March 30, 2023

Submitted online at FDIC.gov
The Honorable Martin Gruenberg, Chairman
Federal Deposit Insurance Corporation
1776 F Street, NW Washington, DC 20006

Re: Community Reinvestment Act examination of Capital Community Bank of Provo, Utah

Dear Mr. Gruenberg:

Accountable.US, Americans for Financial Reform Education Fund, Center for Economic Integrity, Center for Responsible Lending, Consumer Action, Consumer Federation of America, National Consumer Law Center (on behalf of its low-income clients), National Community Reinvestment Coalition, Public Citizen, US PIRG and the Woodstock Institute submit these comments for the Community Reinvestment Act (CRA) examination of Capital Community Bank ("CC Bank").

CC Bank helps numerous nonbank lenders make predatory loans at rates up to **225%** annual percentage rate (APR) that they cannot legally make directly. The loans that CC Bank facilitates are not only usurious; they also pose a host of other consumer protection problems and potential legal violations.

Section I of this comment letter summarizes the types of problems revealed in complaints against these lending partners. The following sections summarize the complaints about the loan programs that CC Bank facilitates through these high-cost lenders:

- Section II (pp.7 to 10): **Wheels Financial**, which operates the auto title lender **LoanMart**, using the ChoiceCash brand for its rent-a-bank loans at rates up to **178% APR** and potentially higher
- Section III (pp. 10 to 13): **CNG Financial Corp.**, which operates the payday lender Check 'n Go and offers rent-a-bank online installment loans through the **Xact** brand at

rates up to **225% APR**

- Section IV (pp. 14 to 16): **Elevate Credit**, which offers **Rise**-branded installment loans online in certain states through bank partners, including CC Bank, at rates up to **149% APR**
- Section V (pp. 16 to 18): **Opportunity Financial ("OppFi"),** which offers online installment loans at **160% APR**
- Section VI (pp. 18 to 19): Several small predatory lenders, including:
    - **Total Loan Services, dba Quick Credit**, which offers online installment loans up to $3,000 at up to **224% APR**
    - **Lendly**, which offers installment loans up to $2,000 with a typical **199% APR** for loans repaid by payroll deduction and **225% APR** otherwise
    - **MoneyKey**, which offers the CC Bank Flow line of credit. The website does not disclose an APR but the pricing shown has an effective APR of well over 200%.[1]
    - **SunUp Financial, dba Balance Credit**, which offers online installment loans up to $3,000. The rates are unclear.
    - **Simple Fast Loans**, which offers online installment loans up to $3,000. The rates are unclear.

CC Bank helps these predatory lenders make loans with rampant problems, including unaffordable loans that consumers cannot afford to repay, high default rates, debt collection abuses, credit reporting errors, and loans made as a result of identity theft.

These complaints raise serious concerns about extensive consumer harm and potential violations of federal and state consumer protection statutes. CC Bank deserves a downgrade in its CRA rating as these lending programs do not meet the convenience or needs of the community.

I. CC Bank's Lending Through Predatory Lenders Fails to Meet the Convenience and Needs of the Communities It Serves

The Community Reinvestment Act (CRA) requires that banks meet the convenience and needs of the communities they serve. In assessing whether CC Bank is appropriately serving its communities, the FDIC should focus not on whether the bank does in some narrow sense provide access to credit. Rather, the FDIC should focus on the quality of credit extended. Predatory credit at high interest rates that borrowers cannot afford to repay, credit designed to evade state interest rate laws, credit that is extended using deceptive practices, and credit that leads to violations of debt collection, credit reporting, and other laws does not meet the convenience and needs of communities.

CC Bank must be assessed based on the full scope of the credit it extends, including credit that it extends through partnerships with third parties. Under FDIC Guidance, banks are responsible for the risks arising from third-party relationships "to the same extent as if the activity were handled by the institution."[2] Thus, CC Bank's CRA examination should consider the harm and potential

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[1] For the billing cycles shown, depending on whether the payment is monthly or biweekly, the effective APR runs from 201% to 221%. See https://www.moneykey.com/line-of-credit-loans-online/cc-flow-rates/.

[2] Federal Deposit Insurance Corporation, Guidance for Managing Third-Party Risk. FIL-44-2008 (June 6, 2008), https://www.fdic.gov/news/financial-institution-letters/2008/fil08044a.html.

legal violations inflicted through the third-party lending for which it is responsible.

Most states have interest rate limits that would prevent this predatory lending. But predatory lenders try to evade state laws by laundering their loans through banks, which are exempt from state rate caps. CC Bank, chartered in Utah and supervised by the FDIC, is one of only a few rogue banks that are willing to front for predatory lenders.

As indicated above, CC Bank helps number nonbank lenders make triple-digit APR loans in states where those loans are illegal. (Some of those lenders also use other banks in some states.) These "rent-a-bank" schemes are of questionable legality.

For example, in 2020 the California regulator (formerly the Department of Business Oversight, now renamed the Department of Financial Protection and Inclusion) announced an investigation into whether LoanMart was evading California's new interest rate limits:

> … LoanMart stopped making state-licensed auto title loans in California. Instead, using its existing lending operations and personnel, LoanMart commenced "marketing" and "servicing" auto title loans purportedly made by CCBank, a small Utah-chartered bank operating out of Provo, Utah. This new loan program is advertised under the brand "ChoiceCa$h, Serviced by LoanMart" and had been marketed directly from the LoanMart website at www.loanmart.com, until recently when marketing was switched to www.choicecash.com.[3]

In December 2021, LoanMart eventually agreed to stop lending in California for 21 months (until the fall of 2023) without complying with California's interest rate laws.[4] But LoanMart has continued using CC Bank to make rent-a-bank loans in other states.

LoanMart's rent-a-bank schemes have also provoked private litigation. In one case, for example, the court rejected LoanMart's argument that the case should be dismissed on the grounds that federal law preempted the plaintiff's claim that LoanMart, rather than the bank, was the true lender.[5]

Similarly, both Elevate and OppFi have faced state government enforcement actions as well as private litigation. In 2021, to settle charges of deceptive and unlawful lending, OppFi agreed to pay $2 million to the District of Columbia and to stop usurious lending in the District.[6] OppFi is currently facing an enforcement action by the California Department of Financial Protection and

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[3] Calif. Dept. of Business Oversight, Press Release, DBO Launches Investigation Into Possible Evasion of California's New Interest Rate Caps By Prominent Auto Title Lender, LoanMart (Sept. 3, 2020), https://dfpi.ca.gov/2020/09/03/dbo-launches-investigation-into-possible-evasion-of-californias-new-interest-rate-caps-by-prominent-auto-title-lender-loanmart/.

[4] Calif. Dept. of Fin'l Prot'n & Innovation, Press Release, DFPI Reaches Agreement to End High-Interest Rate Loans Marketed by LoanMart for 21 Months (Dec. 14, 2021), https://dfpi.ca.gov/2021/12/14/dfpi-reaches-agreement-to-end-high-interest-rate-loans-marketed-by-loanmart-for-21-months/.

[5] Weeks vs. Wheels Financial Group LLC, No. RIC2002418 (Sup. Ct. of Calif., Riverside Co. April 14, 2021).

[6] *See* Office of the Attorney General of the District of Columbia, Press Release, AG Racine Announces Over $2 Million Settlement with Predatory Online Lender Will Compensate Thousands of District Consumers (Nov. 30, 2021), https://oag.dc.gov/release/ag-racine-announces-over-2-million-settlement.

