

Mark J. Furletti
Partner

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Philadelphia



Areas of Focus

Business and Finance, Consumer Financial Services, Consumer Financial Protection Bureau (CFPB), Mortgage Banking, Privacy and Data Security, Sports, Marketplace Lending, Fair Lending, Retail and Fashion

Background & Experience

Mark J. Furletti focuses on federal and state consumer lending and payments laws, including those that apply to payment cards, vehicle-secured loans, lines of credit, unsecured loans, and deposit products. He counsels providers of consumer financial services, including banks, on regulatory compliance matters and has successfully represented such providers in class action litigation and government supervisory and enforcement matters. He also regularly counsels purchasers of merchant receivables, companies that specialize in online small business lending and companies that interact with their customers electronically or that set up recurring billing arrangements with their customers.

Mark regularly provides guidance on electronic payments and payment network rules, electronic contracting and mobile commerce, online banking, retail installment sales, preparing for examinations by the Consumer Financial Protection Bureau (CFPB), responding to CFPB supervisory requests (including so-called PARR letters), Article 9 of the Uniform Commercial Code, lease-purchase transactions and consumer protection laws, such as the Telephone Consumer Protection Act (TCPA), Truth in Lending Act (TILA), Fair Credit Reporting Act (FCRA), Equal Credit Opportunity Act (ECOA), Electronic Funds Transfer Act (EFTA), Electronic Signatures in Global and National Commerce Act (E-SIGN), and UDAAP statutes prohibiting unfair, deceptive, and abusive acts and

promoting unfair, deceptive, and abusive acts and practices.

Mark serves as chair of the Firm's TCPA Team and as co-chair of the Electronic Financial Services Subcommittee of the American Bar Association's Consumer Financial Services Committee.

Most recently, Mark has worked on the following matters:

- Assisted multiple professional sports teams with drafting season ticketholder agreements, associated payment authorizations and associated TILA disclosures
- Led regulatory due diligence on multiple companies engaged in purchasing the future receivables of merchants and making loans to small businesses
- Counseled clients on text message marketing programs where prior express written consent is obtained via text message
- Advised clients on bank model lending programs and the application of state laws to such programs and drafted consumer agreements for such programs
- Drafted third party service provider agreements for clients subject to CFPB supervisory jurisdiction, including agreements with lead generators, marketing partners and debt buyers
- Reviewed underwriting models and lending practices for fair lending risk and oversaw fair lending testing programs for clients
- Counseled small entity representatives on small business review panels organized by the CFPB

Previously, Mark worked for the Federal Reserve Bank of Philadelphia for several years, during which he authored more than 15 articles on consumer credit and payments topics and advised those crafting regulations on consumer credit and consumer payments issues. One article, "The

Debate Over the National Bank Act and the Preemption of State Efforts to Regulate Credit Cards," 77 *Temple L. Rev.* 425 (2004), was named best student article by the American College of Consumer Financial Services Lawyers. Other published articles include "Credit Card Pricing Developments and Their Disclosure," 13 *J. of Fin. Transformation* 5 (2005).

Mark also has worked as a business consultant, assisting the nation's largest retail banks and credit card lenders with customer strategy issues, and as a manager at one of the largest credit card issuers in the United States.

Judicial Clerkships

Hon. Franklin S. Van Antwerpen, U.S. Court of Appeals for the Third Circuit

Professional Highlights

Professional Activities

American Bar Association, Vice Chair, Electronic Financial Services Subcommittee, 2012-2017

Recognition & Accomplishments

Chambers USA: America's Leading Lawyers for Business, leading practice in banking and finance: financial services regulation: consumer finance (compliance), national ranking, 2017; and "Up and Coming" banking and finance: mainly regulatory (Pennsylvania), 2012-2017

The Legal 500 US, Finance - Financial Services: Regulatory, Next Generation Lawyer, 2017

Speaking Engagements

"Consumer Class Actions Against Sports and Entertainment Companies: Trends and Avoidance," Association of Corporate Counsel, Sports and

Association of Corporate Counsel, Sports and Entertainment Committee Webinar, November 15, 2016

Speaker, "Third-Party Relationship Compliance and Risk Management: Enhancing Your Oversight and Control Over Vendors and Service Providers in an Environment of Heightened Regulatory Expectations," American Conference Institute: Consumer Lending Regulatory Compliance: Lessons Learned and Best Practices in an Era of Heightened Government Scrutiny for the Industry, New York, October 30, 2015

Speaker, "Asset Accounts: Payments, Regulation E and Prepaid Cards," American Bar Association, Annual National Institute on Consumer Financial Services Basics, October 19, 2016

Speaker, "Fair Lending Hot Topics & Telephone Consumer Protection Act Developments," Pennsylvania Bar Institute, Consumer Financial Services Conference, October 18, 2016

Speaker, "FinTech and Marketplace Lending Developments," Annual Consumer Financial services Conference, September 15, 2016

Speaker, "FinTech: Machine-Learning Algorithms," American Bar Association, Consumer Financial Services Conference, September 9, 2016

"Avoiding Liability after the FCC's New TCPA Rulings," Ballard Spahr webinar, July 23, 2015

"The CFPB Attack on Payday, Title and Other High-Cost Loans," Ballard Spahr and Stephens webinar, June 10, 2015

"Navigating Compliance Audit Pitfalls: How To Prepare Compliance and Audit Reports Without Providing a Road Map to Adversaries," Ballard Spahr webinar, June 4, 2015

