

# **Randall McCathren, Esq.**

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## **PROFESSIONAL SUMMARY**

Mr. McCathren has more than thirty-five years of experience in all areas of management consulting, litigation support, regulatory, compliance and financial analysis in the wholesale and retail vehicle financing and leasing fields.

## **EXPERIENCE**

### **BLC Associates, Inc.**

**1982 - present**

#### President and General Counsel

Consultant to major bank, subprime finance and auto manufacturer captive finance companies and to major insurance, remarketing, collections, information technology and portfolio servicing vendors on wholesale and retail vehicle financing and leasing issues, particularly: vehicle remarketing, floor plan lending, dealer compliance and oversight, specialty collections, residual insurance and risk management, program design, program management, pricing and profit models, economic analysis, litigation preparation, tax and accounting analysis, and regulatory compliance including Regulation Z and Regulation M issues. Additionally, consultant to dealer and dealership groups on: establishing and troubleshooting leasing and finance programs; finance and insurance procedures and compliance; sales and F&I practices and compliance and litigation preparation and support.

- National expert on consumer vehicle leasing and financing and consultant to major bank and auto manufacturer captive finance companies on: vehicle remarketing, origination and documentation issues, economic analysis and pricing, residual value risk management, floor plan lending, dealer and finance company compliance including Regulation Z and Regulation M issues, loss projections and residual value insurance issues, program management and legal issues, 1982 – present.
- National expert on dealer sales and compliance issues including finance and insurance procedures and compliance; establishment and management of in-house leasing and finance programs including funding assistance; and litigation preparation and support.
- National expert and consultant to franchise and independent dealers on structure and management of buy-here-pay-here (BHPH) and lease-here-pay-here (LHPH) programs including pricing, management, credit processes and legal compliance.
- Expert witness and consultant on Regulation Z and Regulation M issues including contract backdating, APR disclosure, finance charge calculation and cash vs. credit pricing. (*Boyd v. Perry Automotive Group*, Superior Court of San Diego, GIC 872456, 2006; *Raceway Ford Cases*, Superior Court of Riverside, RIC JCCP 4476, 2005; *Nelson v. Pearson Ford*, Superior Court of San Diego, GIC 881178, 2007)

- Expert witness on various state and federal regulatory compliance issues and breach of contract damages issues.
- Expert witness on varied auto sales and financing issues including dealer sale of finance and insurance products, dealer inspection of vehicles before delivery and due diligence in selecting and managing repossession agents.
- Sole source consultant to National Credit Union Administration on sub-prime lending programs including APR disclosure and compliance issues.
- Consultant to major insurance, remarketing, collections, information technology and portfolio servicing vendors on providing services to wholesale and retail vehicle leasing and finance companies, particularly: vehicle remarketing, floor plan lending, specialty collections, residual insurance and risk management, program design, program management, and information technology/systems.
- Co-author of two books, *Essentials of Consumer Vehicle Leasing* (1985) and *Auto Lending and Leasing Manual* (1989), and a monthly newsletter on program policies, economic analysis and legal context of retail vehicle leasing and retail vehicle financing, *Auto Financing Update* (1986 - 2005).
- Worked closely with NY Attorney General staff and NYC Department of Consumer Affairs Staff 1989 - 1994 while representing major lessors on development of the New York Motor Vehicle Retail Leasing Act, the first comprehensive vehicle leasing consumer protection statute in the country, enacted January 31, 1994.
- Developed the State Model Lease Law (“Motor Vehicle Consumer Lessee Protection Act”) with Venable, Baetjer including all commentary and policy background materials.
- Consultant to Federal Reserve Board legal staff on Regulation M development, conducted leasing seminar for FRB legal staff on economic and policy background of the consumer vehicle leasing industry.
- Consultant to National Credit Union Administration on vehicle leasing rule-making.
- Represents Association of Consumer Vehicle Lessors (ACVL) on state and federal regulatory matters including Regulation M rulemaking and Uniform Consumer Leases Act.
- Expert witness and consultant on eleven cases involving interpretation of residual value insurance policies covering more than \$2 billion of losses, 2000 – 2007.
- Recent television appearances and quotations related to consumer vehicle leasing include: NBC TV, Public Broadcasting Corp., *Newsweek*, *New York Times*, *Washington Post*, *Los Angeles Times*, *USA Today*, *Business Week*, *Wall St. Journal*, *Fortune*, *Christian Science Monitor*, *U.S. News & World Report*, *Money*, and *Forbes*.

