



January 30–31, 2017 | The Omni Shoreham Hotel | Washington, DC

17<sup>th</sup> National Forum on

# PREPAID CARD COMPLIANCE

*Essential Legal and Practical Strategies for Structuring Products, Mitigating Risk, and Ensuring Compliance*



## Compliance strategies and updates from:

OCC	Unirush
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FTC	Blackhawk Network
Alabama Sec. Commn.	Wells Fargo
Ill. Cons. Fraud Bureau	Green Dot
NH Banking Department	Comdata
NBPCA	Uber
Blockchain University	Meta Payment Systems
American Express	Sunrise Banks
Central Payments	Skrill USA
Marqeta	First Data
Western Union	Set for Life Financial
BitMint	ADP
	PayPal
	Neopay

## Sessions include:

- CFPB final rule on prepaid accounts: what is the impact on compliance, required disclosures, and what to expect going forward in the market
- Impact of the rule's reach beyond what's traditionally been thought of as prepaid accounts: prepaid cards with credit features and structuring prepaid cards as DDA
- Federal regulatory and enforcement initiatives impacting the prepaid industry: the latest developments and how to develop a framework given emerging and new technology
- State regulatory and enforcement efforts including latest challenges associated with money transmitter licensing enforcement
- Unclaimed property issues: states with varying requirements related to escheat laws
- CFPB developments other than the final rule on prepaid card accounts including arbitration, small dollar lending, and enforcement actions
- Compliance programs with a focus on risk assessment
- Managing third-party services, ensuring that program managers and other third-parties have proper compliance management systems in place, and helping less sophisticated program managers develop robust compliance management systems
- AML/BSA developments: CIP requirements, FinCEN's CDD rule, and more
- Compliance challenges surrounding cryptocurrency, bitcoin, and blockchain on the prepaid industry
- International perspective in the prepaid context: product innovation, challenges associated with regulating innovative products, and updates on the Fourth Anti-Money Laundering Directive and The Second EU Payment Services Directive
- Negotiating and structuring contracts with program managers

## Plus, don't miss the Interactive Workshops:

- A** | Prepaid Card Compliance 101
- B** | Key Technologies Used for Payment Processes, Platforms, and Systems in the Cross-Border Global Payments Context

Association Partner:





Be a part of the premier legal and compliance event for the prepaid card industry brought to you by ACI — now in its **17<sup>th</sup> installment** — taking place in **Washington, DC** on **January 30–31, 2017** at The Omni Shoreham Hotel.

The prepaid card industry continues to be faced with a rapidly moving legal landscape. It is experiencing unprecedented legal and regulatory challenges including:

- » CFPB’s final prepaid card rule and arbitration rule
- » State regulatory and enforcement efforts
- » Unclaimed property and escheat laws
- » Arbitration agreements and small dollar lending
- » The Fourth Anti-Money Laundering Directive and The Second EU Payment Services Directive

**American Conference Institute’s 17<sup>th</sup> National Forum on Prepaid Card Compliance** will bring together an unparalleled faculty of regulatory and enforcement officials, compliance experts from industry leaders, and outside counsel specializing in prepaid card regulatory compliance who will provide you with best practices and targeted guidance in these most uncertain times for the industry.

Imitation programs may lump Prepaid Cards in with Mobile Payments/Payment Systems/Privacy. But only the ACI event focuses **solely on the Prepaid Card industry’s legal, regulatory, and compliance concerns**. Time and time again, our delegates tell us that the ACI conferences are the **BEST** way to find out how others are approaching the challenges facing the prepaid card industry while networking with the industry’s leaders.



**PLUS**, add value to your attendance by also registering for the Interactive Workshops:

- A** | **Prepaid Card Compliance 101 for Program Managers, Issuing Banks, and Other Industry Players**
- B** | **Key Technologies Used for Payment Processes, Platforms, and Systems in the Cross-Border Global Payments Context**

Register now by calling **1-888-224-2480** or by faxing your registration form to **1-877-927-1563**. You can also register online at [www.AmericanConference.com/PrepaidCard](http://www.AmericanConference.com/PrepaidCard)

## WHO YOU WILL MEET

- ✓ Regulatory and Enforcement Officials
- ✓ Financial Products, Payments, and Retail Professionals, including:
  - General Counsel
  - Compliance Officers/Managers
  - Risk Officers/Managers
  - AML Managers
  - Privacy Officers
  - Data Security Officers
  - Regulatory Affairs Officers/Managers
- ✓ Private Practice Attorneys Specializing in:
  - Prepaid Cards
  - Financial Services Regulatory Compliance
  - Banking Law
  - Payment Systems
  - AML
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Join the Conversation @ACI\_Finance #ACIPrepaid

