

31 U.S.C. 5313—REPORTS ON  
DOMESTIC COINS AND  
CURRENCY TRANSACTIONS

31 C.F.R. 103.22—REPORTS OF  
CURRENCY TRANSACTIONS  
(ALSO SECTION 103.53)

*Suspicious transactions; how to notify proper law enforcement authorities and what information should be reported.* Treasury encourages all financial institutions to be aware of the possibility that their institutions may be misused by those who intentionally structure transactions to evade the reporting requirement or engage in transactions that may involve illegal activity. Information which may be relevant to a possible violation of the Bank Secrecy Act or its regulations or indicative of money laundering or tax evasion should be reported to the local Internal Revenue Service, Criminal Investigation Division office or 1-800-BSA-CTRS. All disclosures should be made in accordance with the Right to Financial Privacy Act.

BSA RULING 88-1

Issue

What action should a financial institution take when it believes that it is being misused by persons who are intentionally structuring transactions to evade the reporting requirement or engaging in transactions that may involve illegal activity such as drug trafficking, tax evasion or money laundering?

Facts

A teller at X State Bank notices that the same person comes into the bank each day and purchases, with cash, between \$9,000 and \$9,900 in cashier's checks. Even when aggregated, these purchases never exceed \$10,000 during any one business day. The teller also notices that this person tries to go to different tellers for each transaction and is very reluctant to provide information about his frequent transactions or other information such as name, address, etc.

Likewise, the payees on these cashier's checks all have common names such as "John Smith" or "Mary Jones." The teller informs the bank's compliance officer that she believes that this person is structuring his transactions in order to evade the reporting requirements under the Bank Secrecy Act. X State Bank wants to know what actions it should take in this situation or in any other situation where a transaction or a person conducting a transaction appears suspicious.

Law and Analysis

As it appears that the person may be intentionally structuring the transactions to evade the Bank Secrecy Act reporting requirements, X State Bank should immediately telephone the local office of the Internal Revenue Service ("IRS") and speak to a Special Agent in the IRS Criminal Investigation Division, or should call 1-800-BSA-CTRS, where his call will be referred to a Special Agent.

Any information provided to the IRS should be given within the confines of § 1103(c) of the Right to Financial Privacy Act, 12 U.S.C. § 3401-3422, Section 1103(c) of that Act permits a financial institution to notify a government authority of information relevant to a possible violation of any statute or regulation. Such information may consist of the names of any individuals or corporate entities involved in the suspicious transactions; account numbers; home and business addresses; social security numbers; type of account; interest paid on account; location of the branch or office where the suspicious transaction occurred; a specification of the offense that the financial institution believes has been committed; and a description of the activities giving rise to the bank's suspicion. S. Rep. 99-433, 99th Cong., 2d Sess., pp. 15-16.

Additionally, the bank may be required, by the Federal regulatory agency which supervises it, to submit a criminal referral form.<sup>1</sup> Thus, the bank should check with its regulatory agency to determine whether a referral form should be submitted.

Lastly, under the facts as described above, X State Bank is not required to file a Currency

1. Effective 4-1-96, new form termed *Suspicious Activity Report*.

Transaction Report (“CTR”) because the currency transaction (i.e. purchase of cashier’s checks) did not exceed \$10,000 during one business day. If the bank had found that on a particular day the person had in fact used a total of more than \$10,000 in currency to purchase cashier’s checks, but had each individual cashier’s checks made out in amounts of less than \$10,000, the bank is obligated to file a CTR, and should follow the other steps described above.

## Holding

If X State Bank notices that a person may be misusing it by intentionally structuring transactions to evade the BSA reporting requirements or engaging in transactions that may involve

other illegal activity, the bank should telephone the local office of the Internal Revenue Service, Criminal Investigation Division, and report that information to a Special Agent, or should call 1-800-BSA-CTRS. In addition, the Federal regulatory agency which supervises X State Bank may require the bank to submit a criminal referral form.<sup>2</sup> All disclosures to the Government should be made in accordance with the provisions of the Right to Financial Privacy Act.

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<sup>2</sup> Effective 4-1-96, replaced with *Suspicious Activity Report*.

31 U.S.C. 5316—REPORTS ON  
EXPORTING AND IMPORTING  
MONETARY INSTRUMENTS

31 C.F.R. 103.23—REPORTS OF  
TRANSPORTATION OF  
CURRENCY OR MONETARY  
INSTRUMENTS  
(ALSO SECTION 103.22)

*Filing of CMIRS; bank's duty to file on behalf of their customers international transportation of monetary instruments.* A bank has no duty to file a Report of the International Transportation of Currency or Monetary Instrument ("CMIR", Customs Form 4790), on behalf of its customers when the customer is importing or exporting currency or monetary instruments in excess of \$10,000.

BSA RULING 88–2

Issue

When, if ever, should a bank file a CMIR on behalf of its customer, when the customer is importing or exporting more than \$10,000 in currency or monetary instruments?

Facts

A customer walks into B National Bank ("B") with \$15,000 in cash for deposit into her account. As is required, the bank teller begins to fill out a Currency Transaction Report ("CTR", IRS Form 4789) in order to report a transaction in currency of more than \$10,000. While the teller is filling out the CTR, the customer mentions to the teller that she has just received the money in a letter from a relative in France. Should the teller also file a CMIR, either on the customer's behalf or on the bank's behalf?

Law and Analysis

B National Bank should not file a CMIR when a customer deposits currency in excess of \$10,000 into her account, even if the bank has knowledge that the customer received the currency from a

place outside the United States. 31 CFR 103.23 requires that a CMIR be filed by anyone who transports, mails, ships or receives, or attempts, causes or attempts to cause the transportation, mailing, shipping or receiving of currency or monetary instruments in excess of \$10,000, from or to a place outside the United States. The term "monetary instruments" includes currency and instruments such as negotiable instruments endorsed without restriction. *See* 31 CFR 103.11(k).

The obligation to file the CMIR is solely on the person who transports, mails, ships, or receives, or causes or attempts to transport, mail, ship, or receive. No other person is under any obligation to file a CMIR. Thus, if a customer walks into the bank and declares that he or she has received or transported currency in an aggregate amount exceeding \$10,000 from a place outside the United States and wishes to deposit the currency into his or her account, the bank is under no obligation to file a CMIR on the customer's behalf. Likewise, because the bank itself did not receive the money from a customer outside the United States, it has no obligation to file a CMIR on its own behalf. The same holds true if a customer declares his intent to transport currency or monetary instruments in excess of \$10,000 to a place outside the United States.

However, the bank is strongly encouraged to inform the customer of the CMIR reporting requirement. If the bank has knowledge that the customer is aware of the CMIR reporting requirement, but is nevertheless disregarding the requirement or if information about the transaction is otherwise suspicious, the bank should contact the local office of the U.S. Customs Service or 1-800-BE-ALERT. The United States Customs Service has been delegated authority by the Assistant Secretary (Enforcement) to investigate criminal violations of 31 CFR 103.23.

Any information provided to Customs should be given within the confines of section 1103(c) of the Right to Financial Privacy Act, 12 U.S.C. 3401–3422. Section 1103(c) permits a financial institution to notify a Government authority of information relevant to a possible violation of any statute or regulation. Such information may consist of the name (including those of corporate entities) of any individual involved in the suspicious transaction; account numbers; home and business addresses; social security numbers;

type of account; interest paid on account; location of branch where the suspicious transaction occurred; a specification of the offense that the financial institution believes has been committed; and a description of the activities giving rise to the bank's suspicions. See S. Rep. 99-433, 99th Cong., 2nd Sess., pp. 15-16.

Therefore, under the facts above, the teller need only file a CTR for the deposit of the customer's \$15,000 in currency.

A previous interpretation of section 103.23(b) by Treasury held that if a bank received currency or monetary instruments over the counter from a person who may have transported them into the United States, and knows that such items have been transported into the country, it must file a report on Form 4790 if a complete and truthful report has not been filed by the customer. See 31 CFR Part 103 Appendix, Section 103.23 Interpretation 2, at 364 (1987). This ruling hereby supersedes that interpretation.

## Holding

A bank should not file a CMIR when a customer deposits currency or monetary instruments in

excess of \$10,000 into her account even if the bank has knowledge that the currency or monetary instruments were received or transported from a place outside the United States. 31 CFR 103.23. The same is true if the bank has knowledge that the customer intends to transport the currency or monetary instruments to a place outside the United States.

However, the bank is required to file a CTR if it receives in excess of \$10,000 in cash from its customer, and is strongly encouraged to inform the customer of the CMIR requirements. In addition, if the bank has knowledge that the customer is aware of the CMIR reporting requirement and is nevertheless planning to disregard it or if the transaction is otherwise suspicious, the bank should notify the local office of the United States Customs Service (or 1-800-BE-ALERT) of the suspicious transaction. Such notice should be made within the confines of the Right to Financial Privacy Act, 12 U.S.C. 3403(c).

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31 C.F.R. 103.22—REPORTS OF  
CURRENCY TRANSACTIONS

*Exemptions; reporting of “cash-back” transactions.* Under sections 103.22(b)(2)(i) and 103.22(b)(2)(ii), a bank may only exempt *deposits or withdrawals* of currency from the reporting requirements of section 103.22(a)(1) (emphasis added). A bank may not grant a unilateral exemption, or obtain additional authority to grant a special exemption to “cash-back” transactions because these transactions are neither deposits nor withdrawals. A “cash back” transaction is one where one or more checks or other monetary instruments are presented in exchange for cash or a portion of the checks or monetary instruments are deposited while the remainder is exchanged for cash. If, during a single banking day, a bank handles a “cash-back” transaction that results in the transfer of more than \$10,000 in currency to a customer who operates an otherwise exemptible business, the bank must file a CTR identifying the transaction as a “check cashed” transaction, regardless of whether the customer has been properly granted an exemption for daily deposits or withdrawals.

BSA RULING 88–3

Issue

Whether a bank may exempt “cash-back” transactions of a customer whose primary business is of a type that may be exempted either unilaterally by the bank or pursuant to additional authority granted by the IRS.

Facts

The ABC Grocery (“ABC”), a retail grocery store, has an account at the X State Bank for its daily deposits of currency. Because ABC regularly and frequently deposits amounts ranging from \$20,000 to \$30,000, the bank has properly

granted ABC an exemption for daily deposits up to a limit of \$30,000.

Recently, ABC began providing its customers with a check-cashing service as an adjunct to its primary business of selling groceries. ABC’s primary business still consists of the sale of groceries. However, the unexpectedly heavy demand for ABC’s check-cashing service has required ABC to maintain a substantially greater quantity of cash in the store than was necessary for the grocery business in the past. To facilitate the operations of its check-cashing service, ABC is presenting the bank with large numbers of checks in “cash-back” transactions, rather than depositing the checks into its account and withdrawing cash from that account. X State Bank has just been presented with a “cash-back” transaction wherein an employee of ABC is exchanging \$15,000 worth of checks for cash. How should the bank treat this transaction?

Law and Analysis

A “cash back” transaction is one where one or more checks or other monetary instruments are presented in exchange for cash or a portion of the checks or monetary instruments are deposited while the remainder is exchanged for cash. “Cash back” transactions can never be exempted from the Bank Secrecy Act reporting requirements. Thus, the bank must file a Currency Transaction Report on IRS Form 4789 reporting this \$15,000 “cash back” transaction, even though the customer’s account has been granted an exemption for daily deposits of up to \$30,000. This is because section 103.22(b)(2)(i) permits a bank to exempt only “(*deposits or withdrawals of currency* from an existing account by an established depositor who is a United States resident and operates a retail type of business in the United States)” (emphasis added). As “cash-back” transactions do not constitute either a “deposit or withdrawal of currency” within the meaning of the regulations, the bank must report on a CTR any “cash-back” transaction that results in the transfer of more than \$10,000 in currency to a customer during a single banking day, regardless of whether the customer has properly been granted an exemption for its deposits or withdrawals.

Moreover, because “cash back” transactions are never exemptible, the bank may not unilaterally exempt “cash-back” transactions by ABC, or seek additional authority from the IRS to grant a special exemption for ABC’s “cash-back” transactions. Instead, the bank must report ABC’s “cash back” transaction on a CTR, listing it as a \$15,000 “check cashed” transaction.

## Holding

A bank may never grant a unilateral exemption, or obtain additional authority from the IRS to grant a special exemption to the “cash-back” transactions of a customer. A “cash back”

transaction is one where one or more checks or other monetary instruments are presented in exchange for cash or a portion of the checks or monetary instruments are deposited while the remainder is exchanged for cash. If a bank handles a “cash-back” transaction that results in the transfer of more than \$10,000 to a customer during a single banking day, it must report that transaction on IRS Form 4789, the Currency Transaction Report, as a “check cashed” transaction, regardless of whether the customer has been properly granted an exemption for daily deposits or withdrawals.

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31 C.F.R. 103.22—REPORTS OF  
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*Exemption lists; listing of multiple establishments using exempted account.* When a bank has exempted a single deposit account of a customer into which more than one of the customer's establishments makes deposits, the bank may list the name, address, business, types of transactions exempted (i.e., withdrawals, deposits or both), the dollar limit of the exemption, taxpayer identification number and account number ("Section 103.22(f) information") of the customer's headquarters or its principal business establishment, or it may separately list the same information for each establishment using that account. If the bank chooses to list only the information for the customer's headquarters, the bank should briefly note on the exemption list that the account is used by multiple establishments and should ensure that the individual addresses of those establishments are readily available upon request. If a bank has granted separate exemptions to several accounts, each of which is used by a single establishment of the customer, the bank must separately list the Section 103.22(f) information for each of those establishments.

BSA RULING 88-4

Issue

If a bank has exempted a single account of a customer into which multiple establishments of that customer make deposits, must the bank list all of the establishments on its exemption list or may the bank list only the section 103.22(f) information of the customer's headquarters or its principal business establishment on its exemption list?

Facts

A fast food company operates a chain of fast-food restaurants in several states. In New York,

the company has established a single deposit account at Bank A, into which all of the company's establishments in that area make deposits. In Connecticut, the company has established ten bank accounts at Bank B; each of the company's ten establishments in Connecticut have been assigned a separate account into which it makes deposits. Banks A and B have properly exempted the company's accounts, but now seek guidance on the manner in which they should add these accounts to their exemption lists. All of the company's establishments use the same taxpayer identification number ("TIN").

Law and Analysis

Under the regulations, the bank must keep "in a centralized list," section 103.22(f) information for "each depositor that has engaged in currency transactions which have not been reported because of (an) exemption . . ." However, where all of the company's establishments deposit into one exempt account as at Bank A, above, the bank need only maintain section 103.22(f) information on its list for the customer's corporate headquarters or the principal establishment that obtained the exemption. The bank may, but is not required to, list identifying information for all of the customers' establishments depositing into the one account. If the bank chooses to list only the information for the customer's headquarters or principal establishment, it should briefly note that on the exemption list and should ensure that the individual addresses for each establishment are readily available upon request. Where each of the company's establishments deposit into separate exempt accounts as at Bank B, the bank must maintain separate section 103.22(f) information on the exemption list for each establishment.

Under section 103.22(b)(2)(i), (ii), and (iv) and 103.22(e) of the regulation, a bank can only grant an exemption for "an existing account (of) an established depositor who is a United States resident." Under these provisions, therefore, the bank can only grant an exemption for an existing individual account, not for an individual customer or group of accounts. Thus, if a customer has a separate account for each of its business establishments, the bank must consider each account for a separate exemption. If the

bank grants exemptions for more than one account, it should prepare a separate exemption statement and establish a separate dollar limit for each account.

Once an exemption has been granted for an account, section 103.22(f) requires the bank to maintain a centralized exemption list that includes the name, address, business, types of transactions exempted, the dollar limit of the exemption, taxpayer identification number, and account number of the customers whose accounts have been exempted.

## Holding

Under 31 CFR 103.22, when a bank has exempted a single account of a customer into which more than one of the customer's establishments make deposits, the bank may include the name, address, business, type of transactions exempted, the dollar limit of the exemption, taxpayer identification number, and account num-

ber ("section 103.22(f) information") of either the customer's headquarters or the principal business establishment, or it may separately list section 103.22(f) information for each of the establishments using that account. If the bank chooses to list only the information for the customer's headquarters or principal establishment, it should briefly note that fact on the exemption list, and it should ensure that the individual addresses of those establishments not on the list are readily available upon request. If a bank has granted separate exemptions to several accounts, each of which is used by a single establishment of the same customer, the bank must include on its exemption list section 103.22(f) information for each of those establishments. Previous Treasury correspondence or interpretations contrary to this policy are hereby rescinded.

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31 C.F.R. 103.11—MEANING OF  
TERMS—BANK AND FINANCIAL  
INSTITUTION

31 C.F.R. 103.22—REPORTS OF  
CURRENCY TRANSACTIONS

*Filing of CTRs: The use of armored car operations—a bank's duty to file a CTR when currency is never physically received or in possession of the bank.*

It is the duty of a financial institution to file a Form 4789, Currency Transaction Report (“CTR”), on currency transactions in excess of \$10,000 when such transactions are effected by an armored car company acting on behalf of the financial institution, even if the currency never physically enters the financial institution.

BSA RULING 88-5

Issue

Does a financial institution have a duty to file a CTR on currency transactions where the financial institution never physically receives the cash because it uses an armored car service to collect, transport and process its customer's cash receipts?

Facts

X State Bank (the “Bank”) and Acme Armored Car Service (“Acme”) have entered into a contract which provides for Acme to collect, transport and process revenues received from Bank customers.

Each day, Acme picks up cash, checks and deposit tickets from Little Z, a non-exempt customer of the Bank. Recently, receipts of cash from Little Z have exceeded \$10,000. Acme delivers the checks and deposit tickets to the Bank where they are processed and Little Z's account is credited. All cash collected, however, is taken by Acme to its central office where it is counted and processed. The cash is then deliv-

ered by Acme to the Federal Reserve Bank for deposit into the Bank's account. Must the Bank file a CTR to report a receipt of cash in excess of \$10,000 by Acme from Little Z?

Law and Analysis

Yes. Since Acme is receiving cash in excess of \$10,000 on behalf of the Bank, the Bank must file a CTR in order to report these transactions.

Section 103.22(a)(1) requires “(e)ach financial institution . . . [to] file a report of each deposit, withdrawal, exchange of currency or other payment or transfer, by, through or to such financial institution which involves a transaction in currency of more than \$10,000.” Section 103.11(c) and (n) defines “Bank” and “Financial Institution” to include agents of those banks and financial institutions.

Under the facts presented, Acme is acting as an agent of the Bank. This is because Acme and the Bank have a contractual relationship whereby the Bank has authorized Acme to pick up, transport and process Little Z's receipts on behalf of the Bank. The Federal Reserve Bank's acceptance of deposits from Acme into the Bank's account at the Fed, is additional evidence of the agency relationship between the Bank and Acme.

Therefore, when Acme receives currency in excess of \$10,000 from Little Z, the Bank must report that transaction on Form 4789. Likewise, if Acme receives currency from Little Z in multiple transactions, section 103.22(a)(1) requires the Bank to aggregate these transactions and file a single CTR for the total amount of currency received by Acme, if the Bank has knowledge of these multiple transactions. Knowledge by the Bank's agent, i.e., Acme, that the currency was received in multiple transactions, is attributable to the Bank. The Bank must assure that Acme, as its agent, obtains all the information and identification necessary to complete the CTR.

Holding

Financial institutions must file a CTR for the currency received by an armored car service

from the financial institution's customer when the armored car service physically receives the cash from the customer, transports it and processes the receipts, even though the currency may never physically be received by the financial institution. This is because the armored car

service is acting as an agent of the financial institution.

