

# Designation of Exempt Person



(June 2002)

Please type or print

1 Check appropriate box (see instructions)

a  Initial Designation      b  Biennial Renewal

2 Check appropriate box

a  Exemption Amended      b  Exemption Revoked

## Part I Exempt Person

3 Business Name or Name of Sole Proprietor

4 Doing Business As (DBA)

5 Address (Number, Street, and Apt. or Suite No.)

6 City

7 State

8 ZIP/Postal Code

9 Taxpayer Identifier Number

## Part II Basis for Exemption

10 Exemption Basis

a  Bank      b  Government Agency / Governmental Authority      c  Listed Company      d  Listed Company Subsidiary

e  Eligible Non-listed Business      f  Payroll Customer

11 Effective date of the exemption

12 Has there been a change in control of the exempt person? For 10(e) and (f) only.

a  Yes      b  No

## Part III Bank Granting or Revoking Exemption

13 Name of Bank

14 Primary Federal Regulator (check **only one**)

a  OCC      b  FDIC      c  FRS      d  OTS      e  NCUA

15 Address (Number, Street, and Apt. or Suite No.)

16 City

17 State

18 ZIP/Postal Code

19 Taxpayer Identifier Number

**Sign Here**

20 Title of approving official

21 Signature of approving official

22 Date of Signature

M M D D Y Y Y Y

23 Last name of person to contact

24 First name of person to contact

25 Telephone number

( ) -

26 For Biennial Updates ONLY (see item 1(b))

I certify on behalf of the above listed bank that its system of monitoring the transactions in currency of an exempt person for suspicious activity has been applied as necessary, and at least annually, to the account of this exempt person.

**Sign Here**

Signature of approving official \_\_\_\_\_

This form must be used by a bank or other depository institution to designate an eligible customer as an exempt person from currency transaction reporting rules of the Department of the Treasury (31 CFR 103.22). File this form with:

**U.S. Department of the Treasury, P.O. Box 33112, Detroit, MI 48232-0112**

**Paperwork Reduction Act Notice:** The purpose of this form is to provide an effective means for banks and depository institutions to exempt eligible customers from currency transaction reporting. This report is required by law, pursuant to 31 CFR 103.22. Federal law enforcement and regulatory agencies, including the U.S. Department of the Treasury and other authorized authorities, may use and share this information. You are not required to provide the requested information unless a form displays a valid OMB control number. Public reporting and recordkeeping burden for this form is estimated to average 70 minutes per response, and includes time to gather and maintain information for the required report, review the instructions, and complete the information collection. The record retention period is five years. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Financial Crimes Enforcement Network, Attn: Paperwork Reduction Act, Suite 200, P.O. Box 39, Vienna VA 22183-2536.

**INSTRUCTIONS****General Instructions**

**Who Must File This Report:** Any bank (see definition) that wishes to designate a customer as an exempt person for purposes of CTR reporting must file this report. 31 CFR 103.22(d)(3)(i)

In addition, banks must file this for the biennial renewal of the exempt person designation of eligible non-listed businesses and payroll customers. 31 CFR 103.22(d)(5)

A bank may, but is not required to, use this form to notify the Treasury that the bank has revoked the designation of a customer as an exempt person.

For further information, please refer to Title 31 of the Code of Federal Regulations, Part 103. See 31 CFR 103.11 for many definitions, and 31 CFR 103.22(d) for information on exemptions to CTR reporting.

**When and Where to File:** This report must be filed with the U.S. Department of the Treasury: P.O. Box 33112, Detroit MI 48232-0112. The report must be filed no later than 30 days after the first transaction to be exempted.

**Biennial Renewal (for eligible non-listed businesses and payroll customers only):** The report must be filed by March 15 of the second calendar year following the year in which the initial designation is made, and by every other March 15 thereafter.

**General Definitions**

**Bank:** A domestic bank, savings association, thrift institution, or credit union. See 31 CFR 103.11(c). These may be exempted only to the extent of their domestic (i.e. US) operations.

**Biennial Renewal:** As provided for by 31 CFR 103.22(d)(5)(ii), the exemption status of all eligible non-listed businesses or payroll customers (see Item 10 e and f) must be updated once every two years, by March 15. This update is a biennial renewal of the exemption for these customers.

**Government Agency / Governmental Authority:** (1) A department or agency of the United States, a State, or a political subdivision of a State, or (2) an entity established under the laws of the United States, of any State, or political subdivision of a State, or under interstate compact between 2 or more States, exercising governmental authority (i.e. the power to tax, police powers, or the power of eminent domain).

**Listed Company:** A business, other than a bank, whose common stock or analogous equity interests are listed on the New York Stock Exchange, the American Stock Exchange, or the National Association of Securities Dealers Automated Quotation System - National Market System.

See 31 CFR 103.22(d)(2) for the extent to which listed companies that are financial institutions may be exempted.

**Listed Company Subsidiary:** A subsidiary, other than a bank, which is owned at least 51%, and is controlled, by a Listed Company.

See 31 CFR 103.22(d)(2) for the extent to which listed companies' subsidiaries that are financial institutions may be exempted.

**Eligible Non-Listed Business:** A business which (1) has had a transaction account at the bank for at least 12 months; (2) frequently engages in currency transactions greater than \$10,000; (3) is incorporated, or organized under the laws of the United States or a State, or is registered as and eligible to do business in the United States; and (4) is not an ineligible business.

Eligible non-listed businesses may be exempt only to the extent of their domestic (i.e. US) operations.

**Payroll Customers:** A business which (1) has had a transaction account at the bank for at least 12 months; (2) frequently withdraws more than \$10,000 in currency for payroll purposes in order to pay its employees in the US; (3) is incorporated or organized under the laws of the United States or a State, or is registered as and eligible to do business in the United States.

**Ineligible Businesses:** A business engaged primarily in one or more of the following activities: serving as financial institutions or agents of financial institutions of any type; purchase or sale to customers of motor vehicles of any kind, vessels, aircraft, farm equipment or mobile homes; the practice of law, accountancy, or medicine; auctioning of goods; chartering or operation of ships, buses, or aircraft; gaming of any kind (other than licensed pari-mutual betting at race tracks); investment advisory services or investment banking services; real estate brokerage; pawn brokerage; title insurance and real estate closing; trade union activities; and any other activities that may be specified by FinCEN.

A business that engages in multiple business activities is not an ineligible business as long as no more than 50% of its gross revenues is derived from one or more ineligible business activities.

**United States:** The States of the United States, the District of Columbia, the Indian lands (as defined in the Indian Gaming Regulatory Act), and the Territories and Insular Possessions of the United States.

**EXPLANATIONS FOR SPECIFIC ITEMS**

**Items 1 and 2:** Check only one of the four boxes in these two items.

**Item 3 - Business Name or Last Name of Sole Proprietor:** List the full legal name of the business being exempted, or the complete last name of the person being exempted.

**Item 9 - Taxpayer Identification Number:** Generally, the Employer Identification Number of the Exempt Person.

**Item 14 - Primary Federal Regulator:** OCC = Office of the Comptroller of the Currency; OTS = Office of Thrift Supervision; FRS = Federal Reserve System; FDIC = Federal Deposit Insurance Corporation; NCUA = National Credit Union Administration.

**Item 23, 24, 25 - Contact:** The last and first name, and the telephone number of the person within the depository institution to be contacted for questions regarding this report.