

J. Benjamin Davis

Partner



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OFFICE

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Ben Davis advises banks and other financial institutions on a variety of issues related to financial institution services and operations. His practice also includes helping financial institutions address regulatory compliance issues, including data security, payment systems and consumer protection.

PRACTICE AREAS

Administrative and Regulatory
Financial Services and Banking
Governmental Relations & Public
Policy
Media and Publishing
Telecommunications

INDUSTRIES

Banking, Investment & Financial
Services
Media, Publishing, & Communications
Trade Organizations

EDUCATION

Yale University Law
J.D., 1998, Managing Editor, *Yale
Journal of Law & the
Humanities*, 1996-97

Wake Forest University
B.A., 1994, magna cum laude; Phi
Beta Kappa

BAR & COURT ADMISSIONS

North Carolina
US District Court - North Carolina
Eastern District

MY PRACTICE

BANK AND FINANCIAL INSTITUTION SERVICES/OPERATIONS

Ben advises banks and other financial institutions on a wide variety of issues related to financial institution services and operations. He has drafted and negotiated customer-facing and vendor-facing agreements in such areas as core processing, Internet banking, e-statements, deposit operations, remote deposit capture, mobile banking (including mobile capture), wire transfer, ACH origination and processing, credit and debit cards, interest rate swap agreements, deposit account control arrangements, lockboxes, safe deposit boxes, overnight depositories, ATMs, cash delivery services, and merchant services. Ben also has extensive experience with check negotiation and check fraud issues as well as powers of attorney.

BANK AND FINANCIAL INSTITUTION REGULATORY COMPLIANCE

Ben advises his clients on a range of regulatory compliance issues affecting financial institutions and companies, including issues involving consumer protection requirements, such as: the Truth in Lending Act (Regulation Z); the Truth in Savings Act (Regulation DD); the Electronic Funds Transfer Act (Regulation E); unfair, deceptive, or abusive acts or practices (UDAAPs) under the Dodd-Frank Act; the Real Estate Settlement Procedures Act (RESPA); the federal Secure and Fair Enforcement for Mortgage Licensing Act (SAFE Act); the North Carolina SAFE Act; electronic transactions (such as the Electronic Signatures in Global and National Commerce Act (E-Sign Act)); the Uniform Electronic Transactions Act (UETA); and financial institution reporting, including the Bank Secrecy Act and requirements stemming from the U.S. Treasury Department's Office of Foreign Assets Control (OFAC).

In addition to working with various federal banking agencies (including the FDIC, Federal Reserve and Consumer Financial Protection Bureau) in addressing client needs, Ben has experience representing clients before the Office of the North Carolina Commissioner of Banks as well as in the North Carolina General Assembly.

FINANCIAL PRIVACY AND DATA SECURITY

Ben has worked with numerous clients on addressing issues arising from financial privacy and data security requirements, including privacy notices, attestation standards for third party IT audits, responses to security breaches, and restrictions involving disclosures of financial information to law enforcement, federal and state agencies and private third parties. Ben has advised clients on requirements stemming from Title V of the Gramm-Leach-Bliley Act (Regulation P), the federal Right to Financial Privacy Act, the North Carolina Financial Privacy Act, FFIEC guidance involving internet banking and data security, the Payment Card Industry Data Security Standards (PCI DSS), the federal Freedom of Information Act and North Carolina's public records laws.

ADDITIONAL REPRESENTATIVE EXPERIENCE

Ben has worked with radio and television stations, as well as cable companies, in meeting regulatory compliance requirements imposed by the Federal Communications Commission.

HONORS

Selected by his peers for inclusion in [*The Best Lawyers in America*](#) in Banking and Finance Law (2013-2018)

COMMUNITY INVOLVEMENT

- Member, [North Carolina Bar Association](#), 2002-present
- Member, Business Section, [American Bar Association](#), 2002-present
- Member, [Wake County Bar Association](#), 2002-present
- Member, [North Carolina Professional Lobbyists Association](#), 2011-present

PUBLICATIONS & MEDIA

- ["Banking Modernization Bill: The Road Ahead,"](#) Carolina Banker, Summer 2012.
- "Updated FFIEC Authentication Guidance Raises the Bar for Online Security Procedures," *Carolina Banker*, Winter 2011.
- "Regulation Z: Restrictions on Mortgage Loan Originator Compensation," Legal Memorandum, Vol. 43, No. 2, 2011, North Carolina Bankers Association.
- "North Carolina Bankers Guide to Powers of Attorney," 2nd Edition (published by North Carolina Bankers Association 2008).
- "E-SIGN and Electronic Statements," Legal Memorandum, Vol. 39, No. 9, 2007, North Carolina Bankers Association.
- ["New Law on Remotely Created Checks"](#), Legal Topics Bulletin, July 2006.
- "North Carolina Identity Theft Protection Act," Legal Memorandum, Vol. 37, No. 14, 2005, North Carolina Bankers Association.
- "Check 21 and Check Retention Requirements," Legal Memorandum, Vol. 36, No. 10, 2004, North Carolina Bankers Association.
- "Check 21 Act," Legal Memorandum, Vol. 36, No. 6, 2004, North Carolina Bankers Association.
- Co-Author, "Child Support Enforcement and North Carolina Banks," Legal Memorandum, Vol. 35, No. 10, 2003, North Carolina Bankers Association.

FCC Fines Cable Operator Following Data Breach Investigation, November 17, 2015

Ben Davis Authors North Carolina Bankers Guide to Powers of Attorney, May 1, 2008

SPEAKING ENGAGEMENTS

Brooks Pierce Partner Speaks at 2015 Real Property Hot Topics Program, February 25, 2015