Economic Inclusion:

Meeting the Financial Needs of Low- and Moderate-Income Consumers Through Financial Service Centers

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I. Introduction

Non-bank financial service centers (FSCs), or check cashers, have been providing financial services to thousands of New Yorkers for more than 70 years-forging real relationships with the communities and customers they serve. These services are provided with the highest degree of customer service and respect, resulting in extraordinary levels of customer satisfaction. FSCs also provide a gateway to the banking system for many of these individuals. Financial Service Centers of New York (FSCNY) is the trade association representing the FSC industry in New York State. FSCNY's membership is statewide and provides an extensive array of consumer financial services.

The conventional wisdom is that the best mechanism for consumers to participate in the economic mainstream is through direct relationships with banks; this helps ensure "economic inclusion." While FSCNY agrees on the need for economic inclusion, where the industry and thousands of FSC customers in New York depart from the conventional wisdom of those who make policy is the policy makers' focus on relationships with banks. We do not believe that low- and moderate-income consumers are "economically excluded" or "financially illiterate" simply because they choose to satisfy their financial needs with providers other than banks. In fact, the success of FSCs bears out almost three decades of research by the Federal Reserve System which shows that millions of low- and moderate-income consumers have little or no interest in direct relationships with banks.

II. Financial Service Centers: Serving 30 Million Customers

The Financial Service Center industry is a formidable and economically significant force that plays an integral role in the financial framework of millions of Americans. Through its more than ***13,000 locations*** nationwide, the industry conducts more than ***350 million transactions*** each year, providing an estimated ***$106 billion in various products and services to an estimated 30 million customers.*** Those transactions include more than $58.3 billion in check cashing transactions, $17.6 billion in money orders sold, $8.3 billion in wire remittances, $13.2 billion in payday advances, and $5.4 billon in sales of pre-paid stored-value cards.[1]

In New York, the industry has more than 660 licensed check-financial service centers located throughout the state. Every year, more than 30 million checks with an aggregate value of almost $15 billion are cashed. More than 4,000 people are employed by the industry; approximately 80% of which are minorities. In addition, 42% of businesses in the state are owned by minorities.

III. Customer Survey: A Powerful Testimonial of Satisfaction

Consumers <u>choose</u> to utilize FSCs because the products and services match their needs and they are highly satisfied with the way in which their transactions are conducted. Through a customer satisfaction survey of the FSC industry conducted by Cypress Research Group in 2006[2], the data collected underscored that, in New York:

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[1] "Survey of Key FiSCA Member Organizations on Transaction Volumes," Patricia Cirillo, Ph.D., Cypress Research Group, October 2007

[2] "Survey of Customers of FiSCA Member Organization," Patricia Cirillo, Ph.D., Cypress Research Group, September 2006

- **98% rated overall service received between "excellent" and "good"**
- 99% rated the hours of operation between "excellent" and "good"
- 100% rated store location between "excellent" and "good"
- 97% rated stores as having a safe environment between "excellent" and "good"
- **96/% believe stores do an "excellent" and "good" job of communicating all costs**
- 99% rated stores as having the products they need between "excellent" and "good"
- **79% rated stores between "excellent" and "good" for charging reasonable fees**
- **68% have either a checking or savings account**
- 24% who no longer used banks or credit unions said they did not like them or had a bad experience with one; 15% cited high fees or minimum balance requirements
- ***63%*** had been ***customers*** of the location ***for at least one year***, while ***one-in-five*** (21%) had been customers for ***five or more years***.

This data provides a powerful testimonial from the customers themselves, who utilize FSCs.

Furthermore, in October of 2007, Synergistics Research Corporation, an independent, nationally recognized provider of consumer research for the banking industry, concluded: "The unbanked choose to use FSCs because of convenience, the right services and the right price . . . (they) exist because they serve people's needs . . . the unbanked choose FSCs because of the unique product mix, immediate access to cash . . . ."

IV. Our Customers: Their Real Financial Needs

Research on FSC customers is extensive. The most significant finding from that research is that, for these customers, access to their money is a real issue. Tying up access to their cash through minimum balance requirements, mandatory deposit amounts, or other restrictions, is not an option, although often required by banks and traditional financial institutions. High fees charged by banks for services, particularly penalty charges, further alienate these consumers and place any related services out of reach.

