

50 CASE STUDIES

AML
BRAIN
How to Identify Suspicious Cases
GYM

CA DILIP JAIN

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Preface

In an increasingly interconnected and complex financial world, the specter of money laundering looms large. The ability to detect and prevent illicit financial activities is not just a legal obligation but a moral imperative for financial professionals, regulators, and law enforcement agencies. This book, with its collection of carefully crafted case studies, is designed to be a vital tool in this ongoing battle against financial crime.

The primary aim of this book is to foster critical thinking and analytical skills in identifying suspicious transactions indicative of money laundering. By presenting a wide array of scenarios, ranging from client account opening to intricate trade financing transactions, this book offers a comprehensive view of how money laundering can manifest in various contexts.

Each case study is constructed with meticulous attention to detail, providing practical illustrations of money laundering techniques. The fictional yet realistic scenarios are designed to challenge the reader, encouraging a deeper understanding of the underlying patterns and red flags that may signal illicit activities.

The book is not merely a theoretical exercise but a practical guide. It is intended to educate professionals, students, and anyone interested in the field of anti-money laundering (AML) about the real-world challenges and complexities involved in detecting and preventing money laundering.

I would like to extend my heartfelt thanks to you, the reader, for choosing this book. Your interest in this subject matter is a testament to your commitment to integrity and ethical conduct in the financial world. It is my sincere hope that this book will not only enhance your understanding of money laundering but also inspire you to be a vigilant and responsible participant in the global financial system.

In closing, I invite you to delve into these pages and embark on a journey of discovery and learning. May this book serve as a valuable companion in your efforts to safeguard the integrity of our financial institutions and contribute to a fair and just economic landscape. Thank you and happy reading!

About the Author:



CA Dilip Jain has multi-faceted financial experience over his 20 years of banking and financial services career with Kotak Bank, ICICI Bank in India , Daiwa Capital Markets, Bahrain, Daiwa Capital in DIFC, Dubai , Nimai, Crowe Vistra, Oasis Investment Co., Century Private Wealth Ltd, DIFC, Dubai in - India, UAE, Qatar and Bahrain. His experience spans from lease and hire purchase, asset securitization, indirect tax planning, credit- mortgages, AML risk, compliance, anti money laundering, trade and corporate finance solutions.

He was a faculty trainer at ICAI GMCS as well part of Core ICAI VAT trainer faculty. He had led vat lectures on different forums from ICAI Dubai VAT clinic at Indian Consulate in association with Khaleej times, business community. He was also speaker in ICAI Dubai three live webcast on VAT in 2017-18. He was also part of Q n A series on VAT with Khaleej times and VAT Quiz, first VAT Games held by ICAI and regularly contributes to VAT brain storming sessions. He has contributed more than 60 articles on vat on his LinkedIn posts. Current implementation on VAT includes sectors like logistics, IT distribution, construction, Oil and Gas, trading, travel and manufacturing, distribution, vacation homes, EPC contractors, watch and jewelry sector, digital media, Designated zone, DMCC companies etc.

He was the compliance officer for DFSA regulated firms (Category 3C and 4) having diverse business in wealth and asset management,

payment services, advisory and arranging services. He was a faculty trainer at ICAI GMCS as well part of Core ICAI VAT trainer faculty.

As a Qualified Chartered and Cost Accountant, he is also Certified Anti-Money Laundering Specialist (ACAMS). He has done his executive management development program in 2011 from IIM-Ahmedabad. He is also level 3 certified Risk in financial Services, Securities and Global Financial Compliance, DIFC and UAE rules and regulations, Combating Financial Crime from CISI. He has more than 800 hours of research and learning experience in AML, compliance and Risk space.

He also led knowledge sessions UAE AML and VAT law implementation FATCA & CRS and has compiled books on Customs, VAT, ESR Corporate Tax and AML laws.

He is also an active Toastmaster, have reached its highest level as Distinguished toastmasters and have undertaken many youth leadership programs and speech craft. He also led Guinness record for world largest memory Game. In his free time, he likes to travel, enjoys early morning walk, read books, network and experiment with AI . He is an active member of ICAI Dubai chapter, Taxation Society UAE, Jito International and was past Area Director, Toastmasters International in Dubai. He was featured in Khaleej Times in the UAE Year of Giving for his contribution to community, has featured in “ Pearls of Rajasthan” as well as in Nelson Mandela Inspired “ Good Deeds” Book , Abu Dhabi.