FinancialServices

# DAY ONE: Monday, January 30, 2017

## 7:30 Main Conference Registration

### 8:00 Co-Chairs' Welcoming Remarks

John Hagy  
Chief Legal Officer  
**Meta Payment Systems**

Chris Daniel  
Partner, Corporate Department  
**Paul Hastings LLP**

### 8:05 CFPB Final Rule on Prepaid Accounts: What is the Impact on Compliance, Required Disclosures, and What to Expect Going Forward in the Market

Brad Fauss  
President and CEO  
**Network Branded Prepaid  
Card Association**

Emily H. Goodman Binick  
VP & Senior Counsel  
**American Express Company**

James Kim  
Of Counsel  
**Ballard Spahr LLP**

Obrea O. Poindexter  
Partner  
**Morrison & Foerster LLP**

Duncan B. Douglass  
Partner  
**Alston & Bird LLP**

- What changed from the proposal to the final?
- What were the surprises?
- What are the real industry pain points from compliance and business stand point?
- What are the required disclosures that have to be changed?
- Display/production of all terms and conditions on a website — who is required to put that up, issuer, third-parties, or everyone?
- Will this change the products that are being offered? From the market stand point, do products remain viable?
- How are prepaid card accounts different and similar to DBA? Are there too many similarities?
- What are the difference laws applied for each account?
- What are the different applications and functionality for each?

### 9:25 Impact of the Rule's Reach Beyond What's Traditionally Been Thought of as Prepaid Accounts: Prepaid Cards with Credit Features and Structuring Prepaid Cards as DDA

John Hagy  
Chief Legal Officer  
**Meta Payment Systems**

Chris Daniel  
Partner, Corporate Department  
**Paul Hastings LLP**

Karen L. Garrett  
Partner  
**Stinson Leonard Street LLP**

- The rule defines as prepaid accounts products that aren't necessarily thought of as belonging in that category — what are some of those products?
- How and why prepaid cards should be structured and offered as DDA
- What are the implications for providers who currently offer overdraft?; What's the difference between overdraft that providers have been offering and credit they are required to offer?
- What do issuers that currently offer credit need to do to get into compliance?
- What do providers who are thinking about offering credit need to do?
- Will companies be abandoning prepaid cards with credit features?

### 10:20 Morning Break

### 10:30 Federal Regulatory and Enforcement Initiatives Impacting Prepaid Industry: The Latest Developments and How to Develop a Framework Given Emerging and Newer Technology

Natalie H. Diana  
Senior Counsel  
Bureau of the Fiscal Service  
**U.S. Department of the Treasury**

James Vivencio  
Senior Counsel for BSA/AML  
**Office of the Comptroller of the Currency  
(OCC)**

Be sure to also register for the  
**PREPAID CARD COMPLIANCE 101**  
Sunday, January 29 from 4:00 – 6:00 p.m.

*led by Barrie VanBrackle at Orrick  
– see page 6 for details*

Carole L. Reynolds  
Senior Attorney,  
Division of Financial Practices  
**Federal Trade Commission**

Brian Crist  
Chief Payments Counsel  
**Uber Technologies, Inc.**

Andrew J. Lorentz  
Partner  
**Davis Wright Tremaine LLP**

Ryan J. Straus  
Counsel  
**Fenwick & West LLP**

- Recent federal regulatory and enforcement activities
- What are regulators focusing on currently?
- The latest legislative developments in Washington
- Best practices for working with regulators to determine how best to meet compliance obligations
- A practical, how-to guide for preparing for examinations by different regulatory agencies: CFPB, FinCEN, FDIC, etc.
- Regulatory focus on bank oversight of program managers
- Best practices for supervisory oversight of prepaid programs
- Given that innovation will continue due to consumer demand, what kind of regulatory framework makes sense especially with newer technology?
  - Given the way regulations are written today, how do emerging technologies fit within that framework? Are these frameworks still appropriate or should they be updated in order to meet customer demand?

### 11:55 Networking Luncheon

### 12:55 State Regulatory and Enforcement Efforts Including Latest Challenges Associated with Money Transmitter Licensing Enforcement

Joseph Borg  
Director  
**Alabama Securities Commission**



Tom James  
Senior Assistant Attorney General  
**Consumer Counsel –  
Consumer Fraud Bureau  
Illinois**

Maryam Torben Desfosses  
Hearings Examiner  
**New Hampshire Banking Department**

Kim Ford  
Vice President of Global Government  
& Public Affairs  
**First Data**

