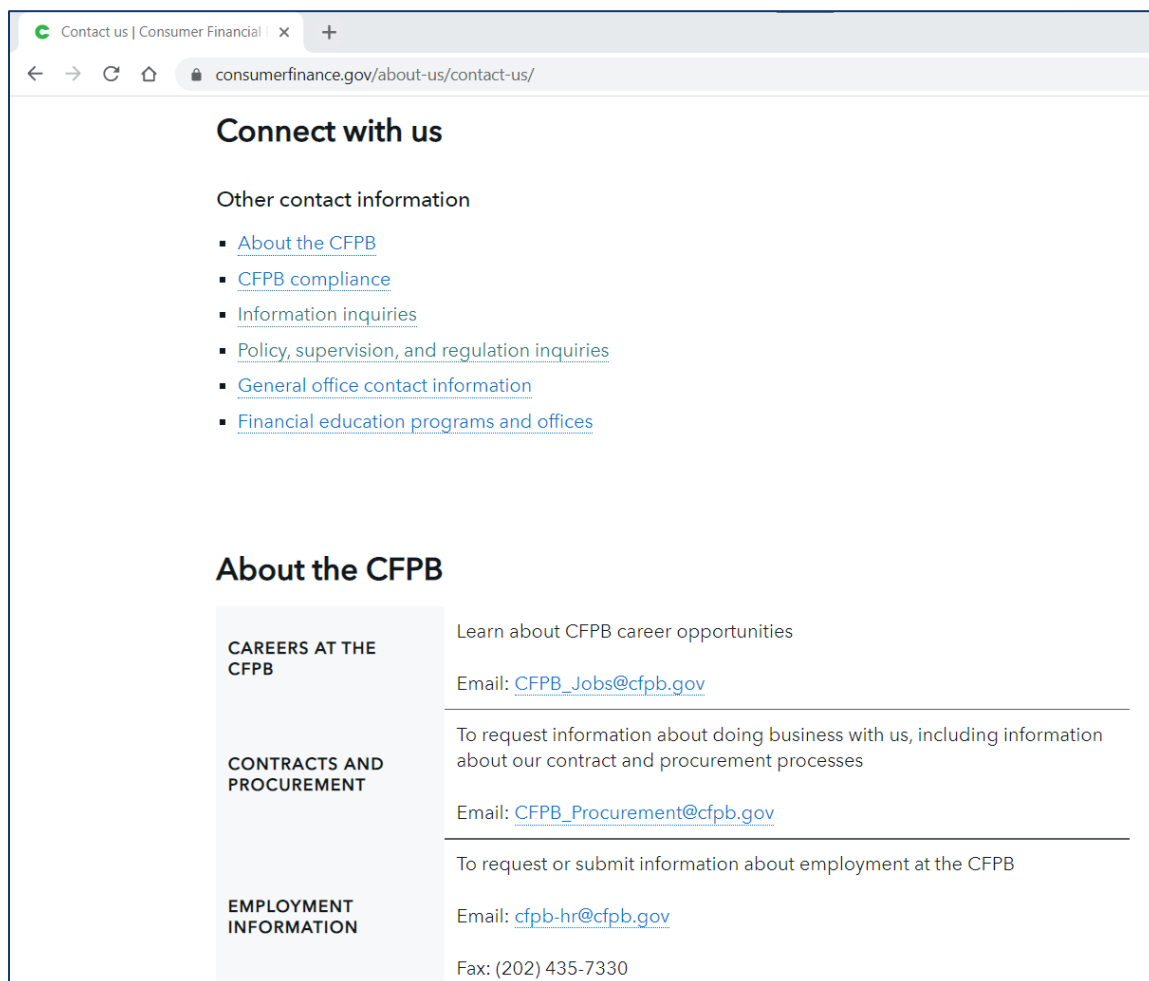
We also made some observations regarding the headings on the [Contact Us](#) webpage. Specifically, some resources listed appeared to relate to a different subject matter than the associated heading. In addition, some resources had a broader purview than the heading. Lastly, it may not have been clear to the reader when to contact each resource.

As described in our [FY2021 Annual Report](#), pp. 28-29, at the end of last year we recommended that the CFPB: (1) review the provided resources on the [Contact Us](#) webpage with a regular cadence to ensure they are current and (2) update the Connect with Us section of the [Contact Us](#) webpage to enable the reader to easily locate the relevant resource.

