



RE: FOIA Request #CFPB-2015-227-F

July 16, 2015

Mr. Paul Metrey
Chief Regulatory Counsel
National Automobile Dealers Association
8400 WestPark Drive
McLean, Virginia 22102

Dear Mr. Metrey:

This letter is in final response to your Freedom of Information Act (FOIA) request dated July 13, 2015. Your request sought the memorandum dated on or about June 16, 2015 from Jeffrey Morrow, Jane Peterson, and Rebecca Gelfond to CFPB Director Richard Cordray concerning a proposed settlement involving – in whole or in part - American Honda Finance Corporation; referenced in a June 30, 2015 American Banker article entitled “CFPB Nears Landmark Victory Against Three Large Auto Lenders” by Rachel Witkowski.

A search of our Office of Fair Lending for documents responsive to your request produced a total of 136 pages. Of those pages, I have determined that one page is granted in part and 135 pages are withheld in full pursuant to Title 5 U.S.C. § 552 (b)(5) and/or (b)(7)(A).

FOIA Exemption 5 protects from disclosure those inter- or intra-agency documents that are normally privileged in the civil discovery context. The three most frequently invoked privileges are the deliberative process privilege, the attorney work-product privilege, and the attorney-client privilege. After carefully reviewing the responsive documents, I determined the responsive documents qualify for protection under the Deliberative Process and Attorney Work Product Privileges. The **Deliberative Process Privilege** protects the integrity of the deliberative or decision-making processes within the agency by exempting from mandatory disclosure opinions, conclusions, and recommendations included within inter-agency or intra-agency memoranda or letters. The release of this internal information would discourage the expression of candid opinions and inhibit the free and frank exchange of information among agency personnel. The **Attorney Work-Product Privilege** protects documents and other memoranda prepared by an attorney in contemplation of litigation.

FOIA Exemption 7(A) protects from disclosure records or information compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement proceedings. I have determined that the information you are seeking relates to an ongoing criminal law enforcement investigation. Therefore, I am withholding all records, documents, and/or other material, which if disclosed prior to completion, could reasonably be

expected to interfere with law enforcement proceedings and final agency actions related to those proceedings.

You may appeal any of the responses or decisions set forth above. If you choose to file an appeal, you must do so within 45 calendar days from the date of this letter. Your appeal must be in writing, signed by you or your representative, and should contain the rationale for the appeal. You may send your appeal via the mail (address below), email (FOIA@cfpb.gov) or fax (1-855-FAX-FOIA (329-3642)).

Your appeal should be addressed to:

Consumer Financial Protection Bureau
Attention: Chief FOIA Officer
Freedom of Information Appeal
1700 G Street, NW
Washington, D.C. 20552

There are no fees associated with your request.

For questions concerning our response, please feel free to contact CFPB's FOIA Service Center by email at FOIA@cfpb.gov or by telephone at 1-855-444-FOIA (3642).

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Michalosky', with a large, sweeping flourish extending to the right.

Martin Michalosky
FOIA Manager
Operations Division