

ERICA L. FRANQUI P.A.

March 16, 2005

VIA EMAIL: regcomments@fincen.treas.gov

Financial Crimes Enforcement Network
P.O. Box 39
Vienna, VA 22183

RE: RIN 1506-AA85

To Whom It May Concern:

Please be advised that the undersigned serves as legal counsel for Samso's Express Money Transfer, Inc. Following, please find commentary on the Issues for Comment as solicited in the March 10, 2006 Federal Register.

By way of background, Samso's Express Money Transfer, Inc. is licensed in 7 states, with authority to conduct business in South Carolina. Roughly 98 % of my client's transfer transactions are to Mexico, with a very small percentage going to South America. As a licensed money transmitter, this Company has been examined by California, New York and Texas. They have been awarded CAMEL Ratings of 2 in California and New York, and a 1 rating in Texas. Moreover, this Company has been independently audited as to both financials and compliance, with unqualified opinions from independent auditors.

Issues for Comment:

1. No banking institution regulations have been imposed upon this Company because for the most part, they refuse to open any account for MSB's. Bank of America will be closing Samso's accounts NATIONWIDE as of April 13, 2006. This follows account closures by several other banks. To date, over 20 banking institutions have rejected our accounts NATIONWIDE. Not one of these banking institutions have requested the above information pertaining to audits of financial and regulatory compliance, as well as compliance with federal and state laws. Typically, all banking institutions respond with, "we don't open accounts for MSB's -period."
2. As stated above, the banking institutions have never once requested this Company's audited financial and regulatory compliance determinations. Requesting and reviewing this information would serve to greatly benefit

March 21, 2006

the banking institutions in assessing their risks in allowing MSB's to open accounts with them.

3. BSA related grounds are absolutely cited when banking institutions decide not to open accounts for MSB's. The most commonly cited BSA ground for refusal is that MSB's are classified as a "high risk" industry by the BSA, and as such, will result in high costs, low benefit exposure with regard to compliance.
4. The guidance issued to banking institutions regarding the opening and maintenance of accounts for MSB's should shift the "know your customer (KYC)" burden to the money transmitter, not the banking institution. Additionally, banking institutions should require, as a prerequisite to opening or maintaining accounts for MSB's, a complete and thorough review of all audit results of the individual MSB.
5. Yes, all MSB's should place HEAVY emphasis on "knowing your customer"—there should be clear and specific guidelines for the doctrine and responsibility inherent within the "know your customer" guidelines.
6. As previously stated, the banking institutions are held responsible for "knowing your customer". This requirement of the BSA makes no sense as the banking institutions have no possible way of knowing your customer—they are too far removed from the chain of activity. Federal agencies and laws should protect the financial institutions, their directors, officers, and employees from criminal and civil liabilities for breach of any restrictions or disclosure information imposed by regulatory provisions from transactions coming from Money Transmitters. In the alternative, or in addition to the aforementioned, the Federal government should enact an MSB law that controls the vital aspects of the MSB industry above and beyond the state and existing laws, in which the responsibility and burden of knowing your customer rests solely on the money transmitter.
7. As previously stated, there has been an overall decrease in the provision of banking services to MSB's.

I sincerely hope that these comments are helpful and will be utilized to assist the MSB's in obtaining banking institution support. Thank you for your time and assistance in this matter.

Very Truly Yours,

Erica L. Franqui
Attorney at Law