Innovation, and a court has found that DFPI sufficiently alleged that OppFi, not the bank, is the true lender.[7] Several private lawsuits have also recently been filed against OppFi.[8]

Elevate agreed to a $4 million settlement to resolve charges of deceptive and usurious rent-a-bank lending in the District of Columbia.[9] Elevate is also facing a private lawsuit in Washington State, and the court has found adequate allegations that the bank is not the true lender:

> [T]he Court finds that plaintiff has adequately pled that FinWise has essentially rented its charter to Elevate for the purpose of charging usurious interest rates to Washington consumers through its RISE products, that plaintiff has adequately alleged that the actual transactions at issue (as opposed to the one described on paper) involve Elevate (or an entity it controls) funding the challenged loans while paying a minimal fee to FinWise for the use of its name, and that, if plaintiff can prove the alleged facts, federal preemption would not apply because there would be no state-chartered bank involved and no issue of federal insurance. Plaintiff's per se Consumer Protection Act claim may, therefore, proceed.[10]

Though both lawsuits alleged that Elevate was laundering its loans through FinWise Bank, there is no reason to think that its arrangements with CC Bank are any different.

In addition to the usury law evasions, the loans that CC Bank originates have numerous other consumer protection issues. A review of the CFPB complaints database and Better Business Bureau websites shows that CC Bank's partners have generated thousands of consumer complaints. These complaints are not surprising, because their high interest rate models that prey on struggling consumers with unaffordable loans. Complaints cover issues including:

- Lack of transparency around high interest rates
- Unaffordable loans that borrowers are unable to repay
- Receiving loans that they never applied for and appear to be the result of identity theft

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[7] *See* Office of the Attorney General of the District of Columbia, Press Release, AG Racine Announces Nearly $4 Million Settlement with Predatory Online Lender That Will Compensate Thousands of District Consumers (Feb. 8, 2021), https://oag.dc.gov/release/ag-racine-announces-nearly-4-million-settlement#:~:text=Racine%20today%20announced%20that%20Elevate,pay%20%24450%2C000%20to%20the%20District.

[8] *See, e.g.*, Michael v. Opportunity Financial, No. 1:22cv529 (W.D. Tex filed June 1, 2022); Johnson v. Opportunity Financial, No. 3:22-cv-190 (E.D. Va. Filed April 6, 2022); Carpenter v. Opportunity Financial, No. 2:21-cv-09875 (C.D. Cal. Filed Dec. 22, 2021); Sanh v. Opportunity Financial, No. 20-00002-02268-3 SEA (King Co., Wash. Sup. Ct filed Jan. 27, 2020), removed as No. C20-0310RSL (W.D. Wash. Feb. 26, 2020).

[9] Office of the Attorney General of the District of Columbia, Press Release, AG Racine Announces Nearly $4 Million Settlement with Predatory Online Lender That Will Compensate Thousands of District Consumers (Feb. 8, 2022), https://oag.dc.gov/release/ag-racine-announces-nearly-4-million-settlement#:~:text=main%20content-,AG%20Racine%20Announces%20Nearly%20%244%20Million%20Settlement%20with%20Predatory%20Online,Compensate%20Thousands%20of%20District%20Consumers&text=WASHINGTON%2C%20D.C.%20%E2%80%93%20Attorney%20General%20Karl,announced%20that%20Elevate%20Credit%2C%20Inc.

[10] Sanh v. Rise Credit Svcs., 2022 WL 16854329 (W.D. Wash. Nov. 10, 2022).

- Improper debt collection tactics, including collecting debt not owed, failure to validate debts, harassment and abuse
- Credit reporting problems, including incorrect information and failure to respond to disputes and errors

While only some of the loans made by CC Bank's partners were originated through CC Bank (others were made directly or through other banks), the complaints illustrate the serious problems with the lending programs the bank is enabling. These complaints raise serious concerns about extensive consumer harm and potential consumer protection law violations.

In general, the complaints involve:

Unfair, deceptive, abusive or unconscionable practices. The complaints show lack of transparency around high interest rates, and unfair, abusive and unconscionable lending practices due to unaffordable loans that consumers struggle to repay. State UDAP laws and laws against unconscionability apply to state-chartered banks, especially banks like CC Bank that do not have branches outside their home state.[11]

Debt collection practices. Many of the complaints are about debt collection. The Federal Debt Collection Practices Act (FDCPA) was enacted to protect consumers from unfair, abusive and deceptive practices by debt collectors. The FDCPA requires, among other things, that debt collectors refrain from harassing consumers, making inappropriate threats, or misrepresenting the alleged debts owed. Although the FDCPA does not apply to first-party creditors like banks or their servicers, such conduct also generally constitutes a violation of federal and state UDAP laws that do apply.[12] Moreover, some state debt collection laws cover creditors and servicers,[13] and debt collection laws are not generally preempted by federal banking regulations.[14] Creditors

[11] State UDAP laws and laws against unconscionability apply to state-chartered banks, especially banks like CC Bank that do not have branches outside their home state. While state-chartered banks are entitled to the same interest rate exportation rights as national banks, they do not have the same broad preemption rights with respect to other laws except when they are operating out of an out-of-state branch. The FDIC has explained that "the preemption provided by section [12 U.S.C. § 1831a(j)] only operates with respect to a branch in the host state of an out-of-state, state bank. By its terms section [12 U.S.C. § 1831a(j)(1)] … would not apply if the out-of-state, state bank does not have a branch in the host state." Federal Deposit Ins. Corp., Proposed Rules, Interstate Banking; Federal Interest Rate Authority, 70 Fed. Reg. 60,019, 60,025 (Oct. 14, 2005). Moreover, even as to national banks, state UDAP laws are not generally preempted. *See* Office of the Comptroller of the Currency, Exploring Special Purpose National Bank Charters for Fintech Companies at 5 (Dec. 2016), https://www.occ.gov/publications-and-resources/publications/banker-education/files/exploring-special-purpose-nat-bank-charters-fintech-companies.html. ("the OCC has taken the position that state laws aimed at unfair or deceptive treatment of customers apply to national banks.").

[12] *See* CFPB Bulletin 2013-07, Subject: Prohibition of Unfair, Deceptive, or Abusive Acts or Practices in the Collection of Consumer Debts (July 10, 2013), https://files.consumerfinance.gov/f/201307_cfpb_bulletin_unfair-deceptive-abusive-practices.pdf; NCLC, Unfair and Deceptive Acts and Practices § 6.10.

[13] *See* NCLC, Fair Debt Collection § 16.2.3.3.1 (10th ed. 2022), updated at library.nclc.org.

[14] *See id.* § 16.1.2.

can also be liable under state agency law for the actions of their collectors and servicers.[15]

Credit reporting. A large number of the complaints are about credit reporting. When creditors report information to credit bureaus (directly or through servicers), the Fair Credit Reporting Act (FCRA) imposes requirements on furnishers to provide accurate information, to respond to consumer disputes, to conduct reasonable investigations, and to promptly correct inaccurate information.[16]

Know Your Customer and Electronic Signature Laws. Many of the CFPB complaints are about loans that the consumers say they did not take out or that belong to someone else. Under the Bank Secrecy Act and related amendments and regulations, banks have an obligation to "know your customer" (KYC). KYC obligations apply to all accounts, including credit accounts.[17] Failure to adequately confirm the identity of the borrowers of loans originated in the name of the bank would be a KYC violation. In addition, if the consumer did not complete a valid electronic signature for the loan agreement, there is no valid contract. In that case, debits against the consumer's bank account arguably amount to conversion. Efforts to collect or report debts not owed by the consumer, or failure to adequately respond to disputes about the debts, could also be debt collection or credit reporting violations, as discussed above.

