

Mark J. Furletti

Partner

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Mark helps clients navigate regulatory risks posed by state and federal laws aimed at protecting consumers and small business, particularly in connection with credit, deposit, and payments products. He is a trusted advisor, providing practical legal counsel and advice to providers of financial services across numerous industries.

OVERVIEW

Mark is the co-leader of the Consumer Financial Services Regulatory practice at the firm. He focuses on federal and state consumer and small business lending and payments laws, including those that apply to payment cards, buy-now-pay-later transactions, vehicle-secured loans, lines of credit, unsecured loans, and deposit products. Mark counsels providers of consumer and small business financial services, including banks, on regulatory compliance. He also counsels purchasers of merchant receivables, companies that specialize in online small business lending, and companies that interact with their customers electronically or that set up recurring billing arrangements with their customers.

Mark regularly provides guidance on electronic payments and payment network rules, electronic contracting and mobile commerce, online banking, retail installment sales, preparing for examinations by the Consumer Financial Protection Bureau (CFPB), responding to CFPB supervisory requests (including so-called PARR letters), Article 9 of the Uniform Commercial Code, lease-purchase transactions and consumer protection laws, such as the Telephone Consumer Protection Act (TCPA), Truth in Lending Act (TILA), Fair Credit Reporting Act (FCRA), Equal Credit Opportunity Act (ECOA), Electronic Funds Transfer Act (EFTA), Electronic Signatures in Global and National Commerce Act (E-SIGN), and statutes prohibiting unfair, deceptive, and abusive acts and practices.

He is the co-chair of the American Bar Association's (ABA's) National Institute on Consumer Financial Services Basics. He previously served as co-chair of the Electronic Financial Services Subcommittee of the ABA's Consumer Financial Services Committee.

Previously, Mark worked for the Federal Reserve Bank of Philadelphia for several years, during which he wrote more than 15 articles on consumer credit and payments topics and advised those crafting regulations on consumer credit and consumer payments issues. One article, "The Debate Over the National Bank Act and the Preemption of State Efforts to Regulate Credit Cards," 77 *Temple L. Rev.* 425 (2004), was named best student article by the American College of Consumer Financial Services Lawyers. Other published articles include "Credit Card Pricing Developments and Their Disclosure," 13 *J. of Fin. Transformation* 5 (2005).

Mark also worked as a business consultant, assisting the nation's largest retail banks and credit card lenders with

customer strategy issues, and as a manager at one of the largest credit card issuers in the United States.

REPRESENTATIVE MATTERS

- Assisted multiple fintech companies in structuring and drafting all consumer-facing disclosures for their bank model consumer credit programs.
- Led regulatory due diligence on multiple companies in the consumer credit, small business financing, and direct-to-consumer markets.
- Counseled clients on text message marketing programs where prior express written consent is obtained via text message.
- Advised clients on the application of state laws to bank model consumer and small business lending programs.
- Drafted third-party service provider agreements for clients subject to CFPB supervisory jurisdiction, including agreements with lead generators, marketing partners, and debt buyers.
- Reviewed underwriting models and lending practices for fair lending risk and oversaw fair lending testing programs for clients.
- Assisted multiple professional sports teams with drafting season ticketholder agreements, associated payment authorizations, and associated TILA disclosures.
- Advised clients on data aggregation and other innovative consumer and business products that may implicate credit reporting laws.

AWARDS

- Thomson Reuters Stand-out Lawyer (2021-2025) – independently rated lawyers
- Elected as a Fellow to the American College of Consumer Financial Services Lawyers (2019)
- *Chambers USA*: leading practice in Banking and Finance: Financial Services Regulation: Consumer Finance, Compliance (Nationwide) (2017-2025); Banking and Finance: Mainly Regulatory (Pennsylvania) (2012-2025)
- *Legal 500 United States* for Finance: Commercial Lending (2024)
- *Legal 500 United States* for Finance – Financial Services: Regulatory, Next Generation Partner (2017-2021, 2023-2024); Leading Lawyer (2025)

TOP AREAS OF FOCUS

- Banking + Financial Services Regulation
- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- Fair Lending

ALL AREAS OF FOCUS

- Artificial Intelligence
- Banking + Financial Services Regulation
- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- Consumer Law Compliance
- Enforcement Actions + Investigations
- Fair Credit Reporting Act (FCRA)