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31 C.F.R. 103.22—REPORTS OF  
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*Exemptions: special exemption for a group of accounts belonging to the same customer.* Under sections 103.22(b) (2)(i) and 103.22(b)(2)(ii) of the Bank Secrecy Act (“BSA”) regulations, a bank may exempt only *deposits* or *withdrawals* of currency from an *existing* account by an established depositor who is a United States resident and operates a retail type of business in the United States or one of the businesses specified in Section 103.22(b)(2)(ii). 31 C.F.R. Part 103. A bank may not *unilaterally* grant one exemption or establish a single dollar exemption limit for a group of existing accounts of the same customer. Under section 103-22(e), however, a bank may apply to the Internal Revenue Service (“IRS”) for additional authority to grant exemptions to the reporting requirements not otherwise permitted under section 103.22(b). Under this authority and at the request of a bank, the IRS may, in its discretion, provide the bank with authority to grant one exemption and one exemption limit applicable to a group of exemptible accounts that belong to the same customer and have the same Taxpayer Identification Number (“TIN”). Only accounts with transactions of less than \$10,000 in currency may be included in the group exemption, and the aggregated transactions of the various accounts included in the group must regularly and frequently exceed \$10,000 in currency.

BSA RULING 89-1

Issue

Under Section 103.22 of the BSA regulations, may a bank unilaterally grant one exemption or establish a single dollar exemption limit for a group of existing accounts of the same customer? If not, may a bank obtain additional authority from the IRS to grant a single exemption for a group of exemptible accounts belonging to the same customer?

Facts

ABC Inc. (“ABC”), with TIN 12-3456789, owns five fast food restaurants. Each restaurant has its own account at the X State Bank and each restaurant routinely deposits less than \$10,000 into its individual account. However, when the deposits into these five accounts are aggregated they regularly and frequently exceed \$10,000. Accordingly, the bank prepares and files one CTR for ABC Inc., on each business day that ABC’s aggregated currency transactions exceed \$10,000. X State Bank wants to know whether it can unilaterally exempt these five accounts having the same TIN, and, if not, whether it can obtain additional authority from the IRS to grant a single exemption to the group of five accounts belonging to ABC.

Law and Analysis

Under section 103.22(b)(2)(i) and (ii) of the Bank Secrecy Act (“BSA”) regulations, 31 C.F.R. Part 103, only an individual account of a customer may be unilaterally exempted from the currency transaction reporting provisions. The bank may not unilaterally grant one exemption or establish a single dollar exemption limit for multiple accounts of the same customer. This is because sections 103.22(b)(2)(i) and 103.22(b)(2)(ii) of the BSA regulations only permit a bank to unilaterally exempt “[d]eposits or withdrawals of currency from an *existing account* by an *established depositor* who is a United States resident and operates a retail type of business in the United States.” 31 C.F.R. 103.22(b) (2)(i) and (ii).

Section 103.22(e) of the BSA regulations provides, however, that “[a]bank may apply to the . . . [IRS] for additional authority to grant exemptions to the reporting requirements not otherwise permitted under paragraph (b) of this section 31 C.F.R. 103.22(e). Therefore, under this authority, and at the request of a bank, the IRS may, in its discretion, grant the requesting bank additional authority to exempt a group of accounts when the following conditions are met:

- Each of the accounts in the group is owned by the same person and has the same taxpayer identification number.

- The deposits or withdrawals into each account are made by a customer that operates a business that may be either unilaterally or specially exemptible and each account meets the other exemption criteria (except for the dollar amount).
- Currency transactions for each account individually do not exceed \$10,000 on a regular and frequent basis.
- Aggregated currency transactions for all accounts included in the group regularly and frequently exceed \$10,000.

If a bank determines that an exemption would be appropriate in a situation involving a group of accounts belonging to a single customer, it must apply to the IRS for authority to grant one special exemption covering the accounts in question. As with all requests for special exemptions, any request for additional authority to grant a special exemption must be made in writing and accompanied by a statement of the circumstances that warrant special exemption treatment and a copy of the statement signed by the customer as required by section 103.22(d). 31 C.F.R. 103.22(d).

Additional authority to grant a special exemption for a group of accounts must be obtained from the IRS regardless of whether the businesses may be unilaterally exempted under 103.22(b)(2), because the exemption, if granted, would apply to a group of existing accounts as opposed to an *individual existing* account. 31 C.F.R. § 103.22(b)(2).

Also, if any one of a given customer's accounts has regular and frequent currency transactions which exceed \$10,000, that account *may not* be included in the group exemption. This is because the bank may, as provided by section 103.22(b)(2), either unilaterally exempt that account or obtain authority from the IRS to grant a special exemption for that account if it meets the other criteria for exemption. Thus, only accounts of exemptible businesses which do not have regular and frequent (*e.g.*, daily,

weekly or twice a month) currency transactions in excess of \$10,000 may be eligible for a group exemption.

The intention of this special exemption is to permit banks to exempt the accounts of established customers, such as the ABC Inc. restaurants described above, which are owned by the same person and have the same TIN but which individually do not have sufficient currency deposit or withdrawal activity that regularly and frequently exceed \$10,000.

## Holding

If X State Bank determines that an exemption would be appropriate for ABC Inc., it must apply to the IRS for authority to grant one special exemption covering ABC's five separate accounts. As with all requests for special exemptions, ABC's request for additional authority to grant a special exemption must be made in writing and accompanied by a statement of the circumstances that warrant special exemption treatment and a copy of the statement signed by the customer as required by section 103.22(d). 31 C.F.R. 103.22(d). The IRS may, in its discretion, grant additional authority to exempt the ABC accounts if: (1) they have the same taxpayer identification number; (2) they each are for customers that operate a business that may be either unilaterally or specially exemptible and each account meets the other exemption criteria (except for dollar amount); (3) the currency transactions for each account individually do not exceed \$10,000 on a regular and frequent basis; but (4) when aggregated the currency transactions for all the accounts regularly and frequently do exceed \$10,000.

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*Exemptions; aggregation and reporting of multiple transactions involving exempted accounts.* When a customer has more than one account and a bank has knowledge that multiple currency transactions have been conducted in these accounts on the same business day, the bank must aggregate the transactions in those accounts. Where one or more of the customers' accounts has been exempted, the bank must total the currency transactions within each account to determine whether the exemption limit has been exceeded. If the exemption limit has not been exceeded, the bank does not have to aggregate the transactions for the exempted account with any other of the customer's currency transactions. If the total of the transactions involving the exempt account exceeds the exemption limit, the bank must aggregate those transactions with the transactions from any other exempted accounts where the exemption limit has been exceeded, with the transactions from any non-exempt accounts, and with any reportable transactions conducted by or on behalf of the customer that do not involve accounts (e.g., purchases of bank checks or "cash back" transactions) of which the bank has knowledge.

BSA RULING 89-2

Issue

When a customer has established bank accounts for each of several establishments that it owns, and the bank has exempted one or more of those accounts, how does the bank aggregate the customer's currency transactions?

Facts

X Company ("X") operates two fast-food restaurants and a wholesale food business. X has opened separate bank accounts at the A National

Bank (the "bank") for each of its two restaurants, account numbers 1 and 2 respectively. Each of these two accounts has been properly exempted by the bank. Account number 1 has an exemption limit of \$25,000 for deposits, and account number 2 has an exemption limit of \$40,000 for deposits. X also has a third account, account number 3, at the bank for use in the operation of its wholesale food business. On occasion, cash deposits of more than \$10,000 are made into this third account. Because these cash deposits are infrequent, the bank cannot obtain additional authority to grant this account a special exemption.

During the same business day, two \$15,000 cash deposits totalling \$30,000 are made into account number 1, a separate cash deposit of \$35,000 is made into account number 2 and a deposit of \$9,000 in currency is made into account number 3 (X's account for its wholesale food business).

The bank must now determine how to aggregate and report all of these transactions on a Form 4789, Currency Transaction Report, ("CTR"). Must they aggregate all of the deposits made into account numbers 1, 2 and 3 and report them on a single CTR?

Law and Analysis

Section 103.22 of the Bank Secrecy Act ("BSA"), 31 CFR Part 103, requires a financial institution to treat multiple currency transactions "as a single transaction if the financial institution has knowledge that they are by or on behalf of any person and result in either cash-in or cash-out totalling more than \$10,000 during any one business day." This means that a financial institution must file a CTR if it knows that multiple currency transactions involving two or more accounts have been conducted by or on behalf of the same person and, those transactions, when aggregated, exceed \$10,000. Knowledge, in this context, means knowledge on the part of a partner, director, officer or employee of the institution or on the part of any existing computer or manual system at the institution that permits it to aggregate transactions.

Thus, if the bank has knowledge of multiple transactions, the bank should aggregate the transactions in the following manner.

First, the bank should separately review and total all cash-in and cash-out transactions within each account. Cash-in transactions should be aggregated with other cash-in transactions and cash-out transactions should be aggregated with cash-out transactions. Cash-in and cash-out transactions should not be aggregated together or offset against each other.

Second, the bank should determine whether the account has an exemption limit. If the account has an exemption limit, the bank should determine whether it has been exceeded. If the exemption limit has not been exceeded, the transactions for the exempted account should not be aggregated with other transactions.

If the total transactions during the same business day for a particular account exceed the exemption limit, the total of all of the transactions for that account should be aggregated with the total amount of the transactions for other accounts that exceed their respective exemption limits, with any accounts without exemption limits, and with transactions conducted by or on behalf of the same person that do not involve accounts (e.g., purchases of bank checks with cash) of which the bank has knowledge.

In the example discussed above, all of the transactions have been conducted "on behalf of" X, as X owns the restaurants and the wholesale food business. The total \$30,000 deposit for account 1 exceeds the \$25,000 exemption limit for that account. The \$35,000 deposit into account number 2 is less than the \$40,000 exemption limit for that account. Finally, the \$9,000 deposit into account number 3, does not by itself constitute a reportable transaction.

Therefore, under the facts above, the bank should aggregate the entire \$30,000 deposit into account number 1 (not just the amount that exceeds the exemption limit), with the \$9,000 deposit into account number 3, for a total of \$39,000. The bank should not include the \$35,000 deposit into account number 2, as that deposit does not exceed the exemption limit for that account. Accordingly, the bank should complete and file a single CTR for \$39,000.

If the bank does not have knowledge that

multiple currency transactions have been conducted in these accounts on the same business day (e.g., because it does not have a system that aggregates among accounts and the deposits were made by three different individuals at different times) the bank should file one CTR for \$30,000 for account number 1, as the activity into that account exceeds its exemption limit.

## Holding

When a customer has more than one account and a bank employee has knowledge that multiple currency transaction have been conducted in the accounts or the bank has an existing computer or manual system that permits it to aggregate transactions for multiple accounts, the bank should aggregate the transactions in the following manner.

First, the bank should aggregate for each account all cash-in or cash-out transactions conducted during one business day. If the account has an exemption limit, the bank should determine whether the exemption limit of that account has been exceeded. If the exemption limit has not been exceeded, the total of the transactions for that particular account does not have to be aggregated with other transactions. If the total transactions during the same business day for a particular account exceed the exemption limit, however, the total of all of the transactions for that account should be aggregated with any total from other accounts that exceed their respective exemption limits, with any accounts without exemption limits, and with any reportable transactions conducted by or on behalf of the customer not involving accounts (e.g., purchases of bank checks or "cash back" transactions) of which the bank has knowledge. The bank should then file a CTR for the aggregated amount.

Michael L. Williams  
Deputy Assistant Secretary  
(Law Enforcement)

Rescinded

Rescinded

31 U.S.C. 5313—REPORTS OF  
DOMESTIC COINS AND  
CURRENCY TRANSACTIONS

31 C.F.R.  
103.27—IDENTIFICATION  
REQUIRED

*Identification of person on whose behalf transaction was conducted.* Pursuant to 31 U.S.C. 5313 and 31 C.F.R. 103.22 and 103.28, financial institutions must report transactions in currency that exceed \$10,000 on IRS Form 4789, Currency Transaction Report (“CTR”). The CTR must include information about the identity of the person who conducted the transaction (Part I) and any person on whose behalf the transaction was conducted (Part II). It is the responsibility of the financial institution to develop internal controls and procedures to ensure the filing of accurate and complete CTRs. One way that financial institutions can obtain information about the person on whose behalf the transaction is being conducted is to ask the person conducting the transaction whether he is acting for himself or on behalf of another person. Only if as a result of strong “know your customer” or other internal policies, the financial institution is satisfied that its records contain the necessary information concerning the true identity of the person for whom the transaction is conducted, may the financial institution rely on those records in completing the CTR. The identifying information concerning the person conducting the transaction must be listed in Part I of the CTR, and the identifying information concerning the person on whose behalf the transaction is being conducted must be listed in Part II.

BSA Ruling 89-5

Issue

How does a financial institution fulfill the requirement that it furnish information about the person on whose behalf a reportable currency transaction is being conducted?

Facts

*No. 1*

Linda Scott has had an account relationship with the Bank for 15 years. Ms. Scott enters the bank and deposits \$15,000 in cash into her personal checking account. The bank knows that Ms. Scott is an artist who on occasions exhibits and sells her art work and that her art work currently is on exhibit at the local gallery. The bank further knows that cash deposits in the amount of \$15,000 are commensurate with Ms. Scott’s art sales.

*No. 2*

Dick Wallace has recently opened a personal account at the Bank. Although the bank verified his identity when the account was opened, the bank has no additional information about Mr. Wallace. Mr. Wallace enters the bank with \$18,000 in currency and asks that it be wired transferred to a bank in a foreign country.

*No. 3*

Dorothy Green, a partner at a law firm, makes a \$50,000 cash deposit into the firm’s trust account.<sup>1</sup> The bank knows that this is a trust account. The \$50,000 represents cash received from three clients.

*No. 4*

Carlos Gomez enters a Currency Dealer and asks to buy \$12,000 in traveler’s checks with cash.

*No. 5*

Gail Julian, a trusted employee of Q-mart, a large retail chain, enters the bank three times during one business day and makes three large

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1. This type of account is sometimes called a trust account, attorney account or special account. It is an account established by an attorney into which commingled funds of clients may be deposited. It is not necessarily a “trust” in the legal sense of the term.

cash deposits totalling \$48,000 into Q-mart's account. The Bank knows that Ms. Julian is responsible for making the deposits on behalf of Q-mart. Q-mart has an exemption limit of \$45,000.

## Law and Analysis

Under section 103.28 of the Bank Secrecy Act ("BSA") regulations, 31 C.F.R. Part 103, a financial institution must report on a Currency Transaction Report ("CTR") the name and address of the individual conducting the transaction, and the identity, account number, and the social security or taxpayer identification number of any person on whose behalf the transaction was conducted. See 31 U.S.C. 5313. "A participant acting for another person shall make the report as the agent or bailee of the person and identify the person for whom the transaction is being made." Identifying information about the person on whose behalf the transaction is conducted must always be furnished if the transaction is reportable under the BSA, regardless of whether the transaction involves an account.

This type of account is sometimes called a trust account, attorney account or special account. It is an account established by an attorney into which commingled funds of clients may be deposited. It is not necessarily a "trust" in the legal sense of the term.

Because the BSA requires financial institutions to file complete and accurate CTRs, it is the financial institution's responsibility to ascertain the real party in interest. 31 U.S.C. § 5313. One way that a financial institution can obtain information about the identity of the person on whose behalf the transaction is being conducted is to ask the person conducting the transaction whether he is acting for himself or on behalf of another person. Only if as a result of strong "know your customer" or other internal control policies, the financial institution is satisfied that its records contain information concerning the true identity of the person on whose behalf the transaction is conducted, may the financial institution rely on those records to complete the CTR.

### *No. 1*

Linda Scott, an artist, is a known customer of the bank. The bank is aware that she is exhibit-

ing her work at a local gallery and that cash deposits in the amount of \$15,000 would not be unusual or inconsistent with Ms. Scott's business practices. Therefore, if the bank through its stringent "know your customer" policies is satisfied that the money being deposited by Ms. Scott into her personal account is for her benefit, the bank need not ask Ms. Scott whether she is acting on behalf of someone-else.

### *No. 2*

Because Dick Wallace is a new customer of the bank and because the bank has no additional information about him or his business activity, the bank should ask Mr. Wallace whether he is acting on his own behalf or on behalf of someone else. This is particularly true given the nature of the transaction—a wire transfer with cash for an individual to a foreign country.

### *No. 3*

Dorothy Green's cash deposit of \$50,000 into the law firm's trust account clearly is being done on behalf of some else. The bank should ask Ms. Green to identify the clients on whose behalf the transaction is being conducted. Because Ms. Green is acting both on behalf of her employer and the clients, the names of the three clients and the law firm should be included on the CTR filed by the bank.

### *No. 4*

The currency dealer, having no account relationship with Carlos Gomez, should ask Mr. Gomez if he is acting on behalf of someone else.

### *No. 5*

Gail Julian is known to the bank as a trusted employee of Q-mart, who often deposits cash into Q-mart's account. If the bank, through its strong "know your customer" policies is satisfied that Ms. Julian makes these deposits on behalf of Q-mart, the bank need not ask her if she is acting on behalf of someone other than Q-mart.

## Holding

It is the responsibility of a financial institution to file complete and accurate CTRs. This includes providing identifying information about the person on whose behalf the transaction is conducted in Part II of the CTR. One way that a financial institution can obtain information about the true identity of the person on whose behalf the transaction is being conducted is to ask the person conducting the transaction whether he is acting for himself or on behalf of another

person. Only if as a result of strong “know your customer” or other internal control policies, the financial institution is satisfied that its records contain the necessary information concerning the true identity of the person on whose behalf the transaction is being conducted, may the financial institutions rely on those records in completing the CTR.

Salvatore R. Martoche  
Assistant Secretary  
(Enforcement)

**31 U.S.C. 5313—REPORTS ON DOMESTIC COINS AND CURRENCY TRANSACTIONS****31 U.S.C. 5325—IDENTIFICATION REQUIRED TO PURCHASE CERTAIN MONETARY INSTRUMENTS****31 C.F.R. 103.28—IDENTIFICATION REQUIRED****31 C.F.R. 103.29—PURCHASES OF BANK CHECKS AND DRAFTS, CASHIER'S CHECKS, MONEY ORDERS AND TRAVELER'S CHECKS**

*Identification of elderly or disabled patrons conducting large currency transactions.* Financial institutions must file a form 4789, Currency Transaction Report (CTR) on transactions in currency in excess of \$10,000, and must verify and record information about the identity of the person(s) who conduct(s) the transaction in Part I of the CTR. Financial institutions also must record on a chronological log<sup>1</sup> sales of, and verify the identity of individuals who purchase, certain monetary instruments with currency in amounts between \$3,000 and \$10,000, inclusive. Many financial institutions have asked Treasury how they can meet the requirement to examine an identifying document that contains the person's name and address when s/he does not possess such a document (e.g., a driver's license). Financial institutions have indicated that this question arises almost exclusively with their elderly and/or disabled patrons. This Administrative Ruling answers those inquiries.

**Issue**

How does a financial institution fulfill the requirement to verify and record the name and address of an elderly or disabled individual who conducts a currency transaction in excess of \$10,000 or who purchases certain monetary instruments with currency valued between \$3,000

and \$10,000 when he/she does not possess a passport, alien identification card or other official document, or other document that is normally acceptable within the banking community as a means of identification when cashing checks for nondepositors?

**Holding**

It is the responsibility of a financial institution to file complete and accurate CTRs and to maintain complete and accurate monetary instrument logs pursuant to 31 C.F.R. §§103.27(d) and 103.29 of the BSA regulations. It is also the responsibility of a financial institution to verify and to record the identity of individuals conducting reportable currency transactions and/or cash purchases of certain monetary instruments as required by BSA regulations §§103.28 and 103.29. Only if the financial institution is confident that an elderly or disabled patron is who s/he says s/he is may it complete these transactions. A financial institution shall use whatever information it has available, in accordance with its established policies and procedures, to determine its patron's identity. This includes review of its internal records for any information on file, and asking for other forms of identification, including a social security or medicare/medicaid card along with another document which contains both the patron's name and address such as an organizational membership card, voter registration card, utility bill or real estate tax bill. These forms of identification shall also be identified as acceptable in the bank's formal written policy and operating procedures as identification for transactions involving the elderly or the disabled. Once implemented, the financial institution should permit no exception to its policy and procedures. In these cases, the financial institution should record the word "Elderly" or "Disabled" on the CTR and/or chronological log and the method used to identify the elderly, or disabled patron such as "Social Security and (organization) Membership Card only ID."