Electronic Fund Transfer Act and NACHA rules. Some of the complaints indicate potential violations of the Electronic Fund Transfer Act (EFTA). This Act sets out authorization requirements for preauthorized electronic fund transfers (PEFTs). Among other requirements, consumers cannot be required to repay credit by PEFTs,[18] and PEFTs must be authorized by a writing signed or similarly authenticated by the consumer.[19] Authorization is valid if it is "readily identifiable as such and the terms of the preauthorized transfer are clear and readily understandable."[20] The consumer must be given a copy of the authorization.

NACHA rules, which govern ACH payments, contain similar requirements, and also give the consumer the right to revoke authorization, and require that notice of the right to revoke and the manner in which to do so must be part of the authorization.[21] A PEFT that is not properly

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[15] *See generally id.* § 11.4.4.5.

[16] *See generally* NCLC Fair Credit Reporting, Ch. 6 10th ed. 2022), updated at library.nclc.org.

[17] Section 3261 of the USA PATRIOT Act and regulations thereunder require banks to have a Customer Identification Program ("CIP") to verify the identity of each customer who opens an account. 31 C.F.R. § 1020.220(a)(2). "Account" includes "a credit account, or other extension of credit." 31 C.F.R. § 1020.100(a)(1).

[18] 15 U.S.C. § 1693k (1).

[19] Reg. E, 12 C.F.R. § 1005.10(b).

[20] Official Interpretation of 10(b)-6 to Reg. E.

[21] Reg. E, 12 C.F.R. §1005.10(b).

authorized, or for which authorization has been revoked, is unauthorized.[22]

Military Lending Act and Servicemember Civil Relief Act. Some of the complaints against OppFi are from active duty servicemembers complaining about high rates that could violate the Military Lending Act (MLA), which limits the interest rate on loans to active duty servicemembers and their dependents to 36% APR, including fees. Some of the complaints against Wheels Financial indicate potential violations of the MLA or of the Servicemembers Civil Relief Act, which requires lenders to reduce the interest rate on a loan to 6% after the consumer enters military service.

CC Bank is responsible for the conduct of its partners. The extensive complaints below indicate a high likelihood that the bank is not meeting community needs. While not all of these complaints involve loans facilitated by the bank, they indicate severe problems in these lending programs overall.

II. Complaints against Wheels Financial (dba LoanMart)

Wheels Financial offers auto title loans using CC Bank to evade state laws. Auto title loans are an especially pernicious form of high-cost loan because the consumer pledges their car title to secure the loan. Thus, default does not just ruin their credit; they also lose their car and potentially their ability to get to work, medical appointments, and other critical places.

Auto title lending is a form of collateral-based lending that the FDIC has warned can be abusive or predatory:
[S]ome forms of subprime lending may be abusive or predatory. Some such lending practices appear to have been designed to transfer wealth from the borrower to the lender/loan originator without a commensurate exchange of value. This is sometimes accomplished when the lender structures a loan to a borrower who has little or no ability to repay the loan from sources other than the collateral pledged. When default occurs, the lender forecloses or otherwise takes possession of the borrower's property (generally the borrower's home or automobile).[23]
The CFPB’s complaints database contains 427 complaints about Wheels Financial through March 22, 2023.[24] The Better Business Bureau website shows 139 complaints in the last 3 years.[25]

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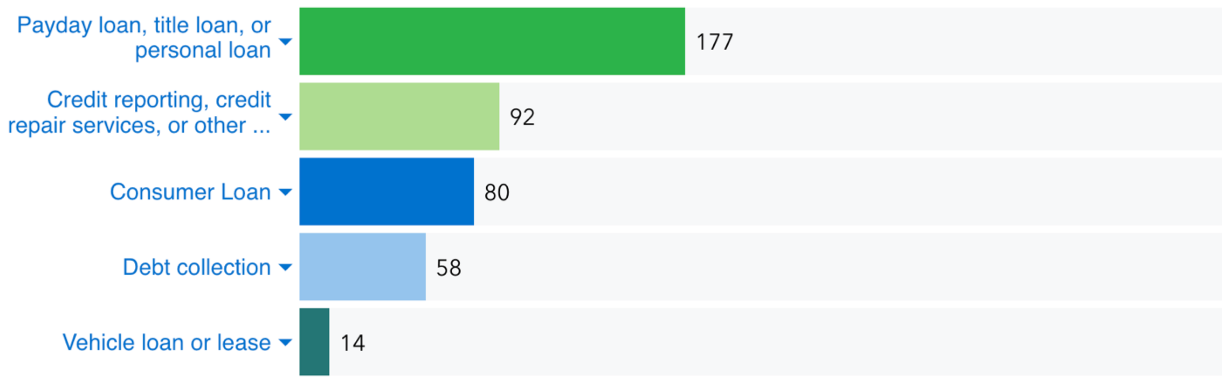
[22] See, e.g., FTC v. Health Formulas, L.L.C., 2015 WL 2130504 (D. Nev. May 6, 2015) (finding FTC likely to prevail on claim that defendants violated EFTA by engaging in recurring EFTs without obtaining proper written authorization or providing a copy to consumer).
[23] FDIC et al., Expanded Guidance for Subprime Lending Programs at 10 (Jan. 31, 2001), https://archive.fdic.gov/view/fdic/1952#tabs-3. *See also* NCLC, Federal ability-to-repay requirements for small dollar loans and other forms of non-mortgage lending (Nov. 2021), https://www.nclc.org/resources/federal-ability-to-repay-requirements-for-small-dollar-loans/.
[24] The complaints are available at https://www.consumerfinance.gov/data-research/consumer-complaints/search/?company=WHEELS%20FINANCIAL%20GROUP%2C%20LLC.&date_received_max=2023-03-22&date_received_min=2011-12-01&page=1&searchField=all&size=100&sort=created_date_desc&tab=List.
[25] The complaints are available at https://www.bbb.org/us/ca/van-nuys/profile/title-loans/loanmart-1216-13190290/complaints.

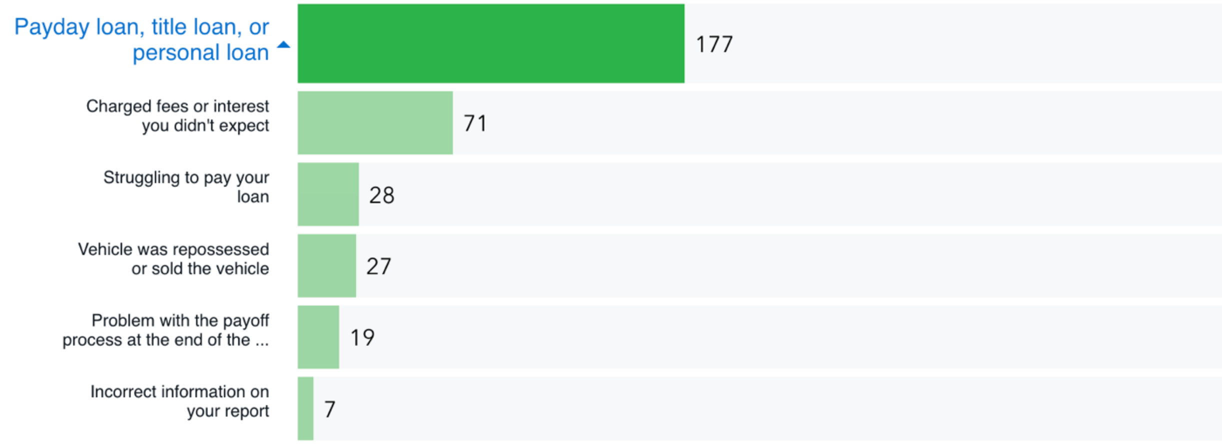
The consumers who complained to the CFPB identified the "product" as follows (though a given complaint may raise several other issues):