The CFPB implemented both of these recommendations. We understand that the agency conducted a review of all the resources provided on the webpage and reorganized them to make it easier for the reader to find the resources. As shown in the figure below, the Connect with Us section of the [Contact Us](#) webpage now has the following headings to organize the resources for the reader: "About the CFPB," "CFPB compliance," "Information inquiries," "Policy, supervision,

and regulation inquiries,” “General office contact information,” and “Financial education programs and offices.”

**FIGURE 7:** UPDATED [CONSUMERFINANCE.GOV](https://consumerfinance.gov) CONNECT WITH US SECTION OF CONTACT US WEBPAGE



The Ombudsman considers this review closed.

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# When and How to Contact the CFPB Ombudsman

Our annual report describes when consumers, financial entities, consumer or trade groups, and others contact us to advocate for fair process in consumer financial protection, as summarized in the figure below.

**FIGURE 8:** WHEN TO CONTACT THE CFPB OMBUDSMAN'S OFFICE<sup>38</sup>

When to Contact the CFPB Ombudsman's Office
To obtain assistance when the regular CFPB resolution avenues for process concerns, such as on the CFPB's <a href="#">Contact Us</a> webpage, do not work <sup>39</sup>
To share an issue confidentially
To find out where to find an answer at the CFPB
To suggest that we review a possible systemic issue
To highlight an issue already shared with the CFPB

Contacting our office is completely voluntary and is free of charge. We can provide interpretation and translation services in additional languages, including American Sign Language (ASL), as requested.

The figure below provides our contact points if we can be of assistance.

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<sup>38</sup> Appendix 1 is a flowchart describing what to expect when you contact the Ombudsman's Office.

<sup>39</sup> For individual consumer complaints submitted to the CFPB, we do not serve as an appeal process, but review whether the CFPB is following its own processes and procedures. Also, we do not assist in resolving issues as between consumers and financial entities.

**FIGURE 9:** HOW TO CONTACT THE CFPB OMBUDSMAN'S OFFICE

How to Contact the CFPB Ombudsman's Office
Email: <a href="mailto:CFPBOmbudsman@cfpb.gov">CFPBOmbudsman@cfpb.gov</a>
Telephone: Toll-free (855) 830-7880, Direct (202) 435-7880
TTY/TDD: (202) 435-9835
To send mail to the CFPB Ombudsman, please first email or call the contact points above

As described earlier in this report, we also regularly conduct our own independent outreach to share about our resources. Connect with us through one of our contact points above to request that our office join a meeting or conference to share about our role, or to conduct an Ombudsman Interactive. More information about outreach opportunities at consumer, industry, and other groups' conferences is in [Appendix 2](#).