INDEX : Case Study description	Qns. Pg. No.	Ans. Pg. No.
Onboarding, Fund Transfers, Beneficial owners, Tax		
1. Case study on suspicious transaction reporting-account opening for trading and investment purposes	11	106
2. Complex structure with ultimate beneficiary not identifiable	12	107
3. Small transfers to family, occasional larger purchases	14	107
4. Nature of the business activity to real estate broking and property development	16	108
5. Complex structure and opaque beneficial owners	18	108
6. Clear Indicators of Tax Evasion	20	109
7. Small, repeated transfers in two different jurisdictions to a third party.	22	109
8. Cash Transactions and Luxury Purchases	24	110
9. Failure to Detect Structured Money Laundering	26	110
Unusual Customer Behavior		
10. Unusual Customer Behavior : nervous demeanor observed during banking transactions	28	111
11. Unusual Customer Behavior : Customer, who is a public official, opens account in the name of a family member who begins making large deposits not consistent with the known sources of legitimate family income.	30	112
12. Unusual Customer Behavior : High Velocity in Movement of Funds with Low Balances	32	112
13. Unusual Customer Behavior : Transaction involves offshore institutions whose names resemble those of well-known legitimate financial institutions.	34	113
14. Unusual Customer Behavior : Customer provides no record of past or present employment on a loan application.	36	113
15. Unusual Customer Behavior : Furnished identification documents that appeared altered or declined to produce originals for verification	38	114
16. Unusual Customer Behavior : A business customer is reluctant to provide complete information about the nature and purpose of its business, anticipated account activity.	40	115
17. Unusual Customer Behavior : Customer's Internet Protocol (IP) address does not match the identifying information provided during online registration	42	115

INDEX : Case Study description	Qns. Pg. No.	Ans. Pg. No.
Unusual cash transactions		
18. Unusual cash transactions- Customer makes large cash deposit without having counted the cash	44	116
19. Unusual cash transactions- Customer's cash deposits often contain counterfeit bills or musty or extremely dirty bills	46	116
20. Unusual cash transactions- Customer opens several accounts in one or more names, and then makes several cash deposits under the reporting threshold	48	117
21. Unusual cash transactions- Customer withdraws cash from one of his or her accounts and deposits the cash into another account the customer owns	50	117
22. Unusual cash transactions- Customer makes frequent deposits or withdrawals of large amounts of currency for no apparent business reason or for a business that generally does not generate large amounts of cash	52	118
23. Unusual cash transactions - Noncustomer deposits cash into a customer account, which was subsequently withdrawn in a different geographic location	54	119
24. Unusual cash transactions - Customer deposits cash into several accounts in amounts below the reporting threshold and then consolidates the funds into one account and wire transfers them abroad.	56	119
25. Unusual non cash transactions - Customer deposits a large number of traveler's checks, often in the same denominations and in sequence	58	120
Unusual wire transfer and credit transactions		
26. Unusual wire transfer transactions Wire transfers are sent or received from the same person to or from different accounts	60	121
27. Unusual wire transfer transactions: Wire transfer activity to and from secrecy havens or higher risk geographic locations without apparent business reason or is inconsistent with a customer's transaction history	62	121
28. Unusual activity in credit transactions- A customer's financial statement makes representations that do not conform to accounting principles.	64	122

INDEX : Case Study description	Qns. Pg. No.	Ans. Pg. No.
29. Unusual activity in credit transactions- Customer suddenly pays off a large problem loan with no plausible explanation as to the source of funds.	66	123
30. Unusual activity in credit transactions- Multiple high-value payments or transfers between shell companies with no apparent legitimate business purpose	68	123
Unusual Trade Financing Transactions		
31. Unusual Trade Financing Transactions	70	124
32. Unusual Trade Financing Transactions in Rubber and Wood Business	72	125
33. Unusual Trade Financing Transactions Letter of credit covers goods that are rarely if ever produced in the exporter's country	74	126
Unusual Investment Activity		
34. Unusual Investment Activity - Customer uses an investment account as a pass-through vehicle to wire funds to offshore locations	76	126
35. Unusual Investment Activity - Customer, a PEP, cashes out annuities during the free look period or surrenders the annuities early	78	127
Unusual Customer and employee Activity		
36. Unusual Customer Activity – Customer conducts an unusually high level of transactions over the Internet or by telephone	80	128
37. Unusual Customer Activity – Customer repeatedly uses bank or branch locations geographically distant from customer's home or office without sufficient business purpose.	82	128
38. Unusual Employee Activity - Employee uses company resources to further private interests	84	130
39. Unusual Employee Activity - Employee avoids taking periodic vacations	85	131
Unusual Virtual Currency & Unusual banking material		
40. Unusual Activity For Virtual Currency - Transactions involving virtual currency exchanges are followed within a short time by funds transfers to or ATM withdrawals in high-risk geographies	86	133