CFPB Complaints Against Wheels Financial Through Mar. 22, 2023
By "Product"

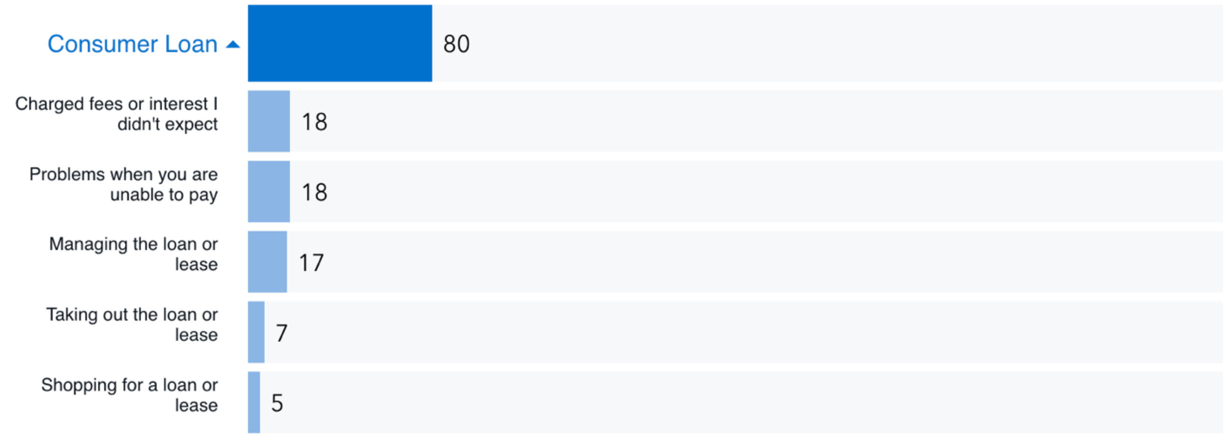


For CFPB complaints tagged by consumers as "payday loan, title loan, or personal loan" or as "consumer loan," the complaints were primarily about being charged fees or interest the consumer did not expect, or struggling to pay the loan.

CFPB Complaints Against Wheels Financial Through Mar. 22, 2023
By issue, for complaints with product tagged as "payday loan, title loan or personal loan"

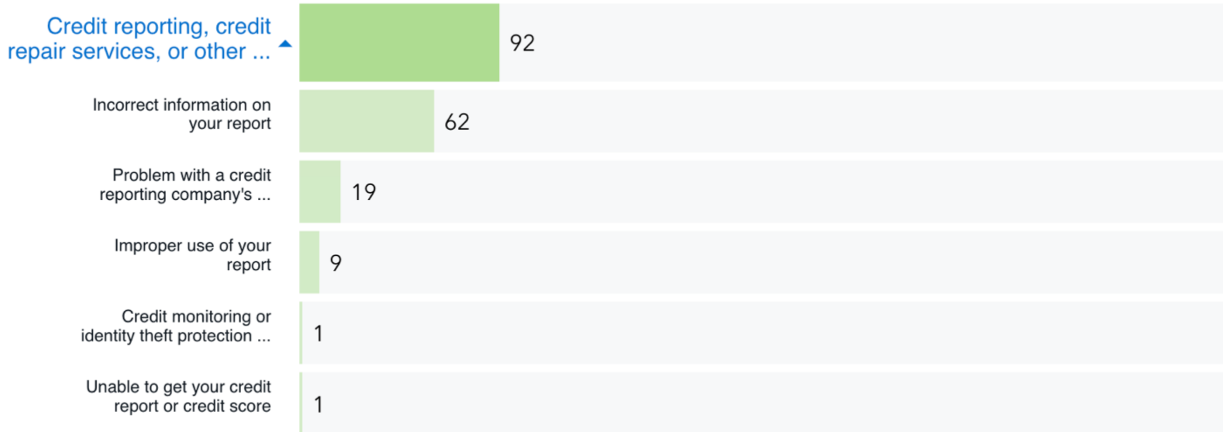


CFPB Complaints Against Wheels Financial Through Mar. 22, 2023
By issue, for complaints with product tagged as “consumer loan”



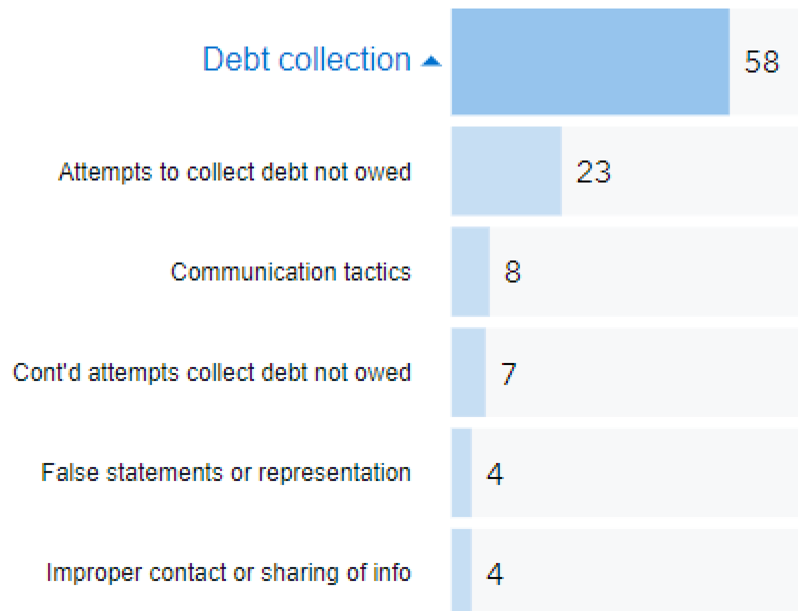
The CFPB complaints with credit reporting product tag were primarily about incorrect information on the report or the company’s investigation.

CFPB Complaints Against Wheels Financial Through Mar. 22, 2023
By issue, for complaints with product tagged as credit reporting



The CFPB complaints in the debt collection category were primarily about attempts to collect debt not owed or communication tactics.

CFPB Complaints Against Wheels Financial Through Mar. 22, 2023
By issue, for complaints with product tagged as debt collection



III. Complaints against CNG Financial Corp. (Check 'n Go, Xact)

CNG Financial Corp. (formerly known as Axcess Financial) operates the payday lenders Check 'n Go and Allied Cash Advance, and also has an online rent-a-bank installment loan product through CC Bank called Xact that charges rates up to 225%.[26]

The Better Business Bureau website has 22 reviews of Xact – almost all very negative one-star ratings – and 34 highly negative complaints closed in the last 3 years (29 of which were in the last year).[27]

The CFPB's complaints database contains 1,740 complaints about CNG Financial Group through March 23, 2023.[28] The database also lists hundreds of complaints about CNG Holdings (a wholly owned subsidiary of CNG Financial Corp.), but those complaints appear to be about a different loan product that does not involve CC Bank.