The needs of low- and moderate income consumers are both basic and easy to identify: 1) immediate liquidity for paper checks (paycheck, benefits check, etc.); 2) the ability to pay bills, rent, etc., often at the last minute to avoid additional fees; 3) the ability to send money to relatives in other states and/or other countries; 4) a safe place to keep whatever cash remains after the first three transactions; and 5) access to small dollar, short-term, unsecured credit. Life in the modern economy gives rise to two additional needs: the ability to build or rehabilitate credit histories, and a form of digital currency to participate in the Internet economy.

These consumers also need access to these services at times and locations that are convenient to them, and that suit non-traditional work schedules that leave little free time. They need the services to be provided in languages they can understand – frequently more than just English or Spanish – by staff that makes them feel comfortable and that reflects the culture, customs and colors of the neighborhood. They need products and services tailored to their needs, preferences and economic circumstances, rather than being served "stripped-down" versions of what is designed for more affluent consumers.

V. Financial Service Centers: An Industry Responsive to Consumer Needs

Multiple independent studies have underscored that FSCs serve consumer needs well and provide direct access as deeply-integrated members of the local communities they serve. They provide flexible hours of operation to accommodate residents' varying work schedules. Many locations are open seven days a week, even 24 hours per day. They know the language(s) of the community and they offer a more family-friendly environment than do banks or traditional financial institutions.

A survey conducted on behalf of the U.S. Department of Treasury confirmed that FSCs:

- Offer a wide range of financial services and perform transactions that are needed by the "underbanked" population;
- Are convenient for their customers, because they are open more days and for longer hours than most banks; and
- Offer convenient locations and provide services using the language preferences of their consumers.[3]

More recently, an analysis conducted by Synergistics Research Corporation of consumer opinions of FSC products and services cited similar reasons for the success of the industry. According to the study, 77% of consumers select FSCs for their convenient locations; 70% cite convenient hours; and 64% note that FSCs provide "less hassle" than banks[4].

The Financial Service Center industry has been successful because it satisfies the most fundamental needs of its customers. These are:

- *Liquidity:*
  Banks expect and require that consumers operate on a deposit account relationship basis. That means they must put money into accounts before they can obtain services, and that they cannot draw down their accounts to a zero balance. Although widely misperceived as "free," the reality is that monthly maintenance fees, minimum balance requirements, per check charges, non-sufficient funds charges, courtesy overdraft fees, and the like combine to make bank services anything but free. Many low- to moderate-income individuals and families cannot afford to leave funds in an account. From time to time, they need all of their money for necessities. FSCs make 100% of those funds available immediately, without overdraft or low-balance fees and penalties.

- *Access (Convenience):*
  Low- to moderate-income consumers need convenience of access in the communities where they live and work. Demanding life-styles that may involve multiple jobs, variable work hours, family demands, childcare timetables and other issues mean that consumers need to conduct financial transactions where and when it is convenient, and in a safe environment where they feel comfortable and respected. FSCs maintain stores in the communities where these consumers work and live, offering flexible hours in stores that are accommodating.

[3] The Center for Financial Services Innovation, BAI Webinar, September 20, 2007: "Check Cashing: A Good Acquisition Strategy for the Underbanked" by Jennifer Tescher, Director, Page 8; referencing the study conducted by Dove Consulting on behalf of the U.S. Department of Treasury, "Survey of Non-Bank Financial Institutions", April 4, 2000.
[4] "Making Dollars and Sense: The State of the Market," William McCracken, Synergistics Research Corp., October 6, 2007

- *Service*
  Hardworking customers are pressed for time and need fast service, as well as trustworthy and reliable information. They also need much more than access to cash in order to function. FSCs provide a full range of services, from bill payments, debit cards, money transfers, transit system access cards, ATM access and a variety of other services. FSCs provide excellent service with fast moving lines, cashiers who speak the languages of the community, and who understand customers' needs and concerns.