**Association of Consumer Vehicle Lessors (ACVL)**

**1993 - present**

Managing Director

Manager of the trade association for all technical areas regarding litigation, regulatory compliance, residual risk management, operations, and collections representing all of the major domestic and

import captive finance companies, banks and independent lessors with responsibility to manage all Association affairs including government and press relations.

- Author of all Association regulatory comments including Regulation M comments.
- Manages Legal Committee including Regulation Z and Regulation M issues, analysis and regulatory issues.
- Manages Tax, Operations and Residual Risk Committees and all issues raised.
- Coordinates lobbying and regulatory activities with other trade associations on wholesale lending, retail lending and leasing issues at federal and state levels.
- Manages Association in consultation with Association president.
- Plans all Association conferences and programs.

**Auction Academy 2012 - 2016**

Chief Operating Officer

Manager of training program for senior personnel of independent auto auctions with responsibility of planning all meetings and overseeing development of all training content presented by industry experts. Represented independent auto auctions selling more than 2 million vehicles per year in 32 states.

**Institute for Societal Research**

**1979 - 1982**

Executive Director

Conducted research on legal and case management treatment of abused and neglected children and on early childhood health intervention programs. Developed management information systems for foster children for juvenile courts and child welfare agencies.

- Author of numerous research papers and law review articles on foster care system, services to developmentally disabled, child custody issues and preschool immunization and health intervention programs.
- Developed and lobbied foster care reform legislation in California, which was the basis for the 1978 Child Welfare Reform Act.

**Vanderbilt Law School**

**1976- 1979**

Assistant Professor

Teaching family law, interviewing and counseling, children and the law, social policy and law.

**Vanderbilt Institute for Public Policy Studies**

**1976- 1979**

Center for the Study of Families and Children

Research Associate

Research with Nicholas Hobbs on children and family policy issues. Authored research papers and made presentations to Vanderbilt University professors on cross-department issues.

**University of Texas Law School** **1975 - 1976**  
Assistant Professor

Teaching family law and juvenile justice and administration of federal Office of Juvenile Justice grant for law student internships in child welfare and court agencies.

**Federal Trade Commission, San Francisco Regional Office** **1974-1975**  
Staff Attorney

Development of the first Trade Regulation Rule developed by a Regional Office and investigation of diverse consumer protection complaints.

**Childhood and Government Project, University of California, Berkeley** **1973 – 1975**  
Research Assistant

Development of first comprehensive state foster care reform act, Family Protection Act, enacted by California Legislature in 1976.

## **EDUCATION**

### **Yale University**

1971 B.S. Engineering and Applied Science (magna cum laude)

### **University of California, Berkeley**

1974 J.D. Associate Editor, California Law Review

**Martindale-Hubbell Rating: AV**

## **COMMUNITY SERVICE**

### **College Summit**

2015, 2018

College Application Coach for Inner City Minority Youth

### **The Nashville Food Project**

2018-

Board of Directors

### **Big Brothers / Big Sisters**

2014-2015

Big Brother to 12-year old single parent child.

### **Yale University Alumni Interviewing Committee**

2007 –

### **Youth Court**

2012 - 2014

Davidson County Coordinator

**Nashville Mobile Market**

2012 – 2015

Board member for non-profit delivering food to underserved urban poor

**CASA (Court Appointed Special Advocates)**

2009 – 2015

Chair Development Committee

**Nashville Public Radio Board of Directors**

2006 – 2012

**Christ Episcopal Cathedral Community Investing and Economic Justice Committee**

2006 – 2015

Founder and Chair

**Sihawukelwe Lauren’s Children’s Home Board of Directors, Durban, South Africa**

2005 – 2007

Chairman, 2005 - 06, Secretary 2006 - 2007

**Christ Episcopal Cathedral Vestry, Nashville, Tennessee**

2002 - 2005

Outreach Cluster Liaison, 2003 - 2005

**Amistad Orphanage Board of Directors, Cochabamba, Bolivia**

2002 – 2004

**Nashville Public Television (NPT) Community Advisory Board**

Chairman, 2001-2003

**American Civil Liberties Union Board, Tennessee Chapter**

1992 – 1996

**CONSUMER LEASING REGULATORY SEMINARS**

**“Introduction to Consumer Vehicle Leasing”**

Presented to Federal Reserve Board, Division of Consumer and Community Affairs

August, 1993

**“Background of Consumer Vehicle Leasing Industry”**

Presented to New York Attorney General, Consumer Fraud Division

August, 1990

**PUBLICATIONS IN PRIOR 15 YEARS**

1. McCathren, Randall. Rethinking Leasing: What If There Was an F&I Product on Your Menu that Could Guarantee the Trade-In Value of Your Customer’s Vehicle? May 2011,