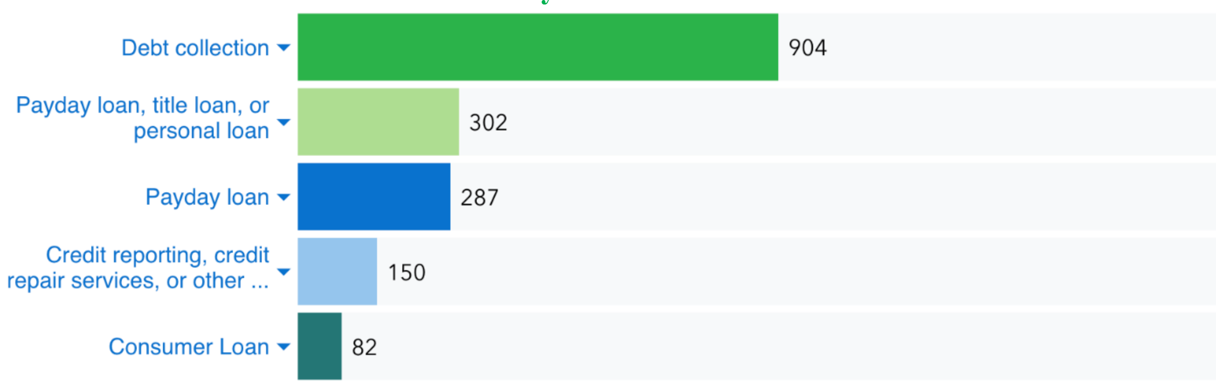
[26] https://www.cng.com/our-brands.
[27] https://www.bbb.org/us/oh/cincinnati/profile/debt-consolidation-services/xact-loan-0292-90040588/customer-reviews.
[28] The complaints are available at https://www.consumerfinance.gov/data-research/consumer-complaints/search/?company=CNG%20FINANCIAL%20CORPORATION&date_received_max=2023-03-23&date_received_min=2011-12-01&has_narrative=true&page=1&searchField=all&size=25&sort=created_date_desc&tab=List.

The CFPB complaints against CNG are not segregated by brand, so it is generally not possible to tell whether a complaint is about Xact. Moreover, it appears that Xact loans may be indirectly available by customers who first visit the Check 'n Go website (and possibly a store), so even consumers who mention Check 'n Go in the complaint narrative may have actually gotten an Xact loan.

Nonetheless, many of the complaints are about installment loans, and as a whole they provide a sense of the problems with the loan programs that CNG operates.

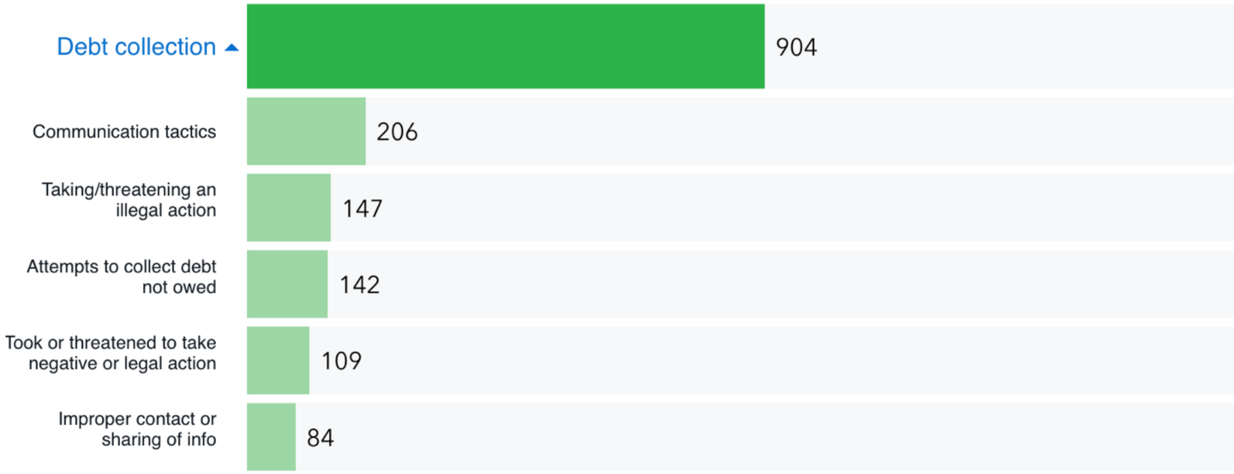
The consumers who complained to the CFPB identified the "product" as follows (though a given complaint may raise several other issues):

CFPB Complaints Against CNG Financial Corp. Through Mar. 22, 2023
By "Product"



The large bulk of CNG complaints are about debt collection, evidencing two problems: both lending without regard to ability to repay, and problems with their collection practices. The CFPB complaints tagged with debt collection as the product were primarily about communication tactics, taking/threatening illegal actions, attempts to collect debt not owed, and taking or threatening to take negative or legal action.

CFPB Complaints Against CNG Financial Corp. Through Mar. 22, 2023
By issue, for complaints categorized as "debt collection"