**Law and Analysis**

Before concluding a transaction for which a Currency Transaction Report is required pursu-

1. Effective 10-17-94, financial institutions are no longer required to maintain the necessary information on a "monetary instrument log."

ant to 31 C.F.R. § 103.22, a financial institution must verify and record the name and address of the individual conducting the transaction. 31 C.F.R. § 103.28. Verification of the individual's identity must be made by examination of a document, other than a bank signature card, that is normally acceptable within the banking community as a means of identification when cashing checks for nondepositors (*e.g.*, a driver's license). A bank signature card may be relied upon only if it was issued after documents establishing the identity of the individual were examined and a notation of the method and specific information regarding identification (*e.g.* state of issuance and driver's license number) was made on the signature card. In each instance, the specific identifying information noted above and used to verify the identity of the individual must be recorded on the CTR. The notation of "known customer" or "bank signature card on file" on the CTR is prohibited. 31 C.F.R. § 103.28.

Before issuing or selling bank checks or drafts, cashier's checks, traveler's checks or money orders to an individual(s), for currency between \$3,000 and \$10,000, a financial institution must verify whether the individual has a deposit account or verify the individual's identity. 31 C.F.R. § 103.29. Verification may be made by examination of a signature card or other account record at the financial institution if the deposit accountholder's name and address were verified at the time the account was opened, or at any subsequent time, and that information was recorded on the signature card or record being examined.

Verification may also be made by examination of a document that contains the name and address of the purchaser and which is normally acceptable within the banking community as a means of identification when cashing checks for nondepositors. In the case of a deposit accountholder whose identity has not been previously verified, the financial institution shall record the specific identifying information on its chronological log (*e.g.* state of issuance and driver's license number). In all situations, the financial institution must record all the appropriate information required by § 103.29(a)(1)(i) for deposit account holders or 103.29(a)(2)(i) for nondeposit account holders.

Certain elderly or disabled patrons do not possess identification documents that would normally be considered acceptable within the banking community (*e.g.*, driver's licenses,

passports, or state-issued identification cards). Accordingly, the procedure set forth below should be followed to fulfill the identification verification requirements of §§ 103.28 and 103.29.

Financial institutions may accept as appropriate identification a social security, medicare, medicaid or other insurance card presented along with another document that contains both the name and address of the patron (*e.g.* an organization membership or voter registration card, utility or real estate tax bill). Such forms of identification shall be specified in the bank's formal written policy and operating procedures as acceptable identification for transactions involving elderly or disabled patrons who do not possess identification documents normally considered acceptable within the banking community for cashing checks for nondepositors.

This procedure may only be applied if the following circumstances exist. First, the financial institution must establish that the identification the elderly or disabled patron has is limited to a social security or medicare/medicaid card plus another document which contains the patron's name and address. Second, the financial institution must use whatever information it has available, or policies and procedures it has in place, to determine the patron's identity. If the patron is a deposit accountholder, the financial institution should review its internal records to determine if there is information on file to verify his/her identity. Only if the financial institution is confident that the elderly or disabled patron is who s/he says s/he is, may the transaction be concluded. Failure to identify an elderly or a disabled customer's identity as required by 31 C.F.R. § 103.28 and as described herein may result in the imposition of civil and or criminal penalties. Finally, the financial institution shall establish a formal written policy and implement operating procedures for processing reportable currency transactions or recording cash sales of certain monetary instruments to elderly or disabled patrons who do not have forms of identification ordinarily considered "acceptable." Once implemented, the financial institution shall permit no exceptions to its policy and procedures. In addition, financial institutions are encouraged to record the elderly or disabled patron's identity and address as well as the method of identification on a signature card or other record when it is obtained and verified.

In completing a CTR, if all of the above conditions are satisfied, the financial institution should enter the words "Elderly" or "Disabled"

and the method used to verify the patron's identity, such as "Social Security & (organization) Membership Cards Only ID," in Item 15a.

Similarly, when logging the cash purchase of a monetary instrument(s), the financial institution shall enter on its chronological log the words, "Elderly" or "Disabled," and the method used to verify such patron's identity.

### Example

Jesse Fleming, a 75 year old retiree, has been saving \$10 bills for twenty years in order to help pay for his granddaughter's college education. He enters the Trustworthy National Bank where he has no account but his granddaughter has a savings account, and presents \$13,000 in \$10 bills to the teller. He instructs the teller to deposit \$9,000 into his granddaughter's savings account, and requests a cashier's check for \$4,000 made payable to State University.

Because of poor eyesight, Mr. Fleming no longer drives and does not possess a valid driver's license. When asked for identification by the teller he presents a social security card and his retirement organization membership card that contains his name and address.

### Application of Law to Example

In this example, the Trustworthy National Bank must check to determine if Mr. Fleming's social

security and organizational membership cards are acceptable forms of identification as defined in the bank's policy and procedures. If so, and the bank is confident that Mr. Fleming is who he says he is, it may complete the transaction. Because Mr. Fleming conducted a transaction in currency which exceeded \$10,000 (deposit of \$9,000 and purchase of \$4,000 monetary instrument), First National Bank must complete a CTR. It should record information about Mr. Fleming in Part I of the CTR and in Item 15a record the words "Elderly—Social Security and (organization) Membership Cards Only ID." The balance of the CTR must be appropriately completed as required by §§ 103.22 and 103.27(d). First National Bank must also record the transaction in its monetary instrument sales log because it issued to Mr. Fleming a cashier's check for \$4,000 in currency. Mr. Fleming must be listed as the purchaser and the bank should record on the log the words "Elderly—Social Security and (organization) Membership Cards Only ID" as the method used to verify his identity. In addition, because Mr. Fleming is not a deposit account holder at First National Bank, the bank is required to record on the log all the information required under § 103.29(a)(2)(i) for cash purchases of monetary instruments by non-deposit account holders.

Peter K. Nunez  
Assistant Secretary  
(Enforcement)

**31 U.S.C. 5313—REPORTS ON  
DOMESTIC COINS AND  
CURRENCY TRANSACTIONS****31 C.F.R. 103.22—REPORTING OF  
CURRENCY TRANSACTIONS****31 C.F.R. 103.28—  
IDENTIFICATION REQUIRED**

*Proper completion of the Currency Transaction Report (CTR), IRS Form 4789, when reporting multiple transactions.*<sup>1</sup> Financial institutions must report transactions in currency that exceed \$10,000 or an exempted account's established exemption limit and provide certain information including verified identifying information about the individual conducting the transaction. Multiple currency transactions must be treated as a single transaction, aggregated, and reported on a single Form 4789, if the financial institution has knowledge that the transactions are by or on behalf of any person and result in either cash in or cash out totalling more than \$10,000, or the exemption limit, during any one business day. All CTRs must be fully and accurately completed. Some or all of the individual transactions which comprise an aggregated CTR are frequently below the \$10,000 reporting or applicable exemption threshold and, as such, are not reportable and financial institutions do not gather the information required to complete a CTR.

**Issue**

How should a financial institution complete a CTR when multiple transactions are aggregated and reported on a single form and all or part of the information called for in the form may not be known?

**Holding**

Multiple transactions that total in excess of \$10,000, or an established exemption limit, when aggregated must be reported on a CTR if the financial institution has knowledge that the

transactions have occurred. In many cases, the individual transactions being reported are each under \$10,000, or the exemption limit, and the institution was not aware at the time of any one of the transactions that a CTR would be required. Therefore, the identifying information on the person conducting the transaction was not required to be obtained at the time the transaction was conducted.

If after a reasonable effort to obtain the information required to complete items 4 through 15 of the CTR, all or part of such information is not available, the institution must check item 3d to indicate that the information is not being provided because the report involves multiple transactions for which complete information is not available. The institution must, however, provide as much of the information as is reasonably available.

All subsections of item 48 on the CTR must be completed to report the number of transactions involved and the number of locations of the financial institution and zip codes of those locations where the transactions were conducted.

**Law and Analysis**

Sections 103.22(a)(1) and (c) of the Bank Secrecy Act (BSA) regulations, 31 C.F.R. Part 103, require a financial institution to file a CTR for each deposit, withdrawal, exchange of currency, or other payment or transfer, by, through, or to the financial institution, which involves a transaction in currency of more than \$10,000 or the established exemption limit for an exempt account. Multiple transactions must be treated as a single transaction if the financial institution has knowledge that they are by, or on behalf of, any person and result in either cash in or cash out of the financial institution totalling more than \$10,000 or the exemption limit during any one business day. Knowledge, in this context, means knowledge on the part of a partner, director, officer or employee of the financial institution or on the part of any existing automated or manual system at the financial institution that permits it to aggregate transactions.

The purpose of item 3 on the CTR is to indicate why all or part of the information required in items 4 through 15 is not being

1. New CTR form in effect 10-1-95. Item numbers reflected in this ruling are no longer applicable to the new form.

provided on the form. If the reason information is missing is solely because the transaction(s) occurred through an armored car service, a mail deposit or shipment, or a night deposit or Automated Teller Machine (ATM), the financial institution must check either box a, b, or c, as appropriate, in item 3. CTR instructions state that item 3d is to be checked for multiple transactions where none of the individual transactions exceeds \$10,000 or the exemption limit and all of the required information might not be available.

As described in Example No. 5 below, there may be situations where one transaction among several exceeds the applicable threshold. Item 3d should be checked whenever multiple transactions are being reported and all or part of the information necessary to complete items 4 through 15 is not available because at the time of any one of the individual transactions, a CTR was not required and the financial institution did not obtain the appropriate information. When reporting multiple transactions, the financial institution must complete as many of items 4 through 15 as possible. In the event the institution learns that more than one person conducted the multiple transactions being reported, it must check item 2 on the CTR and is encouraged to make reasonable efforts to obtain and report any appropriate information on each of the persons in items 4 through 15 on the front and back of the CTR form, and if necessary, on additional sheets of paper attached to the report.

The purpose of item 48 is to indicate that multiple transactions are involved in the CTR being filed. Items 48 a, b, and c require information about the number of transactions being reported and the number of bank branches and the zip code of each branch where the transactions took place. If multiple transactions exceeding \$10,000 or an account exemption limit occur at the same time, the financial institution should treat the transactions in a manner consistent with its internal transaction posting procedures. For example, if a customer presents four separate deposits, at the same time, totalling over \$10,000, the institution may report the transactions in item 48a to be one or four separate transactions. If the transactions are posted as four separate transactions the financial institution should enter the number 4 in item 48a and the number 1 in item 48b. If the transactions are posted as one transaction the institution should enter the number 1 in both 48a and 48b. Reporting the transactions in this manner will guarantee the

integrity of the paper trail being created, that is, the number of transactions reported on the CTR will be the same as the number of transactions showing in the institution's records.

These situations should be differentiated from those cases where separate transactions occur at different times during the same business day, and which, when aggregated, exceed \$10,000 or the exemption limit. For instance, if the same or another individual conducts two of the same type of transactions at different times during the same business day at two different branches of the financial institution on behalf of the same person, and the institution has knowledge that the transactions occurred and exceed \$10,000 or the exemption limit, then the financial institution must enter the number 2 in items 48a and 48b.

## Examples and Application of Law to Examples

### *Example No. 1*

Dorothy Fishback presents a teller with three cash deposits to the same account, at the same time, in amounts of \$5,000, \$6,000, and \$8,500 requesting that the deposits be posted to the account separately. It is the bank's procedure to post the transactions separately. A CTR is completed while the customer is at the teller window.

### Application of Law to Example No. 1

A CTR is completed based upon the information obtained at the time Dorothy Fishback presents the multiple transactions. Item 3d would not be checked on the CTR because all of the information in items 4 through 15 is being provided contemporaneously with the transaction. As it is the bank's procedure to post the transactions separately, the number of transactions reported in item 48a would be 3 and the number of branches reported in item 48b would be 1. The zip code for the location where the transactions were conducted would be entered in item 48c.

### *Example No. 2*

Andrew Weiner makes a \$7,000 cash deposit to his account at ABC Federal Savings Bank. Later the same day, Mr. Weiner returns to the same

teller and deposits \$5,000 in cash to a different account. At the time Mr. Weiner makes the second deposit, the teller realizes that the two deposits exceed \$10,000 and prepares a CTR obtaining all of the necessary identifying information directly from Mr. Weiner.

#### Application of Law to Example No. 2

Even though the two transactions were conducted at different times during the same business day, Mr. Weiner conducted both transactions at the same place and the appropriate identifying information was obtained by the teller at the time of the second transaction. Item 3d would not be checked on the CTR. The number of transactions reported in item 48a must be 2 and the number of branches reported in item 48b would be 1. The zip code for the location where the transactions took place would be entered in item 48c.

#### Example No. 3

Internal auditor Mike Pelzer is reviewing the daily cash transactions report for People's Bank and notices that five cash deposits were made the previous day to account #12345. The total of the deposits is \$25,000 and they were made at three different offices of the bank. Mike researches the account data base and finds that the account belongs to a department store and that the account is exempted for deposits up to \$17,000 per day. Each of the five transactions was under \$17,000.

#### Application of Law to Example No. 3

Having reviewed the report of aggregated transactions, Mike Pelzer has knowledge that transactions exceeding the account exemption limit have occurred during a single business day. A CTR must be filed. People's Bank is encouraged to make a reasonable effort to provide the information for items 4 through 15 on the CTR. Such efforts could include a search of the institution's records or a phone call to the department store to identify the persons that conducted the transactions. If all of the information is not contained in the institution's records or otherwise obtained, item 3d must be checked. The number of transactions reported in item 48a must be 5 and the number of branches reported in 48b would be 3. The zip codes for the three

locations where the transactions occurred must be entered in item 48c.

#### Example No. 4

Mrs. Saunders makes a cash withdrawal, for \$4,000, from a joint savings account she owns with her husband. That day her husband, Mr. Saunders, withdraws \$7,000 cash using the same teller. Realizing that the withdrawals exceed \$10,000, the teller obtains identifying information on Mr. Saunders required to complete a CTR.

#### Application of Law to Example No. 4

In this case, item 2 on the CTR must be checked because the teller knows that more than one person conducted the transactions. Information on Mr. Saunders would appear in Part I and the bank is encouraged to ask him for, or to check its records for the required identifying information on Mrs. Saunders. If after taking reasonable efforts to locate the desired information, all of the required information is not found on file in the institution's records or is not otherwise obtained, box 3d must be checked to indicate that all information is not being provided because multiple transactions are being reported. Whatever information on Mrs. Saunders is contained in the records of the institution must be reported in the continuation of Part I on the back of Form 4789. The number of transactions reported in item 48a must be 2 and the number of branches reported in item 48b would be 1. The zip code for the branch where the transactions took place would be entered in item 48c.

#### Example No. 5

On another day, Mrs. Saunders makes a deposit of \$3,000 cash and no information required for Part I of the CTR is requested of her. She is followed later the same day by her husband, Mr. Saunders, who deposits \$12,000 in currency and who provides all data required to complete Part I for himself.

#### Application of Law to Example No. 5

Item 2 on the CTR must be checked because the teller knows that more than one person con-

ducted the transactions. Information on Mr. Saunders would appear in Part I and the bank is encouraged to ask him for, or to check its records for the required identifying information on Mrs. Saunders. If after taking reasonable efforts to locate the desired information, all of the required information is not found on file in the institution's records or is not otherwise obtained, box 3d must be checked to indicate that all information is not being provided because multiple transactions are being reported. Whatever information on Mrs. Saunders is contained in the records of the institution must be reported in the continuation of Part I on the back of Form 4789. The number of transactions reported in item 48a must be 2 and the number of branches reported in item 48b would be 1. The zip code for the branch where the transactions took place would be entered in item 48c.

#### *Example No. 6*

A review of First Federal Bank's daily cash transactions report for a given day indicates several cash deposits to a single account totaling more than \$10,000. Two separate deposits were made in the night depository at the institution's

main office, and two deposits were conducted at the teller windows of two other branch locations. Each deposit was under \$10,000.

#### *Application of Law to Example No. 6*

Item 3c should be checked to indicate that identifying information is not provided because transactions were received through the night deposit box. If the tellers involved with the two face to face deposits remember who conducted the transactions, institution records can be checked for identifying information. If the records contain some of the information required by items 4 through 15, that information must be provided, and item 3d must be checked to indicate that some information is missing because multiple transactions are being reported and the information was not obtained at the time the transactions were conducted. Item 48a must indicate 4 transactions and item 48b must indicate 3 locations. The zip codes of those locations would be provided in item 48c.

Peter K. Nunez  
Assistant Secretary  
(Enforcement)

# Currency Transaction Report

(IRS Form 4789)

Section 401.0

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| Form <b>4789</b><br>(Rev. October 1995)<br>Department of the Treasury<br>Internal Revenue Service  | <h2 style="margin: 0;">Currency Transaction Report</h2> <p style="margin: 0;">▶ Use this 1995 revision effective October 1, 1995.</p> <p style="margin: 0;">▶ For Paperwork Reduction Act Notice, see page 3. ▶ Please type or print.</p> <p style="margin: 0;">(Complete all parts that apply—See instructions.)</p> | OMB No. 1545-0183  |
| 1 Check all boxes that apply:<br><input type="checkbox"/> a Amends prior report <input type="checkbox"/> b Multiple persons <input type="checkbox"/> c Multiple transactions   |   |  |
| <b>Part I Person(s) Involved in Transaction(s)</b>   |   |  |
| <b>Section A—Person(s) on Whose Behalf Transaction(s) Is Conducted</b>   |   |  |
| 2 Individual's last name or Organization's name  |   | 3 First name   |
| 5 Doing business as (DBA)  |   | 4 M.I.   |
| 7 Address (number, street, and apt. or suite no.)  |   | 6 SSN or EIN<br>   |
| 9 City   | 10 State<br>  | 11 ZIP code  |
| 12 Country (if not U.S.)   |   | 13 Occupation, profession, or business   |
| 14 If an individual, describe method used to verify identity:<br><input type="checkbox"/> a Driver's license/State I.D. <input type="checkbox"/> b Passport <input type="checkbox"/> c Alien registration <input type="checkbox"/> d Other _____<br><input type="checkbox"/> e Issued by: _____ <input type="checkbox"/> f Number: _____   |   |  |
| <b>Section B—Individual(s) Conducting Transaction(s) (if other than above).</b>  |   |  |
| If section B is left blank or incomplete, check the box(es) below to indicate the reason(s):<br><input type="checkbox"/> a Armored Car Service <input type="checkbox"/> b Mail Deposit or Shipment <input type="checkbox"/> c Night Deposit or Automated Teller Machine (ATM)<br><input type="checkbox"/> d Multiple Transactions <input type="checkbox"/> e Conducted On Own Behalf |   |  |
| 15 Individual's last name  |   | 16 First name  |
| 18 Address (number, street, and apt. or suite no.)   |   | 17 M.I.  |
| 20 City  |   | 19 SSN<br>   |
| 21 State<br>   | 22 ZIP code   | 23 Country (if not U.S.)   |
| 24 Date of birth<br>   |   | 25 If an individual, describe method used to verify identity:<br><input type="checkbox"/> a Driver's license/State I.D. <input type="checkbox"/> b Passport <input type="checkbox"/> c Alien registration <input type="checkbox"/> d Other _____<br><input type="checkbox"/> e Issued by: _____ <input type="checkbox"/> f Number: _____ |
| <b>Part II Amount and Type of Transaction(s). Check all boxes that apply.</b>  |   |  |
| 26 Cash In \$ _____ .00  |   | 27 Cash Out \$ _____ .00   |
| 28 Date of Transaction<br>   |   | 29 <input type="checkbox"/> Foreign Currency _____ (Country)   |
| 30 <input type="checkbox"/> Wire Transfer(s)   |   | 31 <input type="checkbox"/> Negotiable Instrument(s) Purchased   |
| 32 <input type="checkbox"/> Negotiable Instrument(s) Cashed  |   | 33 <input type="checkbox"/> Currency Exchange(s)   |
| 34 <input type="checkbox"/> Deposit(s)/Withdrawal(s)   |   | 35 <input type="checkbox"/> Account Number(s) Affected (if any):<br>_____<br>_____   |
| 36 <input type="checkbox"/> Other (specify)<br>_____<br>_____  |   |  |
| <b>Part III Financial Institution Where Transaction(s) Takes Place</b>   |   |  |
| 37 Name of financial institution   |   | Enter Federal regulator or BSA Examiner code number from the instructions here. ▶ [      ]   |
| 38 Address (number, street, and apt. or suite no.)   |   | 39 SSN or EIN<br>  |
| 40 City  |   | 41 State<br>   |
| 42 Zip Code  |   | 43 MICR No.  |
| <b>Sign Here ▶</b>   | 44 Title of approving official  | 45 Signature of approving official   |
|  | 46 Date of signature<br>  | 47 Type or print preparer's name   |
| 48 Type or print name of person to contact   |   | 49 Telephone number<br>(      )  |

Cat. No. 42004W

Form **4789** (Rev. 10-95)



Form 4789 (Rev. 10-95)

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**Paperwork Reduction Act Notice.**—The requested information has been determined to be useful in criminal, tax, and regulatory investigations and proceedings. Financial institutions are required to provide the information under 31 U.S.C. 5313 and 31 CFR Part 103. These provisions are commonly referred to as the Bank Secrecy Act (BSA) which is administered by the U.S. Department of the Treasury's Financial Crimes Enforcement Network (FinCEN).