- *Transparency*
  Low- and moderate-income consumers need to manage tight budgets and cannot be subject to surprise fees and incomprehensible charges. When money is tight, an unexpected charge can be catastrophic. Unlike banks, all fees are paid at the time of the transaction, at the point of sale. All fees charged by FSCs are posted and known up front – there are no surprises. This is in marked contrast to the practices of many banks. A March 2008 Government Accounting Office study entitled "Bank Fees" revealed that bank fees rose to record levels in 2006 when American consumers paid more than $36 billion in fees associated with their checking and savings accounts. Further, GAO staff posing as customers was unable to obtain detailed fee information and account terms and conditions at over one-fifth of visited branches and also could not find this information on the web sites of many institutions.

Former New York State Superintendent of Banks Diana Taylor, in an October, 2005 address to FSCNY, recognized that FSCs are located ". . . where people have varying levels of comfort with the banking system for a broad range of reasons, from cultural to educational to personal preference. MSBs provide an alternative to banks - easy to access, and convenient in terms of cost, proximity to their markets and hours of operation. In addition, an MSB location may provide a wide variety other services."

John D. Hawke, former Comptroller of the Currency said in October 2004 ". . . the OCC recognizes the important role that check cashers and similar money services businesses (MSBs) play in providing financial services to segments of our society that do not have access to the banking system. Check cashers generally offer convenience, neighborhood locations and a variety of financial services that appeal to certain consumers."

Although former Comptroller Hawke was on the right track, he was incorrect when he stated that MSB customers do not have access to the banking system. It needs to be understood that: 1) a large percentage (58%) of FSC customers have bank accounts[5], and many more could, but choose not to open accounts; and 2) many of these customers live and/or work in the vicinity of banks, yet still choose to conduct business at FSCs.

[5] "Survey of Customers of FSCNY Member Organization," Patricia Cirillo, Ph.D., Cypress Research Group, September 2006

VI. Financial Service Centers: Developing Innovative Products and Services

In its dynamic evolution over 70 years, the Financial Service Center industry has, time and time again, developed innovative new products and services to meet the fundamental needs of customers, building on the basic services of check cashing, money orders and money transfers. The industry has seamlessly integrated new technologies into its product and service offerings, enabling customers to conduct transactions rapidly and securely. This allows low- and moderate-income consumers to enjoy benefits that would otherwise not be available to them. Through the entrepreneurial initiative of FSC owners, consumers now have widespread access to financial products and services that otherwise simply would not exist.

Some of the products and services pioneered by the Financial Service Center industry include:

- ***Debit Cards/Stored-Value Cards***
  In 2001, industry leaders realized that their customers could benefit from a secure mechanism to handle the proceeds of their check cashing transactions. This need was not being met through programs offering Electronic Transfer Accounts and First Accounts, and banks were still not providing low-cost accounts to these consumers. In order to fill the need, Financial Service Centers of America (FiSCA), the national trade association to which all FSCNY members also are members, at its own expense partnered with Netspend Corporation to pioneer and develop a stored-value card. Offered as a branded Visa or MasterCard, the Netspend card acts as a virtual bank account, allowing consumers to park funds until needed. These cards also allow consumers access to electronic commerce. Commonplace now, this product was unheard of six years ago. Thousands of FSCs, including several hundred across New York, offer the Netspend and other stored-value cards. Through this mechanism, customers have loaded billions of dollars of cash into virtual bank accounts.

- ***Electronic Financial Services***
  Decades ago, FSCs facilitated the complex process of wiring money to relatives in distant places. Later, FSCs pioneered the development and use of electronic bill payments, enabling consumers to pay bills electronically, often at the last minute, thereby avoiding costly late fees and penalties. The Financial Service Center industry was also at the forefront of the electronic delivery of government benefits (EBT) and other services. Not only did this type of service increase convenience and ease for consumers, it guaranteed immediate delivery of payments and remittances.

- ***Bank/Credit Union and Financial Service Center Alliances***
  In several states throughout the country, the Financial Service Center industry has entered into partnerships with credit unions and banks, enabling members of credit unions, and banked customers, to make deposits and withdrawals at FSC locations. Additionally, in New York, check cashers pioneered the PayNet Payroll Network, which provides check cashing services free of charge to employees of local companies, in coordination with banks.

