

**UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
FINANCIAL CRIMES ENFORCEMENT NETWORK**

**IN THE MATTER OF
JOSEPH A. SIVIGLIANO**

No. 2001 - 01

**ASSESSMENT OF CIVIL MONEY PENALTIES
AGAINST JOSEPH A. SIVIGLIANO**

I. INTRODUCTION

The Secretary of the United States Department of the Treasury has delegated to the Director of the Financial Crimes Enforcement Network (“FinCEN”) the authority to determine whether a financial institution has violated the Bank Secrecy Act, 31 U.S.C. §§5311 *et seq.* and 31 CFR Part 103 thereunder (“BSA”), and what, if any, sanction is appropriate.

II. JURISDICTION

Joseph A. Sivigliano (“Sivigliano”) was, at all relevant times, a resident of Oklahoma and subject to the BSA under 31 U.S.C. §5312(a)(4) and 31 CFR §103.11(z).

Cash For Checks, Inc. (“Cash For Checks”) was, at all relevant times, a licensed check casher located in Oklahoma City, Oklahoma, owned and managed by Angelina Plett (“Plett”) and was a “financial institution” within the meaning of 31 U.S.C. §5312(a)(2) and 31 CFR §103.11(n).¹

III. FINCEN’S DETERMINATIONS

Structuring

FinCEN has determined that between July 11, 1995 and April 26, 1996, Sivigliano willfully structured currency transactions through a domestic financial institution, Cash For Checks, for the purpose of evading BSA reporting requirements in violation of 31 U.S.C. §5324 and 31 CFR §103.63 thereunder. During the relevant time period, Sivigliano cashed 136 checks totaling more than \$1.17 million at Cash For Checks. On each of 43 days, Sivigliano cashed a series of checks that individually totaled less than \$10,000, but that together exceeded \$10,000, for the purpose of evading the

¹ Plett sold Cash For Checks after the time period relevant to this action to Sivigliano. Sivigliano is no longer operating Cash For Checks. Cash For Checks has been suspended from doing business by the Oklahoma Secretary of State since June 3, 2000.

Currency Transaction Report (“CTR”) filing required by 31 U.S.C. §5313 and 31 CFR §103.22 thereunder.

Sivigliano knew that if he cashed a single check for more than \$10,000 the financial institution would be required to file a CTR. Plett told Sivigliano not to bring in single checks for more than \$10,000 so she would not have to file a CTR. Sivigliano agreed that he would cash individually a series of checks which, when totaled, exceeded \$10,000, so that Plett would not file a CTR on these reportable currency transactions.

IV. BASIS FOR CIVIL MONEY PENALTY

FinCEN has determined that through the actions described in Paragraph III above, Sivigliano willfully violated 31 U.S.C. §5324 and 31 CFR §103.63 and a civil money penalty is due pursuant to 31 U.S.C. §5321(a)(4) and 31 CFR §103.57(e).

V. ASSESSMENT

THEREFORE, the Department of the Treasury assesses against Sivigliano a civil money penalty of \$100,000, pursuant to 31 U.S.C. §5321(a) of the Bank Secrecy Act and 31 CFR §103.57, thereunder.

THEREFORE, Sivigliano shall:

1. Pay the amount of \$100,000 within five (5) business days of the date of this ASSESSMENT.
2. Such payment shall be:
 - a. made by certified check, cashier’s check, or money order;
 - b. made payable to the United States Department of the Treasury;
 - c. hand-delivered or sent by overnight mail to Nicholas A. Procaccini, Assistant Director and Chief Financial Officer, FinCEN, P.O. Box 39, Vienna, Virginia 22183; and
 - d. submitted under a cover letter, which references the caption and file number in this matter.

By: //signed// James F. Sloan September 4, 2001

James F. Sloan, Director DATE
FINANCIAL CRIMES ENFORCEMENT NETWORK
U.S. DEPARTMENT OF THE TREASURY