From: Ricardo Fakiani [ricardo@globalmoneytransfer.net]
Sent: Thursday, April 27, 2006 6:08 PM
To: Comments, Regulation
Cc: bert.gonzalez@banking.state.tx.us; jdemacedo@msn.com
Subject: RIN 1506-AA85
Importance: High

Ref:
AGENCY: Financial Crimes Enforcement Network, Department of the Treasury
RIN 1506-AA85

Dear Sir or Madam

We would like to thank the Department of the Treasury and the Texas Department of Banking for the opportunity of submitting our comments (on an "answer to questions" format) confidents that with our combined efforts a satisfactory settlement for such important matter will soon arise. Please find comments bellow.

1. What requirements have banking institutions imposed on money services businesses to open or maintain account relationships since the issuance of the joint guidance by us and the Federal Banking Agencies in April 2005?

On September 14, 2004, we were notified of the closing of our account with Bank of America, by letter.
On Monday, 17 April 2006, we were notified of the closing of our account with 1st Charter Bank of North Carolina, during a conversation with Jennifer Kisler of said bank.
While Ms Kisler indicated that the reviewing committee considered our Legal Compliance / AML Program comprehensive and to adequately cover areas and instances necessary, the decision was based on the fact that we are a Money Services Business.
Beyond the reading of our manual and a discussion among committee members nothing was done learn and gauge the quality of our practices and technology. In such cases, one can appreciate the power possessed by such institutions and its exercise in ways almost frivolous and of damaging consequences.

2. Describe any circumstances under which money services businesses have provided or have been willing to provide the information specified in the guidance issued by us to money services businesses in April 2005, concerning their obligations under the Bank Secrecy Act, and yet have had banking institutions decline to open or continue account relationships for the money services businesses.

As mentioned and detailed above, On Monday, 17 April 2006, we were notified of the closing of our account with 1st Charter Bank of North Carolina, during a conversation with Jennifer Kisler of said bank. While Ms Kisler indicated that the reviewing committee considered our Legal Compliance / AML Program comprehensive and to adequately cover areas and instances necessary, the decision was based on the fact that we are a Money Services Business.

3. Have Bank Secrecy Act-related grounds been cited for why banking institutions have decided not to open, or have decided not to continue to maintain, account relationships for money services businesses since the issuance of the guidance to money services businesses and to banking institutions in April 2005?

No Bank Secrecy Act-related grounds had been cited or mentioned.

4. Would additional guidance (including, if applicable, clarification of existing guidance) to the banking industry regarding the opening and maintenance of accounts for money services businesses within the Bank Secrecy Act regulatory framework be beneficial? If so, what specifically should such guidance address?

It's our opinion that the following needs to be stated: There are reasons given by banking institutions, as underlying their actions, which are unquestionably valid; while publications such as: "Guidance to MSB's on Obtaining and Maintaining Banking Services" and "Guidance on Providing Banking Services to MSB's Operating in the USA" are a good and earnest start, they do not localize responsibility to participants.
While MSB's have demonstrated the willingness and ability to adhere to Legal Compliance directives, the guidelines as given in the aforementioned publications leave the boundaries of responsibility as yet undefined. Better defined and apportioned allocations of these responsibilities are necessary, in order to give banks the confidence necessary to reduce objections to MSB relationships. The question that needs to be addressed is: Where does responsibility for each of the parties begin and end?

5. Would additional guidance (including, if applicable, clarification of existing guidance) to money services businesses regarding their responsibilities under the Bank Secrecy -Act as it pertains to obtaining banking services be beneficial? If so, what specifically should such guidance address?

We strongly believe that the problem of open or maintaining bank accounts resides only at the banks discretion on doing so.

6. Are there steps that could be taken with regard to regulation and oversight under the Bank Secrecy Act that could operate to reduce perceived risks presented by money services businesses?

State examiners are visiting and auditing MSB regularly. Scores are being given after rigorous analysis and recommendations are being passed on and being followed. MSB at their discretion should be allowed to share that information with banks. By making proof that the MSB comply with Federal and State regulations, the "high risk" classification should be dimmed and an ordinary relationship bank / MSB (client) should take place.

7. Since the March, 2005, hearing and the issuance of guidance in April, 2005, to banks and to money services businesses, has there been an overall increase or decrease in the provision of banking services

to money services businesses? Please offer any thoughts as to why this has occurred.

To this date we have perceived no difference of the reality prior to March 2005 on this regard. Again we would like to emphasize the need of well established responsibility for each party and their liability under the law.

Sincerely

Ricardo Fakiani
Compliance Officer
Global Money Remittance Inc.