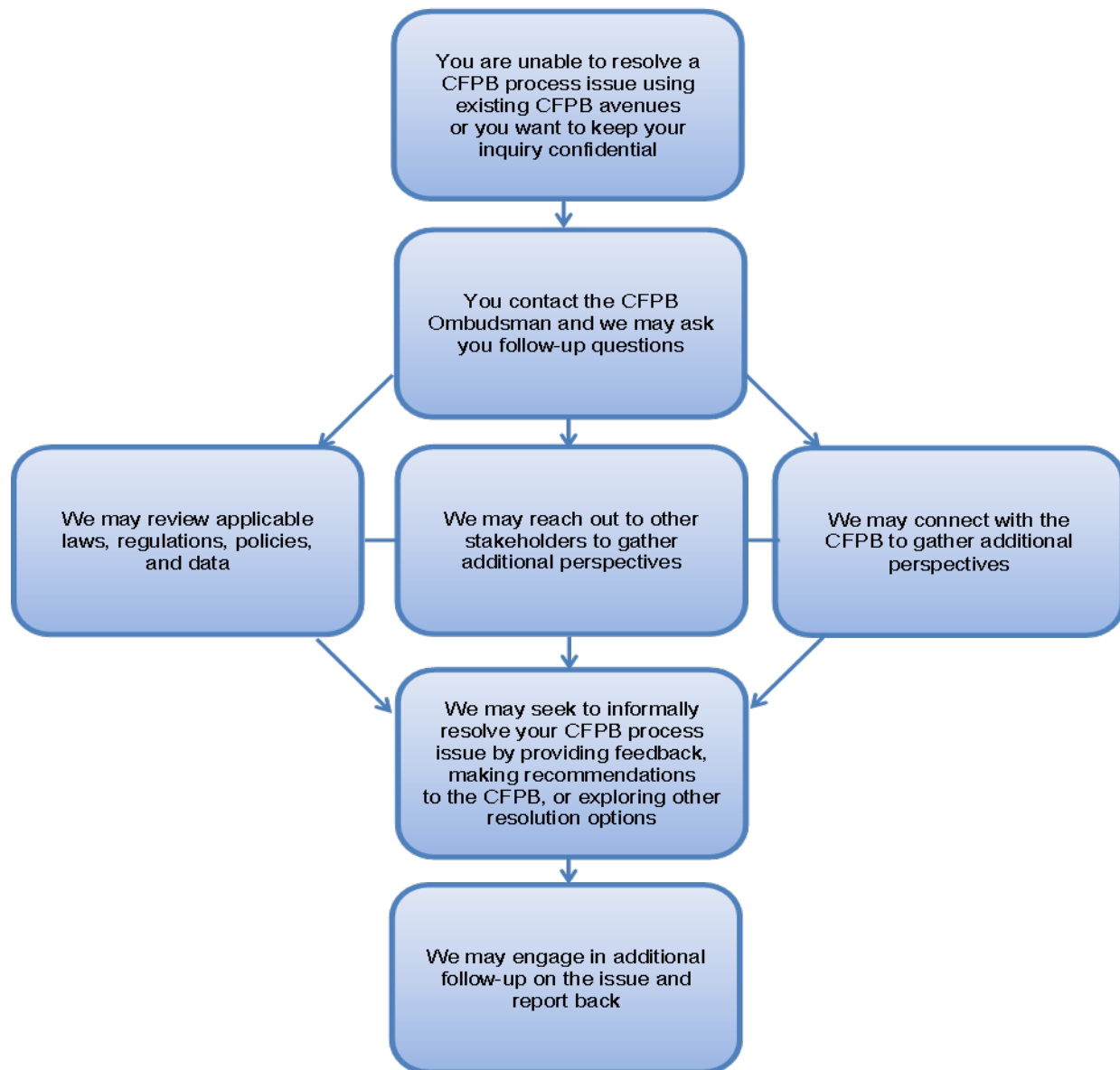
As always, we look forward to hearing your suggestions on how we can assist both the people who reach us for assistance and the CFPB.

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# Appendix

The Appendix includes figures and information included in our previous annual reports, for ease of reference, as well as a new item from FY2022.

## Appendix 1: When to Contact Us and What to Expect When You Do



The Ombudsman does not:

- Address matters in litigation or provide legal advice;
- Delay statutory, regulatory, or other CFPB deadlines;
- Make decisions or legal determinations for the CFPB;
- Serve as a formal office of legal notice for the CFPB; or,
- Address internal workforce issues

## Appendix 2: Outreach Opportunities at Consumer, Industry, and Other Groups' Conferences



### **Outreach Opportunities at Consumer, Industry, and Other Groups' Conferences**

**OMBUDSMAN'S  
OFFICE**

#### **Speaking Engagements**

The Ombudsman's Office is available to present at conferences to share about our resource, our latest work, and how we can assist groups as well as their members.

#### **Ombudsman Interactives**

In an Ombudsman Interactive, conference participants join us for a one hour minimum session to discuss process issues from their CFPB interactions. We coordinate with conference organizers on information shared about the session prior to the conference, the duration of the session, process topics for discussion, and the on-site check-in process for the session.

Conference attendees register ahead of time with the conference organizers in order to participate in the Ombudsman Interactives session. In keeping with our ombudsman professional standards of practice of independence, impartiality, and confidentiality, the Ombudsman Interactives are closed to the press, the public, and CFPB staff. During the Ombudsman Interactives, after a short introduction about our resource, we facilitate a participatory discussion with conference attendees and provide an opportunity for them to offer feedback and generate ideas for solutions. After the Forum, we share attendees' feedback and recommendations, without attribution, with the CFPB. Ombudsman Interactives are available by request on a first-come, first-served basis and are subject to the Ombudsman's Office's budget and availability.

#### **Office Hours**

We are available for office hours during the entire conference or just part of a conference. Individuals or small groups of individuals can sign up to meet with members of our team during this timeframe to learn more about our resource or to discuss particular issues of concern. Generally, it is helpful to have office hours in a separate space at a conference to the extent someone wishes to raise a concern in confidence. We coordinate with conference organizers ahead of time on how to share about the availability of office hours with conference participants and to arrange a suitable space.

#### **Table Information**

Our team also is available to staff a table to answer questions about our resource and discuss how we may assist. At the table, our materials are available for conference attendees to take with them and we may have other visuals that demonstrate our role.