- Fair Debt Collection Practices Act (FDCPA)
- Fair Lending
- Financial Services
- Mortgage Lending + Servicing
- Online Lending
- Payments + Financial Technology
- Point-of-Sale Finance
- Privacy + Cyber
- Telephone Consumer Protection Act (TCPA)

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Governing Committee of the Conference on Consumer Finance Law
- Co-chair, American Bar Association's National Institute on Consumer Financial Services Basics, 2021-present
- Vice chair, American Bar Association's Electronic Financial Services Subcommittee, 2012-2018
- Lector, Our Mother of Consolation Parish, Philadelphia

EDUCATION AND CERTIFICATIONS

EDUCATION

- Temple University Beasley School of Law, J.D., *cum laude*, 2006, note and comment editor, *Temple Law Review*
- Loyola College, B.B.A., *cum laude*, 1996

BAR ADMISSIONS

- New Jersey
- Pennsylvania

COURT ADMISSIONS

- U.S. District Court, Eastern District of Pennsylvania
- U.S. Court of Appeals, Third Circuit

CLERKSHIPS

- Hon. Franklin S. Van Antwerpen, U.S. Court of Appeals, Third Circuit

SPEAKING ENGAGEMENTS

- Speaker, "Navigating the Evolving Landscape of Credit Card Bank Compliance: Key Regulatory and Enforcement Insights," CCBCA and Troutman Pepper Locke, November 12, 2025.
- Speaker, "Emerging Trends in Credit Disputes: Legal and Operational Strategies to Combat Credit Repair Abuse," CDIA, June 10, 2025.
- Speaker, "Federal Rulemaking and Enforcement – One Step Back and Two Steps Forward?" 2025 OLA Legal

Issues Conference, February 11, 2025.

- Speaker, "Payments 101," Troutman Pepper, November 7, 2022.
- Speaker, "You're Invited: The Possibilities, and Pitfalls, for Testing Non-Credit Operations for Discrimination," Troutman Pepper, May 17, 2022.
- Speaker, "Charge It: Exploring the Future of Charge Cards, Unique Regulatory Challenges and Compliance Considerations," Business Law Section Hybrid Spring Meeting, American Bar Association, April 2, 2022.
- "Regulatory Implications of Point-of-Sale Financing/Buy Now Pay Later Products," Consumer Financial Services Committee Winter Meeting 2022, January 19, 2022.
- In-House CLE, "Recent Developments in Buy Now Pay Later and Earned Wage Advance," November 15, 2021.
- In-House CLE, "Recent Developments Under the Telephone Consumer Protection Act," November 8, 2021.
- In-House CLE, "Person to Person Payments," September 27, 2021.
- Auriemma Roundtable Discussion, "Person to Person Payments," July 28, 2021.
- NAFCU Roundtable, "Compliance Issues in P2P Payments," June 3, 2021.
- Online Presentation, "The Consumerization of Small Business Lending: Significant Developments and Trends," May 25, 2021.
- Online Presentation, "The Impact of the *Facebook* Decision on TCPA Claims," April 1, 2021.
- "An Overview of the EFTA and Regulation E," 2021 Banking Law Seminar, University of Alabama School of Law, February 5, 2021.
- In-House CLE, "The EFTA and Regulation E: Overview and Common Pitfalls for Creditors," January 21, 2021.
- "Using RCC's After FTC's Novel Payment Method Stipulated Order," Short-Term Loan Bar Association Annual Meeting, November 12, 2019.
- "Developments Regarding Fair Lending," and "The Rapidly Evolving Landscape for Fintech," Pennsylvania Bar Institute: Consumer Financial Services & Banking Law Update, October 29, 2019.
- "Asset Accounts: Payments, Regulation E, Prepaid Cards," Tenth Annual National Institute on Consumer Financial Services Basics, October 3, 2019.
- "Prescreening, Prequalifying and Postscreening in the Era of Big Data," American Bar Association: Business Law Section Annual Meeting, September 12, 2019.
- "2019 California Financial Code Legislative Update," California Lawyers Association: Consumer Financial Services Law Committee, July 18, 2019.
- "Season Ticket Payment Plans: Federal & State Consumer Protection Considerations," In-House Counsel CLE, April 9, 2019.
- "Season Ticket Payment Plans: Federal and State Consumer Protection Considerations," In-House Counsel CLE, November 30, 2018.
- "Data Aggregation Services: What Are They? What Issues Do They Implicate? How Can They Be Used to Help With Reg. OO Compliance?," Short-Term Loan Bar Association Annual Meeting, November 12, 2018.
- "Small Business Financing Regulatory Briefing," Small Business Finance Association, November 1, 2018.
- "Open Banking: Advantages and Challenges. What Can U.S. Markets Learn From Open Banking Developments in Europe?," ABA Consumer Financial Services Committee Meeting, September 13, 2018.