VII. Financial Service Centers: Innovations in Consumer Empowerment

In addition to product offerings, the national association, FiSCA, has proactively pioneered and implemented programs designed to advance the overall financial well being of low- and moderate-income consumers. All members of FSCNY also have membership in FiSCA and support these initiatives. This "three-legged stool" is known as the FiSCA Consumer Empowerment Program, and includes the following elements:

- ***Savings***

  FiSCA spearheaded and initiated a National Savings Program. It negotiated a revolutionary mechanism, through which consumers can establish a no fee, FDIC-insured, savings account through their Netspend Card. Then, they can transfer money back and forth between the Card and their savings account at no cost. The Card is currently offering participants in the Savings Program a 5% annual yield on deposits, far more than cardholders could obtain at banks. The accounts require no minimum monthly balance to maintain. No other card product offered by on the market incorporates a savings element.

  The National Savings Program has already accounted for the "economic inclusion" of tens of thousands of customers who have deposited more than ***$104 million*** into savings accounts. Further, while FiSCA pioneered the development of the Savings Program to be offered through its members, the program has been expanded, and other businesses, such as convenience stores, now offer the Program, increasing the numbers of low- and moderate-income consumers who have access to the no-fee, no minimum balance savings account that can be accessed without ever entering a bank.

- ***Financial Education***

  Current financial education programs do not adequately target the needs of many low- and moderate-income consumers because they teach about products and services these consumers do not use, or which are not accessible to them. They do not appropriately address the day-to-day financial realities and needs of these consumers. In recognizing this fact, FiSCA recently commissioned the development of the first of its kind "audience appropriate" financial education program which better reflects the demonstrated needs, preferences and behaviors of these low- and moderate-income consumers who choose to use FSCs. The program will also provide educational materials that apply when consumers are ready to transition to banks and/or credit unions. In addition to delivering this financial education program through FiSCA member locations across the country, it will also be designed for delivery through wider channels, such as cable television.

- ***Credit Building***

  The need for a credit rating that is recognized by home and auto lenders, insurance companies, employers and others is fundamental. Millions of Americans do not maintain traditional credit relationships and, therefore, are unable to develop credit files. As a result, they are unable to obtain badly needed credit. However, these same people pay rent, utility and other bills on a monthly basis without fail. In October 2007, FiSCA announced a new partnership with PRBC® (Payment Reporting Builds Credit). PRBC is an FCRA-compliant credit bureau that enables consumers to build a credit file and score, based on their history of making rent and other recurring bill payments, that can be used to demonstrate creditworthiness when applying for housing, credit, insurance, and employment. PRBC has been qualified as a "Community Development Service" for Financial

Institutions by the Federal Reserve Board, Office of the Comptroller of the Currency, Office of Thrift Supervision, Federal Deposit Insurance Corporation, and the New York State Banking Department Through the credit scores provided by the FiSCA/PRBC Credit Building Program, it is anticipated that customers will get needed auto, mortgage and other loans at prevailing rates, get better rates on insurance products, and enjoy other benefits not previously available to them.

VIII. Financial Service Centers: Leaders in Compliance

"Check cashers have set the standard for the financial services industry in the fight against money laundering, financial crimes and terrorism." James F. Sloan, former Director of FinCEN

The MSB industry is subject to many of the same core Bank Secrecy Act (BSA) requirements as banks and other financial institutions. These include currency transaction reporting for qualifying transactions in excess of $10,000, suspicious activity reporting, monetary instrument sales record-keeping for money order and travelers check sales, and recording requirements for electronic money transfers.
Check cashers and MSBs are now required to be registered with the Treasury Department, and are required under Section 352 of the USA PATRIOT Act to have compliance programs including written anti-money laundering (AML) policies and procedures, appointment of a compliance officer, employee training programs, and independent compliance examinations.

The FSC industry has taken great measures to ensure wide-scale compliance. In 1993 FiSCA issued two compliance manuals for the industry: The *FiSCA Compliance Manual* and a corresponding *FSCNY Employee Handbook*. These manuals were the first of their kind for the non-bank financial institution industry. They were highly praised by FinCEN and utilized by IRS as guidance materials in connection with Title 31 examination procedures. The manuals, which pre-dated USA PATRIOT Act requirements by nearly a decade, have been periodically updated and supplemented based on BSA amendments.

Following the September 11, 2001 terrorist attacks and enactment of the USA PATRIOT Act, FSCNY issued a *Model Anti-Money Laundering Compliance Program* to assist the industry in meeting new requirements under the Act. The *Model Compliance Program* provides guidance to MSBs for development of internal AML policies and procedures, and employee training programs.