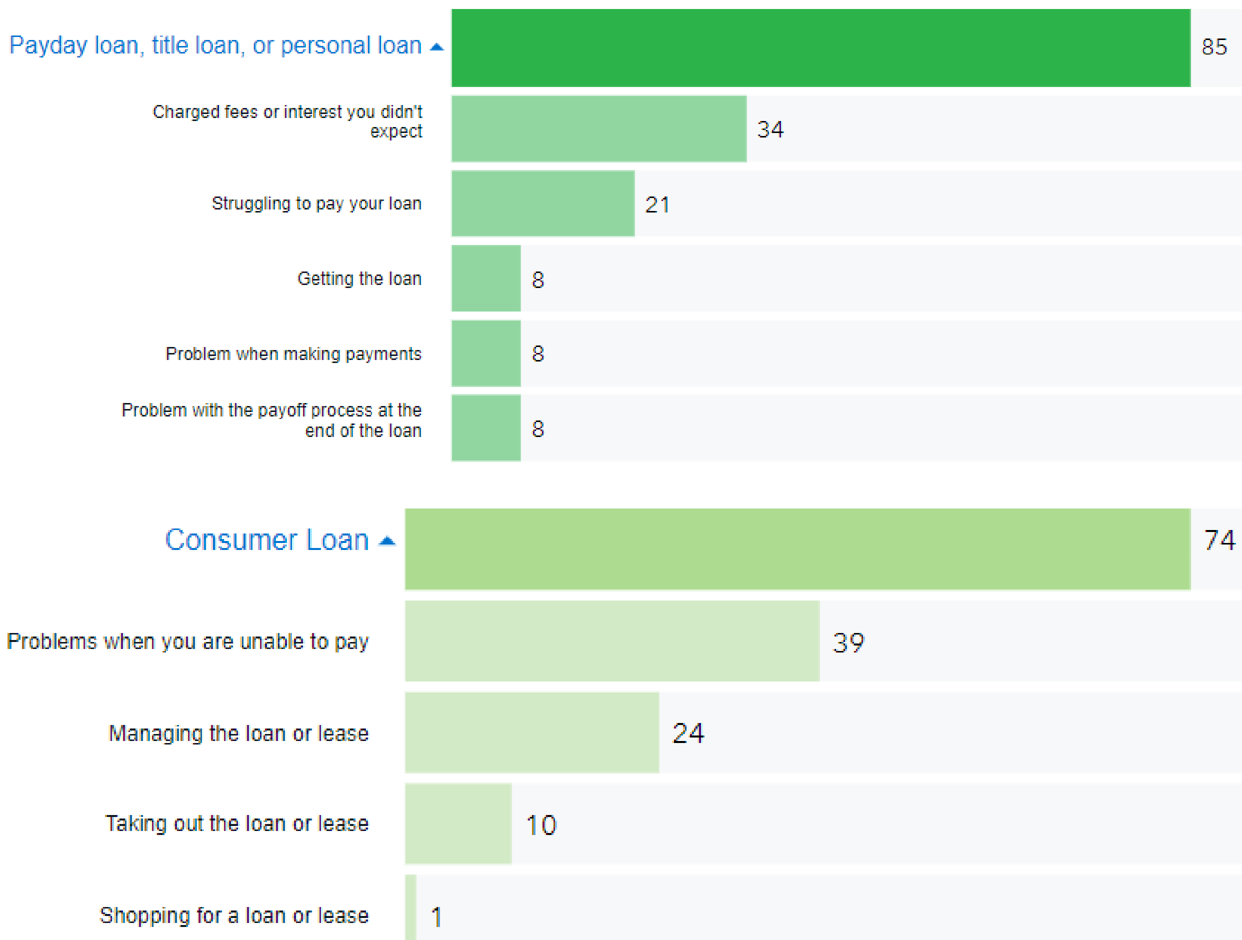


The CFPB complaints with tagged with credit reporting as the product were primarily about incorrect information on the report, improper use of the report, or problems with the company's investigation.

CFPB Complaints Against CNG Financial Corp. Through Mar. 22, 2023
By issue, for complaints categorized as credit reporting

Narrowing the complaints to consumers who identified the product as "installment loan" (which understates the complaints that involved an installment loan), there are still 159 complaints that primarily are about charging fees or interest that the consumer did not expect, or struggling to/being unable to pay the loan. The "installment loan" label is a subcategory of two larger categories, "Payday loan, title loan, or personal loan" and "Consumer loan."

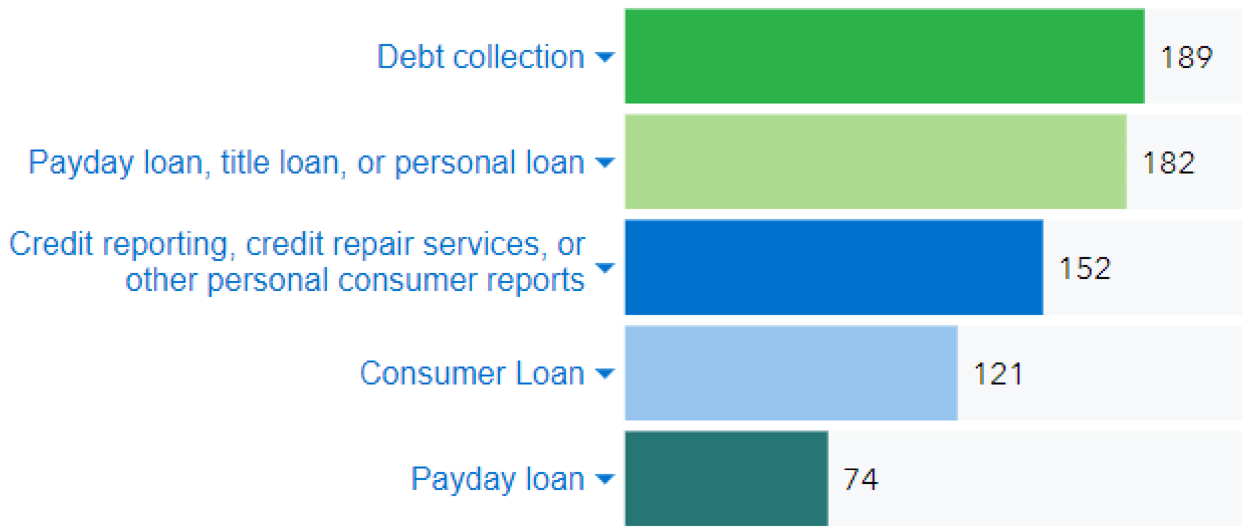
CFPB Complaints Against CNG Financial Corp. Identified as Installment Loan Through March 23, 2023



IV. Complaints against Elevate's Rise

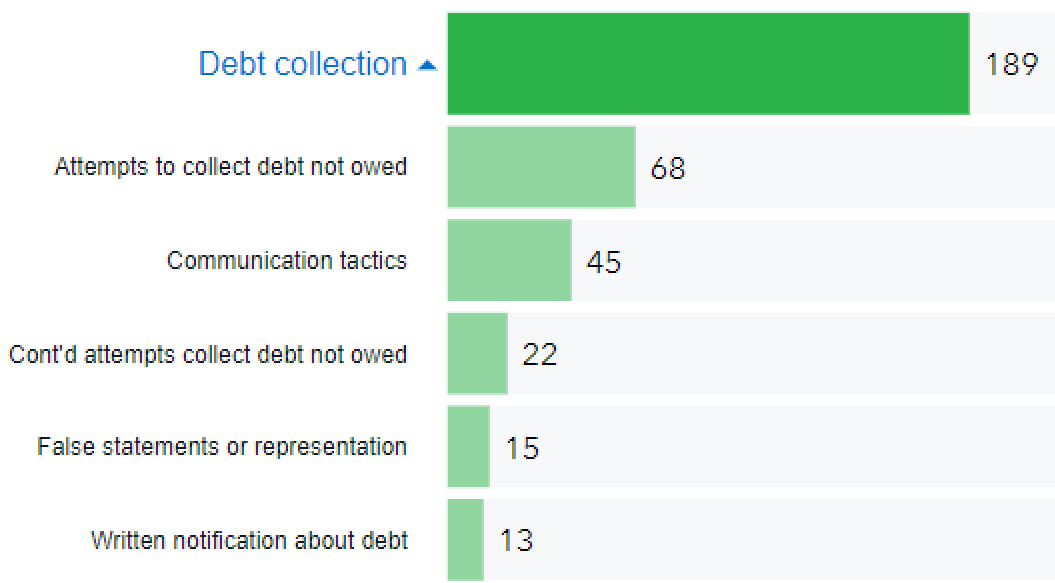
Through March 24, 2023, the CFPB's complaints database contains 738 complaints regarding Elevate's Rise Credit. The complaints were categorized by the consumers as follows:

CFPB Complaints Against Elevate's Rise Credit
Through March 24, 2023, By "Product"



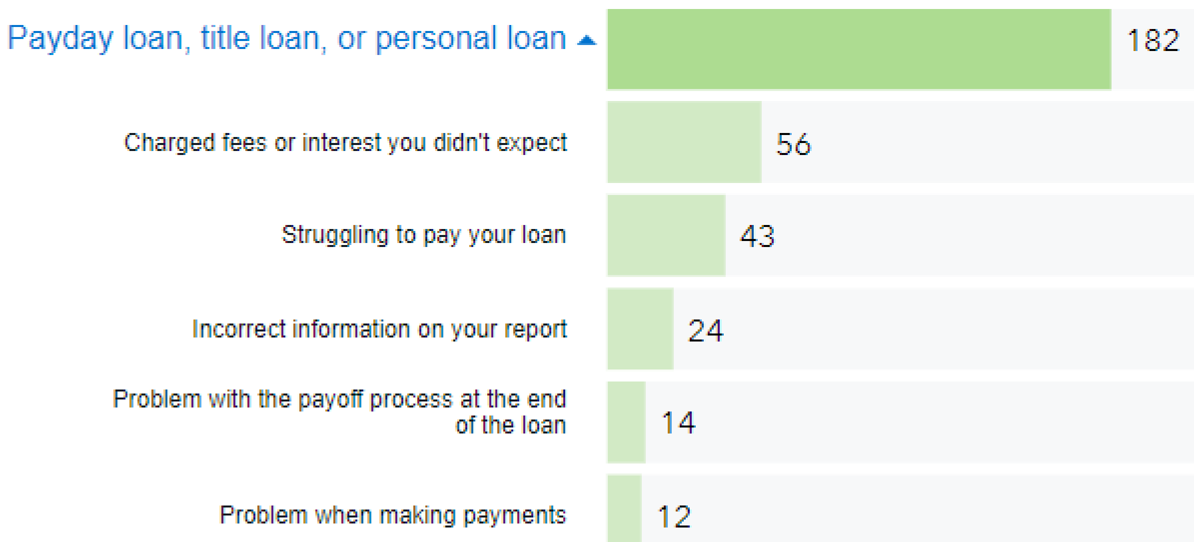
The complaints in the debt collection category were primarily about attempts to collect debt not owed or written notification about the debt.

