



ANGUILLA FINANCIAL SERVICES COMMISSION

Offsite Reviews 2015 - 2017

The Anguilla Financial Services Commission (the “Commission”) recognises that its licensed company managers are faced with significant responsibilities under AML/CFT legislation to address money laundering and terrorist financing risks. Their failure to be vigilant in complying with AML/CFT legislation exposes licensees to enforcement action by the Commission and possible criminal prosecution and could create reputational damage to Anguilla. The Commission as a result embarked on a several year campaign to educate company managers on their responsibilities, in particular as stated in the Anti-Money Laundering and Terrorist Financing Code, R.R.A. P98-5 (“AML/CFT Code”) and the Anti-Money Laundering and Terrorist Financial Regulations, R.R.A. P98-1 (“AML/CFT Regulations”). The education campaign included Industry Day presentations, numerous training sessions and one on one meetings as well as publications via its website.

Following on from its education efforts, the Commission between March 2015 and October 2017 conducted offsite reviews to ascertain the level of compliance with customer due diligence provisions of the AML/CFT legislation by its licensees carrying on company management business. Fifty-one (51) licensees were reviewed. The Commission issued administrative penalties against licensees who failed to comply with their obligations under the AML/CFT Code and AML/CFT Regulations, as detailed in the table below.

The Commission has published this information in order to provide additional guidance to its licensees as well as to evidence the emphasis the Commission is putting on requiring compliance by its licensees with their AML/CFT obligations.

Anguilla Financial Services Commission

November 2017



Anguilla Financial Services Commission Offsite Reviews 2015-2017 Public Statement

The Anguilla Financial Services Commission during 2015-2017 conducted offsite reviews of its licensees carrying on company management business to ascertain their compliance with AML/CFT obligations. The Commission imposed administrative penalties in the amounts and for the reasons described in the table below. The amounts of the administrative penalties were determined taking into account the particular circumstances of the violations and the factors listed in section 3 of the Administrative Penalties Regulations, R.R.A. F28. The Commission determined that, for purposes of the 2015-2017 offsite reviews, it will not make public the names of the licensees against whom it took disciplinary action.

The Commission appreciates the cooperation it received from each of its licensees during the course of the offsite review process.

Licensee	Violations	Sections under the AML/CFT Regulations and AML/CFT Code	Amount EC(\$)	Date Administrative Penalty was issued
Licensee 1	Failure to apply adequate customer due diligence measures, specifically the failure to obtain identification information, including a passport or any other identification documentation and	Section 10 (AML/CFT Regulations) / Sections 10, 14, 16 and 17(AML/CFT Code)	1,400	30 August 2016

Licensee	Violations	Sections under the AML/CFT Regulations and AML/CFT Code	Amount EC(\$)	Date Administrative Penalty was issued
	<p>proof of address documents for one (1) principal of a company.</p> <p>Failure to certify that original documentation was seen verifying the identity of three (3) principals of three (3) companies.</p> <p>Failure to conduct ongoing monitoring, specifically the failure to update the expired identification documentation for one (1) principal of one (1) company.</p>	<p>Section 10 (AML/CFT Regulations) / Section 24 (AML/CFT Code)</p> <p>Section 10 (AML/CFT Regulations) / Section 27 (AML/CFT Code)</p>		
Licensee 2	Failure to conduct ongoing monitoring, specifically the failure to update the expired identification documentation for one (1) principal of a customer.	Section 10 (AML/CFT Regulations) / Section 27 (AML/CFT Code)	100	10 January 2017
Licensee 3	Failure to certify that original documentation was seen verifying the identity of two (2) principals of one (1) company.	Section 10 (AML/CFT Regulations) / Section 24 (AML/CFT Code)	200	10 January 2017
Licensee 4	Failure to apply adequate customer due diligence measures, specifically the failure to obtain proof of address documents for one (1) principal of company A and one (1) principal of company B.	Section 10 (AML/CFT Regulations) / Sections 10, 14 and 17 (AML/CFT Code)	3,500	10 January 2017