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is 19 minutes. If you have comments concerning the accuracy of this time estimate or suggestions for making this form simpler, we would be happy to hear from you. You can write to the **Internal Revenue Service**, Attention: Tax Forms Committee, PC:FP, Washington, DC 20224. **DO NOT** send this form to this office. Instead, see **When and Where To File** below.

### Suspicious Transactions

This Currency Transaction Report (CTR) should NOT be filed for suspicious transactions involving \$10,000 or less in currency OR to note that a transaction of more than \$10,000 is suspicious. Any suspicious or unusual activity should be reported by a financial institution in the manner prescribed by its appropriate federal regulator or BSA examiner. (See Item 37.) If a transaction is suspicious and in excess of \$10,000 in currency, then both a CTR and the appropriate referral form must be filed.

Should the suspicious activity require immediate attention, financial institutions should telephone 1-800-800-CTRS. An Internal Revenue Service (IRS) employee will direct the call to the local office of the IRS Criminal Investigation Division (CID). This toll-free number is operational Monday through Friday, from approximately 9:00 am to 6:00 pm Eastern Standard Time. If an emergency, consult directory assistance for the local IRS CID Office.

### General Instructions

**Who Must File.**—Each financial institution (other than a casino, which instead must file Form 8362 and the U.S. Postal Service for which there are separate rules), must file Form 4789 (CTR) for each deposit, withdrawal, exchange of currency, or other payment or transfer, by, through, or to the financial institution which involves a transaction in currency of more than \$10,000. Multiple transactions must be treated as a single transaction if the financial institution has knowledge that (1) they are by or on behalf of the same person, and (2) they result in either currency received (Cash In) or currency disbursed (Cash Out) by the financial institution totaling more than \$10,000 during any one business day. For a bank, a business day is the day on which transactions are routinely posted to customers' accounts, as normally considered to depository customers. For all other financial institutions, a business day is a calendar day.

Generally, financial institutions are defined as banks, other types of depository institutions, brokers or dealers in securities, money transmitters, currency exchangers, check cashers, issuers and sellers of money orders and traveler's checks. Should you have questions, see the definitions in 31 CFR Part 103.

**When and Where To File.**—File this CTR by the 15th calendar day after the day of the transaction with the IRS Detroit Computing Center, ATTN: CTR, P.O. Box 33604, Detroit, MI 48232-5604 or with your local IRS office. Keep a

copy of each CTR for five years from the date filed.

A financial institution may apply to file the CTRs magnetically. To obtain an application to file magnetically, write to the IRS Detroit Computing Center, ATTN: CTR Magnetic Media Coordinator, at the address listed above.

**Identification Requirements.**—All individuals (except employees of armored car services) conducting a reportable transaction(s) for themselves or for another person must be identified by means of an official document(s).

Acceptable forms of identification include a driver's license, military, and military/dependent identification cards, passport, state issued identification card, cedular card (foreign), non-resident alien identification cards, or any other identification document or documents, which contain name and preferably address and a photograph and are normally acceptable by financial institutions as a means of identification when cashing checks for persons other than established customers.

Acceptable identification information obtained previously and maintained in the financial institution's records may be used. For example, if documents verifying an individual's identity were examined and recorded on a signature card when an account was opened, the financial institution may rely on that information. In completing the CTR, the financial institution must indicate on the form the method, type, and number of the identification. Statements such as "known customer" or "signature card on file" are not sufficient for form completion.

**Penalties.**—Civil and criminal penalties are provided for failure to file a CTR or to supply information or for filing a false or fraudulent CTR. See 31 U.S.C. 5321, 5322 and 5324.

**For purposes of this CTR, the terms below have the following meanings:**

**Currency.**—The coin and paper money of the United States or any other country, which is circulated and customarily used and accepted as money.

**Person.**—An individual, corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture or other unincorporated organization or group.

**Organization.**—Person other than an individual.

**Transaction In Currency.**—The physical transfer of currency from one person to another. This does not include a transfer of funds by means of bank check, bank draft, wire transfer or other written order that does not involve the physical transfer of currency.

**Negotiable Instruments.**—All checks and drafts (including business, personal, bank, cashier's and third-party), money orders, and promissory notes. For purposes of this CTR, all traveler's checks shall also be considered negotiable instruments. All such instruments shall be considered negotiable instruments whether or not they are in bearer form.

### Specific Instructions

Because of the limited space on the front and back of the CTR, it may be necessary to submit additional information on attached sheets. Submit this additional information on plain paper attached to the CTR. Be sure to put the individual's or organization's name and identifying number (Items 2, 3, 4, and 6 of the CTR) on any additional sheets so that if it becomes separated, it may be associated with the CTR.

**Item 1a. Amends Prior Report.**—If this CTR is being filed because it amends a report filed

previously, check Item 1a. Staple a copy of the original CTR to the amended one, complete Part III fully and only those other entries which are being amended.

**Item 1b. Multiple Persons.**—If this transaction is being conducted by more than one person or on behalf of more than one person, check Item 1b. Enter information in Part 1 for one of the persons and provide information on any other persons on the back of the CTR.

**Item 1c. Multiple Transactions.**—If the financial institution has knowledge that there are multiple transactions, check Item 1c.

### Part 1 - Person(s) Involved In Transaction(s)

Section A must be completed. If an individual conducts a transaction on his own behalf, complete Section A; leave Section B BLANK. If an individual conducts a transaction on his own behalf and on behalf of another person(s), complete Section A for each person; leave Section B BLANK. If an individual conducts a transaction on behalf of another person(s), complete Section B for the individual conducting the transaction, and complete Section A for each person on whose behalf the transaction is conducted of whom the financial institution has knowledge.

**Section A. Person(s) on Whose Behalf Transaction(s) Is Conducted.**—See instructions above.

**Items 2, 3, and 4. Individual/Organization Name.**—If the person on whose behalf the transaction(s) is conducted is an individual, put his/her last name in Item 2, first name in Item 3 and middle initial in Item 4. If there is no middle initial, leave Item 4 BLANK. If the transaction is conducted on behalf of an organization, put its name in Item 2 and leave Items 3 and 4 BLANK.

**Item 5. Doing Business As (DBA).**—If the financial institution has knowledge of a separate "doing business as" name, enter it in Item 5. For example, Johnson Enterprises DBA P.J.'s Pizzeria.

**Item 6. Social Security Number (SSN) or Employer Identification Number (EIN).**—Enter the SSN or EIN of the person identified in Item 2. If none, write NONE.

**Items 7, 9, 10, 11, and 12. Address.**—Enter the permanent street address including zip code of the person identified in Item 2. Use the Post Office's two letter state abbreviation code. A P.O. Box should not be used by itself and may only be used if there is no street address. If a P.O. Box is used, the name of the apartment or suite number, road or route number where the person resides must also be provided. If the address is outside the U.S., provide the street address, city, province, or state, post code (if known), and the name of the country.

**Item 8. Date of Birth.** Enter the date of birth. Six numerals must be inserted for each date. The first two will reflect the month of birth, the second two the calendar day of birth, and the last two numerals the year of birth. Zero (0) should precede any single digit number. For example, if an individual's birth date is April 3, 1948, Item 8 should read 04 03 48.

**Item 13. Occupation, Profession, or Business.**—Identify fully the occupation, profession or business of the person on whose behalf the transaction(s) was conducted. For example, secretary, shoe salesman, carpenter, attorney, housewife, restaurant, liquor store, etc. Do not use non-specific terms such as merchant, self-employed, businessman, etc.

**Item 14. If an Individual, Describe Method Used To Verify.**—If an individual conducts the transaction(s) on his/her own behalf, his/her identity must be verified by examination of an acceptable document (see **General Instructions**). For example, check box a if a driver's license is used to verify an individual's identity, and enter the state that issued the license and the number in items e and f. If the transaction is conducted by an individual on behalf of another individual not present or an organization, enter N/A in item 14.

**Section B. Individual(s) Conducting Transaction(s) (if other than above).**—Financial institutions should enter as much information as is available. However, there may be instances in which Items 15-25 may be left BLANK or incomplete.

If Items 15-25 are left BLANK or incomplete, check one or more of the boxes provided to indicate the reason(s).

**Example:** If there are multiple transactions that, if only when aggregated, the financial institution has knowledge the transactions exceed the reporting threshold, and therefore, did not identify the transaction(s), check box d for Multiple Transactions.

**Item 15, 16, and 17. Individual(s) Name.**—Complete these items if an individual conducts a transaction(s) on behalf of another person. For example, if John Doe, an employee of XYZ Grocery Store makes a deposit to the store's account, XYZ Grocery Store should be identified in Section A, and John Doe should be identified in Section B.

**Items 18, 20, 21, 22, and 23. Address.**—Enter the permanent street address including zip code of the individual. (See Items 7, 9, 10, 11, and 12.)

**Item 19. SSN.**—If the individual has an SSN, enter it in Item 19. If the individual does not have an SSN, enter NONE.

**Item 24. Date of Birth.**—Enter the individual's date of birth. See the instructions for item 8.

**Item 25. If an Individual, Describe Method Used To Verify.**—Enter the method by which the individual's identity is verified (see **General Instructions** and Item 14).

**Part II - Amount and Type of Transaction(s)**

Complete Part II to identify the type of transaction(s) reported and the amount(s) involved.

**Items 26 and 27. Cash In/Cash Out.**—In the spaces provided, enter the amount of currency received (Cash In) or disbursed (Cash Out) by the financial institution. If foreign currency is exchanged, use the U.S. dollar equivalent on the day of the transaction.

If less than a full dollar amount is involved, increase that figure to the next highest dollar. For example, if the currency totals \$20,000.05, show the total as \$20,001.00.

**Item 28. Date of Transaction.**—Six numerals must be inserted for each date. (See Item 8.)

**Determining Whether Transactions Meet the Reporting Threshold**

Only cash transactions that, if alone or when aggregated, exceed \$10,000 should be reported on the CTR. Transactions shall not be offset against one another.

If there are both Cash In and Cash Out transactions that are reportable, the amounts should be considered separately and not aggregated. However, they may be reported on a single CTR.

If there is a currency exchange, it should be aggregated separately with each of the Cash In and Cash Out totals.

**Example 1:** A person deposits \$11,000 in currency to his savings account and withdraws \$3,000 in currency from his checking account.

The CTR should be completed as follows: Cash In \$11,000, and no entry for Cash Out. This is because the \$3,000 transaction does not meet the reporting threshold.

**Example 2:** A person deposits \$11,000 in currency to his savings account and withdraws \$12,000 in currency from his checking account.

The CTR should be completed as follows: Cash In \$11,000, Cash Out \$12,000. This is because there are two reportable transactions. However, one CTR may be filed to reflect both.

**Example 3:** A person deposits \$6,000 in currency to his savings account and withdraws \$4,000 in currency from his checking account. Further, he presents \$5,000 in currency to be exchanged for the equivalent in French francs.

The CTR should be completed as follows: Cash In \$11,000 and no entry for Cash Out. This is because in determining whether the transactions are reportable, the currency exchange is aggregated with each of the Cash In and the Cash Out amounts. The result is a reportable \$11,000 Cash In transaction. The total Cash Out amount is \$9,000 which does not meet the reporting threshold; therefore, it is not entered on the CTR.

**Example 4:** A person deposits \$6,000 in currency to his savings account and withdraws \$7,000 in currency from his checking account. Further, he presents \$5,000 in currency to be exchanged for the equivalent in French francs.

The CTR should be completed as follows: Cash In \$11,000, Cash Out \$12,000. This is because in determining whether the transactions are reportable, the currency exchange is aggregated with each of the Cash In and Cash Out amounts. In this example, each of the Cash In and Cash Out totals exceed \$10,000 and must be reflected on the CTR.

**Item 29. Foreign Currency.**—If foreign currency is involved, check Item 29 and identify the country. If multiple foreign currencies are involved, identify the country for which the largest amount is exchanged.

**Items 30-33.**—Check the appropriate item(s) to identify the following type of transaction(s):

- 30. Wire Transfer(s)
- 31. Negotiable Instrument(s) Purchased
- 32. Negotiable Instrument(s) Cashed
- 33. Currency Exchange(s)

**Item 34. Deposits/Withdrawals.**—Check this item to identify deposits to or withdrawals from accounts, e.g., demand deposit accounts, savings accounts, time deposits, mutual fund accounts or any other account held at the financial institution. Enter the account number(s) in item 35.

**Item 35. Account Numbers Affected (if any).**—Enter the account number of any accounts affected by the transaction(s) that are maintained

at the financial institution conducting the transaction(s). If necessary, use additional sheets of paper to indicate all of the affected accounts.

**Example 1:** If a person cashes a check drawn on an account held at the financial institution, the CTR should be completed as follows: Indicate Negotiable Instrument(s) Cashed and provide the account number of the check.

If the transaction does not affect an account, make no entry.

**Example 2:** A person cashes a check drawn on another financial institution. In this instance, Negotiable Instrument(s) Cashed would be indicated, but no account at the financial institution has been affected. Therefore, item 35 should be left BLANK.

**Item 36. Other (specify).**—If a transaction is not identified in Items 30-34, check item 36 and provide an additional description. For example, a person presents a check to purchase "foreign currency".

**Part III - Financial Institution Where Transaction(s) Takes Place**

**Item 37. Name of Financial Institution and Identity of Federal Regulator or BSA Examiner.**—Enter the financial institution's full legal name and identify the federal regulator or BSA examiner, using the following codes:

| FEDERAL REGULATOR OR BSA EXAMINER            | CODE |
|--|------|
| Comptroller of the Currency (OCC)            | 1    |
| Federal Deposit Insurance Corporation (FDIC) | 2    |
| Federal Reserve System (FRS)                 | 3    |
| Office of Thrift Supervision (OTS)           | 4    |
| National Credit Union Administration (NCUA)  | 5    |
| Securities and Exchange Commission (SEC)     | 6    |
| Internal Revenue Service (IRS)               | 7    |
| U.S. Postal Service (USPS)                   | 8    |

**Items 38, 40, 41, and 42. Address.**—Enter the street address, city, state, and ZIP code of the financial institution where the transaction occurred. If there are multiple transactions, provide information on the office or branch where any one of the transactions has occurred.

**Item 39. EIN or SSN.**—Enter the financial institution's EIN. If the financial institution does not have an EIN, enter the SSN of the financial institution's principal owner.

**Item 43. MICR Number.**—If a depository institution, enter the Magnetic Ink Character Recognition (MICR) number.

**Signature**

**Items 44 and 45. Title and Signature of Approving Official.**—The official who reviews and approves the CTR must indicate his/her title and sign the CTR.

**Item 46. Date the Form Was Signed.**—The approving official must enter the date the CTR is signed. (See Item 8.)

**Item 47. Preparer's Name.**—Type or print the full name of the individual preparing the CTR. The preparer and the approving official may not necessarily be the same individual.

**Items 48 and 49. Contact Person/Telephone Number.**—Type or print the name and telephone number of an individual to contact concerning questions about the CTR.

# Report of International Transportation of Currency or Monetary Instruments (Customs Form 4790) Section 402.0

|   |  |   |  |
|---|--|---|--|
| (U. S. Customs Use Only)<br>Control No. 31 U.S.C. 5316; 31 CFR 103.23 and 103.25<br>▶ <b>Please Type or print.</b>  |  | <br>DEPARTMENT OF THE TREASURY<br>UNITED STATES CUSTOMS SERVICE<br><b>REPORT OF INTERNATIONAL<br/>                 TRANSPORTATION OF CURRENCY<br/>                 OR MONETARY INSTRUMENTS</b> | Form Approved<br>OMB No. 1515-0079<br>▶ This form is to be filed with the<br>United States Customs Service<br>▶ For Paperwork Reduction Act<br>Notice and Privacy Act Notice,<br>see back of form. |
| <b>Part I FOR INDIVIDUAL DEPARTING FROM OR ENTERING THE UNITED STATES</b>   |  |   |  |
| 1. NAME (Last or family, first, and middle)   |  | 2. IDENTIFYING NO. (See instructions)   | 3. DATE OF BIRTH (Mo./Day/Yr.)   |
| 4. PERMANENT ADDRESS IN UNITED STATES OR ABROAD   |  | 5. OF WHAT COUNTRY ARE YOU A CITIZEN/SUBJECT?   |  |
| 6. ADDRESS WHILE IN THE UNITED STATES   |  | 7. PASSPORT NO. & COUNTRY   |  |
| 8. U.S. VISA DATE   | 9. PLACE UNITED STATES VISA WAS ISSUED   | 10. IMMIGRATION ALIEN NO. (if any)  |  |
| 11. CURRENCY OR MONETARY INSTRUMENT WAS: (Complete 11A or 11B)  |  |   |  |
| A. EXPORTED   |  | B. IMPORTED   |  |
| Departed From: (City in U.S.)   | Arrived At: (Foreign City/Country)       | From: (Foreign City/Country)  | At: (City in U.S.)   |
| <b>Part II FOR PERSON SHIPPING, MAILING, OR RECEIVING CURRENCY OR MONETARY INSTRUMENTS</b>  |  |   |  |
| 12. NAME (Last or family, first, and middle)  |  | 13. IDENTIFYING NO. (See instructions)  | 14. DATE OF BIRTH (Mo./Day/Yr.)  |
| 15. PERMANENT ADDRESS IN UNITED STATES OR ABROAD  |  | 16. OF WHAT COUNTRY ARE YOU A CITIZEN/SUBJECT?  |  |
| 17. ADDRESS WHILE IN THE UNITED STATES  |  | 18. PASSPORT NO. & COUNTRY  |  |
| 19. U.S. VISA DATE  | 20. PLACE UNITED STATES VISA WAS ISSUED  | 21. IMMIGRATION ALIEN NO. (if any)  |  |
| 22. CURRENCY OR MONETARY INSTRUMENTS  | 23. CURRENCY OR MONETARY INSTRUMENTS     | NAME AND ADDRESS  | 24. IF THE CURRENCY OR MONETARY INSTRUMENT WAS MAILED, SHIPPED, OR TRANSPORTED COMPLETE BLOCKS A AND B.  |
| DATE SHIPPED  | <input type="checkbox"/> Shipped To ▶    |   | A. Method of Shipment (Auto, U.S. Mail, Public Carrier, etc.)  |
| DATE RECEIVED   | <input type="checkbox"/> Received From ▶ |   | B. Name of Transporter/Carrier   |
| <b>Part III CURRENCY AND MONETARY INSTRUMENT INFORMATION (SEE INSTRUCTIONS ON REVERSE) (To be completed by everyone)</b>  |  |   |  |
| 25. TYPE AND AMOUNT OF CURRENCY/MONETARY INSTRUMENTS  |  | Value in U.S. Dollars   | 26. IF OTHER THAN U.S. CURRENCY IS INVOLVED, PLEASE COMPLETE BLOCKS A AND B. (SEE SPECIAL INSTRUCTIONS)  |
| Coins .....   | <input type="checkbox"/> A. ▶ \$         |   | A. Currency Name   |
| Currency .....  | <input type="checkbox"/> B. ▶            |   |  |
| Other Instruments (Specify Type) .....  | <input type="checkbox"/> C. ▶            |   | B. Country   |
| (Add lines A, B and C) .....  | TOTAL AMOUNT ▶ \$                        |   |  |
| <b>Part IV GENERAL - TO BE COMPLETED BY ALL TRAVELERS, SHIPPERS, AND RECIPIENTS</b>   |  |   |  |
| 27. WERE YOU ACTING AS AN AGENT, ATTORNEY OR IN CAPACITY FOR ANYONE IN THIS CURRENCY OR MONETARY INSTRUMENT ACTIVITY? (If "Yes" complete A, B and C) <input type="checkbox"/> Yes <input type="checkbox"/> No |  |   |  |
| PERSON IN WHOSE BEHALF YOU ARE ACTING ▶   | A. Name                                  | B. Address  | C. Business Activity, occupation, or profession  |
| Under penalties of perjury, I declare that I have examined this report, and to the best of my knowledge and belief it is true, correct and complete.  |  |   |  |
| 28. NAME AND TITLE  |  | 29. SIGNATURE   | 30. DATE   |
| (Replaces IRS Form 4790 which is obsolete.) <span style="float: right;"><b>Customs Form 4790 (031695)</b></span>  |  |   |  |

**GENERAL INSTRUCTIONS**

This report is required by Treasury Department regulations (31 Code of Federal Regulations 103).