CFPB Complaints Against Elevate's Rise Through Mar. 20, 2023
By issue, for complaints categorized as debt collection

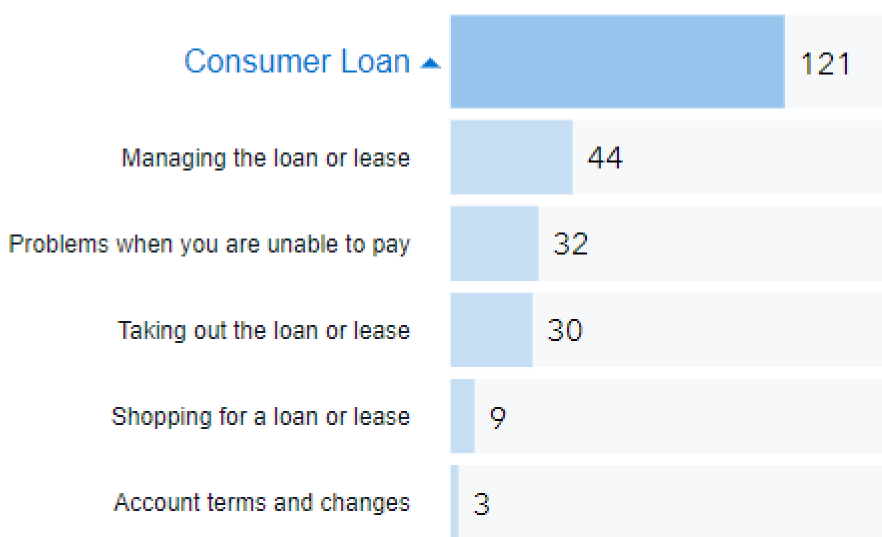


The CFPB complaints against Elevate's Rise tagged by consumers as "payday loan, title loan, or personal loan" or as "consumer loan" were primarily about being charged fees or interest the consumer did not expect, struggling or being unable to pay the loan, or managing the loan.

CFPB Complaints Against Elevate's Rise Through Mar. 24, 2023
By issue, for complaints with product tagged as "payday loan, title loan or personal loan"

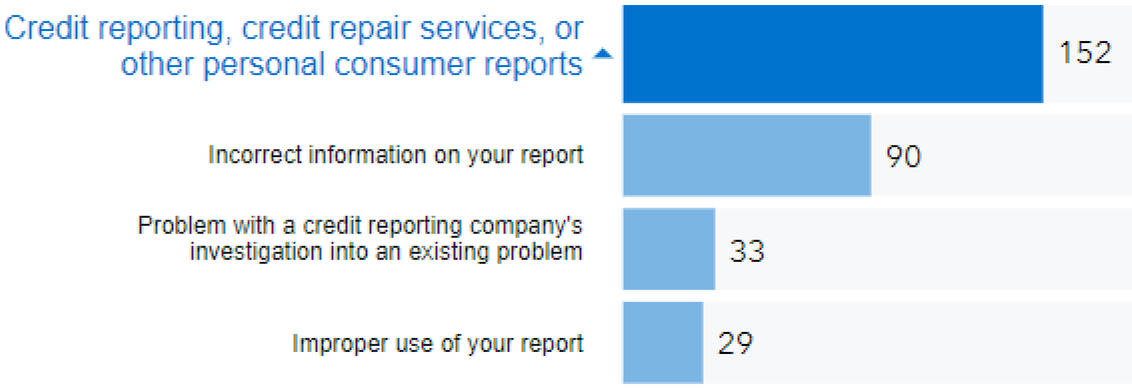


CFPB Complaints Against Elevate's Rise Through Mar. 24, 2023
By issue, for complaints with product tagged as "consumer loan"



The complaints in the credit reporting category were primarily about incorrect information on the report, problems with the company's investigation, or improper use of the report.

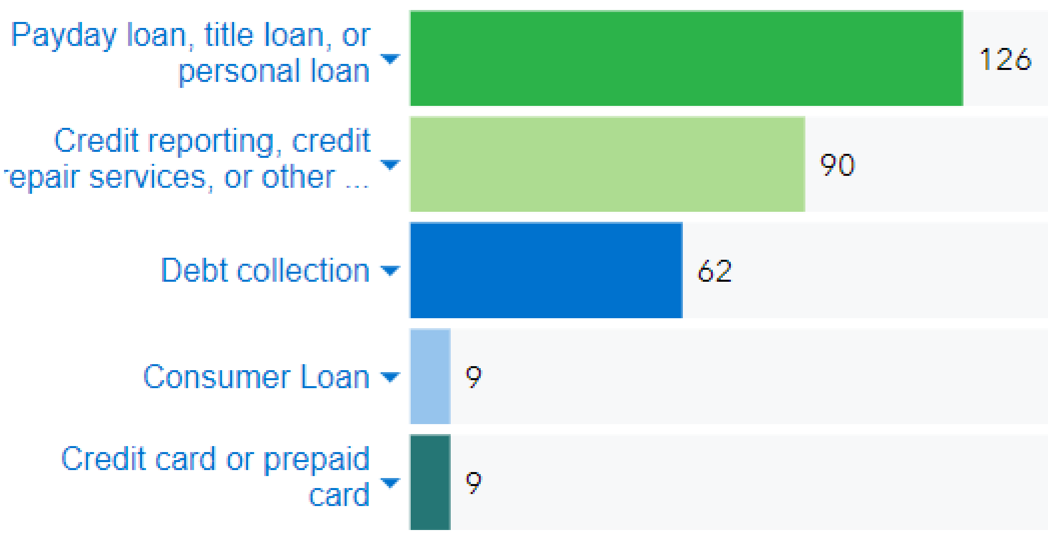
CFPB Complaints Against Elevate's Rise Through Mar. 24, 2023
By issue, for complaints categorized as credit reporting