Licensee	Violations	Sections under the AML/CFT Regulations and AML/CFT Code	Amount EC(\$)	Date Administrative Penalty was issued
Licensee 5	Failure to apply adequate customer due diligence measures, specifically the failure to obtain identification information, including a passport or any other identification documentation and proof of address documents for one (1) principal of a company.	Section 10 (AML/CFT Regulations) / Sections 10, 11, 13, 14 and 17 (AML/CFT Code)	18,000	10 January 2017
Licensee 6	Failure to conduct ongoing monitoring, specifically the failure to update the expired identification documentation for two (2) principals of company A and two (2) principals of company B.	Section 10 (AML/CFT Regulations) / Section 27 (AML/CFT Code)	400	10 January 2017
Licensee 7	<p>Failure to apply adequate customer due diligence measures, specifically the failure to obtain verification documentation for two (2) principals of company A and one (1) principal of company B.</p> <p>Failure to certify that original documentation was seen verifying the identity of one (1) principal of a company.</p>	<p>Section 10 (AML/CFT Regulations) / Sections 10,14,16 and 17 (AML/CFT Code)</p> <p>Section 10 (AML/CFT Regulations) / Section 24 (AML/CFT Code)</p>	14,100	10 January 2017
Licensee 8	Failure to apply adequate customer due diligence measures, specifically the failure to obtain proof of address	Section 10 (AML/CFT Regulations) / Sections 10,14,16 and 17	9,100	10 January 2017

Licensee	Violations	Sections under the AML/CFT Regulations and AML/CFT Code	Amount EC(\$)	Date Administrative Penalty was issued
	<p>documents for one (1) principal of a company</p> <p>Failure to conduct ongoing monitoring, specifically the failure to update the expired identification documentation for one (1) principal of a company.</p>	<p>(AML/CFT Code)</p> <p>Section 10 (AML/CFT Regulations) / Section 27 (AML/CFT Code)</p>		
Licensee 9	<p>Failure to obtain identification and verification information for the beneficial owners, directors and shareholder of one (1) company.</p> <p>Failure to conduct a risk assessment for one company, specifically to include the beneficial owners, directors and shareholder and the nature of business.</p> <p>Failure to keep records in a form that enables them to be made available on a timely basis when lawfully required by the Commission.</p>	<p>Section 10(4) (AML/CFT Regulations) / Section 10 (2) (AML/CFT Code)</p> <p>Section 10(1) (AML/CFT Regulations) / Section 10(2), 13 and 15 (AML/CFT Code)</p> <p>Section 17 (AML/CFT Regulations)</p>	47,000	10 January 2017
Licensee 10	<p>Failure to apply adequate customer due diligence measures, specifically the failure to obtain identification information, including a passport or any other identification documentation and proof of address documents for one (1)</p>	<p>Section 10 (AML/CFT Regulations) / Sections 10, 11, 13, 14, 16 and 17 (AML/CFT Code)</p>	53,750	10 January 2017

Licensee	Violations	Sections under the AML/CFT Regulations and AML/CFT Code	Amount EC(\$)	Date Administrative Penalty was issued
	<p>principal of a company.</p> <p>Failure to apply adequate customer due diligence measures, specifically the failure to obtain proof of address documents for ten (11) principals.</p> <p>Failure to certify that original documentation was seen verifying the identity of ten (11) principals.</p> <p>Failure to conduct ongoing monitoring, specifically the failure to update the expired identification documentation for one (1) principal of a company.</p>	<p>Section 10 (AML/CFT Regulations) / Sections 10, 14, 16 and 17 (AML/CFT Code)</p> <p>Section 10 (AML/CFT Regulations) / Section 24 (AML/CFT Code)</p> <p>Section 10 (AML/CFT Regulations) / Section 27 (AML/CFT Code)</p>		
Licensee 11	Failure to apply adequate customer due diligence measures, specifically the failure to obtain identification information, including a passport or any other identification documentation and proof of address documents for one (1) principal of a company.	Section 10 (AML/CFT Regulations) / Sections 10, 11, 13, 14, 16 and 17 (AML/CFT Code)	3,000	8 February 2017
Licensee 12	Failure to apply adequate customer due diligence measures, specifically the failure to obtain identification information, whether a passport or any other identification documentation for	Section 10 (AML/CFT Regulations) / Sections 10, 13, 14, 16 and 17 (AML/CFT Code)	3,000	8 February 2017

Licensee	Violations	Sections under the AML/CFT Regulations and AML/CFT Code	Amount EC(\$)	Date Administrative Penalty was issued
	four (4) principals of a company.			
Licensee 13	<p>Failure to adequately conduct a customer risk assessment for one (1) company, including to identify the principals as PEPs.</p> <p>Failure to certify that original documentation was seen verifying the identity of four (4) persons.</p>	<p>Section 10(4) (AML/CFT Regulations) / Sections 10 and 11 (AML/CFT Code)</p> <p>Section 10 (AML/CFT Regulations) / Section 24 (AML/CFT Code)</p>	25,200	6 July 2017