



May 5, 2006

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

Re: Advance Notice of Proposed Rulemaking
RIN 1506-AA85

To Whom It May Concern,

This letter is in response to the questions placed in the Advance Notice of Proposed Rulemaking (RIN 1506-AA85) issued by FinCEN, Department of Treasury, as a part of its ongoing effort to address the issue of access to banking services by Money Services Businesses (MSBs).

Background

Girosol Corp. (Girosol) was founded in 1994 to serve the money remittance needs of the Hispanic community throughout the United States. The company has grown steadily since its inception and currently operates in 28 states. In order to deposit the money received by our agents, Girosol needs depository accounts at banks that cover those 28 states. However, since 2001 Girosol, like many other MSBs, has been having difficulty obtaining and maintaining banking services. In some cases, banks like Compass Bank, National City Bank, Hudson Bank, La Salle Bank, Valley National Bank, Nara Bank New York, Colonial Bank, HSBC, and Wachovia, among others, denied Girosol the possibility to open accounts without giving written explanations for that denial.

In some other cases, Girosol's former banks like Summit Bank, Fleet Bank, PNC Bank, Washington Mutual, Sovereign Bank, Regions Bank, AmSouth Bank, M&T Bank, Commerce Bank, Chase, and recently, Bank of America, terminated Girosol's relationship without providing any logical explanation. Other banks like Sleepy Hollow Bank, Sun National Bank, and Community Bank and Trust have closed our agents' accounts solely on the grounds that they were an agent of an MSB.

Having explained the current situation, we are delighted to make the following comments regarding the questions placed in the Advance Notice of Proposed Rulemaking (RIN 1506-AA85).

Question No 1, Comment. Nothing has changed since the issuance of the joint guidance by U.S. and the Federal Banking Agencies in April 2005. Most "national banks" have not imposed new requirements to MSBs to open and maintain accounts. They have just denied the possibility to open an account solely on the basis of being an MSB without any further requests for supporting documents. For instance, HSBC refused several times to open an account in the U.S. However, the same bank currently has an active account for us in Mexico and act as payer for our remittances there.

The few banks that kept our accounts open in the U.S., have mainly requested copies of our audited financial statements, anti-money laundering program, and the last report issued by the independent BSA auditor.

Question No 2, Comment. Girosol has always been willing to provide the information specified in the guidance issued to MSBs in April 2005 and any other information that the bank may desire, including highly confidential competitive information. For instance, Bank of America consistently requested competitive information and forced us to open individual accounts for all our agents. Once they obtained the location and market information of each agent they aggressively marketed free remittances to Mexico on Hispanic TV. They then issued the dreaded and potential death nail informing us that they are closing our accounts. Ironically, Bank of America has kept the relationship with our agents. In addition Bank of America's affiliate "Banc of America Securities LLC." was, as reported by the Miami Herald, the financial consultant involved in the purchase of "Intermex Wire Transfer LLC" a direct competitor of our company. At no point in time did we ever refuse to supply the information specified in the guidance issued by FINCEN to money services business in April 2005 or any other information requested by any Bank.

Question No 3, Comment. Since the issuance of the guidance to MSBs and banking institutions in April 2005, most banks have terminated our relationship by communicating the following:

"...[The bank] not longer wished to maintain the account..."
"...[The bank] was unable to maintain high service levels to MSBs..."
"...[The bank] elected to close the account..."
"...[The bank] has discontinued services to MSBs..."
"...[The bank] does not open MSBs accounts at that point in time..." and
"...MSBs are high risk businesses".

Just one bank tried to justify its termination by stating:

"...The decision reflected, among other things, regulatory and law enforcement uncertainty as to what constitutes acceptable bank compliance oversight of customers in the money remitter industry and the resulting expense and risk to the Bank..."

These declarations demonstrate that banks have closed or denied opening accounts for Girosol on the grounds that the Company was an MSB, rather than on the basis of some specific concern with the account.

