PROTECT BORROWERS

September 22, 2025

Consumer Financial Protection Bureau
1700 G Street NW
Washington, DC 30036

To Whom It May Concern:

The following letter is intended to comment on the Consumer Financial Protection Bureau's ("CFPB" or "the Bureau") open Advanced Notice of Proposed Rulemaking on defining larger participants (LPs) in the auto finance market (Docket No. CFPB-2025-0029).

The Bureau has an existing examination program through which LPs in this market are subject to routine supervision to assess compliance with the enumerated consumer financial protection laws, including the prohibition on unfair, deceptive, and abusive acts and practices under Title X of the Dodd-Frank Act. Consumers depend on supervision to proactively identify financial companies' failures to follow the law and to order remedial action to make consumers whole.

There is a virtuous relationship between CFPB's statutory obligation to handle consumer complaints and its various statutory and regulatory obligations to supervise financial firms across the economy—where one or more consumers identify problems with a consumer financial product or service, it often falls to CFPB supervision to confidentially determine the root cause of consumers' problems and work with a supervised firm to resolve any breakdowns, including potential law violations.

Where examiners determine a supervised company's practices warrant further action by the Bureau, a supervised company may be referred to the Action Review Committee (ARC)—an internal agency body that guides matters between CFPB's supervision and enforcement offices and may recommend CFPB enforcement take action.

Both the volume of consumer complaints and the volume of public enforcement actions are key metrics that can help the Bureau and the public understand the relationship between the size of an LP and the risk it poses. As the Bureau considers regulatory action to raise the threshold for what firms constitute an LP in a given market, it is critical that the agency assess the risks posed to consumers, honest businesses, and the economy at large by those firms that would no longer be considered LPs.

To this end, we encourage the Bureau to include in any NPRM answers to the following questions:

1. How many consumer complaints has the Bureau handled in this market since the agency first opened its doors in 2011?

2. Please provide a detailed breakdown of the number of consumer complaints received by the Bureau in this market, mapped to LPs in this market and sorted by the size of the market participant.

3. Since the Bureau first launched its supervisory program in this market, how many examinations have been performed?

4. How many examinations resulted in Matters Requiring Attention (MRAs) instructing an LP to resolve issues identified by examiners?

5. On average, how many individual MRAs were included in a completed examination during this period?

6. With respect to your answers to questions 4 and 5, please provide members of the public with a detailed breakdown exam resolutions by size of LP, such that the public can better understand the compliance risk by the size of the market participant.

7. How many examinations resulted in a recommendation by the ARC to open an enforcement investigation into the practices by an LP?

8. Of the examinations identified in response to question 7, how many resulted in a lawsuit? How many resulted in a settlement?

9. How many examinations resulted in an enforcement action by a federal agency other than the CFPB?

10. Of the examinations identified in response to question 9, how many resulted in a lawsuit? How many resulted in a settlement?

11. How many examinations resulted in an enforcement action by a state agency other than the CFPB?

12. Of the examinations identified in response to question 11, how many resulted in a lawsuit? How many resulted in a settlement?

13. With respect to your answers to questions 7-12, please provide members of the public with a detailed breakdown of exam resolutions by size of LP, such that the public can better understand the compliance risk by the size of the market participant.

This key data is critical for the Bureau to assess the relative risks posed to consumers by market participants of various sizes. Without this data, it will be impossible for the public to analyze any NPRM changing the threshold for an LP in this market and will likely result in agency action that arbitrarily draws lines to limit the Bureau's visibility without obvious countervailing benefits to consumers or the marketplace as a whole.

If you have any additional questions, please do not hesitate to contact Mike Pierce at mike@protectborrowers.org. Thank you for your consideration in this matter.

Sincerely,

Protect Borrowers