"A New Day in the World of CFPB's Supervision of

"A Whole New World—the CFPB's Proposed Rule on Prepaid Accounts," Ballard Spahr webinar, December 12, 2014

"Everything You Want To Know about CFPB Exams but Have Been Afraid To Ask: An Insider's Perspective," Ballard Spahr webinar, December 9, 2014

"Campus Banking Products: A Regulatory Action Update," Ballard Spahr webinar, May 22, 2014

"The Hammer Drops: DOJ Brings and Settles the First 'Operation Choke Point' Lawsuit," Ballard Spahr webinar, February 18, 2014

"ACH Access under Siege," Ballard Spahr webinar, January 7, 2014

"So What if You Didn't Touch That Dial? Avoiding Liability under the TCPA," Ballard Spahr webinar, September 12, 2013

"CFPB Audit: Are You Ready?" Lorman webinar, July 18, 2013

"Hot Topics in Credit Card Compliance," Auriemma Consulting Group Card Compliance Forum, New Orleans, February 27, 2013

Panelist, "Hot Topics in Credit Card and Debit Card Litigation," Ballard Spahr webinar, February 26, 2013

Moderator, "The Latest Developments in Mobile Banking and Commerce and Tips for Handling the Mobile Banking and Commerce Applications Your Clients Are Starting To Use," 2013 Winter Meeting of the American Bar Association, Business Law Section, Consumer Financial Services Committee, Naples, Fla., January 8, 2013

Panelist, "Getting Mobile: Using the Mobile Channel To Deliver Consumer Financial Services and Reach New Customers." Ballard Spahr webinar.

September 13, 2012

Program Co-Chair and panelist, "Clickwraps, Browsewraps and E-SIGN," American Bar Association Summer Meeting, August 5, 2012

Panelist, "Smart Calls to Smart Phones: Avoiding TCPA Liability in Telemarketing and Collection Calls," Ballard Spahr webinar, May 1, 2012

Panelist, "How Wide is CFPB's Target in the Payday Loan Exam?" Ballard Spahr webinar, February 14, 2012

Presentations on the Telephone Consumer Protection Act and Behavioral Economics, Continuing Legal Education, December 2011

"The Increasing Importance of Behavioral Economics in the Regulation of Consumer Credit and Payments," American Bankers Association, Bank Counsel UDAP Meeting, November 2011

"Best Practices in Online Contracting," Pennsylvania Bankers Association Lending Conference, November 2011

"Developments in Payment Systems Law," Temple University School of Law, Payment Systems Law Class, Guest Lecturer, November 2011

"Developments in Bank Deposits and Payment Systems: Impacts on Consumer Choice," Harland Financial Solutions Network of State & Federal Counsel Conference, October 2011

Panelist, "The First Anniversary of the Consumer Financial Protection Bureau," Ballard Spahr webinar, July 21, 2011

"Legislative and Regulatory Developments Affecting Consumer Payment Vehicles," McKinsey Payment Operations and Strategy Forum, Atlanta, May 2011

"The Paternalistic Approach to Consumer Finance: Does the Government Know Best?" ABA Business Law Section Meeting, Boston, April 2011

"So What if You Didn't Touch That Dial? Avoiding Liability under the TCPA," Ballard Spahr webinar, April 12, 2011

"An Introduction to Behavioral Law & Economics," Continuing Legal Education, Stamford, Conn., March 2011

"Anatomy of a Mortgage Foreclosure," ABA Consumer Financial Services Committee Winter Meeting, January 2011

"The Dodd-Frank Act on Residential Mortgage Lending," Ballard Spahr webinar, December 1, 2010

"Dodd-Frank Wall Street Reform and Consumer Protection Act," Ballard Spahr CLE program, July 28, 2010

"Overview of the Dodd-Frank Act," Bankerstuff.com, July 2010

"Legislative, Regulatory and Case Law Developments Affecting Consumer Choice in Payments," Federal Reserve Bank of Chicago, May 2010

Speaker, "Prepaid Card Update," and overall event Co-chair, Pennsylvania Bar Institute's Banking and Consumer Financial Services Law Update, April 2010

"Data Security: Protection and Compliance Basics," Ballard Spahr webinar, March 30, 2010

"Recent Developments in Arbitration," Federal Reserve Bank of Philadelphia, July 2009

"Recent Developments Impacting Residential Mortgage Lending," Continuing Legal Education

Mortgage Lending," Continuing Legal Education,
June 2009

"Regulatory Enforcement and Litigation," Payment
Cards Institute, May 2009

"Federal Reserve's Proposed Rule Regarding Credit
Cards and Unfair or Deceptive Acts or Practices,"
Continuing Legal Education, July 2008

Publications

"Pay Close Attention To High Court ECOA Loan
Guarantor Case," *Law360*, March 30, 2015

"Credit-card reform was a long time coming,"
Cleveland.com, May 24, 2009

"Why banks are boosting credit card interest rates
and fees," *USA Today*, November 14, 2008

Community Activities

Parish Pastoral Council of Immaculate Conception
Church, Jenkintown, Pa.

Education

Temple University James E. Beasley School of Law
(J.D. 2006, *cum laude*)

Note and Comment Editor, *Temple Law Review*

Loyola College in Maryland (B.B.A. 1996, *cum
laude*)

Admissions

New Jersey

Pennsylvania

U.S. District Court for the Eastern District of
Pennsylvania

U.S. Court of Appeals for the Third Circuit