

ADOPTED AMENDMENTS TO REGULATION 6A

CASH TRANSACTIONS PROHIBITIONS, REPORTING, AND RECORDKEEPING

PURPOSE OF AMENDMENTS: To amend Regulation 6A to rescind suspicious activity reporting requirements; to take such additional action as may be necessary and proper to effectuate this stated purpose.

6A.010 through 6A.040 **No change.**

6A.050 Recordkeeping requirements.

1. **No change.**

2. Either the original or a microfilm or other copy or reproduction of each of the following:

(a) A record of each receipt of more than \$3,000 (including but not limited to funds for safekeeping or front money) of funds received by the 6A licensee for the account (credit or deposit) of any patron. The record shall include the same information required in Regulation 6A.030(3)(d) through (j) for a patron from whom the funds were received, as well as the date and amount of the funds received. If the patron from whom the funds were received indicates and the 6A licensee has reason to believe that the patron is a nonresident alien, the 6A licensee shall obtain and record the patron's passport number and country of issue, or a description of some other government document used to verify the patron's identity.

(b) Each statement, ledger card, or other record of each deposit account or credit account with the 6A licensee, showing each transaction (including deposits, receipts, withdrawals, disbursements, or transfers) in, or with respect to, a patron's deposit account or credit account with the 6A licensee.

(c) A record of each bookkeeping entry (e.g., source document or other posting media) recording a debit or credit to a patron's deposit account or credit account with the 6A licensee.

(d) A record of each extension of credit in excess of \$3,000, the terms and conditions of the extension of credit, and repayments. The record shall be included in the information required in paragraphs (a) and (b) and the date and amount of each transaction.

(e) In instances in which the following transactions are not prohibited, a record of each advice, request, or instruction:

(1) Received or given regarding any transaction resulting (or intended to result and later canceled if such a record is normally made) in the transfer of funds, or of currency, other monetary instruments, funds, checks, investment securities, or credit, of more than \$3,000 to or from any person, account, or place outside the United States.

(2) Given to another financial institution or other person located within or without the United States, regarding a transaction intended to result in the transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than \$3,000 to a person, account, or place outside the United States.

(f) To the extent relevant to any matter relating to the enforcement of Regulation 6A, records prepared or received by the 6A licensee in the ordinary course of business that would be needed:

(1) To reconstruct a patron's deposit account or credit account with the 6A licensee in a manner that is in accordance with Regulation 6.090 minimum standards for internal control;

(2) To trace a check or other negotiable instrument tendered with the 6A licensee through the 6A licensee's records to the bank of deposit in a manner that is in accordance with Regulation 6.090 minimum standards for internal control; or

(3) To trace a check, negotiable instrument, or other transfer of funds tendered in exchange for a 6A licensee's check, negotiable instrument or other transfer of funds through the 6A licensee's records to the bank of deposit in a manner that is in accordance with Regulation 6.090 minimum standards for internal control.

(g) Player rating records, or summaries that summarize player rating records in accordance with Regulation 6.090 minimum standards for internal control, if the records or summaries are[:

(1)]prepared as a source document to reflect cash activity and used for purposes of complying with Regulation 6A[; or

(2) **Used to substantiate a Suspicious Activity Report by Casinos which is based in whole or part on the transactions recorded on the rating record. Both original and summary records should be retained in this situation, if possible].**

3. through 5. **No change.**

6A.060 through 6A.090 **No change.**

[6A.100 Suspicious activity reports.

1. As used in this section:

(a) **"Suspicious transaction" means a transaction conducted or attempted by, at, or through the 6A licensee that the 6A licensee knows or, in the judgment of the 6A licensee or its officers, employees and agents, has reason to suspect:**

(1) **Involves funds derived from illegal activities or is conducted or intended to be conducted 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 federal or state law or regulation or to avoid any transaction reporting requirement under federal or state law or regulation;**

(2) **Is designed to willfully evade any requirements of Regulation 6A including the structuring of transactions or attempting to structure transactions; or**

(3) **Has no business or apparent lawful purpose or is not the sort of transaction in which the particular patron would normally be expected to engage, and the 6A licensee knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.(b) "Transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and, with respect to a financial institution or 6A licensee, includes a deposit, withdrawal, transfer between accounts,**

exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, casino chips, tokens, or other gaming instrumentalities or other investment security or monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution or 6A licensee, by whatever means effected.

2. A 6A licensee:

(a) Shall file with FinCEN, by using the SARC specified in subsection 3, a report of any suspicious transaction, if it involves or aggregates to more than \$3,000 in funds or other assets;

(b) May file with FinCEN, by using the SARC specified in subsection 3, a report of any suspicious transaction, regardless of the amount, that the 6A licensee believes is relevant to the possible violation of any law or regulation but whose reporting is not required by this section;

3. A suspicious transaction shall be reported by completing a SARC, and collecting and maintaining supporting documentation as required by subsection 5. The SARC:

(a) Shall be filed with FinCEN in a central location, to be determined by FinCEN and with a copy sent to the board as indicated in the instructions to the SARC; and

(b) Shall be filed no later than 30 calendar days after the initial detection by the 6A licensee of facts that may constitute a basis for filing a SARC. If no suspect was identified on the date of the detection of the incident requiring the filing, a 6A licensee may delay filing a SARC 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. In situations involving violations that require immediate attention, such as, for example, ongoing money laundering schemes, the 6A licensee shall immediately notify, by telephone, an appropriate law enforcement authority in addition to filing timely a SARC.

4. A 6A licensee is not required to file a SARC for a robbery or burglary committed or attempted or for lost, missing, counterfeit, or stolen securities, that is reported to appropriate law enforcement authorities.

5. A 6A licensee shall maintain a copy of any SARC filed and the original or business record equivalent of any supporting documentation for a period of five years from the date of filing the SARC. Supporting documentation shall be identified, and maintained by the 6A licensee as such, and shall be deemed to have been filed with the SARC. A 6A licensee shall make all supporting documentation available to FinCEN and the board and any appropriate law enforcement agencies upon request.

6. No 6A licensee and no director, officer, employee, or agent of any 6A licensee or other financial institution, who reports a suspicious transaction under this part, shall notify any person involved in the transaction that the transaction has been reported. The copy of any such SARC filed with the board is privileged under NRS 463.3407 and may be disclosed only to the board and the commission in the necessary administration of Regulation 6A. A 6A licensee has protection pursuant to Nevada Revised Statutes and to 31 U.S.C. 5318(g) regarding a SARC filed pursuant to this section.

7. As used in this section:

(a) **"FinCEN" means the Financial Crimes Enforcement Network, an office within the Office of the Under Secretary (Enforcement) of the United States Department of the Treasury.**

(b) **"SARC" means Suspicious Activity Report by Casinos, a form published by the United States Department of the Treasury.]**

6A.110 No change.

(Effective: 3/20/03)