Questions No. 4, Comments. Additional guidance to the bank industry would be extremely beneficial to obtain banking services. This guidance should address the following:

1. There is no BSA or AML difference between an MSB account and any other account the bank may hold. All banks should perform the same compliance check on every account. It is a fact that most fines and negative impact on reputation that banks have suffered in the last ten or more years have occurred due to the banks' BSA laxity with their "regular" accounts and not with a single MSB account.
2. A Bank should document the BSA or AML reason why they refuse to open an account and as with any transaction, report it to FinCEN. This would aid law enforcement, prevent the potential terrorist or drug lord from opening an account somewhere else and guard against the banks using false claims and monopolistic practices to choke an entire industry.
3. State clearly that if an account acts as an MSB but it is NOT registered as an MSB it is clearly not an MSB. It is a SUSPICIOUS ACCOUNT that must be reported. Otherwise, every account that uses a bank to transfer funds would be labeled as an MSB resulting in the industry, as a whole, being chastised for the sins of others.

Questions No. 5, Comments. Additional guidance to MSBs would be extremely beneficial to obtain banking services. This guidance should address the following:

1. What is reasonable and necessary documentation that a Bank may request in order to open and maintain an account for an MSB?
2. What can be considered suspicious to an MSB when dealing with a bank so that the MSB can report the bank as a potential haven for illegal activity? Some major investigations involving banks are: 1991 BCCI; 1998 Citibank; 1999 Bank of New York; 2002 Terrabank; 2003 Banco Popular de Puerto Rico; 2004 ABM Amro; 2004 AmSouth; 2004 Riggs Bank; and 2005 Arab Bank. Ironically, from all the evidence, it should be the MSBs who must be concerned about whom the bank deals with and not visa-versa.

Questions No. 6, Comments. One possible option to increase credibility amongst all parties is to create a Federal MSB License for MSBs that operate in multiple states. This measure may increase banks' confidence and lead to more banks opening accounts for MSBs. At the same time this would give banks a "safe harbor" as long as banks demonstrated good faith in complying with essential BSA and KYC requirements. MSBs, not banks, would be responsible for their own mistakes.

Questions No. 7, Comments. Since the March 2005 hearing and the issuance of guidance in April 2005 to banks and MSBs, there has been an **overall decrease** in the provision of banking services to MSBs. Although we have been given several excuses such as:

"Banks are closing MSBs' accounts due to the expense and difficulty of identifying and monitoring MSBs."

Banks use this argument to justify their own lack of efficient controls to comply with KYC policies.

"Banks are terminating MSBs' relationships because of the increased regulatory and reputation risk involved in serving the MSB community."

MSB's should be the ones concerned about tarnishing their reputation, for it is the banks that have lacked or ignored procedures. As evident in the myriad of investigations affecting major banks located in the United States (i.e., Citibank with Vladimiro Montesino and Raul Salinas de Gortari; Bank of New York with its former vice-president, Lucy Edwards; Riggs Bank and Banco de Chile New York with General Augusto Pinochet, among other illustrative examples).

Finally, it has been argued that banks want to take over the business by displacing MSBs from the market. This last argument carries more weight if we consider the following events:

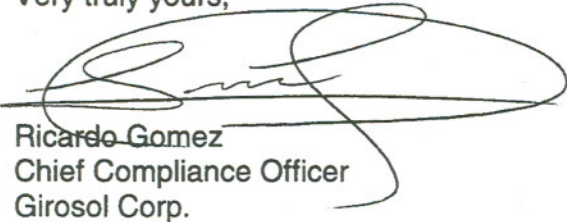
1. The total remittances to Latin America last year were estimated to be over \$55 billion.
2. First Data Corp. announced that they will take their MSB brand "Western Union" public and showed that this brand was growing at a rate of 15% with over 30% margins.
3. The actions of Bank of America and their "Banc of America Securities LLC" involvement in the acquisition of "Intermex Wire Transfer"
4. Luis Pena's (Chief Executive of Mexico's Bank Banorte) recent announcement of the bank's intent to acquire U.S. based Uniteller.

Add to the points above the apparently endless orchestrated refusal of most banks to open accounts with MSBs without allowing the MSBs to demonstrate the integrity of their compliance program. For these reasons, it appears that there are forces other than compliance weighing on the psyche of the banks.

Whatever the reason one chooses to explain this recent witch-hunt or scapegoat, it is important to point out that we consider the MSB industry in general, as well as the economic well being of its employees, to be at risk.

In addition, Girosol is very concerned that if a solution is not created, implemented, and enforced immediately, the consequences will lead to a complete collapse of all the AML and BSA work done in the past decade. We hope that FinCEN will do everything within its power to stop this situation. Should you need supporting documents or have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,



Ricardo Gomez
Chief Compliance Officer
Girosol Corp.