In the fall of 2004, the industry launched an Internet-based compliance training and examination program, which includes courses for both MSB tellers and compliance officers. The program is the first of its kind for the MSB industry; providing comprehensive and uniform training to those employees on the front line. The courses include training on the identification of structured transactions and other financial crimes particular to the services and products offered by check cashers/money remitter agents. To date, approximately 20,000 MSB employees throughout the U.S. have sat for the on-line courses and examination.

IX. Financial Service Centers and Banks

"MSBs play a vital role in the national economy, providing financial services to individuals who are not otherwise part of the mainstream financial system" and "[i]t is absolutely not OCC's intent that national banks should be forced to sever their relationships with money service businesses." Julie L. Williams, former Acting Comptroller of the Currency, March 25, 2005.

Notwithstanding this well known quote from Julie L. Williams, the former Acting Comptroller of the Currency, it is well-known that for the past several years, the check cashing/MSB industry has experienced an epidemic of bank account closures resulting from undue regulatory pressure on the banks that serve the industry. The "bank discontinuance" trend endangers the legitimate, regulated MSB industry and its ability to deliver financial services and products. The MSB and banking industries representatives have come to understand that the account termination problem stems, in part, from a misperception among federal bank regulators and their examiners that MSBs are high risk accounts. Due to these pressures, banks have been required to direct more and more resources towards MSB customer compliance oversight. As a result of these increasing costs and regulatory pressures, many banks have simply decided to terminate accounts for their MSB customers. With the limited number of banks willing to serve the industry, a tenuous relationship exists in which a major decision by any one of a very small number of banks could create enormous chaos, the damage from which would directly impact customers. Furthermore, there is unfairness inherent in this discriminatory "redlining" of an entire industry.

The MSB industry suffers greatly from the misperception that it presents an inordinately "high risk" for money laundering activity as compared with other financial institutions or businesses. This is not the case. In fact, in October of 2002, former FinCEN Director James Sloan, appearing at FiSCA's Annual Conference in Washington, DC, expressly stated that check cashers "do not represent a heightened risk for money laundering."

Furthermore, there are few actual cases involving check cashers and money laundering. Since 9/11, FinCEN has assessed a total of $35,000 in civil penalties against two check cashers for BSA violations – yet during the same period it has assessed many millions of dollars in penalties against banks and other financial institutions. Citing recent examples, BSA violations involving depositories frequently involve tens of millions of dollars. Since the passage of the USA PATRIOT Act, IRS has dramatically increased the number and scope of Title 31 examinations of check cashers. Nonetheless, there has not been a corresponding increase in BSA violations found within the check cashing industry.

Efforts by FinCEN and the federal bank regulatory agencies have had little or no success in reversing the trend of blanket bank discontinuance. It has become clear that there is a need for federal legislation to relieve the regulatory burdens on banks serving the MSB sector. Indeed, over the past 18 months, representatives of FiSCA, the American Bankers Association, and other key MSB and banking organizations, have been working together to arrive at a solution to bank discontinuance.

These efforts recently culminated in the proposal of a bill specifically designed to provide regulatory relief. In 2007 legislation was introduced in Congress, H.R. 4049, the Bank Services Act of 2007, aimed at reducing the regulatory burden on banks by relieving them of a duty to act as the "functional regulator" of their MSB customers. This would be achieved by implementing a new process whereby an MSB would provide baseline compliance information to its bank (*i.e.*, proof of federal MSB registration and state licensure) and would then certify to its bank that it maintains an appropriate four-part BSA/AML program under 31 CFR 103.125 – leaving the business of MSB compliance regulation to the IRS and state functional regulators. The bill passed the House of Representatives unanimously last year but Congress adjourned before the Senate could consider it. An identical bill has been reintroduced this year in the House of Representatives.

X. Conclusion

The proven size and scope of the Financial Service Center industry, which has for more than 70 years provided convenient and innovative services to millions of low- to moderate-income consumers, means that the financial service center industry must considered an essential element of "mainstream" financial services. Once the industry's size and scope is recognized, regulators, legislators and others can explore how it can serve as a key ally in the drive to expand services to this group of Americans.