

UNITED STATES OF AMERICA
Before the
BUREAU OF CONSUMER FINANCIAL PROTECTION

ADMINISTRATIVE PROCEEDING
File No. 2014-CFPB-0002

_____)	
In the Matter of)	ORDER DISMISSING THE NOTICE
)	OF CHARGES
PHH CORP., <i>et al.</i>)	
_____)	

On January 31, 2018, the en banc D.C. Circuit issued its decision in *PHH Corp. v. CFPB*, 881 F.3d 75 (D.C. Cir. 2018) (en banc). Although the court reversed some parts of the panel’s decision, it reinstated the portion that related to the Real Estate Settlement Procedures Act (RESPA) and its application to PHH and Atrium. *Id.* at 83. Thus, it is now the law of this case that PHH did not violate RESPA if it charged no more than the reasonable market value for the reinsurance it required the mortgage insurers to purchase, even if the reinsurance was a quid pro quo for referrals. *See PHH Corp. v. CFPB*, 839 F.3d 1, 41 (D.C. Cir. 2016), *rev'd in part en banc*, 881 F.3d. 75 (D.C. Cir. 2018).

On May 10, 2018, I directed the Bureau’s enforcement counsel and PHH to file a joint statement addressing whether further proceedings in this matter are necessary. On June 5, the parties filed their joint statement. They jointly agreed to recommend dismissal of this matter. I accept that recommendation.

Accordingly, I direct that the Notice of Charges in this proceeding is dismissed and this matter is terminated.

SO ORDERED.



Mick Mulvaney
Acting Director
Bureau of Consumer Financial Protection

June 7th, 2018

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the *Order Dismissing the Notice of Charges* upon the following parties and entities in Administrative Proceeding 2014-CFPB-0002 as indicated in the manner described below:

Via Electronic Mail to Representatives for Consumer Financial Protection Bureau

Donald Gordon
1700 G Street, NW
Washington, DC 20552
Donald.Gordon@cfpb.gov

Thomas Kim, Email: Thomas.Kim@cfpb.gov
Navid Vazire, Email: Navid.Vazire@cfpb.gov
Samuel Rappe, Email: Sammuel.Rappe@cfpb.gov
Fatima Mahmud, Email: Fatima.Mahmud@cfpb.gov
Kimberly Barnes, Email: Kimberly.Barnes@cfpb.gov

Via Electronic Mail to Representatives for Respondent

Mitchel H. Kider
WEINER BRODSKY KIDER PC
1300 19th Street, N.W., Fifth Floor
Washington, D.C. 20036
kider@thewbkfirm.com

David M. Souders, Email: souders@thewbkfirm.com
Sandra B. Vipond, Email: vipond@thewbkfirm.com
Rosanne L. Rust, Email: rust@thewbkfirm.com
Leslie A. Sowers, Email: sowers@thewbkfirm.com
Michael S. Trabon, Email: trabon@thewbkfirm.com

Via Electronic Mail to Representatives for Radian Guaranty Inc.

David Smith, dsmith@schnader.com
Stephen A. Fogdall, sfogdall@schnader.com

Via Electronic Mail to Representatives for United Guaranty Residential Insurance Company

Jane M. Byrne, janebyrne@quinnemanuel.com
William A. Burck, williamburck@quinnemanuel.com
Nicole Buseman, nicolebuseman@quinnemanuel.com
Scott Lerner, scottlerner@quinnemanuel.com

Via Electronic Mail to Representatives for Genworth Mortgage Insurance Corporation

Reid L. Ashinoff, reid.ashinoff@dentons.com
Melanie McCammon, melanie.mccammon@dentons.com
Yolanda Zitelli, yolanda.zitelli@dentons.com
Karen Ogle, karen.ogle@dentons.com

Via Electronic Mail to Representatives for Mortgage Guaranty Insurance Company

Jay N. Varon, jvaron@foley.com

Jennifer M. Keas, jkeas@foley.com

Via Electronic Mail to Representatives for Republic Mortgage Insurance Company

William L. Kirkman, billk@bourlandkirkman.com

Jameelah
Morgan

Digitally signed by
Jameelah Morgan
Date: 2018.06.07 11:35:53
-04'00'

Jameelah Morgan
Docket Clerk
Office of Administrative Adjudication
Bureau of Consumer Financial Protection

Signed and dated on this 7th day of June, 2018 at
Washington, D.C.