**Who Must File.**--Each person who physically transports, mails, or ships, or causes to be physically transported, mailed, shipped or received currency or other monetary instruments in an aggregate amount exceeding \$10,000 on any one occasion from the United States to any place outside the United States, or into the United States from any place outside the United States.

**A. TRANSFER OF FUNDS THROUGH NORMAL BANKING PROCEDURES WHICH DOES NOT INVOLVE THE PHYSICAL TRANSPORTATION OF CURRENCY OR MONETARY INSTRUMENTS IS NOT REQUIRED TO BE REPORTED.**

**Exceptions.**--The following persons are not required to file reports: (1) a Federal Reserve Bank, (2) a bank, a foreign bank, or a broker or dealer in securities in respect to currency or other monetary instruments mailed or shipped through the postal service or by common carrier, (3) a commercial bank or trust company organized under the laws of any State or of the United States with respect to overland shipments of currency or monetary instruments shipped to or received from an established customer maintaining a deposit relationship with the bank, in amounts which the bank may reasonably conclude do not exceed amounts commensurate with the customary conduct of the business, industry, or profession of the customer concerned, (4) a person who is not a citizen or resident of the United States in respect to currency or other monetary instruments mailed or shipped from abroad to a bank or broker or dealer in securities through the postal service or by common carrier, (5) a common carrier of passengers in respect to currency or other monetary instruments in the possession of its passengers, (6) a common carrier of goods in respect to shipments of currency or monetary instruments not declared to be such by the shipper, (7) a travelers' check issuer or its agent in respect to the transportation of traveler's checks prior to their delivery to selling agents for eventual sale to the public, nor by (8) a person engaged as a business in the transportation of currency, monetary instruments and other commercial papers with respect to the transportation of currency or other monetary instruments overland between established offices of banks or brokers or dealers in securities and foreign persons.

**WHEN AND WHERE TO FILE:**

**A. Recipients.**--Each person who receives currency or other monetary instruments shall file Form 4790, within 30 days after receipt, with the Customs officer in charge at any port of entry or departure or by mail with the Commissioner of Customs, Attention: Currency Transportation Reports, Washington DC 20229.

**B. Shippers or Mailers:**--If the currency or other monetary instrument does not accompany the person entering or departing the United States, Form 4790 may be filed by mail on or before the date of entry, departure, mailing, or shipping with the Commissioner of Customs, Attention: Currency Transportation Reports, Washington DC 20229.

**C. Travelers.**--Travelers carrying currency or other monetary instruments with them shall file Form 4790 at the time of entry into the United States or at the time of departure from the United States with the Customs officer in charge at any Customs port of entry or departure.

An additional report of a particular transportation, mailing, or shipping of currency or the monetary instruments, is not required if a complete and truthful report has already been filed. However, no person otherwise required to file a report shall be excused from liability for failure to do so if, in fact, a complete and truthful report has not been filed. Forms may be obtained from any United States Customs Service office.

**Penalties.**--Civil and criminal penalties, including under certain circumstances a fine of not more than \$500,000 and imprisonment of not more than five years, are provided for failure to file a report, supply information, and for filing a false or fraudulent report. In addition, the currency or monetary instrument may be subject to seizure and forfeiture. See section 103.47, 103.48 and 103.49 of the regulations.

**DEFINITIONS:**

**Bank.**--Each agent, agency, branch or office within the United States of a foreign bank and each agency, branch or office within the United States of any person doing business in one or more of the capacities listed: (1) a commercial bank or trust company organized under the laws of any state or of the United States; (2) a private bank; (3) a savings and loan association or a building and loan association organized under the laws of any state of the United States; (4) an insured institution as defined in section 401 of the National Housing Act; (5) a savings bank, industrial bank or other thrift institution; (6) a credit union organized under the laws of any state or of the United States; and (7) any other organization chartered under the banking laws of any state and subject to the supervision of the bank supervisory authorities of a state.

**Foreign Bank.**--A bank organized under foreign law, or an agency, branch or office located outside the United States of a bank. The term does not include an agent, agency, branch or office within the United States of a bank organized under foreign law.

**Broker or Dealer in Securities.**--A broker or dealer in securities, registered or required to be registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934.

**IDENTIFICATION NUMBER.**--Individuals must enter their social security number, if any. However, aliens who do not have a social security number should enter passport or alien registration number. All others should enter their employer identification number.

**Investment Security.**--An instrument which: (1) is issued in bearer or registered form; (2) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any areas in which it is issued or dealt in as a medium for investment; (3) is either one of a class or series or by its terms is divisible into a class or series of instruments; and (4) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

**Monetary Instruments.**--Coin or currency of the United States or of any other country, travelers' checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments (except warehouse receipts or bills of lading) in bearer form or other is in such form that title thereto passes upon delivery. The term includes bank checks, travelers' checks and money orders which are signed but on which the name of the payee has been omitted, but does not include bank checks, travelers' checks or money orders made payable to the order of a named person which have not been endorsed or which bear restrictive endorsements.

**Person.**--An individual, a corporation, a partnership, a trust or estate, a joint stock company, and association, a syndicate, joint venture or other unincorporated organization or group, and all entities cognizable as legal personalities.

**SPECIAL INSTRUCTIONS:**

You should complete each line which applies to you. **Part II.**--Line 22, enter the exact date you shipped or received currency or monetary instrument(s). Line 23, check the applicable box and give the complete name and address of the shipper or recipient. **Part III.**--Line 26, if currency or monetary instruments of more than one country is involved, attach a schedule showing each kind, country, and amount.

**PRIVACY ACT AND PAPERWORK REDUCTION ACT NOTICE**

Pursuant to the requirements of Public Law 93-579 (Privacy Act of 1974), notice is hereby given that the authority to collect information on Form 4790 in accordance with 5 U.S.C. 552a(e)(3) is Public Law 91-508; 31 U.S.C. 5316; 5 U.S.C. 301; Reorganization Plan No.1 of 1950; Treasury Department No.165, revised, as amended; 31 CFR 103; and 44 U.S.C. 3501.

The principal purpose for collecting the information is to assure maintenance of reports or records where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. The information collected may be provided to those officers and employees of the Customs Service and any other constituent unit of the Department of the Treasury who have a need for the records in the performance of their duties. The records may be referred to any other department or agency of the Federal Government upon the request of the head of such department or agency.

Disclosure of this information is mandatory. Failure to provide all or any part of the requested information may subject the currency or monetary instruments to seizure and forfeiture, as well as subject the individual to civil and criminal liabilities.

Disclosure of the social security number is mandatory. The authority to collect this number is 31 CFR 103.25. The social security number will be used as a means to identify the individual who files the record.

The collection of this information is mandatory pursuant to 31 U.S.C. 5316.

Statement Required by 5 CFR 1320.21: The estimated average burden associated with this collection of information is 10 minutes per respondent or recordkeeper depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing the burden should be directed to U.S. Customs Service, Paperwork Management Branch, Washington DC 20229. **DO NOT send completed form(s) to this office.**



**Multiple Parties**

(Complete applicable parts below if box 2 or 15 on page 1 is checked)

**Part I Continued—Complete if box 2 on page 1 is checked**

|  |  |          |              |                          |                    |  |   |   |   |   |   |   |   |   |
|--|--|----------|--------------|--------------------------|--------------------|--|---|---|---|---|---|---|---|---|
| 3 Last Name  |  |          | 4 First Name |                          | 5 M.I.             | 6 Taxpayer identification number       |   |   |   |   |   |   |   |   |
| 7 Address (number, street, and apt. or suite no.)                |  |          |              |                          | 8 Date of birth. ▶ |  | M | M | D | D | Y | Y | Y | Y |
| 9 City   |  | 10 State | 11 ZIP code  | 12 Country (if not U.S.) |                    | 13 Occupation, profession, or business |   |   |   |   |   |   |   |   |
| 14 Document used to verify identity: a Describe identification ▶ |  |          |              |                          |                    |  |   |   |   |   |   |   |   |   |
| b Issued by c Number   |  |          |              |                          |                    |  |   |   |   |   |   |   |   |   |

|  |  |          |              |                          |                    |  |   |   |   |   |   |   |   |   |
|--|--|----------|--------------|--------------------------|--------------------|--|---|---|---|---|---|---|---|---|
| 3 Last Name  |  |          | 4 First Name |                          | 5 M.I.             | 6 Taxpayer identification number       |   |   |   |   |   |   |   |   |
| 7 Address (number, street, and apt. or suite no.)                |  |          |              |                          | 8 Date of birth. ▶ |  | M | M | D | D | Y | Y | Y | Y |
| 9 City   |  | 10 State | 11 ZIP code  | 12 Country (if not U.S.) |                    | 13 Occupation, profession, or business |   |   |   |   |   |   |   |   |
| 14 Document used to verify identity: a Describe identification ▶ |  |          |              |                          |                    |  |   |   |   |   |   |   |   |   |
| b Issued by c Number   |  |          |              |                          |                    |  |   |   |   |   |   |   |   |   |

**Part II Continued—Complete if box 15 on page 1 is checked**

|  |  |          |             |                          |  |  |                                   |  |  |  |  |  |  |
|--|--|----------|-------------|--------------------------|--|--|-----------------------------------|--|--|--|--|--|--|
| 16 Individual's last name or Organization's name     |  |          |             | 17 First Name            |  | 18 M.I.                                | 19 Taxpayer identification number |  |  |  |  |  |  |
| 20 Doing business as (DBA) name (see instructions)   |  |          |             |                          |  |  | Employer identification number    |  |  |  |  |  |  |
| 21 Address (number, street, and apt. or suite no.)   |  |          |             |                          |  | 22 Occupation, profession, or business |                                   |  |  |  |  |  |  |
| 23 City  |  | 24 State | 25 ZIP code | 26 Country (if not U.S.) |  |  |                                   |  |  |  |  |  |  |
| 27 Alien identification: a Describe identification ▶ |  |          |             |                          |  |  |                                   |  |  |  |  |  |  |
| b Issued by c Number                                 |  |          |             |                          |  |  |                                   |  |  |  |  |  |  |

|  |  |          |             |                          |  |  |                                   |  |  |  |  |  |  |
|--|--|----------|-------------|--------------------------|--|--|-----------------------------------|--|--|--|--|--|--|
| 16 Individual's last name or Organization's name     |  |          |             | 17 First Name            |  | 18 M.I.                                | 19 Taxpayer identification number |  |  |  |  |  |  |
| 20 Doing business as (DBA) name (see instructions)   |  |          |             |                          |  |  | Employer identification number    |  |  |  |  |  |  |
| 21 Address (number, street, and apt. or suite no.)   |  |          |             |                          |  | 22 Occupation, profession, or business |                                   |  |  |  |  |  |  |
| 23 City  |  | 24 State | 25 ZIP code | 26 Country (if not U.S.) |  |  |                                   |  |  |  |  |  |  |
| 27 Alien identification: a Describe identification ▶ |  |          |             |                          |  |  |                                   |  |  |  |  |  |  |
| b Issued by c Number                                 |  |          |             |                          |  |  |                                   |  |  |  |  |  |  |

Form 8300 (Rev. 8-97)

Page 3

**Item You Should Note**

Clerks of Federal or State courts must now file Form 8300 if more than \$10,000 in cash is received as bail for an individual(s) charged with certain criminal offenses. For these purposes, a clerk includes the clerk's office or any other office, department, division, branch, or unit of the court that is authorized to receive bail. If a person receives bail on behalf of a clerk, the clerk is treated as receiving the bail.

If multiple payments are made in cash to satisfy bail and the initial payment does not exceed \$10,000, the initial payment and subsequent payments must be aggregated and the information return must be filed by the 15th day after receipt of the payment that causes the aggregate amount to exceed \$10,000 in cash. In such cases, the reporting requirement can be satisfied either by sending a single written statement with an aggregate amount listed or by furnishing a copy of each Form 8300 relating to that payer. Payments made to satisfy separate bail requirements are not required to be aggregated. See Treasury Regulations section 1.6050I-2.

Casinos must file Form 8300 for nongaming activities (restaurants, shops, etc.).

**General Instructions**

**Who must file.**—Each person engaged in a trade or business who, in the course of that trade or business, receives more than \$10,000 in cash in one transaction or in two or more related transactions, must file Form 8300. Any transactions conducted between a payer (or its agent) and the recipient in a 24-hour period are related transactions. Transactions are considered related even if they occur over a period of more than 24 hours if the recipient knows, or has reason to know, that each transaction is one of a series of connected transactions.

Keep a copy of each Form 8300 for 5 years from the date you file it.

**Voluntary use of Form 8300.**—Form 8300 may be filed voluntarily for any suspicious transaction (see **Definitions**), even if the total amount does not exceed \$10,000.

**Exceptions.**—Cash is not required to be reported if it is received:

- By a financial institution required to file Form 4789, Currency Transaction Report.
- By a casino required to file (or exempt from filing) Form 8362, Currency Transaction Report by Casinos, if the cash is received as part of its gaming business.
- By an agent who receives the cash from a principal, if the agent uses all of the cash within 15 days in a second transaction that is reportable on Form 8300 or on Form 4789, and discloses all the information necessary to complete Part II of Form 8300 or Form 4789 to the recipient of the cash in the second transaction.
- In a transaction occurring entirely outside the United States. See **Pub. 1544**, Reporting Cash Payments Over \$10,000 (Received in a Trade or Business),

regarding transactions occurring in Puerto Rico, the Virgin Islands, and territories and possessions of the United States.

- In a transaction that is not in the course of a person's trade or business.

**When to file.**—File Form 8300 by the 15th day after the date the cash was received. If that date falls on a Saturday, Sunday, or legal holiday, file the form on the next business day.

**Where to file.**—File the form with the Internal Revenue Service, Detroit Computing Center, P.O. Box 32621, Detroit, MI 48232, or hand carry it to your local IRS office.

**Statement to be provided.**—You must give a written statement to each person named on a required Form 8300 on or before January 31 of the year following the calendar year in which the cash is received. The statement must show the name, telephone number, and address of the information contact for the business, the aggregate amount of reportable cash received, and that the information was furnished to the IRS. Keep a copy of the statement for your records.

**Multiple payments.**—If you receive more than one cash payment for a single transaction or for related transactions, you must report the multiple payments any time you receive a total amount that exceeds \$10,000 within any 12-month period. Submit the report within 15 days of the date you receive the payment that causes the total amount to exceed \$10,000. If more than one report is required within 15 days, you may file a combined report. File the combined report no later than the date the earliest report, if filed separately, would have to be filed.

**Taxpayer identification number (TIN).**—You must furnish the correct TIN of the person or persons from whom you receive the cash and, if applicable, the person or persons on whose behalf the transaction is being conducted. **You may be subject to penalties for an incorrect or missing TIN.**

The TIN for an individual (including a sole proprietorship) is the individual's social security number (SSN). For certain resident aliens who are not eligible to get an SSN and nonresident aliens who are required to file tax returns, it is an IRS Individual Taxpayer Identification Number (ITIN). For other persons, including corporations, partnerships, and estates, it is the employer identification number.

If you have requested but are not able to get a TIN for one or more of the parties to a transaction within 15 days following the transaction, file the report and attach a statement explaining why the TIN is not included.

**Exception:** *You are not required to provide the TIN of a person who is a nonresident alien individual or a foreign organization if that person does not have income effectively connected with the conduct of a U.S. trade or business and does not have an office or place of business, or fiscal or paying agent, in the United States. See Pub. 1544 for more information.*

**Penalties.**—You may be subject to penalties if you fail to file a correct and complete Form 8300 on time and you cannot show that the failure was due to reasonable cause. You may also be subject to penalties if you fail to furnish timely a correct and complete statement to each person named in a required report. A minimum penalty of \$25,000 may be imposed if the failure is due to an intentional disregard of the cash reporting requirements.

Penalties may also be imposed for causing, or attempting to cause, a trade or business to fail to file a required report; for causing, or attempting to cause, a trade or business to file a required report containing a material omission or misstatement of fact; or for structuring, or attempting to structure, transactions to avoid the reporting requirements. These violations may also be subject to criminal prosecution which, upon conviction, may result in imprisonment of up to 5 years or fines of up to \$250,000 for individuals and \$500,000 for corporations or both.

**Definitions**

**Cash.**—The term "cash" means the following:

- U.S. and foreign coin and currency received in any transaction.
- A cashier's check, money order, bank draft, or traveler's check having a face amount of \$10,000 or less that is received in a **designated reporting transaction** (defined below), or that is received in any transaction in which the recipient knows that the instrument is being used in an attempt to avoid the reporting of the transaction under section 6050I.

**Note:** *Cash does not include a check drawn on the payer's own account, such as a personal check, regardless of the amount.*

**Designated reporting transaction.**—A retail sale (or the receipt of funds by a broker or other intermediary in connection with a retail sale) of a consumer durable, a collectible, or a travel or entertainment activity.

**Retail sale.**—Any sale (whether or not the sale is for resale or for any other purpose) made in the course of a trade or business if that trade or business principally consists of making sales to ultimate consumers.

**Consumer durable.**—An item of tangible personal property of a type that, under ordinary usage, can reasonably be expected to remain useful for at least 1 year, and that has a sales price of more than \$10,000.

**Collectible.**—Any work of art, rug, antique, metal, gem, stamp, coin, etc.

**Travel or entertainment activity.**—An item of travel or entertainment that pertains to a single trip or event if the combined sales price of the item and all other items relating to the same trip or event that are sold in the same transaction (or related transactions) exceeds \$10,000.

**Exceptions.**—A cashier's check, money order, bank draft or traveler's check is not considered received in a designated

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reporting transaction if it constitutes the proceeds of a bank loan or if it is received as a payment on certain promissory notes, installment sales contracts, or down payment plans. See Pub. 1544 for more information.

**Person**—An individual, corporation, partnership, trust, estate, association, or company.

**Recipient**—The person receiving the cash. Each branch or other unit of a person's trade or business is considered a separate recipient unless the branch receiving the cash (or a central office linking the branches), knows or has reason to know the identity of payers making cash payments to other branches.

**Transaction**—Includes the purchase of property or services, the payment of debt, the exchange of a negotiable instrument for cash, and the receipt of cash to be held in escrow or trust. A single transaction may not be broken into multiple transactions to avoid reporting.