PUBLICATIONS

- Podcast, "Point-of-Sale Finance Series: Solar Finance Under the Microscope," *The Consumer Finance Podcast* and *Payments Pros – The Payments Law Podcast*, December 4, 2025.
- Podcast, "Point-of-Sale Finance Series: Navigating Home Improvement Finance Risks and Regulations," *The Consumer Finance Podcast*, November 6, 2025.

- Podcast, "Point-of-Sale Finance Series: Navigating the Complexities of Credit Card Rewards Programs," *The Consumer Finance Podcast*, September 25, 2025.
- Podcast, "Point-of-Sale Finance Series: Innovations, Regulations, and Future Trends of Modern Credit Cards," *The Consumer Finance Podcast*, September 11, 2025.
- Podcast, "Regulatory Rollback: Legal Challenges and Opportunities in Earned-Wage Access," *The Consumer Finance Podcast* and *Payments Pros – The Payments Law Podcast*, July 24, 2025.
- Co-author, "In Response to President Trump's Executive Order, the OCC Removes Disparate Impact References from Fair Lending Examination Manual," *Consumer Financial Services Law Monitor*, July 15, 2025.
- Podcast, "FCRA Regulatory Year in Review," *FCRA Focus*, February 4, 2025.
- Co-author, "CFPB Issues a Roadmap for States Days Before Trump Takes Office," *Consumer Financial Services Law Monitor*, January 15, 2025. Republished on *insideARM* on January 23, 2025, in their *newsletter* on January 27, 2025, and mentioned in this *insideARM* article on February 3, 2025.
- Podcast, "What Financial Services Companies Need to Know in a Second Trump Administration," *The Consumer Finance Podcast*, December 12, 2024.
- Podcast, "How to NOT Be Considered a CRA," *FCRA Focus*, November 19, 2024.
- Co-author, "Unpacking CFPB's Unwieldy Buy Now, Pay Later Guidance," *Law360*, November 12, 2024.
- Podcast, "Exploring AI's Potential in Financial Services With John Sun of SpringLabs," *The Consumer Finance Podcast*, October 17, 2024.
- Podcast, "Navigating the CFPB's Controversial Interpretive Rule on BNPL Products," *The Consumer Finance Podcast*, October 10, 2024.
- Podcast, "Earned Wage Access: Exploring the CFPB's Proposed Interpretive Rule," *The Consumer Finance Podcast* and *Payments Pros – The Payments Law Podcast*, August 22, 2024.
- Podcast, "Understanding the CFPB's Payday Loan Rule: Implications and Compliance," *The Consumer Finance Podcast*, August 1, 2024.
- Co-author, "Troutman Pepper Publishes 2023 Consumer Financial Services Year in Review and A Look Ahead," *Troutman Pepper*, February 1, 2024.
- Co-author, "CFPB Outlines Rulemaking Plan to Dramatically Alter Decades of FCRA Requirements for Everyone in the Consumer Data Ecosystem," *Troutman Pepper*, September 21, 2023.
- Podcast, "Autorenewals," *The Crypto Exchange Podcast*, March 21, 2023.
- Co-author, "FTC Revisiting Key Digital Advertising Guidance," *DBA Digest*, June 10, 2022.
- Co-author, "CFPB Massively Expands Enforcement of Anti-Discrimination Through UDAAP," *Troutman Pepper*, March 17, 2022.
- "Credit Card Pricing Developments and Their Disclosure," 13 *of Fin. Transformation* 5 (2005).
- "The Debate Over the National Bank Act and the Preemption of State Efforts to Regulate Credit Cards," 77 *Temple L. Rev.* 425 (2004).
- Mark writes extensively on topics affecting the consumer financial services industry, including having authored many blog posts on the Consumer Finance Monitor for over 10 years.