

# FiSCA Honors the Legacy of an Honorable and Accomplished Public Servant

*CURRENTS* LOOKS BACK AT THE TENURE OF BILL FOX AS HE MOVES OUT OF FinCEN AND INTO HIS NEW ROLE AT BANK OF AMERICA

**William Fox got it.** In his relatively brief stint as the fourth Director of the Financial Crimes Enforcement Network (FinCEN), he was able to courageously shift the focus of the agency with regard to anti-money laundering, to target the real bad guys—terrorists and criminals. Not only did he understand that the financial services industry was not the enemy, he sought our partnership in FinCEN's anti-money laundering efforts and he began to apply the brakes on

the alarming trend of bank terminations of MSB accounts. Director Fox recognized that our industry is a powerful ally in the fight against money laundering and that we have been maligned and unfairly labeled as “high risk” when the record shows otherwise. He understood the importance of creating a united front in the war on money laundering and financial crime, involving all financial industry sectors, and he realized that alienating the community financial services industry is a recipe for disaster. Director Fox was instrumental in causing FinCEN to host the March 2005 fact finding hearings in Washington, D.C. where for the first time, representatives of the MSB and check-cashing industry were able to speak out against bank discontinuance. This led to a realization among federal regulators that a serious national problem does exist, and resulted in the April 2005 issuance of guidance to the banking industry on maintaining MSB accounts.

Director Fox was no idle bureaucrat. Among his many accomplishments, he reenergized the Bank Secrecy Act Advisory Group (BSAAG), a government advisory panel including representatives from industry, financial regulatory agencies and law enforcement. He also formed several important working subcommittees, including the Non Bank Financial Institution Committee, which meets regularly with the IRS and other regulatory agencies to coordinate anti-money laundering efforts and improve communications between the MSB industry and the federal government.

Where he perceived problems, he looked for solutions. As industry observers have recently noted, Director Fox saw that new rules on money service businesses were yielding counterproductive results, forcing banks to lose customers and forcing certain customers to lose access to banking services. Under his leadership, FinCEN listened and sought to remedy these unforeseen hardships, by reviewing and changing the rules where needed.

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Although the goals have not yet been achieved, the consensus is that these are the right goals, and FinCEN has been working toward real solutions.

No doubt Mr. Fox will apply all his knowledge about financial crime to his new position at Bank of America, hopefully working toward a compliance model that will greatly aid the banking industry at large. With respect to our industry, we believe he made an intelligent start in re-focusing anti-money laundering policy, creating a model that his successor, Robert Werner, can follow in assessing the relations and bridging the gap between our industry and traditional depositories.

We are grateful for his efforts and fairness toward the community financial services industry. We are likewise grateful for his accessibility and candor, as we saw firsthand when he spoke at FISCA's 17th

Annual Conference in New York last September. We close by wishing William Fox well and by remembering his words last spring when testifying before the U.S. House of Representatives, "...It is my view that the best way to achieve these goals is to work in a closer, more collaborative way with the financial industry. This regime demands a partnership and an on-going dialogue between the government and the financial industry if it is ever going to realize its true potential. That dialogue will make our financial system safer and more transparent. I am convinced that the financial industry is committed to this partnership and dialogue. Our goal is to do all we can to ensure that the government lives up to its side of the bargain."

Truly, words for FinCEN and new Director Werner to live by. ■



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