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September 13, 2021

## Via Email and FedEx

Department of Financial Protection and Innovation  
Attn: Sandra Sandoval, Legal Division  
300 South Spring Street, Suite 15513  
Los Angeles, CA 90013

Re: Comments on Proposed Rulemaking under the California Consumer  
Financial Protection Law: Consumer Complaints (PRO 03-21)

Dear Ms. Sandoval:

The comments set forth below are provided in connection with the *Invitation for Comments on Proposed Rulemaking Under the California Consumer Financial Protection Law: Consumer Complaints (PRO 03-21)* published on August 18, 2021 (the “Comment Request”), by the California Department of Financial Protection and Innovation (“DFPI”) as it relates to certain requirements related to consumer complaint processes and procedures required as a result of the passage of AB 1864 (Chapter 157, Statutes of 2020). Based upon our review of the Comment Request, we believe that the definition of “complaint” in Proposed Rule 90008.2(a) should be revised as follows in a final rule that will be adopted by the California Department of Financial Protection and Inclusion (the “Final Rule”) (new text appears in *italics*):

(b) “Complaint” means an expression of dissatisfaction from a complainant regarding a *consumer* financial product or service, a covered person, or a service provider.

We recommend this clarification so that the definition of a “complaint” in the Final Rule directly reflects the requirement that such expression of dissatisfaction relate to credit that is provided for personal, family, or household purposes. Without this clarification, the current reference to “financial product or service” in the definition of “complaint” incorporates the definition of such term found in CA Fin. Code § 90005(k).<sup>1</sup> Such incorporation is confusing,

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<sup>1</sup> This incorporation is required by Proposed Rule § 90008.2 which provides: “When used in this Article, the terms defined in Section 90005 of the Financial Code shall have the same meanings as set forth in that section.”

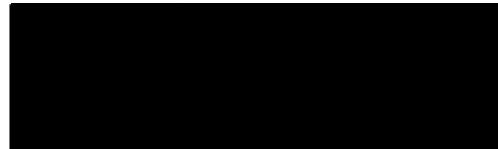
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however, because the definition of “financial product or service” does not appear to be necessarily limited to financial products or services provided to consumers for personal, family or household purposes as is the case in the separate definition of “consumer financial product or service” set forth at CA Fin. Code § 90005(e).<sup>2</sup> As such, the proposed modification ensures that the obligations set forth in the Final Rule relate to complaints received in connection with the provision of credit for personal, family or household purposes.

\* \* \*

We appreciate the opportunity to provide the information set forth above in connection with the Comment Request. If you have any questions upon your review of the information contained in this comment letter, please do not hesitate to contact me at the number listed above.

Sincerely,

A large black rectangular redaction box covering the signature area.

Christina J. Grigorian

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<sup>2</sup> That definition provides as follows: “‘consumer financial product or service’ means either of the following: (1) a financial product or service that is delivered, offered, or provided for use by consumers primarily for personal, family or household purposes. (2) a financial product or service as described in paragraph (11) of subdivision (k).”