Keith J. Barnett, Esq.  
Partner  
**Troutman Sanders LLP**

Donald J. Mosher  
Partner  
**Schulte Roth & Zabel LLP**

- What is required in order to sell or issue prepaid products?
- What types of business are covered?; Scope of coverage
- Regulators' expectations for licensees
- Developing the strategy and laying out the roadmap that payment processors should be exempted from money licensing in different jurisdictions
- What kind of exemptions are states looking for?
- What are the latest challenges associated with state money transmitter licensing enforcement?
- Money transmitter laws and their impact on product distribution considerations
- Issues surrounding authorized delegates

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## 2:20 Unclaimed Property Issues: States with Varying Requirements Related to Escheat Laws

Ted Kitada  
Senior Vice President  
& Senior Company Counsel  
**Wells Fargo Bank, N.A.**

Michael F. Day  
Principal Legal Counsel, Regulatory Affairs  
**Blackhawk Network, Inc.**

Deborah S. Thoren-Peden  
Partner  
**Pillsbury Winthrop Shaw Pittman LLP**

- What are the jurisdictional differences with states regarding escheat laws?
- Reporting requirements
- Audits

**3:15 Break**

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## 3:25 CFPB Developments Other than The Final Rule on Prepaid Card Accounts Including Arbitration, Small Dollar Lending, and Enforcement Actions

Genessa Stout  
Director of Litigation  
**PayPal**

Stephen Middlebrook  
General Counsel  
**Unirush, LLC**

David L. Beam  
Partner  
**Mayer Brown LLP**

Ronald K. Vaske  
Partner  
**Lindquist & Venum LLP**

- Assessing recent CFPB enforcement trends, activities, and priorities and what they mean for the prepaid industry
- How does CFPB enforcement work?
- How does CFPB work with other regulatory bodies and enforcement agencies?
- CFPB consumer complaint database
- CFPB rule on arbitration and its effect on providers of service
  - Arbitration provisions that limit class action litigation
  - Impact on small issuers who are faced with litigation expenses
  - Class action litigation providing relief to broader group of consumers making financial institutions more accountable for their conduct
- CFPB's rule on small dollar lending
- CFPB's Actions against payment processors and payment companies

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## 4:30 Compliance Programs with a Focus on Risk Assessment

Jacqueline Shinfield  
Partner  
**Blake, Cassels & Graydon LLP**

Joseph S. Rubin  
Senior Counsel  
**Arnall Golden Gregory LLP**

- What does risk assessment really mean in the compliance and AML perspective?
- Understanding the risks associated with prepaid cards to your businesses; identifying the biggest risk; mitigating risk
  - Understanding your controls
  - Formal structure and methodology for risk assessment when dealing with new program, products, customers, location, or new channels
- Improving your compliance program

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## 5:20 Managing the Third-Party Servicers, Ensuring that Program Managers and Other Third-Parties Have Proper Compliance Management Systems in Place, and Helping Less Sophisticated Program Managers Develop Robust Compliance Management Systems

Dawn Steele  
Vice President, Global Anti-Money  
Laundering and Trade Sanctions Officer  
Global Compliance

**ADP**  
Claire Sammon Roberts  
VP Risk & Compliance  
**Marqeta, Inc.**

Rusty Pickering  
General Counsel, Chief Compliance  
and Corporate Development Officer  
**Ingo**

Joel Sherwin  
President, US Operations  
**Neopay**

Allyson B. Baker, Esq.  
Partner  
**Venable LLP**

- What are the best practices for managing third-party servicers?
- What is expected of third-party servicers?
- A bank's responsibility of entering into well-constructed, enforceable contracts with third-party program managers
- What about companies such as new fintech companies and other smaller companies who rely on issuing banks for compliance management systems?
- How can issuing banks ensure that less sophisticated program managers have the tools they need to understand the regulatory environment and build internal controls?

**6:30 Conference Adjourns**



# DAY TWO: Tuesday, January 31, 2017

## 7:30 Continental Breakfast

### 8:00 AML/BSA Developments: CIP Requirements, FinCEN's CDD Rule, and More

Duncan DeVille  
SVP, Global Head of Financial  
Crimes Compliance  
**Western Union**

Patrick Burnett  
VP and Corporate Counsel  
**Comdata**

Jeff Ross  
SVP, BSA/AML Compliance Officer  
**Green Dot Corporation**

- Interagency guidance to issuing banks on applying customer identification program requirements to holders of prepaid cards
  - Clarification of existing CIP requirements with respect to the issuance of certain prepaid cards
  - Determining whether an Account is created and identifying the Customer
  - In cases where it is not clear how to proceed, to what extent can a bank look to other rules for program managers and how may that be viewed?
- Applying AML to bank-issued prepaid cards distributed through a licensed money transmitter agent
- What are some red flags and signs that additional scrutiny needs to be given?
- FinCEN's frequently asked questions relating to the Prepaid Access Final Rule
- Use of prepaid cards to fund terrorist activity or money laundering? How do you prevent such activities and how far does the FinCEN's Prepaid Access Rule go?
- FinCEN's CDD Rule