**Suspicious transaction**—A transaction in which it appears that a person is attempting to cause Form 8300 not to be filed, or to file a false or incomplete form. The term also includes any transaction in which there is an indication of possible illegal activity.

### Specific Instructions

You must complete all parts. However, you may skip Part II if the individual named in Part I is conducting the transaction on his or her behalf only.

**Item 1**—If you are amending a prior report, check box 1a. Complete the appropriate items with the correct or amended information only. Complete all of Part IV. Staple a copy of the original report to the amended report.

To voluntarily report a suspicious transaction (see **Definitions**), check box 1b. You may also telephone your local IRS Criminal Investigation Division or call 1-800-800-2877.

### Part I

**Item 2**—If two or more individuals conducted the transaction you are reporting, check the box and complete Part I for any one of the individuals. Provide the same information for the other individual(s) on the back of the form. If more than three individuals are involved, provide the same information on additional sheets of paper and attach them to this form.

**Item 6**—Enter the taxpayer identification number (TIN) of the individual named. See **Taxpayer identification number (TIN) under General Instructions** for more information.

**Item 8**—Enter eight numerals for the date of birth of the individual named. For example, if the individual's birth date is July 6, 1960, enter 07 06 1960.

**Item 13**—Fully describe the nature of the occupation, profession, or business (for example, "plumber," "attorney," or "automobile dealer"). Do not use general or

nondescriptive terms such as "businessman" or "self-employed."

**Item 14**—You must verify the name and address of the named individual(s). Verification must be made by examination of a document normally accepted as a means of identification when cashing checks (for example, a driver's license, passport, alien registration card, or other official document). In item 14a, enter the type of document examined. In item 14b, identify the issuer of the document. In item 14c, enter the document's number. For example, if the individual has a Utah driver's license, enter "driver's license" in item 14a, "Utah" in item 14b, and the number appearing on the license in item 14c.

### Part II

**Item 15**—If the transaction is being conducted on behalf of more than one person (including husband and wife or parent and child), check the box and complete Part II for any one of the persons. Provide the same information for the other person(s) on the back of the form. If more than three persons are involved, provide the same information on additional sheets of paper and attach them to this form.

**Items 16 through 19**—If the person on whose behalf the transaction is being conducted is an individual, complete items 16, 17, and 18. Enter his or her TIN in item 19. If the individual is a sole proprietor and has an employer identification number (EIN), you must enter both the SSN and EIN in item 19. If the person is an organization, put its name as shown on required tax filings in item 16 and its EIN in item 19.

**Item 20**—If a sole proprietor or organization named in items 16 through 18 is doing business under a name other than that entered in item 16 (e.g., a "trade" or "doing business as (DBA)" name), enter it here.

**Item 27**—If the person is **NOT** required to furnish a TIN (see **Taxpayer identification number (TIN) under General Instructions**), complete this item. Enter a description of the type of official document issued to that person in item 27a (for example, "passport"), the country that issued the document in item 27b, and the document's number in item 27c.

### Part III

**Item 28**—Enter the date you received the cash. If you received the cash in more than one payment, enter the date you received the payment that caused the combined amount to exceed \$10,000. See **Multiple payments under General Instructions** for more information.

**Item 30**—Check this box if the amount shown in item 29 was received in more than one payment (for example, as installment payments or payments on related transactions).

**Item 31**—Enter the total price of the property, services, amount of cash exchanged, etc. (For example, the total cost

of a vehicle purchased, cost of catering service, exchange of currency) if different from the amount shown in item 29.

**Item 32**—Enter the dollar amount of each form of cash received. Show foreign currency amounts in U.S. dollar equivalent at a fair market rate of exchange available to the public. **The sum of the amounts must equal item 29.** For cashier's check, money order, bank draft, or traveler's check, provide the name of the issuer and the serial number of each instrument. Names of all issuers and all serial numbers involved must be provided. If necessary, provide this information on additional sheets of paper and attach them to this form.

**Item 33**—Check the appropriate box(es) that describe the transaction. If the transaction is not specified in boxes a–i, check box j and briefly describe the transaction (for example, car lease, boat lease, house lease, aircraft rental).

### Part IV

**Item 36**—If you are a sole proprietorship, you must enter your SSN. If your business also has an EIN, you must provide the EIN as well. All other business entities must enter an EIN.

**Item 41**—Fully describe the nature of your business, for example, "attorney," "jewelry dealer." Do not use general or nondescriptive terms such as "business" or "store."

**Item 42**—This form must be signed by an individual who has been authorized to do so for the business that received the cash.

### Paperwork Reduction Act Notice

The requested information is useful in criminal, tax, and regulatory investigations, for instance, by directing the Federal Government's attention to unusual or questionable transactions. Trades or businesses are required to provide the information under 26 U.S.C. 6050I.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Code section 6103.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is 21 minutes. If you have comments concerning the accuracy of this time estimate or suggestions for making this form simpler, you can write the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. DO NOT send this form to this office. Instead, see **Where To File** on page 3.

# Currency Transaction Report by Casinos

(IRS Form 8362)

Section 404.0

|   |  |   |  |  |  |   |  |
|---|--|---|--|--|--|---|--|
| Form <b>8362</b><br>(Rev. July 1997)  |  | <b>Currency Transaction Report by Casinos</b>   |  |  |  | OMB No. 1506-0005                           |  |
| Department of the Treasury<br>Internal Revenue Service  |  | ▶ Use this revision for reportable transactions occurring after June 30, 1997.<br>▶ Please type or print.<br><i>(Complete all applicable parts—see instructions.)</i> |  |  |  |   |  |
| 1 If this Form 8362 (CTRC) is submitted to amend a prior report check here: <input type="checkbox"/> and attach a copy of the original CTRC to this form.   |  |   |  |  |  |   |  |
| <b>Part I Person(s) Involved in Transaction(s)</b>  |  |   |  |  |  |   |  |
| <b>Section A—Person(s) on Whose Behalf Transaction(s) Is Conducted (Customer)</b>   |  |   |  |  |  | 2 <input type="checkbox"/> Multiple persons |  |
| 3 Individual's last name or Organization's name   |  |   |  | 4 First name   |  | 5 M.I.                                      |  |
| 6 Permanent address (number, street, and apt. or suite no.)   |  |   |  |  |  | 7 SSN or EIN                                |  |
| 8 City  |  | 9 State   |  | 10 ZIP code  |  | 11 Country (if not U.S.)                    |  |
|   |  |   |  |  |  | 12 Date of birth M M D D Y Y Y Y            |  |
| 13 Method used to verify identity: a <input type="checkbox"/> Examined identification credential/document b <input type="checkbox"/> Known customer - information on file c <input type="checkbox"/> Organization |  |   |  |  |  |   |  |
| 14 Describe identification credential: a <input type="checkbox"/> Driver's license/State I.D. b <input type="checkbox"/> Passport c <input type="checkbox"/> Alien registration d <input type="checkbox"/> Other  |  |   |  |  |  |   |  |
| e Issued by:  |  |   |  | f Number:  |  |   |  |
| 15 Customer's Account Number  |  |   |  |  |  |   |  |
| <b>Section B—Individual(s) Conducting Transaction(s) - If other than above (Agent)</b>  |  |   |  |  |  | 16 <input type="checkbox"/> Multiple agents |  |
| 17 Individual's last name   |  |   |  | 18 First name  |  | 19 M.I.                                     |  |
| 20 Permanent address (number, street, and apt. or suite no.)  |  |   |  |  |  | 21 SSN                                      |  |
| 22 City   |  | 23 State  |  | 24 ZIP code  |  | 25 Country (if not U.S.)                    |  |
|   |  |   |  |  |  | 26 Date of birth M M D D Y Y Y Y            |  |
| 27 Method used to verify identity: a <input type="checkbox"/> Examined identification credential/document b <input type="checkbox"/> Known customer - information on file   |  |   |  |  |  |   |  |
| 28 Describe identification credential: a <input type="checkbox"/> Driver's license/State I.D. b <input type="checkbox"/> Passport c <input type="checkbox"/> Alien registration d <input type="checkbox"/> Other  |  |   |  |  |  |   |  |
| e Issued by:  |  |   |  | f Number:  |  |   |  |
| <b>Part II Amount and Type of Transaction(s)</b> (Complete all items that apply.)   |  |   |  |  |  |   |  |
| 29 <input type="checkbox"/> Multiple transactions   |  |   |  |  |  |   |  |
| 31 CASH IN: (in U.S. dollar equivalent)   |  |   |  | 31 CASH OUT: (in U.S. dollar equivalent)                                       |  |   |  |
| a Purchase(s) of casino chips, tokens, and other gaming instruments \$ _____  |  |   |  | a Redemption(s) of casino chips, tokens, and other gaming instruments \$ _____ |  |   |  |
| b Deposit(s) (front money or safekeeping) _____   |  |   |  | b Withdrawal(s) of deposit (front money or safekeeping) _____                  |  |   |  |
| c Payment(s) on credit (including markers) _____  |  |   |  | c Advance(s) on credit (including markers) _____                               |  |   |  |
| d Bet(s) of currency _____  |  |   |  | d Payment(s) on bet(s) (including slot jackpot(s)) _____                       |  |   |  |
| e Currency received from wire transfer(s) out _____   |  |   |  | e Currency paid from wire transfer(s) in _____                                 |  |   |  |
| f Purchase(s) of casino check(s) _____  |  |   |  | f Negotiable instrument(s) cashed (including checks) _____                     |  |   |  |
| g Currency exchange(s) _____  |  |   |  | g Currency exchange(s) _____   |  |   |  |
| h Other (specify) _____   |  |   |  | h Travel and complimentary expenses and gaming incentives _____                |  |   |  |
| i Enter total amount of CASH IN transaction(s) ▶ \$ _____   |  |   |  | i Payment for tournament, contest or other promotions _____                    |  |   |  |
|   |  |   |  | j Other (specify) _____  |  |   |  |
| 32 Date of transaction M M D D Y Y Y Y  |  |   |  | k Enter total amount of CASH OUT transaction(s) ▶ \$ _____                     |  |   |  |
| (see instructions)  |  |   |  | 33 Foreign currency used _____   |  |   |  |
|   |  |   |  | (Country)  |  |   |  |
| <b>Part III Casino Reporting Transaction(s)</b>   |  |   |  |  |  |   |  |
| 34 Casino's trade name  |  |   |  | 35 Casino's legal name   |  | 36 Employer identification number (EIN)     |  |
| 37 Address (number, street, and apt. or suite no.) where transaction occurred   |  |   |  |  |  |   |  |
| 38 City   |  |   |  |  |  | 39 State                                    |  |
|   |  |   |  |  |  | 40 ZIP code                                 |  |
|   |  |   |  |  |  |   |  |
| 41 Title of approving official  |  |   |  | 42 Signature of approving official   |  | 43 Date of signature M M D D Y Y Y Y        |  |
|   |  |   |  |  |  |   |  |
| 44 Type or print preparer's name  |  |   |  | 45 Type or print name of person to contact                                     |  | 46 Contact telephone number                 |  |
|   |  |   |  |  |  | ( )   |  |
| <b>Sign Here</b> ▶  |  |   |  |  |  |   |  |
| For Paperwork Reduction Act Notice, see page 2. <span style="float: right;">Cat. No. 622912 <b>Form 8362</b> (Rev. 7-97)</span>   |  |   |  |  |  |   |  |

**Multiple Persons or Multiple Agents**

(Complete applicable parts below if box 2 or box 16 on page 1 is checked.)

**Part I Continued**

**Section A—Person(s) on Whose Behalf Transaction(s) Is Conducted (Customer)**

|  |         |             |                          |  |                  |              |  |  |
|--|---------|-------------|--------------------------|--|------------------|--------------|--|--|
| 3 Individual's last name or Organization's name  |         |             | 4 First name             |  |                  | 5 M.I.       |  |  |
| 6 Permanent address (number, street, and apt. or suite no.)  |         |             |                          |  |                  | 7 SSN or EIN |  |  |
| 8 City   | 9 State | 10 ZIP code | 11 Country (if not U.S.) |  | 12 Date of Birth |              |  |  |
| 13 Method used to verify identity: a <input type="checkbox"/> Examined identification credential/document b <input type="checkbox"/> Known customer - information on file c <input type="checkbox"/> Organization      |         |             |                          |  |                  |              |  |  |
| 14 Describe identification credential: a <input type="checkbox"/> Driver's license/State I.D. b <input type="checkbox"/> Passport c <input type="checkbox"/> Alien registration d <input type="checkbox"/> Other _____ |         |             |                          |  |                  |              |  |  |
| e Issued by: _____ f Number: _____   |         |             |                          |  |                  |              |  |  |
| 15 Customer's Account Number   |         |             |                          |  |                  |              |  |  |

**Section B—Individual(s) Conducting Transaction(s) - If other than above (Agent)**

|  |          |             |                          |  |                  |         |  |  |
|--|----------|-------------|--------------------------|--|------------------|---------|--|--|
| 17 Individual's last name  |          |             | 18 First name            |  |                  | 19 M.I. |  |  |
| 20 Permanent address (number, street, and apt. or suite no.)   |          |             |                          |  |                  | 21 SSN  |  |  |
| 22 City  | 23 State | 24 ZIP code | 25 Country (if not U.S.) |  | 26 Date of Birth |         |  |  |
| 27 Method used to verify identity: a <input type="checkbox"/> Examined identification credential/document b <input type="checkbox"/> Known customer - information on file  |          |             |                          |  |                  |         |  |  |
| 28 Describe identification credential: a <input type="checkbox"/> Driver's license/State I.D. b <input type="checkbox"/> Passport c <input type="checkbox"/> Alien registration d <input type="checkbox"/> Other _____ |          |             |                          |  |                  |         |  |  |
| e Issued by: _____ f Number: _____   |          |             |                          |  |                  |         |  |  |

**Paperwork Reduction Act Notice.**—The requested information is useful in criminal, tax, and regulatory investigations and proceedings. Financial institutions are required to provide the information under 31 U.S.C. 5313 and 31 CFR Part 103, commonly referred to as the Bank Secrecy Act (BSA). The BSA is administered by the U.S. Department of the Treasury's Financial Crimes Enforcement Network (FinCEN). You are not required to provide the requested information unless a form displays a valid OMB control number.

The time needed to complete this form will vary depending on individual circumstances. The estimated average time is 19 minutes. If you have comments concerning the accuracy of this time estimate or suggestions for improving this form, you may write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send this form to this address. Instead, see **When and Where To File** below.

**General Instructions**

**Form 8362.**—Use the July 1997 revision of Form 8362 for reportable transactions occurring after June 30, 1997. Use the May 1992 revision of Form 8362 for reportable transactions occurring before July 1, 1997.

**Suspicious Transactions.**—If a transaction is greater than \$10,000 in currency as well as suspicious, casinos must file a Form 8362 and are encouraged to report suspicious transactions and activities on **Form TDF 90-22.47, Suspicious Activity Report (SAR)**. Banks and other depository institutions currently are required to use the SAR to report suspicious activities. A SAR for casinos is under development and, once issued, a casino will use this SAR for reporting a suspicious transaction or activity, rather than reporting such activity on form TDF 90-22.47.

**DO NOT** use Form 8362 to (1) report suspicious transactions involving \$10,000 or less in currency (OR) (2) indicate that a transaction of more than \$10,000 is suspicious.

When a suspicious activity requires immediate attention, casinos should telephone 1-800-800-CTRS, Monday through Friday, from 9:00 a.m. to 6:00 p.m. Eastern Standard Time (EST). An Internal Revenue Service (IRS) employee will direct the call to the local office of the IRS Criminal Investigation Division (CID). In an emergency, consult directory assistance for the local IRS CID office.

**Who Must File.**—Any organization duly licensed or authorized to do business as a casino or gambling casino in the United States (except casinos located in Nevada) and having gross annual gaming revenues in excess of \$1 million must file Form 8362. This includes the principal headquarters and every domestic branch or place of business of the casino.

**Note:** Nevada casinos must file Form 8852, *Currency Transaction Report by Casinos - Nevada (CTRC-N)*, to report transactions as required under Nevada Regulation 6A.

**What To File.**—A casino must file Form 8362 for each transaction involving either currency received (Cash In) or currency disbursed (Cash Out) of more than \$10,000 in a gaming day. A gaming day is the normal business day of the casino by which it keeps its books and records for business, accounting, and tax purposes. Multiple transactions must be treated as a single transaction if the casino has knowledge that: (1) they are made by or on behalf of the same person, and (2) they result in either Cash In or Cash Out by the casino totaling more than \$10,000 during any one gaming day. Reportable transactions may occur at a casino cage, gaming table, and/or

slot machine. The casino should report both Cash In and Cash Out transactions by or on behalf of the same customer on a single Form 8362. **DO NOT** use Form 8362 to report receipts of currency in excess of \$10,000 by nongaming businesses of a casino (e.g., a hotel); instead, use **Form 8300, Report of Cash Payments Over \$10,000 Received in a Trade or Business**.

**Exceptions.**—A casino does not have to report transactions with domestic banks, currency dealers or exchangers, or commercial check cashers.

**Identification Requirements.**—All individuals (except employees conducting transactions on behalf of armored car services) conducting a reportable transaction(s) for themselves or for another person must be identified by means of an official or otherwise reliable record.

Acceptable forms of identification include a driver's license, military or military dependent identification cards, passport, alien registration card, state issued identification card, cedular card (foreign), or a combination of other documents that contain an individual's name and address and preferably a photograph and are normally acceptable by financial institutions as a means of identification when cashing checks for persons other than established customers.

For casino customers granted accounts for credit, deposit, or check cashing, or on whom a CTRC containing verified identity has been filed, acceptable identification information obtained previously and maintained in the casino's internal records may be used as long as the following conditions are met. The customer's identity is reverified periodically, any out-of-date identifying information is updated in the internal records, and the date of each reverification is noted on the internal

Form 8362 (Rev. 7-97)

Page 3

record. For example, if documents verifying an individual's identity were examined and recorded on a signature card when a deposit or credit account was opened, the casino may rely on that information as long as it is verified periodically.

**When and Where To File.**—File each Form 8362 by the 15th calendar day after the day of the transaction with the:

IRS Detroit Computing Center  
ATTN: CTCR  
P.O. Box 32621  
Detroit, MI 48232-5604

A casino must retain a copy of each Form 8362 filed for 5 years from the date of filing.

**Penalties.**—Civil and/or criminal penalties may be assessed for failure to file a CTCR or supply information, or for filing a false or fraudulent CTCR. See 31 U.S.C. 5321, 5322, and 5324.

**Definitions.**—For purposes of Form 8362, the terms below have the following meanings:

**Agent.** Any individual who conducts a currency transaction on behalf of another individual or organization.

**Currency.** The coin and paper money of the United States or of any other country that is circulated and customarily used and accepted as money.

**Customer.** Any person involved in a currency transaction whether or not that person participates in the casino's gaming activities.

**Person.** An individual, corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture, or any other unincorporated organization or group.

**Organization.** Person other than an individual.

**Transaction In Currency (Currency Transaction).** The physical transfer of currency from one person to another.

**Negotiable Instruments.** All checks and drafts (including business, personal, bank, cashier's, and third-party), traveler's checks, money orders, and promissory notes, whether or not they are in bearer form.

### Specific Instructions

**Note:** Additional information that cannot fit on the front and back of Form 8362 must be submitted on plain paper attached to Form 8362. Type or print the individual's or organization's name and identifying number, date of transaction, and casino's name and employer identification number (i.e., items 3, 4, 5, 7, 32, 34, 35, and 36) as well as identify the specific item number on all additional sheets. This will ensure that if a sheet becomes separated, it will be associated with the appropriate Form 8362.

**Item 1. Amends prior report.**—Check Item 1 if this Form 8362 amends a previously filed report. Staple a copy of the original report behind the amended one. Complete Part III in its entirety, but complete only those other entries that are being amended.

### Part I. Person(s) Involved in Transaction(s)

**Note:** Section A must be completed in all cases. If an individual conducts a transaction on his/her own behalf, complete only section A; leave Section B BLANK. If a transaction is

conducted by an individual on behalf of another person(s), complete Section A for each person on whose behalf the transaction is conducted; complete Section B for the individual conducting the transaction.

