



April 14, 2011

VIA EMAIL

Ms. Jennifer J. Johnson, Secretary
Board of Governors of the Federal Reserve System
20th Street and Constitution Ave. NW.
Washington, DC 20551
regs.comments@federalreserve.gov

**RE: Regulation B Proposed Model Adverse Action Notices—
Docket No. R-1408**

Dear Ms. Johnson:

The Wisconsin Bankers Association (WBA) is the largest financial trade association in Wisconsin, representing approximately 300 state and nationally chartered banks, savings banks, and savings and loan associations located in communities throughout the state. WBA appreciates the opportunity to comment on the Board of Governors of the Federal Reserve System's (FRB's) proposal to amend model adverse action notices found in Regulation B, the implementing regulation for the Equal Credit Opportunity Act (ECOA). The model notices may be used to satisfy adverse action notice requirements under both ECOA and the Fair Credit Reporting Act (FCRA). The model notices are being revised to be consistent with statutory amendments made to section 615(a) of FCRA by section 1100F of the Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA).

Section 615(a) of FCRA requires a person to provide certain information to the consumer when adverse action is taken against the consumer, based in whole or in part on information in the consumer's credit report. Under these circumstances, when the consumer's credit score is used in making the decision to take adverse action, DFA's amendment to section 615(a) of FCRA requires a person to provide in the adverse action notice the consumer receives, the following additional information: (1) a numerical credit score used in making the credit decision; (2) the range of possible scores; (3) the key factors that adversely affected the credit score; (4) the date on which the credit score was created; and (5) the name of the person or entity that provided the credit score.

Generally, WBA supports the amendments to the model adverse action notices; however, WBA believes that additional language should be included in the ECOA

4721 SOUTH BILTMORE LANE
MADISON, WI 53718

P. O. BOX 8880
MADISON, WI 53708-8880

608-441-1200
FAX 608-661-9381

www.wisbank.com

portion of the models to address adverse action taken in connection with a joint application where a reason for the action is based on a credit score of one or more co-applicants.

Because it is not appropriate to provide one applicant's credit score information to a co-applicant, the co-applicant may not understand the reason for the adverse action, particularly if the co-applicant has a higher credit score than the applicant. WBA believes it is appropriate and helpful to provide the co-applicant with the reason for the adverse action in the notice—that the decision was based in whole or in part on the credit score of an applicant, co-applicant, or both.

In addition, WBA believes it would be instructive to provide additional language in an adverse action notice when such action involves a credit score provided by a consumer reporting agency (CRA). The language should inform the consumer that the credit score was provided by the CRA and should direct the consumer to contact that CRA to obtain more information. Without such language, a consumer may incorrectly believe that the person taking adverse action is the party to whom questions about the credit score should be directed.

WBA applauds FRB's efforts in amending the model notices to make them not only consistent with the requirements of section 1100F of DFA, but also to assist consumers in better understanding why adverse action is taken in connection with an application.

Once again, WBA appreciates the opportunity to submit comments on this important matter.

Sincerely,



Rose M. Oswald Poels
Interim President and CEO