available at [http://www.fi-magazine.com/Article/Story/2011/05/Rethinking-Leasing.aspx?ref=-20110517&utm\\_source=Email&utm\\_medium=Enewsletter](http://www.fi-magazine.com/Article/Story/2011/05/Rethinking-Leasing.aspx?ref=-20110517&utm_source=Email&utm_medium=Enewsletter).

2. McCathren, Randall. Adapting Lease-Here Pay-Here Programs to Ohio Sales Tax Requirements, *The Independent Dealer*, March-April 2011, pg. 12.
3. McCathren, Randall, Lease-Here-Pay-Here Opportunities, March 7, 2011, available at <http://www.paidtorelease.com/lease-here-pay-here-opportunities/>.
4. McCathren, Randall. Northland Lease Issues, January 2011.
5. McCathren, Randall. Adapting Lease-Here Pay-Here Programs to Upfront Sales Tax States, October 2010.
6. McCathren, Randall. Advantages of LHPH: For Starters, There's a Huge Increase in Cash Flow, *Dealer Business Journal*, October 2010, Vol. 7 No. 10, pg. 20, available at <http://www.dealerbusinessjournal.com/authorview.php?id=765-1212701928>.
7. McCathren, Randall. Lease Here Pay Here (LHPH) Has High Profit Potential, March 18 2010, available at <http://www.callsource.com/resource-center/industry-articles/article/lease-here-pay-here-lhph-has-high-profit-potential>.
8. McCathren, Randall. Lease-Here, Profit Here, *Special Finance*, January 2010.
9. McCathren, Randall. Lease-Here, Profit Here, *F&I and Showroom Magazine*, January 2009, pg. 35-36.
10. McCathren, Randall. LHPH Advantages *F&I Magazine*, November 2009.
11. McCathren, Randall. LHPH Has High Profit Potential, *Dealer Business Journal*, March 2009, Vol. 6 No. 3, pg. 18, available at <http://www.dealerbusinessjournal.com/authorview.php?id=765-1212701928>.
12. McCathren, Randall. Lease-Here-Pay-Here Opportunities, *Dealer Newsletter*, March 2009, available at <http://www.constellationauto.com/constellation-automotive-software-dealer-journal-march-2009.html>.
13. McCathren, Randall. LHPH Part 4: The Cash Flow Advantage, *Dealer Business Journal*, January 2009, Vol. 6 No. 1, pg. 18, available at <http://www.dealerbusinessjournal.com/authorview.php?id=765-1212701928>.
14. McCathren, Randall. Lease Here-Pay Here: The Next Great Evolution - Part 3, *Dealer Business Journal*, August 2008, Vol. 5 -No. 8, pg. 38, available at <http://www.dealerbusinessjournal.com/authorview.php?id=765-1212701928>.
15. McCathren, Randall. Lease Here-Pay Here: The Next Great 'Evolution' - Part 2, *Dealer Business Journal*, July 2008, Vol. 5 No. 7, pg. 38, available at <http://www.dealerbusinessjournal.com/authorview.php?id=765-1212701928>.
16. McCathren, Randall. Lease Here-Pay Here: The Next Great 'Evolution,' *Dealer Business Journal*, June 2008, Vol. 5 No. 6, pg. 38, available at <http://www.dealerbusinessjournal.com/authorview.php?id=765-1212701928>.