INDEX : Case Study description	Qns. Pg. No.	Ans. Pg. No.
41. Use of unusual banking material, specifically banking certificates of deposit	88	134
42. Unusual Activity For Virtual Currency - Purchase of VC shortly following receipt of funds transfers from unconnected third parties	90	135
Broker-Dealer Setting		
43. Unusual Activity In A Broker-Dealer Setting - The customer appears to be acting as an agent for an undisclosed principal, but declines or is reluctant, without legitimate commercial reasons, to provide information, or is otherwise evasive regarding that person or entity	92	135
44. Unusual Activity In A Broker-Dealer Setting - The customer's account shows an unexplained high level of activity with very low levels of securities transactions	94	136
45. Unusual Activity In A Broker-Dealer Setting - The customer's account has unexplained or sudden extensive wire activity, especially in accounts that had little or no previous activity	96	137
Real Estate Activity & Precious Metals		
46. Unusual Real Estate Activity - Improper/incomplete file documentation, including borrower/buyer reluctance to provide more information and/or unfulfilled promises to provide more information	99	138
47. Unusual Real Estate Activity - Falsification of Checks	101	139
48. Unusual Activity For Dealers Of Precious Metals And High-Value Items - Sale of gold bars, coins and loose diamonds from a jewelry store (retail).	103	140
Trade-Based Money Laundering & Human Smuggling		
49. Trade-Based Money Laundering - Structured currency deposits to individual checking accounts with multiple daily deposits to multiple accounts at different branches of the same bank on the same day	104	141
50. Unusual Activity Indicative Of Human Smuggling	105	142

How to Approach This Book

This book is designed to provide an engaging and educational experience for readers interested in understanding and combating money laundering. It will help enhance your ability to recognize and respond to suspicious activities in various financial contexts. Here's a guide on how to make the most of this resource:

1. Understanding the Case Studies:

Each case study presents a unique scenario related to money laundering, complete with fictional characters, businesses, and situations. Read each case carefully, paying attention to the details that may hint at suspicious activities.

2. Evaluating the Options:

Accompanying each case study are multiple-choice options that challenge you to identify the correct course of action. Consider each option carefully and think critically about which one aligns with the facts presented in the case.

3. Finding the Answers:

The correct answers, along with detailed rationales and controls, are provided in a separate section at the end of the book. After you've made your selection, you can refer to this section to check your understanding and gain insights into the reasoning behind the correct choice.

4. Utilizing the Checklists and Controls:

Along with the rationales, you'll find checklists and controls that offer practical guidance on how to detect and prevent money laundering in various contexts. These tools can be valuable references for professionals in the field.

5. Engaging with the Material:

Don't rush through the cases. Take your time to reflect on each scenario, and consider how the principles apply to real-world situations. The more you engage with the material, the more you'll learn.

6. Navigating the Book:

The book is organized in a logical flow, starting with client account opening and ending with specific types of unusual activities. You may choose to read the book sequentially or focus on areas that are most relevant to your interests or profession.

CASE STUDIES

1. Suspicious transaction reporting- account opening for trading and investment purposes

Background

Sarl Chei approached the firm to open an account for trading and investment purposes. During the account opening process, certain red flags were identified that raised suspicions of potential money laundering activities.

Red Flags Identified

- **Inconsistent Identification Documents:** The documents provided were inconsistent with the information verbally given.
- **Complex Business Structure:** Sarl Chei's business structure was unnecessarily complex without a clear rationale.
- **High-Risk Jurisdiction Connection:** The client had connections with countries known for high money laundering risks.
- **Unusual Funding Source:** The initial funding source was unclear or inconsistent with Sarl Chei's known business activities.

Options for Action

- **Option A:** Ignore the red flags and proceed with account opening.
- **Option B:** Conduct further due diligence and request additional information from Sarl Chei.
- **Option C:** Immediately file a Suspicious Transaction Report (STR) or Suspicious Activity Report (SAR) with the authorities.
- **Option D:** Reject the account opening and inform Sarl Chei without notifying the authorities.