### Section A. Person(s) on Whose Behalf Transaction(s) Is Conducted (Customer)

**Item 2. Multiple persons.**—Check Item 2 if this transaction is being conducted on behalf of more than one person. For example, if John and Jane Doe cash a check made out to them jointly at the casino, more than one individual has conducted the transaction. Enter information in Section A for one of the individuals; provide information for the other individual on page 2, Section A. Attach additional sheets as necessary.

**Items 3, 4, and 5. Individual/Organization name.**—If the person on whose behalf the transaction(s) is conducted is an individual, put his/her last name in Item 3, first name in Item 4 and middle initial in Item 5. If there is no middle initial, leave them BLANK. If the transaction is conducted on behalf of an organization, enter the name in Item 3 and leave Items 4 and 5 BLANK, but identify the individual conducting the transaction in Section B. If an organization has a separate "doing business as (DBA)" name, enter in Item 3 the organization's legal name (e.g., Smith Enterprises, Inc.) followed by the name of the business (e.g., DBA Smith Casino Tours). In this case, use Items 4 and 5 if more space is needed.

**Items 6, 8, 9, 10, and 11. Address.**—Enter the permanent street address, city, two-letter state abbreviation used by the U.S. Postal Service, and ZIP code of the person identified in Item 3. Also enter in Item 6 the apartment or suite number and road or route number. Do not enter a P.O. box number unless the person has no street address. If the person is from a foreign country, enter any province name as well as the appropriate two-letter country code (e.g., "CA" for Canada, "JA" for Japan, etc.). If the country is the United States, leave Item 11 BLANK.

**Item 7. Social security number (SSN) or Employer identification number (EIN).**—Enter the SSN (if an individual) or EIN (if other than an individual) of the person identified in Items 3 through 5. If that individual is a nonresident alien individual who does not have an SSN, enter "NONE" in this space.

**Item 12. Date of birth.**—Enter the customer's date of birth (DOB) if it is known to the casino through an existing internal record or reflected on an appropriate identification document or credential presented to the casino to verify the customer's identity (see Identification Requirements above). Internal casino records can include those for casino customers granted accounts for credit, deposit, or check cashing, or on whom a CTCR containing verified identity has been filed. If such records do not indicate the DOB, a casino should ask the customer for the DOB. If the DOB is not available from any of these sources, the casino should enter NOT AVAILABLE in the space. Eight numerals must be inserted for each date. Enter the date in the format "mmddyyyy", where "mm" is the month, "dd" is the day, and "yyyy" is the year. Zero (0) should precede any single-digit number. For example, if the

individual's birth date is June 1, 1948, enter "06 01 1948" in Item 12.

**Item 13. Method used to verify identity.**—If an individual conducts the transaction(s) on his/her own behalf, his/her name and address must be verified by examination of an official credential/document or internal record containing identification information on a known customer (see Identification Requirements above). Check box a if you examined an official identification credential/document. Check box b if you examined an acceptable internal casino record (i.e., credit, deposit, or check cashing account record, or a CTCR worksheet) containing previously verified identification information on a "known customer." Check box c if the transaction is conducted on behalf of an organization. If box a or b is checked, you must complete Item 14. If box c is checked, do not complete Item 14.

**Item 14. Describe identification credential.**—If a driver's license, passport, or alien registration card was used to verify the individual's identity, check as appropriate box a, b, or c. If you check box d, you must specifically identify the type of document used (e.g., enter "military ID" for a military or military/dependent identification card). A statement such as "known customer" in box d is not sufficient for completion of Form 8362. Enter in Item 14e the two-letter state postal code, two-letter country code, or the name of the issuer for that document, and enter in Item 14f the number shown on that official document.

**Item 15. Customer account number.**—Enter the account number which corresponds to the transaction being reported and which the casino has assigned to the person whose name is entered in Item 3. If the person has more than one account number affected by the transaction, enter the account number that corresponds to the majority of currency being reported. If the transaction does not involve an account number, enter "NOT APPLICABLE" in the space.

### Section B. Individual(s) Conducting Transaction(s) – If Other Than Above (Agent)

Complete Section B if an individual conducts a transaction on behalf of another person(s) listed in Section A. If an individual conducts a transaction on his/her own behalf, leave Section B BLANK.

**Item 16. Multiple agents.**—If, during a gaming day, more than one individual conducts transactions on behalf of an individual or organization listed in Section A, check this box and complete Section B. List one of the individuals on the front of the form and the other individual(s) on page 2, Section B. Attach additional sheets as necessary.

**Item 17, 18, and 19. Name of individual.**—Enter the individual's last name in Item 17, first name in Item 18, and middle initial in Item 19. If there is no middle initial, leave Item 19 BLANK. For example, if John Doe, an employee of the Error Free Rock Band, cashes an \$11,000 check for the band, Error Free Rock Band is identified in Section A, and John Doe is identified in Section B.

**Items 20, 22, 23, 24, and 25. Address.**—Enter the permanent street address, including ZIP code, of the individual conducting the

transaction. If the individual is from a foreign country, enter any province name and the appropriate two-letter country code.

**Item 21. Social security number (SSN).**—Enter the SSN of the individual identified in Items 17 through 19. If that individual is a nonresident alien who does not have an SSN, enter "NONE" in the space.

**Item 26. Date of birth.**—Enter the individual's date of birth. For proper format, see the instructions under **Item 12** above.

**Item 27. Method used to verify identity.**—Any individual listed in Items 17 through 19 must present an official document to verify his/her name and address. See the instructions under **Item 13** above for more information. After completing Item 27, you must also complete Item 28.

**Item 28. Describe identification credential.**—Describe the identification credential used to verify the individual's name and address. See the instructions under **Item 14** above for more information.

**Part II. Amount and Type of Transaction(s)**

Part II identifies the type of transaction(s) reported and the amount(s) involved. You must complete all items that apply.

**Item 29. Multiple transactions.**—Check this box if multiple currency transactions, none of which individually exceeds \$10,000 comprise this report.

**Items 30 and 31. Cash in and cash out.**—Enter in the appropriate spaces provided in Items 30 and/or 31, the specific currency amount for each "type of transaction" for a reportable Cash In or a Cash Out. If the casino engages in a Cash In or Cash Out transaction that is not listed in Items 30a through 30g or Items 31a through 31i, specify the type of transaction and the amount of currency in Item 30h or 31j, respectively. Enter the total amount of the reportable Cash In transaction(s) in Item 30i. Enter the total amount of the reportable Cash Out transaction(s) in Item 31k.

If less than a full dollar amount is involved, increase the figure to the next higher dollar. For example, if the currency total is \$20,500.25, show it as \$20,501.00.

If there is a currency exchange, list it separately with both the Cash In and Cash Out totals. If foreign currency is exchanged, use the U.S. dollar equivalent on the day of the transaction.

Payment(s) on credit, Item 30c, includes all forms of cash payments made by a customer on a credit account or line credit, or in redemption of markers or counter checks. Currency received from wire transfer(s) out, Item 30e, applies to cash received from a customer when the casino sends a wire transfer on behalf of a customer.

Currency paid from wire transfer(s) in, Item 31e, applies to cash paid to a customer when the casino receives a wire transfer on behalf of a customer. Travel and complimentary expenses and gaming incentives, Item 31h, includes reimbursements for a customer's travel and entertainment expenses and cash complementaries ("comps").

**Determining Whether Transactions Meet The Reporting Threshold**

Only cash transactions that, alone or when aggregated, exceed \$10,000 should be reported on Form 8362. A casino must report multiple currency transactions when it has knowledge that such transactions have occurred. This includes knowledge gathered through examination of books, records, logs, information retained on magnetic disk, tape or other machine-readable media, or in any manual system, and similar documents and information that the casino maintains pursuant to any law or regulation or within the ordinary course of its business.

Cash In and Cash Out transactions for the same customer are to be aggregated separately and must not be offset against one another. If there are both Cash In and Cash Out transactions which each exceed \$10,000, enter the amounts in Items 30 and 31 and report on a single Form 8362.

**Example 1.** Person A purchases \$11,000 in chips with currency (one Cash In entry); and later receives currency from a \$6,000 redemption of chips and a \$2,000 slot jackpot win (two Cash Out entries). Complete Form 8362 as follows:

Cash In of "\$11,000" is entered in Item 30a (purchase of chips) and Cash In Total of "\$11,000" is entered in Item 30i. No entry is made for Cash Out. The two Cash Out transactions equal only \$8,000, which does not meet the BSA reporting threshold.

**Example 2.** Person B deposits \$5,000 in currency to his front money account and pays \$10,000 in currency to pay off an outstanding credit balance (two Cash In entries); receives \$7,000 in currency from a wire transfer (one Cash Out entry); and presents \$2,000 in small denomination U.S. currency to be exchanged for an equal amount in U.S. \$100 bills. Complete Form 8362 as follows:

Cash In of "\$5,000" is entered in Item 30b (deposit), "\$10,000" is entered in Item 30c (payment on credit), "\$2,000" is entered in Item 30g (currency exchange), and Cash In Total of "\$17,000" is entered in Item 30i. In determining whether the transactions are reportable, the currency exchange is aggregated with both the Cash In and the Cash Out amounts. The result is a reportable \$17,000 Cash In transaction. No entry is made for Cash Out. The total Cash Out amount only equals \$9,000, which does not meet the BSA reporting threshold.

**Example 3.** Person C deposits \$7,000 in currency to his front money account and pays \$9,000 in currency to pay off an outstanding credit balance (two Cash In entries); receives \$2,500 in currency from a withdrawal from a safekeeping account, \$2,500 in currency from a wire transfer and cashes a personal check of \$7,500 (three Cash Out entries); and presents Canadian dollars which are exchanged for \$1,500 in U.S. dollar equivalent. Complete Form 8362 as follows:

Cash In of "\$7,000" is entered in Item 30b (deposit), "\$9,000" is entered in Item 30c (payment on credit), "\$1,500" is entered in Item 30g (currency exchange), and a Cash In total of "\$17,500" is entered in Item 30i. Cash Out of "\$2,500" is entered in Item 31b (withdrawal of deposit), "\$2,500" is entered in Item 31e (wire transfer), "\$7,500" is entered in

Item 31f (negotiable instrument cashed), "\$1,500" is entered in Item 31g (currency exchange) and a Cash Out Total of "\$14,000" is entered in Item 31k. In this example, both the Cash In and Cash Out totals exceed \$10,000, and each must be reflected on Form 8362.

**Example 4.** Person D purchases \$10,000 in chips with currency and places a \$10,000 cash bet (two Cash In entries); and later receives currency for an \$18,000 redemption of chips and \$20,000 from a payment on a cash bet (two Cash Out entries). Complete Form 8362 as follows:

Cash In of "\$10,000" is entered in Items 30a and 30d and a Cash In Total of "\$20,000" is entered in Item 30i. Cash Out of "\$18,000" is entered in Item 31a (redemption of chips), "\$20,000" is entered in Item 31d (payment on bets) and a Cash Out Total of "\$38,000" is entered in Item 31k. In this example, both the Cash In and Cash Out totals exceed \$10,000, and each must be reflected on Form 8362.

**Item 32. Date of transaction.**—Enter the gaming day on which the transaction occurred (see **What To File** above). For proper format, see the instruction for **Item 12** above.

**Item 33. Foreign currency.**—If foreign currency is involved, identify the country of issuance by entering the appropriate two-letter country code. If multiple foreign currencies are involved, identify the country for which the largest amount in U.S. dollars is exchanged.

**Part III. Casino Reporting Transaction(s)**

**Item 34. Casino's trade name.**—Enter the name by which the casino does business and is commonly known. Do not enter a corporate, partnership, or other entity name, unless such name is the one by which the casino is commonly known.

**Item 35. Casino's legal name.**—Enter the legal name as shown on required tax filings, only if different from the trade name shown in Item 34. This name will be defined as the name indicated on a charter or other document creating the entity, and which is identified with the casino's established EIN.

**Item 36. Employer identification number (EIN).**—Enter the casino's EIN.

**Items 37, 38, 39, and 40. Address.**—Enter the street address, city, state, and ZIP code of the casino (or branch) where the transaction occurred. Do not use a P.O. box number.

**Items 41 and 42. Title and signature of approving official.**—The official who is authorized to review and approve Form 8362 must indicate his/her title and sign the form.

**Item 43. Date the form is signed.**—The approving official must enter the date the Form 8362 is signed. For proper format, see the instructions for **Item 12** above.

**Item 44. Preparer's name.**—Type or print the full name of the individual preparing Form 8362 (The preparer and the approving official may be different individuals).

**Item 45 and 46. Contact person/telephone number.**—Type or print the name and commercial telephone number of a responsible individual to contact concerning any questions about this Form 8362.

# Report of Foreign Bank and Financial Accounts

(Form TD F 90-22.1)

Section 405.0

|  |  |  |
|--|--|--|
| Department of the Treasury<br><b>TD F 90-22.1 (10/92)</b><br>SUPERSEDES ALL PREVIOUS EDITIONS  | <b>Report of Foreign Bank and Financial Accounts</b><br>For the calendar year 19 .....<br><b>Do not file this form with your Federal Tax Return.</b> | Form Approved: OMB No. 1505-0063   |
| This form should be used to report financial interest in or signature authority or other authority over one or more bank accounts, securities accounts, or other financial accounts in foreign countries as required by Department of the Treasury Regulations (31 CFR 103). You are not required to file a report if the aggregate value of the accounts did not exceed \$10,000. Check all appropriate boxes. <b>See instructions on back for definitions.</b> File this form with Dept. of the Treasury, P.O. Box 32621, Detroit, MI 48232.   |  |  |
| <b>1</b> Name (Last, First, Middle)  | <b>2</b> Social security number or employer identification number if other than individual   | <b>3</b> Name in item 1 refers to<br><input type="checkbox"/> Individual<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Corporation<br><input type="checkbox"/> Fiduciary |
| <b>4</b> Address (Street, City, State, Country, ZIP)   |  |  |
| <b>5</b> <input type="checkbox"/> I had signature authority over one or more foreign accounts, but had no "financial interest" in such accounts (see instruction J). Indicate these accounts:<br><b>a</b> Name and social security number or taxpayer identification number of each owner _____<br><b>b</b> Address of each owner _____<br>(Do not complete item 9 for these accounts)   |  |  |
| <b>6</b> <input type="checkbox"/> I had a "financial interest" in one or more foreign accounts owned by a domestic corporation, partnership or trust which is required to file TD F 90-22.1 (See instruction L). Indicate for these accounts:<br><b>a</b> Name and taxpayer identification number of each such corporation, partnership or trust _____<br><b>b</b> Address of each such corporation, partnership or trust _____<br>(Do not complete item 9 for these accounts)   |  |  |
| <b>7</b> <input type="checkbox"/> I had a "financial interest" in one or more foreign accounts but the total maximum value of these accounts (see instruction I) did not exceed \$10,000 at any time during the year. (If you checked this box, do not complete item 9.)   |  |  |
| <b>8</b> <input type="checkbox"/> I had a "financial interest" in 25 or more foreign accounts. (If you checked this box, do not complete item 9.)  |  |  |
| <b>9</b> <input type="checkbox"/> If you had a "financial interest" in one or more but fewer than 25 foreign accounts which are required to be reported, and the total maximum value of the accounts exceeded \$10,000 during the year (see instruction I), write the total number of those accounts in the box below:<br>Complete items a through f below for one of the accounts and attach a separate TD F 90-22.1 for each of the others. Items 1, 2, 3, 9, and 10 must be completed for each account.   |  |  |
| _____  |  |  |
| Check here if this is an attachment: <input type="checkbox"/>  |  |  |
| <b>a</b> Name in which account is maintained   | <b>b</b> Name of bank or other person with whom account is maintained  |  |
| <b>c</b> Number and other account designation, if any  | <b>d</b> Address of office or branch where account is maintained   |  |
| <b>e</b> Type of account. (If not certain of English name for the type of account, give the foreign language name and describe the nature of the account. Attach additional sheets if necessary.)<br><input type="checkbox"/> Bank Account <input type="checkbox"/> Securities Account <input type="checkbox"/> Other (specify)  |  |  |
| <b>f</b> Maximum value of account (see instruction I)<br><input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 to \$50,000 <input type="checkbox"/> \$50,000 to \$100,000 <input type="checkbox"/> Over \$100,000  |  |  |
| <b>10</b> Signature  | <b>11</b> Title (Not necessary if reporting a personal account)  | <b>12</b> Date   |
| <b>Privacy Act Notification</b><br>Pursuant to the requirements of Public Law 93-579 (Privacy Act of 1974), notice is hereby given that the authority to collect information on TD F 90-22.1 in accordance with 5 U.S.C. 552(e)(3) is Public Law 91-508; 31 U.S.C. 1121; 5 U.S.C. 301, 31 CFR Part 103.<br>The principal purpose of collecting the information is to assure maintenance of reports or records where such reports or records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings. The information collected may be provided to those officers and employees of any constituent unit of the Department of the Treasury who have a need for the records in the performance of their duties. The records may be referred to any other department or agency of the Federal Government upon the request of the head of such department or agency for use in a criminal, tax, or regulatory investigation or proceeding.<br>Disclosure of this information is mandatory. Civil and criminal penalties, including under certain circumstances a fine of not more than \$500,000 and imprisonment of not more than five years, are provided for failure to file a report, supply information, and for filing a false or fraudulent report.<br>Disclosure of the social security number is mandatory. The authority to collect this number is 31 CFR 103. The social security number will be used as a means to identify the individual who files the report. |  |  |
| Cat. No. 12996D  |  |  |

TD F 90-22.1 (10/92)

Page 2

**Instructions**

**A. Who Must File a Report.**—Each United States person who has a financial interest in or signature authority or other authority over bank, securities, or other financial accounts in a foreign country, which exceeds \$10,000 in aggregate value at any time during the calendar year, must report that relationship each calendar year by filing TD F 90-22.1 with the Department of the Treasury on or before June 30, of the succeeding year.

An officer or employee of a commercial bank which is subject to the supervision of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation need not report that he has signature or other authority over a foreign bank, securities, or other financial account maintained by the bank unless he has a personal financial interest in the account.

In addition, an officer or employee of a domestic corporation whose securities are listed upon national securities exchanges or which has assets exceeding \$1 million and 500 or more shareholders of record need not file such a report concerning his signature authority over a foreign financial account of the corporation, if he has no personal financial interest in the account and has been advised in writing by the chief financial officer of the corporation that the corporation has filed a current report which includes that account.

**B. United States Person.**—The term "United States Person" means (1) a citizen or resident of the United States, (2) a domestic partnership, (3) a domestic corporation, or (4) a domestic estate or trust.

**C. When and Where to File.**—This report shall be filed on or before June 30 each calendar year with the Department of the Treasury, Post Office Box 32621, Detroit, MI 48232, or it may be hand carried to any local office of the Internal Revenue Service for forwarding to the Department of the Treasury, Detroit, MI.

**D. Account in a Foreign Country.**—A "foreign country" includes all geographical areas located outside the United States, Guam, Puerto Rico, and the Virgin Islands.

Report any account maintained with a bank (except a military banking facility as defined in Instruction E) or broker or dealer in securities that is located in a foreign country, even if it is a part of a United States bank or other institution. Do not report any account maintained with a branch, agency, or other office of a foreign bank or other institution that is located in the United States, Guam, Puerto Rico, and the Virgin Islands.

**E. Military Banking Facility.**—Do not consider as an account in a foreign country, an account in an institution known as a "United States military banking facility" (or "United States military finance facility") operated by a United States financial institution designated by the United States Government to serve U.S. Government installations abroad, even if the United States military banking facility is located in a foreign country.

**F. Bank, Financial Account.**—The term "bank account" means a savings, demand, checking, deposit, loan or any other account maintained with a financial institution or other person engaged in the business of banking. It includes certificates of deposit.

The term "securities account" means an account maintained with a financial institution or other person who buys, sells, holds, or trades stock or other securities for the benefit of another.

