

Troutman Pepper State Attorneys General Monitor – July 2021

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Troutman Pepper's State Attorneys General team combines legal acumen and government experience to develop comprehensive, thoughtful strategies for clients. Our lawyers handle individual and multistate AG investigations, proactive counseling and litigation, and manage ancillary regulatory issues. Our successful approach has been recognized by *Chambers USA*, which ranked our practice as a leader in the industry.

REGULATORY OVERSIGHT BLOG LAUNCHES

TROUTMAN PEPPER'S NATIONALLY RECOGNIZED REGULATORY PRACTICE LAUNCHES BLOG

By [Ashley L. Taylor, Jr.](#), [Stephen C. Piepgrass](#), and [John S. West](#)

Troutman Pepper's Regulatory Practice Group, one of the country's oldest practices dedicated solely to defending against enforcement actions from state attorneys general and other government authorities, launched today its regulatory law blog, [Regulatory Oversight](#).

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FEDERAL REGULATIONS

EXECUTIVE ORDER SIGNALS SIGNIFICANT CHANGES FOR TECHNOLOGY MANUFACTURERS

FTC's 'Nixing the Fix' Offers Insight Into Ramifications of Presidential Directive

By [Stephen C. Piepgrass](#), [Daniel Waltz](#), and Jessica Ring*

**Jessica Ring is a 2021 summer associate at Troutman Pepper and not licensed to practice law in any jurisdiction.*

Introduction

Regulators are increasingly interested in transactions related to consumer technology. For example, hybrid

transactions involving the purchase and sale of Internet of Things (IoT) devices is one area ripe for regulatory oversight and enforcement as detailed in our prior article, “[Regulators Likely to Focus on Hybrid Transactions and IoT Devices](#).” In the regulatory world, the “right to repair” is also quickly gaining momentum. On July 9, President Biden issued an [executive order](#) compelling, among many other things, the Federal Trade Commission to draft “right to repair” rules to increase consumers’ ability to repair equipment on their own or at after-market repair shops.

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STATE ATTORNEYS GENERAL INVESTIGATION

WINRED FIGHTS BACK AGAINST ALLEGED OVERREACH BY STATE ATTORNEYS GENERAL

By [Chris Carlson](#), Abby Hylton**, and Ketan Bhirud

***Abby Hylton is a 2021 summer associate with Troutman Pepper and not licensed to practice law in any jurisdiction.*

Four Democratic state attorneys general are investigating the online fundraising practices of WinRed, a Republican-affiliated political action committee (PAC), and ActBlue, a Democratic-affiliated PAC. WinRed recently punched back by filing a declaratory judgment action, asserting that federal campaign finance laws preempt the state attorneys general’s investigation. This article outlines WinRed’s response and discusses how this investigation provides another example of state attorneys general expanding their inquiries to national matters already regulated by the federal government.

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FTC INVESTIGATIONS

FTC GREEN LIGHTS INVESTIGATIONS OF KEY ENFORCEMENT TARGETS

By Timothy Butler, [Carlin McCrory](#), and Matthew White

On July 1, the Federal Trade Commission (FTC) voted to approve seven omnibus resolutions authorizing staff attorneys to use compulsory process to investigate key enforcement targets. The vote fell along party lines, with Democratic Commissioners Lina Khan, Rohit Chopra, and Kelly Slaughter voting in favor of the resolutions, while Republican Commissioners Christine Wilson and Noah Phillips voted against them. The vote — along with several others made at the same public hearing — again signals that newly minted Chair Lina Khan intends to remake the FTC into a much more aggressive, and potentially much more partisan, consumer protection agency.

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VIRGINIA CORPORATION COMMISSION

VIRGINIA STATE CORPORATION COMMISSION AMENDS SHORT-TERM LENDER REGULATIONS

By [Chris Carlson](#), [Andy Flavin](#), and Ketan Bhirud

On July 12, the Virginia State Corporation Commission issued an [order](#) amending regulations for short-term lending licensees under Va. Code § 6.2-1800, et seq. (Chapter 18). This licensing regime stems from the Virginia General Assembly's passage of the [Fairness in Lending Act](#) that took effect on January 1.

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ATTORNEY GENERAL PROFILE – ANDREW BRUCK, NEW JERSEY

NEW AG ON THE BLOCK: NEW JERSEY ACTING ATTORNEY GENERAL ANDREW BRUCK

By [Chris Carlson](#), [Bonnie Gill](#), and Ketan Bhirud

On June 30, Governor Phil Murphy announced that Andrew Bruck would serve as New Jersey's acting attorney general for the remainder of the governor's four-year term. Bruck previously served as first assistant attorney general and has been part of the executive leadership team at the attorney general's office since January 2018. Bruck succeeds former Attorney General Gurbir Grewal, who left the post on July 16, following his appointment as the next enforcement director of the U.S. Securities and Exchange Commission.

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FTC SETTLEMENT

FTC SAYS: "SHOW ME THE MONEY"

By Timothy Butler, Chelsea Lamb, Matt Fay, and Travis Andrews

On June 7, the Federal Trade Commission (FTC) announced a proposed settlement with MoviePass. And in an interesting twist, the FTC used the proposed settlement to announce a novel means of obtaining monetary relief.

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ATTORNEY GENERAL PROFILE – DAWN CASH, OKLAHOMA

NEW AG ON THE BLOCK: OKLAHOMA ACTING ATTORNEY GENERAL DAWN CASH

By [Chris Carlson](#), [Bonnie Gill](#), and Ketan Bhirud

Dawn Cash, who served as the first assistant to former Attorney General Mike Hunter from 2017 to 2021, became acting attorney general of Oklahoma on June 8, following Hunter's abrupt resignation at the end of May. Cash will remain in the role until a replacement is named or until the end of Hunter's term in January 2023.

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