17. McCathren, Randall. ALG Forecasts 1.5% Increase for 2006 Used Car Prices. In BLC Associates. Auto Financing Update. In-Depth Analysis of Auto Finance Trends, March 2006, available at [http://www.openmoves.com/accounts/blc/blc\\_issue01\\_0306a.html](http://www.openmoves.com/accounts/blc/blc_issue01_0306a.html).
18. McCathren, Randall. RVI Bullish on Used Car Market. In BLC Associates. Auto Financing Update, In-Depth Analysis of Auto Finance Trends, March 2006, available at [http://www.openmoves.com/accounts/blc/blc\\_issue01\\_0306a.html](http://www.openmoves.com/accounts/blc/blc_issue01_0306a.html).
19. McCathren, Randall. What's the Verdict on Subvented Leasing? Guilty as Charged?, BLC Associates, Auto Financing Update. In-Depth Analysis of Auto Finance Trends, March 2006.
20. McCathren, Randall. Electronic Standards for E-Contracting in Automotive Financing, Auto Financing Update, January-February 2004, Vol. 18. No. 1-2, pg 1-4.
21. McCathren, Randall. ALG Brightens Outlook on Residual Values, Auto Financing Update, January-February 2004, Vol. 18. No. 1-2, pg 5-10.
22. McCathren, Randall. Lease Early Termination Issues in the Servicemembers Civil Relief Act Amendments, Auto Financing Update, January-February 2004, Vol. 18. No. 1-2, pg 11-14.
23. McCathren, Randall. Soldiers' and Sailors' Amendments Will Create New Losses for Lease Portfolios, Auto Financing Update, November-December 2003, Vol. 17. No. 1-2, pg 12-14.
24. McCathren, Randall. SEC Deals a Harsh Blow to Lessors with Gain/Loss Residual Policies, Auto Financing Update, November-December 2003, Vol. 17. No. 1-2, pg 15-16.
25. McCathren, Randall. GM Shortcuts Traditional Auction Process, Auto Financing Update, September-October 2002, Vol. 16. No. 3-4. pg 1-4.
26. McCathren, Randall. Lease Volume Down 40% in 2001, Auto Financing Update, September-October 2002, Vol. 16. No. 3-4. pg 4-6.
27. McCathren, Randall. ALG Predicts Flat Used Car Values for 2003, Auto Financing Update September-October 2002, Vol. 16 No. 3-4. pg 10-13.
28. McCathren, Randall. ACVL Partners Tout ACVL.Com Lease Education Website, Auto Financing Update January-February 2002, Vol. 16. No. 1-2, pg 11-14.
29. McCathren, Randall. Lessors Innovate End-of-Term Inspection Processes, Auto Financing Update January-February 2002, Vol. 16. No. 1-2, pg 14-16.
30. McCathren, Randall. "Finance Selling" Returns in Biggest Finance Subsidy in History (Part 1) Auto Financing Update November-December 2001, Vol. 15. No. 11-12, pg. 1-6.
31. McCathren, Randall. ACVL Creates Leasing vs. Buying Quiz. Auto Financing Update, November-December 2001, Vol. 15. No. 11-12, pg. 6-7.
32. McCathren, Randall. Surprise Compromise Creates Workable Uniform Consumer Leasing Act (Part 2), Auto Financing Update, November-December 2001, Vol. 15. No. 11-12, pg. 7-8.

33. McCathren, Randall. Outsourcing Strategies and Issues. Auto Financing Update, November-December 2001, Vol. 15. No. 11-12, pg. 8-11.
34. McCathren, Randall. Lovejoy Says GMAC Will Emphasize Purchasing over Retail Leasing, Auto Financing Update, September-October 2001, Vol. 15. No. 9-10, pg. 1-4.
35. McCathren, Randall. ACVL Survey Finds Lease Residual Losses Finally on the Decline, Auto Financing Update, September-October 2001, Vol. 15. No. 9-10, pg. 9-10.
36. McCathren, Randall. AGL Predicts Rough Six Months for Used Car Values. Auto Financing Update, September-October 2001, Vol. 15. No. 9-10, pg. 10-12.
37. McCathren, Randall. Surprise Compromise Creates Workable Uniform Consumer Leasing Act, Auto Financing Update, September-October 2001, Vol. 15 No. 9-10, pg. 14-16.
38. McCathren, Randall. Completion of the Uniform Consumer Leasing Act Looms as Another Major Issue for Lessors, Auto Financing Update, May-June 2001, Vol. 15, No. 7-8, pg 1-5.
39. McCathren, Randall. Residual Value Insurance Market Tightens as Residual Losses Mount, Auto Financing Update, May-June 2001, Vol. 15. No. 7-8, pg 5-8.