#### **Contact Us**

To request one of these outreach opportunities, please email us at [CFPBOmbudsman@cfpb.gov](mailto:CFPBOmbudsman@cfpb.gov) or call (855) 830-7880.

**The CFPB Ombudsman's Office provides an independent, impartial, and confidential resource to informally assist individuals, companies, consumer and trade groups, and others in resolving issues with the CFPB.**



## Appendix 3: Program Overview: Post-Examination Survey



### OMBUDSMAN'S OFFICE

## Program Overview Post-Examination Survey

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### About Our Office

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The [CFPB Ombudsman's Office](#) provides an independent, impartial, and confidential resource to informally assist individuals, financial entities, consumer and trade groups, and others in resolving process issues with the CFPB. We focus on CFPB process, not policy, and serve as an advocate for fair process in consumer financial protection. More information is on our [webpage](#), in our [brochure](#), and in our [FY2021 Annual Report](#).

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### Program Development

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The CFPB asked us to consider conducting a post-examination survey as an independent resource. We also heard about the interest in a post-examination survey in our 2018 Ombudsman Forum with industry groups, as described in that year's [annual report](#). In addition, some of the other federal financial regulatory agency ombudsman offices conduct post-examination surveys.

In thinking about whether to proceed, we considered our ombudsman professional standards of practice of independence, impartiality, and confidentiality, as well as the mechanics of conducting such a survey. We then conducted a beta test to develop a set of best practices in a small-scale environment.

As we shared in the [blog post](#) accompanying our [FY2020 Annual Report](#), we concluded our beta test evaluation and determined that our office would conduct a post-examination survey of supervised entities as a new initiative going forward. An overview of the beta test is in our [FY2020 Annual Report](#), on pp. 14-17. We launched the survey program in the second quarter of FY2022.

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### Participant Selection

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The CFPB provides the Ombudsman with a list of supervised entities. The Ombudsman then selects entities to invite for the survey taking into consideration different CFPB regions, entity product lines, and types of entities.

Participation in the survey is voluntary. You may also identify a different representative from your entity to participate if the person is familiar with the CFPB examination that is the subject of the survey.

**The CFPB Ombudsman's Office provides an independent, impartial, and confidential resource to informally assist individuals, companies, consumer and trade groups, and others in resolving issues with the CFPB.**



## OMBUDSMAN'S OFFICE

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### Survey Structure

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Selected entities will meet with at least two members of our Ombudsman's Office for a scheduled one-hour survey session conversation on: (1) what worked well? (2) what did not work well, if anything? and (3) what would you change moving forward?

The topics discussed in the survey are:

***Supervision materials and resources*** – Includes topics such as information availability, functionality, and content for review by entity representatives who will engage with any part of the examination.

***Interpersonal communications*** – Includes communications between entity representatives and anyone at the CFPB before, during, or after an examination, using any medium or format.

***End of the examination*** – Includes topics such as timing, knowledge of outcomes or resolutions, clarity in expectations of closure, and awareness of the appeals process.

For each survey, we will use a conversational, dialogue approach. This format will allow for issue identification without presuming a problem area in any part of the process. We also will tailor any follow-up questions to the information provided by the entity.

The survey is not an avenue to express disagreement with an examination finding or examiner performance. If there are concerns about a particular examination that an entity would like us to assist in addressing, a different Ombudsman colleague will connect with the entity for a separate conversation to take it out of the survey context. As a reminder, engaging with the Ombudsman's Office will not delay or stay any statutory, regulatory, or agency timeframes.

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### Confidentiality

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To uphold our professional ombudsman tenet of confidentiality, protect the confidentiality of supervisory information, and enable the participants to speak candidly with the Ombudsman, we will not share with anyone outside of the Ombudsman's Office which entities we selected or which entity representatives we contacted. In addition, we will safeguard the feedback in the same manner as any information we receive regarding CFPB activities.

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### Participants' Unattributed Feedback and Recommendations

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We will be providing the CFPB with a summary of survey participants' unattributed feedback and recommendations, for the agency's consideration, and will summarize it further in our Annual Report to the Director.

