

# 2022 COMPLIANCE CONFERENCE

MAY 24-25, 2022  
Grappone Conference Center  
Concord, NH



**NH Bankers**  
ASSOCIATION

**VBA**  
Vermont Bankers Association, Inc.

# 2022 COMPLIANCE CONFERENCE

MAY 24-25, 2022 | GRAPPONE CONFERENCE CENTER, CONCORD, NH

PRELIMINARY

## AGENDA

TUESDAY

MAY 24

8:30 AM – 9:00 AM

### REGISTRATION & CONTINENTAL BREAKFAST

9:00 AM – 9:05 AM

### WELCOME

**Sandy Tracy**, SVP/COO  
New Hampshire Bankers Association

9:05 AM – 10:05 AM

### DIGITIZATION & COMPLIANCE: HOW TO AVOID DIGITAL DISASTER

**Erica M. Torres**, Principal – CRCM  
**Merry Piotti**, Principal – CPA, CIA  
Wolf & Company, PC

The banking industry has seen a rapid adoption of advanced technologies to streamline operations, enhance services, and optimize performance. Although this digital transformation has greatly benefited the industry, will it disrupt your Bank Secrecy Act/Anti-Money Laundering (BSA/AML) and Regulatory Compliance programs? During this presentation, we'll discuss the necessary tools and strategies your Board and executives must deploy to align your digitization efforts with your compliance requirements.

10:05 AM – 11:05 AM

### NEW NACHA OPERATING RULES CHANGES FOR 2022 AND BEYOND!

**Sean Carter**, Advisor  
NEACH Payments Group

Discussion will surround several new amendments recently passed which will change the ACH Network processes including supplementing data security requirements (Phase 2); Micro-entries; and third-party sender roles and responsibilities.

11:05 AM – 11:15 AM

### MORNING BREAK

11:15 AM – 12:00 PM

### OVERDRAFTS COMPLIANCE

**Alena Weiss**, CAMS  
M&M Consulting

Overdraft fees have been the subject of scrutiny for as long as we can remember. We will address recent feedback from the regulators, take a look at some of the consumer litigation in this area, and re-focus on the basics of a solid overdraft program to help protect your Institution from regulatory scrutiny in this area.

12:00 PM – 12:45 PM

### LUNCH

12:45 PM – 1:45 PM

### INSIDER ABUSE MONITORING AND REPORTING

**Katie Kennedy**, CFE, CUCE, Senior Manager  
Wipfli, LLP

Cases of suspected insider abuse are one of the most delicate types of investigations we can be faced with. On one hand we want to protect the institution and its customers from loss, and on the other, not tip off the insider that we suspect something is amiss. Not to mention, matters can be further complicated if the insider is a board member or high-level executive who may receive routine reports on SAR filings. This session will provide suggestions for managing internal investigations and SAR reporting in these fragile situations.

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1:45 PM – 2:30 PM

## EFT ERROR RESOLUTION

**Brian M. Shea**, *Senior Manager - CRCM, CAMS*  
Wolf & Company, PC

While at first glance Regulation E's error resolution rules do not appear that complex, institutions are continuing to struggle with the effect of changing technologies and new customer patterns. Institutions need to ensure that they have a proper grasp on the different scenarios that can occur and how to apply the rules over various topics including liability, timing, notification, fee reimbursement, and other matters.

As part of this session, you'll learn about:

- Regulation E's liability rules and the various nuances involved
- The varying operational dynamics that come into play
- How to ensure that the institution is remaining in compliance
- How to handle error resolution disputes involving third party service

2:30 PM – 2:45 PM

## AFTERNOON BREAK

2:45 PM – 3:45 PM

## REPRESENTMENT

TBD  
FDIC

Financial institutions commonly charge a non-sufficient funds (NSF) fee when a charge is presented for payment but cannot be covered by the balance in the account. Some financial institutions charged additional NSF fees for the same transaction when a merchant re-presented an automated clearinghouse (ACH) payment or check on more than one occasion after the transaction was declined. Disclosure and fee practices for re-presentments may result in heightened risk of violations of Section 5 of the FTC Act, which covers both business and consumer accounts. Re-presentment practices have recently been spotlighted in public statements by other Federal and state regulators, and announcements by financial institutions including those regulated by the FDIC. Re-presented transactions have also been the subject of a number of recent class action lawsuits involving financial institutions, including some supervised by the FDIC. The FDIC will join us to discuss the representment practice, other timely issues, as well new FDIC leadership in Washington.

