



Meredith Fuchs  
General Counsel  
Consumer Finance Protection Bureau  
1700 G Street, NW  
Washington, DC 20552

June 3, 2014

Dear Ms. Fuchs:

I write as one member of the U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole. I am writing in response to reports that employees of the Bureau are engaged in systematic discrimination against women and minorities.

Angela Martin, an attorney employed by the Bureau, recently testified before the House Committee on Financial Service’s Oversight and Investigations Subcommittee. At that hearing, Ms. Martin testified that her manager had discriminated against and retaliated against her.<sup>1</sup> Ms. Martin’s claims were supported by Misty Raucci, the independent investigator retained by the Bureau to determine the truth of Ms. Martin’s claims.<sup>2</sup> Ms. Raucci also testified at the Subcommittee’s hearing.

Ms. Martin and Ms. Raucci both testified that the discriminatory and retaliatory treatment endured by Ms. Martin was not an isolated incident. They claim that invidious discrimination is pervasive, and that those who report being discriminated against are subject to retaliation. Ms. Martin described “a pervasive culture of retaliation and intimidation” and said that many other employees had approached her to share stories similar to her own.<sup>3</sup> Ms. Raucci testified that her investigation took much longer than expected because she “became a veritable hotline for employees at CFPB, who called to discuss their own maltreatment at the Bureau”.<sup>4</sup> Ms. Raucci also found that “the general environment in Consumer Response is one of exclusion, retaliation, discrimination, nepotism, demoralization, devaluation, and other offensive working conditions which constitute a toxic workplace for many of its employees.”<sup>5</sup>

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<sup>1</sup> Statement of Angela Martin before the House Committee on Financial Services Subcommittee on Oversight and Investigations at 2, April 2, 2014.

<sup>2</sup> Statement of Misty Raucci before the House Committee on Financial Services Subcommittee on Oversight and Investigations at 1, April 2, 2014.

<sup>3</sup> Statement of Angela Martin before the House Committee on Financial Services Subcommittee on Oversight and Investigations at 2, April 2, 2014.

<sup>4</sup> Statement of Misty Raucci before the House Committee on Financial Services Subcommittee on Oversight and Investigations at 1, April 2, 2014.

<sup>5</sup> Statement of Misty Raucci before the House Committee on Financial Services Subcommittee on Oversight and Investigations at 2, April 2, 2014.



Furthermore, American Banker recently reported that there is a significant disparity in the performance reviews of white and minority CFPB employees.<sup>6</sup> In light of Ms. Martin and Ms. Raucci's testimony, I am concerned that this is not a case of true disparate impact, or only a case of true disparate impact, but rather may be an indication of invidious disparate treatment on the basis of race.

The Commission on Civil Rights is charged with investigating alleged deprivations of civil rights. Given the troubling allegations made against the Bureau, it is my duty to investigate the truth of the claims made by Ms. Martin and Ms. Raucci, as well as the questions raised by the statistics cited by the *American Banker*. Therefore, I request that you send me the following documents:

- All internal investigation reports completed by CFPB reviewing claims of discrimination or retaliation at CFPB.
- All investigation reports commissioned by CFPB and completed by third party investigators reviewing claims of discrimination or retaliation at CFPB.
- For every manager in every division of CFPB (i.e. all CFPB employees who are not eligible employees for the CFPB bargaining unit) provide an itemized list of all formal or informal EEO complaints made against them; the nature of each complaint and all non-confidential settlements associated with the complaints. For managers in Office of Consumer Response and Office of Fair Lending, provide all documentation related to formal and informal EEO complaints, including declarations made by staff alleging complaints.
- Itemized list of formal and informal EEO settlements paid by CFPB including the nature of the complaint, and complainant and respondent's divisions. Please indicate if any respondent has generated multiple settlements.
- Number of employees in the Office of Fair Lending; disaggregated by race. Number of "1" ratings in Performance Management Reviews for CFPB employees working in Office of Fair Lending. Please indicate the race of employees receiving the "1" ratings and whether Patrice Ficklin, Director of the Office of Fair Lending, approved the "1" rating.
- Steps taken by Office of Fair Lending to address multiple EEO complaints against managers in Office of Fair Lending.
- Itemized list of instances in which CFPB has declined mediation of an EEO complaint, including the name of the CFPB manager involved and the manager's division within the Bureau.
- All comments provided to CFPB for its 2013 CFPB Annual Employee Survey, Supervision, Enforcement and Fair Lending – Division Survey Report.

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<sup>6</sup> Rachel Witkowski, CFPB Staff Evaluations Show Sharp Racial Disparities, *American Banker*, Mar. 6, 2014, [http://www.americanbanker.com/issues/179\\_44/cfpb-staff-evaluations-show-sharp-racial-disparities-1066045-1.html](http://www.americanbanker.com/issues/179_44/cfpb-staff-evaluations-show-sharp-racial-disparities-1066045-1.html).



UNITED STATES COMMISSION ON CIVIL RIGHTS

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- Plans of Office of Fair Lending to address comments regarding problems with diversity, favoritism and hiring reported to CFPB in its 2013 CFPB Annual Employee Survey, Consumer Response – Division Survey Report.

Thank you for your cooperation. Electronic copies of the requested documents may be e-mailed to my special assistant, Carissa Mulder, at [cmulder@usccr.gov](mailto:cmulder@usccr.gov). Hard copies may be mailed to me at 1331 Pennsylvania Avenue NW, Suite 1150, Washington, DC 20425.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Kirsanow".

Peter Kirsanow  
Commissioner