## Frequently Asked Questions About the Ombudsman Forum

### **What is an Ombudsman Forum?**

The Ombudsman Forum is another avenue for consumer, trade, and other groups to share feedback on their CFPB interactions as we, in turn, provide feedback and recommendations to the CFPB. For our half-day events, Ombudsman staff leads facilitated discussions, which allow participants to share feedback on the topics as well as offer their recommended solutions to any process concerns. In 2016, an Administrative Conference of the United States report on the federal ombudsman recognized our Ombudsman Forum program as one of our “innovations and promising best practices.”<sup>1</sup>

### **What is facilitated discussion and how is it different?**

A facilitated discussion is a flexible process where a trained impartial third party assists in generating a conversation between participants. It differs from a presentation or training in its use of various methods and techniques where participants actively engage around specific topics to communicate concerns and generate options for resolution. For example, the Ombudsman may connect with participants by: creating space for various perspectives to be heard, asking follow-up questions, sharing information, reframing for understanding, testing an assumption, clarifying a concept, considering options, identifying interests, making connections, and utilizing other engagement methods.

### **When did this program begin and what Forums have occurred?**

We began the program in 2015. Since that time, we have hosted eight Forums, including with industry groups, national and regional consumer groups, compliance officers of entities that engage with the CFPB, the associations of state regulators and their regulator members, and with advocates for small business. We have hosted Forums in Washington, D.C., Chicago, IL, Memphis, TN, and Oakland, CA.

### **What are the criteria for hosting a forum?**

As shared in our [FY2018 Annual Report](#), p.26, we may schedule a new Ombudsman Forum with a stakeholder community we met with previously or with a new stakeholder community where: there is a request by the CFPB, particular stakeholder community, or other external stakeholders for the Ombudsman to have such a Forum; or the Ombudsman determines on its own that it may be useful to host a Forum as we provide feedback and make recommendations to the CFPB. For frequency and timing, we also will consider our impartiality professional standard of practice to balance hosting events over time with different stakeholder communities. In addition, hosting additional Forums will be subject to our budget and the availability of resources.

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<sup>1</sup> C. Houk et al., “A Reappraisal – The Nature and Value of Ombudsmen in Federal Agencies” (2016) (Report to the Administrative Conference of the United States) at Part 2, p.101.

### **How do you implement your ombudsman professional standards of practice during a Forum?**

We communicate about the ombudsman professional standards of practice before, during, and after a Forum to describe them as well as to share how they function in practice.

**Independence:** The Ombudsman determines the topics, questions, and methods of facilitation for the Forum. In addition, all communications with prospective participants in anticipation of the event are just with the Ombudsman.

**Impartiality:** As with all of our work, the Ombudsman does not take the side of the CFPB or the side of the participants during the facilitated discussion.

**Confidentiality:** Our Forums are closed to the CFPB, the public, and the press, and we provide the location of the event to registered participants. We do not share who attends and we ask participants not to share that information as well. We also ask participants not to use social media, cell phones, or recording devices so that we can do these events again in the future. We take notes without attribution during the program so that we can recall what participants shared with us.

### **How does the Ombudsman prepare for and communicate about the Forum?**

Communication and preparation for a Forum begins with what we have heard through our ongoing conversations with internal and external stakeholders. We consider what process topics may be of interest to the particular stakeholder community as well as ask the CFPB and the stakeholder community for their topic suggestions. We then provide prospective participants with the topics in advance. In addition, we may offer the opportunity for groups to meet with us for office hours during the day of the Forum to discuss any CFPB process issue.

### **What does the Ombudsman ask of participants?**

We ask that participants share their perspectives on how the process topic impacts their work or the work of their group or entity. We ask that they include relevant examples, suggestions, or recommendations and consider ways to address any concerns presented if they were the CFPB.

### **What happens after the Forum?**

We consider the information we learn at the Forum as we provide feedback and make recommendations to the CFPB. We also provide unattributed feedback to the CFPB from each Forum and summarize it further in our annual reports.



## Appendix 5: Some Misconceptions About the Consumer Complaint Process

Misconception	What Happens
The CFPB will advocate for an individual consumer within the consumer complaint process.	The CFPB assists the consumer in obtaining a response from the company.
The CFPB will enforce the law regarding an individual consumer's circumstances as part of the consumer complaint process.	The CFPB generally assists many people at one time with broader actions outside of the consumer complaint process.
A consumer can add information to a closed consumer complaint and the new information will be sent to the company for a new response.	Consumers can add information to closed consumer complaints, but the information is not sent to the company for a response.
Consumer complaints can be submitted to the Consumer Complaint Database.	Consumers submit consumer complaints to the CFPB, not to the Consumer Complaint Database which is a collection of complaints the CFPB publishes on <a href="https://consumerfinance.gov">consumerfinance.gov</a> . The Bureau then adds complaints sent to companies for a response to the public Database without information that would identify consumers. It also may be helpful to know that if the company provides an administrative response, for example, to indicate the complaint is a duplicate complaint, the CFPB does not add the complaint to the public Database.