2. Complex structure with ultimate beneficiary not identifiable

Client Profile:

- Name: Mr. John Imn
- Occupation: Independent Contractor
- Nationality: ABC
- Account Type: Personal Savings
- Average Monthly Transactions: \$5,000 - \$7,000
- Transaction History: Regular small transfers to family, occasional larger purchases

Transaction Details:

- Date: 01/08/2023
- Amount: \$200,000
- Sender: Offshore Company XYZ
- Receiver: Mr. John Imn
- Purpose: Payment for "Consulting Services"

Additional Information: No previous transactions with this sender; the offshore company is registered in a high-risk jurisdiction.

Options for Action:

- **Option 1:** Report the transaction to the FIU immediately without further investigation.

Rationale: The transaction is significantly larger than the client's usual activity and involves a high-risk jurisdiction.

- **Option 2:** Conduct an internal investigation, including contacting the client for more information, before deciding whether to report to the FIU.

Rationale: While the transaction is unusual, it may be legitimate. An internal investigation will provide more context.

- **Option 3:** Ignore the transaction as it falls within the client's profile of being an independent contractor.

Rationale: The client's occupation might justify the transaction, and there may be no need for further action.

- **Option 4:** Escalate the transaction to senior management for review without contacting the client.

Rationale: The transaction is suspicious, but senior management's input is needed before taking further action.

3. Small transfers to family, occasional larger purchases

Client Profile:

- Name: Mr. John Imn
- Occupation: Independent Contractor
- Nationality: ABC
- Account Type: Personal Savings
- Average Monthly Transactions: \$5,000 - \$7,000

Transaction History:

- Regular small transfers to family, occasional larger purchases
- Transaction Details:
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- Amount: \$200,000
- Sender: Offshore Company XYZ
- Receiver: Mr. John Imn
- Purpose: Payment for "Consulting Services"

Additional Information: No previous transactions with this sender; the offshore company is registered in a high-risk jurisdiction.

Answers:

1. Case study on suspicious transaction reporting- account opening for open an account for trading and investment purposes
Correct Option with Rationale

Correct Option: Option C

Rationale:

1. Option A is incorrect as ignoring red flags could lead to compliance violations and legal risks.
2. Option B is incorrect as the red flags are significant enough to warrant immediate reporting. Further due diligence might delay necessary action.
3. Option C is the correct action as the identified red flags are serious and align with typical indicators of money laundering. Immediate reporting to the authorities is in line with AML regulations and the firm's compliance obligations.
4. Option D is incorrect as merely rejecting the account without reporting could allow the client to approach another institution, potentially facilitating illegal activities.

Conclusion

In the case of Sarl Chei, the appropriate action is to file an STR or SAR with the authorities immediately. This decision aligns with the firm's commitment to adhere to AML regulations and demonstrates a proactive approach to identifying and reporting suspicious activities.

The case emphasizes the importance of vigilance during the client account opening stage and the need for robust AML procedures to detect and report suspicious activities promptly.

2. Complex structure with ultimate beneficiary not identifiable

Suggested Correct Action:

- The most appropriate action in this scenario would likely be **Option 2**: Conduct an internal investigation, including contacting the client for more information, before deciding whether to report to the FIU.
- **Rationale for Selection:** The transaction is indeed suspicious due to its size and the involvement of a high-risk jurisdiction. However, immediate reporting without understanding the context may not be the best course of action. An internal investigation, including a conversation with the client, will provide the necessary information to make an informed decision. If the investigation reveals that the transaction is indeed suspicious, it should then be reported to the FIU.
- Please note that the correct action may vary depending on the specific regulations, policies, and procedures of your jurisdiction and organization. Consult with your legal and compliance teams to ensure adherence to all relevant laws and regulations.

3. Small transfers to family, occasional larger purchases

Correct Option: Option 2

Rationale for Selection: The transaction is indeed suspicious due to its size and the involvement of a high-risk jurisdiction. However, immediate reporting without understanding the context may not be the best course of action. An internal investigation, including a conversation with the client, will provide the necessary information to make an informed decision. If the investigation reveals that the transaction is indeed suspicious, it should then be reported to the FIU.

Conclusion

This case study emphasizes the importance of a balanced approach in handling suspicious transactions. While it's crucial to act promptly in reporting potential money laundering activities, a thorough internal investigation ensures that legitimate transactions are not unnecessarily reported. This approach aligns with best practices in AML compliance