V. Complaints against OppFi

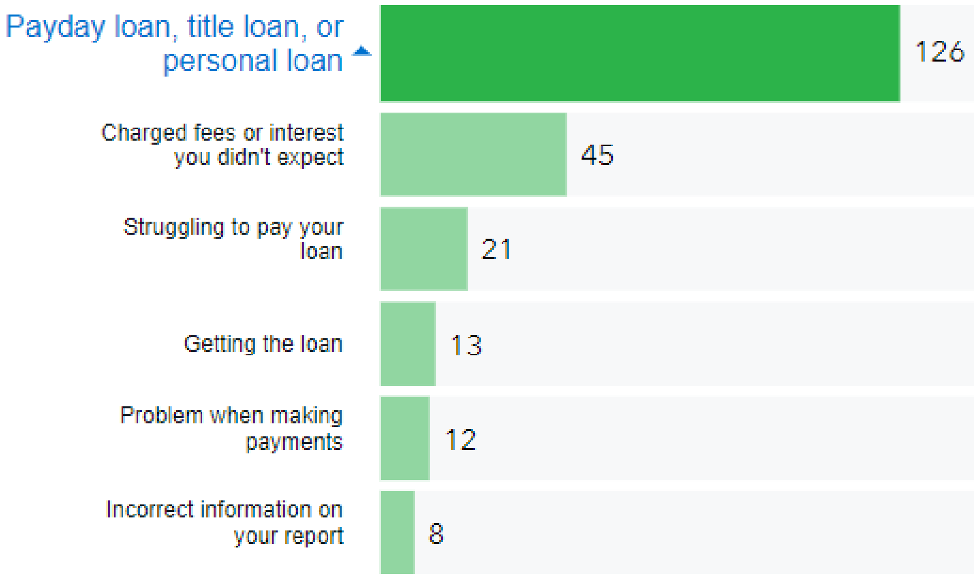
The CFPB's complaints database contains 301 complaints against OppFi through March 20, 2023. The consumers identified the "product" as follows (though a given complaint may raise several other issues):

CFPB Complaints Against OppFi Through Mar. 20, 2023
By "Product"



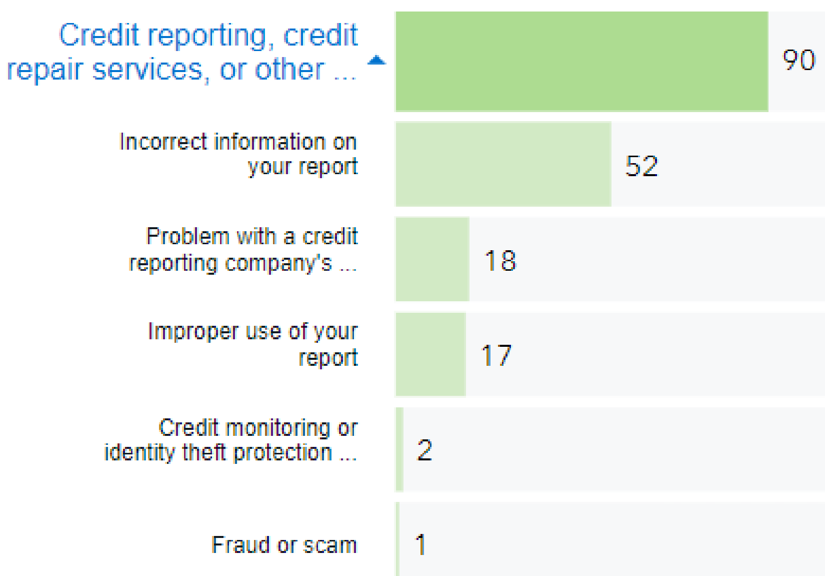
The complaints in the "payday loan, title loan, or personal loan" category were primarily about being charged fees or interest the consumer did not expect, or struggling to pay the loan.

CFPB Complaints Against OppFi Through Mar. 20, 2023
By issue, for complaints categorized as “loan”



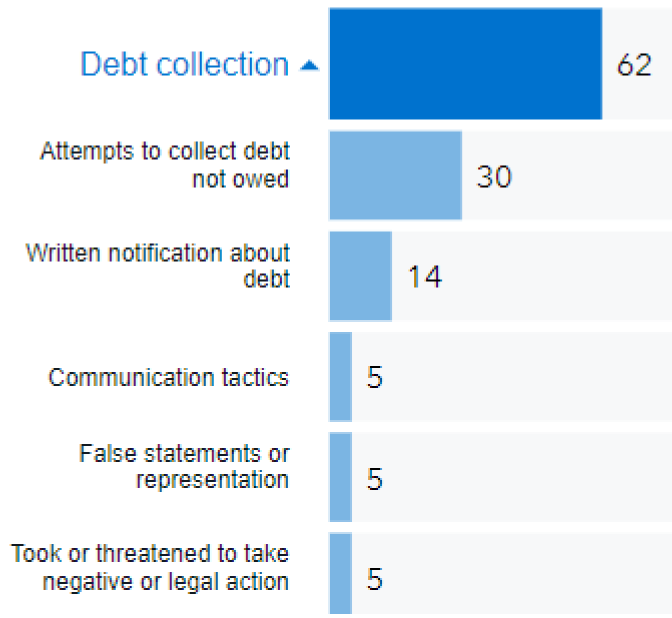
The complaints in the credit reporting category were primarily about incorrect information on the report, use of the report, or the company’s investigation.

CFPB Complaints Against OppFi Through Mar. 20, 2023
By issue, for complaints categorized as credit reporting



The complaints in the debt collection category were primarily about attempts to collect debt not owed or written notification about the debt.

CFPB Complaints Against OppFi Through Mar. 20, 2023
By issue, for complaints categorized as debt collection



For more details and examples complaints filed with the CFPB against OppFi, see our comments on the CRA examination of First Electronic Bank.[29]

VI. Complaints against Other CC Bank Partners

CC Bank also originates loans for a number of smaller predatory lenders, including Total Loan Services, dba QuickCredit; SunUp Financial dba Balance Credit; MoneyKey; Simple Fast Loans and Lendly. The CFPB's complaints database does not include any complaints against these lenders, but they have a significant number of complaints and uniformly bad reviews on the Better Business Bureau's website.

QuickCredit has 70 BBB complaints closed in the last three years and 23 reviews with an average one-star rating.[30]

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[29] *See* Coalition Comments to FDIC Regarding Community Reinvestment Act Examination of First Electronic Bank (Mar. 21, 2023), https://www.nclc.org/resources/coalition-comments-to-fdic-regarding-community-reinvestment-act-examination-of-first-electronic-bank/.

[30] *See* https://www.bbb.org/us/al/montgomery/profile/loans/quick-credit-0463-90150890.

Balance Credit has 54 BBB complaints closed in the last three years and 14 reviews with an average one-star rating.[31]

MoneyKey has 49 BBB complaints closed in the last three years and 35 reviews with an average one-star rating.[32]

Simple Fast Loans has 40 BBB complaints closed in the last three years and 37 reviews with an average one-star rating.[33]

Lendly has 32 BBB complaints closed in the last three years and 11 reviews with an average one-star rating.[34]

VII. Conclusion

The FDIC should downgrade CC Bank's CRA rating in light of the extensive evidence of the abusive lending and potential violations of the law involving its lending program. High-cost credit that extracts wealth and burdens borrowers in debt does not meet credit needs in a responsible manner and must be penalized on CRA exams.

For questions about these comments, please contact Nadine Chabrier at the Center for Responsible Lending at Nadine.Chabrier@responsiblelending.org or Lauren Saunders at the National Consumer Law Center at lsaunders@nclc.org.

Yours very truly,

Accountable.US
Americans for Financial Reform Education Fund
Center for Economic Integrity
Center for Responsible Lending
Consumer Action
Consumer Federation of America
National Consumer Law Center (on behalf of its low-income clients)
Public Citizen
U.S. PIRG
Woodstock Institute

[31] *See* https://www.bbb.org/us/il/chicago/profile/loans/balancecreditcom-0654-90013500.
[32] *See* https://www.bbb.org/us/de/wilmington/profile/loans/money-key-0251-32003491.
[33] *See* https://www.bbb.org/us/ga/atlanta/profile/loans/simple-fast-loans-0443-27971745.
[34] *See* https://www.bbb.org/us/oh/dayton/profile/loans/lendly-0322-53416.