The term "other financial account" means any other account maintained with a financial institution or other person who accepts deposits, exchanges or transmits funds, or acts as a broker or dealer for future transactions in any commodity on (or subject to the rules of) a commodity exchange or association.

**G. Financial Interest.**—A financial interest in a bank, securities, or other financial account in a foreign country means an interest described in either of the following two paragraphs:

1. A United States person has a financial interest in each account for which such person is the owner of records or has legal title, whether the account is maintained for his or her own benefit or for the benefit of others including non-United States persons. If an account is maintained in the name of two persons jointly, or if several persons each own a partial interest in an account, each of those United States persons has a financial interest in that account.

2. A United States person has a financial interest in each bank, securities, or other financial account in a foreign country for which the owner of record or holder of legal title is: (a) a person acting as an agent, nominee, attorney, or in some other capacity on behalf of the U.S. person; (b) a corporation in which the United States person owns directly or indirectly more than 50 percent of the total value of shares of stock; (c) a partnership in which the United States person owns an interest in more than 50 percent of the profit (distributable share of income); or (d) a trust in which the United States person either has a present beneficial interest in more than 50 percent of the assets or from which such person receives more than 50 percent of the current income.

**H. Signature or Other Authority Over an Account.**

*Signature Authority.*—A person has signature authority over an account if such person can control the disposition of money or other property in it by delivery of a document containing his or her signature (or his or her signature and that of one or more other persons) to the bank or other person with whom the account is maintained.

*Other authority* exists in a person who can exercise comparable power over an account by direct communication to the bank or other person with whom the account is maintained, either orally or by some other means.

**I. Account Valuation.**—For items 7, 9, and Instruction A, the maximum value of an account is the largest amount of currency and non-monetary assets that appear on any quarterly or more frequent account statement issued for the applicable year. If periodic account statements are not so issued, the maximum account asset value is the largest amount of currency and non-monetary assets in the account at any time during the year. Convert foreign currency by using the official exchange rate at the end of the year. In valuing currency of a country that uses multiple exchange rates, use the rate which would apply if the currency in the account were converted into United States dollars at the close of the calendar year.

The value of stock, other securities or other non-monetary assets in an account reported on TD F 90-22.1 is the fair market value at the end of the calendar year, or if withdrawn from the account, at the time of the withdrawal.

For purposes of items 7, 9, and Instruction A, if you had a financial interest in more than one account, each account is to be valued separately in accordance with the foregoing two paragraphs.

If you had a financial interest in one or more but fewer than 25 accounts, and you are unable to determine whether the maximum value of these accounts exceeded \$10,000 at any time during the year, check item 9 (do not check item 7) and complete item 9 for each of these accounts.

**J. United States Persons with Authority Over but No Interest in an Account.**—Except as provided in instruction A and the following paragraph, you must state the name, address, and identifying number of each owner of an account over which you had authority, but if you check item 5 for more than one account of the same owner, you need identify the owner only once.

If you check item 5 for one or more accounts in which no United States person had a financial interest, you may state on the first line of this item, in lieu of supplying information about the owner, "No U.S. person had any financial interest in the foreign accounts." This statement must be based upon the actual belief of the person filing this form after he or she has taken reasonable measures to endure its correctness.

If you check item 5 for accounts owned by a domestic corporation and its domestic and/or foreign subsidiaries, you may treat them as one owner and write in the space provided, the name of the parent corporation, followed by "and related entities," and the identifying number and address of the parent corporation.

**K. Consolidated Reporting.**—A corporation which owns directly or indirectly more than 50 percent interest in one or more other entities will be permitted to file a consolidated report on TD F 90-22.1, on behalf of itself and such other entities provided that a listing of them is made part of the consolidated report. Such reports should be signed by an authorized official of the parent corporation.

If the group of entities covered by a consolidated report has a financial interest in 25 or more foreign financial accounts, the reporting corporation need only note that fact on the form, it will, however, be required to provide detailed information concerning each account when so requested by the Secretary or his delegate.

**L. Avoiding Duplicate Reporting.**—If you had financial interest (as defined in instruction G2(b), (c), or (d)) in one or more accounts which are owned by a domestic corporation, partnership or trust which is required to file TD F 90-22.1 with respect to these accounts in lieu of completing item 9 for each account you may check item 6 and provide the required information.

**M. Providing Additional Information.**—Any person who does not complete item 9, shall when requested by the Department of the Treasury provide the information called for in item 9.

**N. Signature (Item 10).**—This report must be signed by the person named in item 1. If the report is being filed on behalf of a partnership, corporation, or fiduciary, it must be signed by an authorized individual.

**O. Penalties.**—For criminal penalties for failing to file a report, supply information, and for filing a false or fraudulent report, see 31 U.S.C. 5322(a), 31 U.S.C. 5322(b), and 18 U.S.C. 1001.

The estimated average burden associated with this collection of information is 10 minutes per respondent or recordkeeper depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing the burden should be directed to the Department of the Treasury, Office of Financial Enforcement, Room 5000 Treasury Annex Building, Washington, DC 20220, and to the Office of Management and Budget, Paperwork Reduction Project (1505-0063), Washington, DC 20503.

# Suspicious Activity Report

(Federal Reserve Form 2230)

## Section 406.0

|  |  |   |   |
|--|--|---|---|
| <b>Suspicious Activity Report</b>  |  | <div style="border: 1px solid black; padding: 2px; display: inline-block;"><b>1</b></div>   |   |
| ALWAYS COMPLETE ENTIRE REPORT  |  | FRB: FR 2230 OMB No. 7100-0212<br>FDIC: 6710/06 OMB No. 3064-0077<br>OCC: 8010-9,8010-1 OMB No. 1557-0180<br>OTS: 1601 OMB No. 1550-0003<br>NCUA: 2362 OMB No. 3133-0084<br>TREASURY: TD F 90-22.47 OMB No. 1506-0001 |   |
|  |  | Expires September 30, 1998  |   |
| 1 Check appropriate box:<br>a <input type="checkbox"/> Initial Report      b <input type="checkbox"/> Corrected Report      c <input type="checkbox"/> Supplemental Report   |  |   |   |
| <b>Part I Reporting Financial Institution Information</b>  |  |   |   |
| 2 Name of Financial Institution  |  |   | 3 Primary Federal Regulator<br>a <input type="checkbox"/> Federal Reserve      d <input type="checkbox"/> OCC<br>b <input type="checkbox"/> FDIC      e <input type="checkbox"/> OTS<br>c <input type="checkbox"/> NCUA |
| 4 Address of Financial Institution   |  |   |   |
| 5 City   | 6 State  | 7 Zip Code  | 8 EIN or TIN  |
| 9 Address of Branch Office(s) where activity occurred  |  |   | 10 Asset size of financial institution<br>\$ _____ .00  |
| 11 City  | 12 State   | 13 Zip Code   | 14 If institution closed, date closed<br>(MMDDYY) ____/____/____  |
| 15 Account number(s) affected, if any<br>a _____<br>b _____  | 16 Have any of the institution's accounts related to this matter been closed?<br>a <input type="checkbox"/> Yes      b <input type="checkbox"/> No      If yes, identify _____ |   |   |
| <b>Part II Suspect Information</b>   |  |   |   |
| 17 Last Name or Name of Entity   |  | 18 First Name   | 19 Middle Initial   |
| 20 Address   |  |   | 21 SSN, EIN, TIN (as applicable)  |
| 22 City  | 23 State   | 24 Zip Code   | 25 Country  |
| 26 Date of Birth (MMDDYY)<br>____/____/____  |  |   |   |
| 27 Phone Number - Residence (include area code)<br>( )   |  | 28 Phone Number - Work (include area code)<br>( )   |   |
| 29 Occupation  |  |   |   |
| 30 Forms of Identification of Suspect:<br>a <input type="checkbox"/> Driver's License      b <input type="checkbox"/> Passport      c <input type="checkbox"/> Alien Registration      d <input type="checkbox"/> Other _____<br>e Number _____      f Issuing Authority _____   |  |   |   |
| 31 Relationship to Financial Institution:<br>a <input type="checkbox"/> Accountant      d <input type="checkbox"/> Attorney      g <input type="checkbox"/> Customer      j <input type="checkbox"/> Officer<br>b <input type="checkbox"/> Agent      e <input type="checkbox"/> Borrower      h <input type="checkbox"/> Director      k <input type="checkbox"/> Shareholder<br>c <input type="checkbox"/> Appraiser      f <input type="checkbox"/> Broker      i <input type="checkbox"/> Employee      l <input type="checkbox"/> Other _____ |  |   |   |
| 32 Is insider suspect still affiliated with the financial institution?<br>a <input type="checkbox"/> Yes      If no, specify { c <input type="checkbox"/> Suspended      e <input type="checkbox"/> Resigned<br>b <input type="checkbox"/> No      d <input type="checkbox"/> Terminated   |  | 33 Date of Suspension, Termination, Resignation (MMDDYY)<br>____/____/____  | 34 Admission/Confession<br>a <input type="checkbox"/> Yes      b <input type="checkbox"/> No  |

|  |   |   |          |
|--|---|---|----------|
| <b>Part III Suspicious Activity Information</b>  |   |   | <b>2</b> |
| 35 Date of suspicious activity (MMDDYY) _____ / ____ / ____  | 36 Dollar amount involved in known or suspicious activity<br>\$ _____ .00 |   |          |
| 37 Summary characterization of suspicious activity:  |   |   |          |
| a <input type="checkbox"/> Bank Secrecy Act/Structuring/<br>Money Laundering   | g <input type="checkbox"/> Counterfeit Check                              | m <input type="checkbox"/> False Statement  |          |
| b <input type="checkbox"/> Bribery/Gratuity  | h <input type="checkbox"/> Counterfeit Credit/Debit Card                  | n <input type="checkbox"/> Misuse of Position or<br>Self-Dealing  |          |
| c <input type="checkbox"/> Check Fraud   | i <input type="checkbox"/> Counterfeit Instrument (other)                 | o <input type="checkbox"/> Mortgage Loan Fraud  |          |
| d <input type="checkbox"/> Check Kiting  | j <input type="checkbox"/> Credit Card Fraud                              | p <input type="checkbox"/> Mysterious Disappearance   |          |
| e <input type="checkbox"/> Commercial Loan Fraud   | k <input type="checkbox"/> Debit Card Fraud                               | q <input type="checkbox"/> Wire Transfer Fraud  |          |
| f <input type="checkbox"/> Consumer Loan Fraud   | l <input type="checkbox"/> Defalcation/Embezzlement                       |   |          |
| r <input type="checkbox"/> Other _____   |   |   |          |
| 38 Amount of loss prior to recovery<br>(if applicable)<br>\$ _____ .00   | 39 Dollar amount of recovery<br>(if applicable)<br>\$ _____ .00           | 40 Has the suspicious activity had a<br>material impact on or otherwise affected<br>the financial soundness of the institution?<br>a <input type="checkbox"/> Yes b <input type="checkbox"/> No |          |
| 41 Has institution's bonding company been notified?<br>a <input type="checkbox"/> Yes b <input type="checkbox"/> No  |   |   |          |
| 42 Has any law enforcement agency already been advised by telephone, written communication, or otherwise?<br>If so, list the agency and local address.<br>Agency _____ |   |   |          |
| 43 Address   |   |   |          |
| 44 City  | 45 State  | 46 Zip Code   |          |
|  |   |   |          |
| <b>Part IV Witness Information</b>   |   |   |          |
| 47 Last Name   |   | 48 First Name   |          |
| 49 Middle Initial  |   | 50 Address  |          |
| 51 SSN   |   | 52 City   |          |
| 53 State   |   | 54 Zip Code   |          |
| 55 Date of Birth (MMDDYY)<br>____ / ____ / ____  |   | 56 Title  |          |
| 57 Phone number (include area code)<br>( )   |   | 58 Interviewed<br>a <input type="checkbox"/> Yes b <input type="checkbox"/> No  |          |
| <b>Part V Preparer Information</b>   |   |   |          |
| 59 Last Name   |   | 60 First Name   |          |
| 61 Middle Initial  |   | 62 Title  |          |
| 63 Phone Number (include area code)<br>( )   |   | 64 Date (MMDDYY)<br>____ / ____ / ____  |          |
| <b>Part VI Contact for Assistance (If different than Preparer Information in Part V)</b>   |   |   |          |
| 65 Last Name   |   | 66 First Name   |          |
| 67 Middle Initial  |   | 68 Title  |          |
| 69 Phone Number (include area code)<br>( )   |   | 70 Agency (if applicable)   |          |

| <b>Part VII Suspicious Activity Information Explanation/Description</b>  | <b>3</b>   |
|--|--|
| <p><b>Explanation/description of known or suspected violation of law or suspicious activity.</b> This section of the report is <b>critical</b>. The care with which it is written may make the difference in whether or not the described conduct and its possible criminal nature are clearly understood. Provide below a chronological and <b>complete</b> account of the possible violation of law, including what is unusual, irregular or suspicious about the transaction, using the following checklist as you prepare your account. If necessary, continue the narrative on a duplicate of this page.</p> <p>a <b>Describe</b> supporting documentation and retain for 5 years.</p> <p>b <b>Explain</b> who benefited, financially or otherwise, from the transaction, how much, and how.</p> <p>c <b>Retain</b> any confession, admission, or explanation of the transaction provided by the suspect and indicate to whom and when it was given.</p> <p>d <b>Retain</b> any confession, admission, or explanation of the transaction provided by any other person and indicate to whom and when it was given.</p> | <p>e <b>Retain</b> any evidence of cover-up or evidence of an attempt to deceive federal or state examiners or others.</p> <p>f <b>Indicate</b> where the possible violation took place (e.g., main office, branch, other).</p> <p>g <b>Indicate</b> whether the possible violation is an isolated incident or relates to other transactions.</p> <p>h <b>Indicate</b> whether there is any related litigation; if so, specify.</p> <p>i <b>Recommend</b> any further investigation that might assist law enforcement authorities.</p> <p>j <b>Indicate</b> whether any information has been excluded from this report; if so, why?</p> <p>For Bank Secrecy Act/Structuring/Money Laundering reports, include the following additional information:</p> <p>k <b>Indicate</b> whether currency and/or monetary instruments were involved. If so, provide the amount and/or description.</p> <p>l <b>Indicate</b> any account number that may be involved or affected.</p> |
|  |  |

Paperwork Reduction Act Notice: The purpose of this form is to provide an effective and consistent means for financial institutions to notify appropriate law enforcement agencies of known or suspected criminal conduct or suspicious activities that take place at or were perpetrated against financial institutions. This report is required by law, pursuant to authority contained in the following statutes. Board of Governors of the Federal Reserve System: 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3105(c) (2) and 3106(a). Federal Deposit Insurance Corporation: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of the Comptroller of the Currency: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of Thrift Supervision: 12 U.S.C. 1463 and 1464. National Credit Union Administration: 12 U.S.C. 1766(a), 1786(q). Financial Crimes Enforcement Network: 31 U.S.C. 5318(g). Information collected on this report is confidential (5 U.S.C. 552(b)(7) and 552a(k)(2), and 31 U.S.C. 5318(g)). The Federal financial institutions regulatory agencies and the U.S. Departments of Justice and Treasury may use and share the information. Public reporting and recordkeeping burden for this information collection is estimated to average 36 minutes per response, and includes time to gather and maintain data in the required report, review the instructions, and complete the information collection. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and, depending on your primary Federal regulatory agency, to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551; or Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington DC 20429; or Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, Washington, DC 20219; or Office of Thrift Supervision, Enforcement Office, Washington DC 20552; or National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314; or Office of the Director, Financial Crimes Enforcement Network, Department of the Treasury, 2070 Chain Bridge Road, Vienna, VA 22182.

**Suspicious Activity Report  
Instructions**

**Safe Harbor** Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspected or known criminal violations and suspicious activities to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to this report's instructions or are filed on a voluntary basis. Specifically, the law provides that a financial institution, and its directors, officers, employees and agents, that make a disclosure of any possible violation of law or regulation, including in connection with the preparation of suspicious activity reports, "shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure."

**Notification Prohibited** Federal law (31 U.S.C. 5318(g)(2)) requires that a financial institution, and its directors, officers, employees and agents who, voluntarily or by means of a suspicious activity report, report suspected or known criminal violations or suspicious activities may not notify any person involved in the transaction that the transaction has been reported.

**In situations involving violations requiring immediate attention, such as when a reportable violation is ongoing, the financial institution shall immediately notify, by telephone, appropriate law enforcement and financial institution supervisory authorities in addition to filing a timely suspicious activity report.**

**WHEN TO MAKE A REPORT:**

1. All financial institutions operating in the United States, including insured banks savings associations, savings association service corporations, credit unions, bank holding companies, nonbank subsidiaries of bank holding companies, Edge and Agreement corporations, and U.S. branches and agencies of foreign banks, are required to make this report following the discovery of:
  - a. **Insider abuse involving any amount.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying one of its directors, officers, employees, agents or other institution-affiliated parties as having committed or aided in the commission of a criminal act regardless of the amount involved in the violation.
  - b. **Violations aggregating \$5,000 or more where a suspect can be identified.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating \$5,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying a possible suspect or group of suspects. If it is determined prior to filing this report that the identified suspect or group of suspects has used an "alias," then information regarding the true identity of the suspect or group of suspects, as well as alias identifiers, such as drivers' licenses or social security numbers, addresses and telephone numbers, must be reported.
  - c. **Violations aggregating \$25,000 or more regardless of a potential suspect.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating \$25,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, even though there is no substantial basis for identifying a possible suspect or group of suspects.
  - d. **Transactions aggregating \$5,000 or more that involve potential money laundering or violations of the Bank Secrecy Act.** Any transaction (which for purposes of this subsection means a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or

sale of any stock, bond, certificate of deposit, or other monetary instrument or investment security, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected) conducted or attempted by, at or through the financial institution and involving or aggregating \$5,000 or more in funds or other assets, if the financial institution knows, suspects, or has reason to suspect that:

- i. The transaction involves funds derived from illegal activities or is intended or conducted in order to hide or disguise funds or assets derived from illegal activities (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law;
- ii. The transaction is designed to evade any regulations promulgated under the Bank Secrecy Act; or
- iii. The transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

The Bank Secrecy Act requires all financial institutions to file currency transaction reports (CTRs) in accordance with the Department of the Treasury's implementing regulations (31 CFR Part 103). These regulations require a financial institution to file a CTR whenever a currency transaction exceeds \$10,000. If a currency transaction exceeds \$10,000 and is suspicious, the institution must file both a CTR (reporting the currency transaction) and a suspicious activity report (reporting the suspicious or criminal aspects of the transaction). If a currency transaction equals or is below \$10,000 and is suspicious, the institution should only file a suspicious activity report.

2. A financial institution is required to file a suspicious activity report no later than 30 calendar days after the date of initial detection of facts that may constitute a basis for filing a suspicious activity report. If no suspect was identified on the date of detection of the incident requiring the filing, a financial institution may delay filing a suspicious activity report for an additional 30 calendar days to identify a suspect. In no case shall reporting be delayed more than 60 calendar days after the date of initial detection of a reportable transaction.
3. This suspicious activity report does not need to be filed for those robberies and burglaries that are reported to local authorities, or (except for savings associations and service corporations) for lost, missing, counterfeit or stolen securities that are reported pursuant to the requirements of 17 CFR 240.17f-1.

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#### HOW TO MAKE A REPORT:

1. Send each completed suspicious activity report to:  
 FinCEN, Detroit Computing Center, P.O. Box 33980, Detroit, MI 48232
  2. For items that do not apply or for which information is not available, leave blank.
  3. Complete each suspicious activity report in its entirety, even when the suspicious activity report is a corrected or supplemental report.
  4. Do not include supporting documentation with the suspicious activity report. Identify and retain a copy of the suspicious activity report and all original supporting documentation or business record equivalent for 5 years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.
  5. If more space is needed to complete an item (for example, to report an additional suspect or witness), a copy of the page containing the item should be used to provide the information.
  6. Financial institutions are encouraged to provide copies of suspicious activity reports to state and local authorities, where appropriate.
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