



# An Advocate's Guide to Legislative & Regulatory Updates

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# National Center for Victims of Crime

- Mission: forge a national commitment to help victims of crime rebuild their lives
- Financial Crime Resource Center
  - Affiliate of the National Center for Victims of Crime
  - Mission: Help victims of financial crime recover their assets and recover control of their lives



# Presenters

- **Ron Long**, Senior Vice President and Director of Regulatory Affairs and Elder Client Initiatives at Wells Fargo Advisors
- **Andrew Hartnett**, Commissioner of Securities at Missouri Secretary of State's Office
- **Lisa Bleier**, Managing Director and Associate General Counsel at SIMFA



# Current Environment

- Role of financial institutions
  - Not the same as medical professionals, psychologists, social workers, and the like
  - Sometimes, employees see suspicious activities
    - What can & should they do with this information?

# Current Considerations

- Third party fraud versus family member exploitation
- Privacy concerns
- Self determination of the elderly person

# State Laws

- Missouri was among the early states to take this on
  - Missouri Senior Savings Protection Act (SSPA) allows broker-dealer representatives to report suspicious financial activity and hold wire transfers for up to 10 business days if they feel like a client is being exploited on the basis of their age or mental status
- Similar to legislation & regulations in Washington & Delaware
  - Other states beginning to follow the trend

# North American Securities Administrators Association (NASAA) Model Law

- Firms may delay disbursement when they suspect financial exploitation
- Firms shall provide access to records relevant to the suspected or attempted financial exploitation of an eligible adult

# Federal Activities

- Proposal from Financial Industry Regulatory Authority (FINRA)
  - Require firms to make reasonable efforts to obtain the name of and contact information for a trusted contact person for a customer's account
  - Permits firms to place temporary holds on disbursements of funds or securities from the accounts of specified customers where there is a "reasonable belief" of financial exploitation of these customers



# Bills in Current Congress

- Senior Safe Act
  - Provides immunity when a broker-dealer or financial advisor shares information with APS and other investigative agencies
- Elder Abuse Prevention and Response Act
  - Focus on education and prosecution tools
  - Engages DOJ and HHS on investigating

# One Firm's Response

- Setting up specialized teams
- Setting up “in case of emergency forms”
- Learning to identify certain red flags
- Escalating within the firm

# Ideas for Future Thought

- Consistent and Effective training for APS, Law Enforcement and Financial Services
- Single Portal Reporting
- Meaningful and Predictable Funding stream for APS and Law Enforcement Specialists
- Greater Collaboration Between Public, Private and Non-Profit Sector