3:45 PM

## ADJOURNMENT

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## AGENDA

WEDNESDAY

MAY 25

8:30 AM – 9:00 AM

### REGISTRATION & CONTINENTAL BREAKFAST

9:05 AM – 9:05 AM

### WELCOME

**Sandy Tracy**, SVP/COO  
New Hampshire Bankers Association

9:05 AM – 10:15 AM

### COMPLIANCE HEADLINES

**Kathy Enbom**, CRCM, Principal  
Wipfli LLP

Keeping up on the regulatory compliance news can be enough to make any compliance professional lose sleep. Did I receive all the relevant news? Does it apply to me? What should I be doing now? The regulatory landscape is ever evolving and even the most organized of us can be challenged to keep up. We'll take a quick look at the most relevant news from the last several months so that you can identify the most pressing issues and plan accordingly. This will include supervisory approaches from the various regulatory agencies, enforcement actions that should be analyzed for applicability to your institution and take-aways from recent regulatory examinations.

10:15 AM – 11:00 AM

### ANTITRUST LAWS

**Robert Dietel**, President and Shareholder, Director  
Gallagher, Callahan & Gartrell, PC

This session will provide an overview of the US antitrust laws, including government agencies responsible for enforcement, vertical and horizontal agreements, unlawful monopolization, government investigations, and criminal and civil sanctions.

11:00 AM – 11:10 AM

### MORNING BREAK

11:10 AM – 12:10 PM

### BANKING THE CANNABIS INDUSTRY

**Katie Kennedy**, CFE, CUCE, Senior Manager  
Wipfli LLP

The sale of marijuana has become legal in some form in many states (including the recent legalization of recreational marijuana in Vermont, and as of this writing, the "coming soon" status in New Hampshire), so even if you are not already banking the cannabis industry, it may be just a matter of time before you are faced with the decision of "should we" or "shouldn't we"? In the absence of any meaningful guidance since 2014 on marijuana, and 2020 on hemp, cannabis continues to present risk, known and unknown, for the banking industry. In this session we will cover the status of federal legislation and best practices for establishing due diligence and ongoing monitoring procedures at your bank.

12:10 PM – 1:00 PM

### LUNCH

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1:00 PM – 1:45 PM

## MANAGING ENTERPRISE-WIDE CLIMATE RISK

**Randy Marsicano**, *Senior Manager - NCRM, CRISC*  
Wolf & Company, PC

Climate change is a global threat to every person and every organization. Organizations in every industry will develop different tactics for transitioning to lower carbon economies—and although these transitions may bring heightened risk, failing to adapt prompts even greater risk. Financial institutions occupy a pivotal place in our society as employers and providers of capital to all other industries. Climate change risk could come in the form of:

- Extreme natural disasters
- Agricultural shifts and disruptions
- Widespread disruption throughout the value-chain of carbon-based companies
- Volatility of investments in the new energy industry

1:45 PM – 2:45 PM

## WASHINGTON COMPLIANCE & REGULATORY UPDATE

**Nessa Feddis**, *SVP & Deputy Chief Counsel for Consumer Protection and Payments*  
American Bankers Association (ABA)

An update of regulatory & compliance issues coming from the Capitol.

2:45 PM – 3:30 PM

## PREPARING FOR THE SECTION 1071 RULE – WHAT WE KNOW ABOUT THE PROPOSED RULE ON SMALL BUSINESS LENDING DATA COLLECTION

**Kathy Enbom**, *CRCM, Principal*  
Wipfli LLP

On September 1, 2021, the CFPB issued the proposed “1071 Rule” which, if finalized, will require covered financial institutions to collect and report certain data on small business lending applications. With the comment period behind us, what, if anything, should we be doing? In this session we will discuss where the Rule is at today, and what some key provisions of the Rule are, including:

- WHO will have to comply?
- WHAT loan types, borrower and loan data will have to be collected and reported?
- WHEN will data collection begin?
- WHERE will the data be reported?
- HOW will data be shared?
- WHY you shouldn't wait to contemplate the impact of this Rule on your institution.

3:30 PM

**ADJOURN**