### 9:00 Compliance Challenges Surrounding Cryptocurrency, Bitcoin, and Blockchain on the Prepaid Industry

Anne Shere Wallwork  
Senior Counselor for Strategic Policy  
Office of Terrorist Financing  
and Financial Crimes  
**U.S. Department of the Treasury**

Tim Rocho  
Payments and FinTech Executive  
**Set for Life Financial**

Robert Schwentker  
Founding President  
**Blockchain University**

Judith E. Rinearson  
Partner  
**K&L Gates**

Peter Luce  
Founder, Principal  
**Ouroboros LLP**

- What are the barriers to having this technology infused with prepaid cards from a compliance perspective?
- What is the current regulatory landscape affecting virtual currency provider?
  - Which laws virtual currency providers need to worry about and what is coming down the line?
- What are the unique issues associated with setting up a prepaid account that accesses funds in a bitcoin wallet?
  - Shift card

## 10:15 Break

### 10:25 International Perspective in the Prepaid Context: Product Innovation, Challenges Associated with Regulating Innovative Products, and Updates on The Fourth Anti- Money Laundering Directive and The Second EU Payment Services Directive

Elena Sabkova, Esq.  
Interim CEO, General Counsel  
& Chief Compliance Officer  
**Skrill USA, Inc.**

Prof. Gideon Samid, PhD, PE  
Chief Technology Officer  
**BitMint, LLC**

- An overview of key regulatory developments around the world
- International synergies or lack thereof — what can be learned from the international community?
- Expansion of U.S. programs into Europe
- U.K.'s more favorable money transmitter licensing

- Recent developments and trends in Canada
- Challenges associated with regulating innovative products; Suggested strategies for overcoming those challenges
- Negative impact of today's U.S. regulatory regime on innovation and its causing developers to be more active overseas where they are invited
- Striking a proper balance between regulation and innovation so that the U.S. isn't left behind — suggestions as to what can be done

## 11:15 Negotiating and Structuring Contracts with Program Managers

Gizelle Barany  
General Counsel  
**Marqeta, Inc.**

Walter Pirnot  
Financial Services Consumer Financial  
Products Attorney  
**H&R Block**

Trent Sorbe  
President, Central Payments Division  
**Central Bank of Kansas City**

Joan M. Herman  
Senior Vice President, Payments  
**Sunrise Banks**

- Key terms to negotiate
  - Allocate responsibility
  - Regulatory compliance
  - Indemnification
  - Monitoring

## 12:30 Conference Ends; Lunch for Post-Conference Workshop B Attendees and Speakers

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# PRE-CONFERENCE WORKSHOP Sunday, January 29, 2017

4:00 p.m. – 6:00 p.m.  
(registration opens at 3:30 p.m.;  
separate registration required)

## **A** Prepaid Card Compliance 101 for Program Managers, Issuing Banks, and Other Industry Players

Barrie VanBrackle  
Partner  
**Orrick**

- Key market players
- The various prepaid products — what they are?; who they serve?; how they differ by functionality, customer, technology, and services?
- Regulatory examinations for program managers — what to expect
- Oversight of Program Managers
- Liability for the actions of Program Managers
- Regulatory examinations for issuing banks — what to expect
- Board oversight
- Chief Compliance Officer/BSA, AML, OFAC Officer
- What goes into a Compliance Management System?
- UDAAP issues
- Add-on products
- Overdraft protection
- Anti-money laundering programs
- Identification/monitoring of high-risk customer types, products/services, locations
- OFAC best practices
- Business continuity

# POST-CONFERENCE WORKSHOP Tuesday, January 31, 2017

1:30 p.m. – 3:30 p.m.  
(registration opens at 1:00 p.m.;  
separate registration required)

## **B** Analyzing Key Technologies Used for Payment Processes, Platforms, and Systems in the Cross-Border Global Payments Context

Speaker(s) to be announced.  
Check **AmericanConference.com/PrepaidCard** for this and other exciting speakers being added

- Assessing the various products, platforms, and systems and how they work
- Identifying new and emerging products, including mobile wallets that are on the market
- The roles of the various stakeholders in the cross-border global payments space
- Key markets and regional updates
- Analyzing the technology used in each step of the various emerging payment processes — mobile payments and mobile wallets
- Structuring new products and product enhancements in ways that are intuitive and easy for customers to use but that also ensure regulatory compliance and data security
- The range of information captured by emerging payment systems and devices
- Examining where the information is stored
- Understanding the new and emerging data security technologies
- New technologies applied to traditional payment systems



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## ACI

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*See inside for details...*

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