

AML Compliance 2023

Peter Quinter, Gunster



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

2023 IPMI Winter Meeting  
February 28, 2023  
Security and Anti Money Laundering Day (SECAM)  
Hyatt Grand Cypress  
Orlando, Florida

By  
Peter Quinter, Attorney



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# Questions??



# Gold Laundering

**Gold laundering is the process whereby illegally obtained gold is melted and recast into another form. The recasting is performed to obscure or conceal the true origin of the gold. The recast gold is then sold, thus laundering it into cash.**

FOR IMMEDIATE RELEASE

Tuesday, February 4, 2014

## South Florida Couple Charged With Money Laundering And Smuggling In Gold Investigation

Wifredo A. Ferrer, United States Attorney for the Southern District of Florida, Alysa Erichs, Special Agent in Charge, U.S. Immigration and Customs Enforcement's Homeland Security Investigations (ICE-HSI), Miami Field Office, ...announce the arrests of defendants **Natalie Ladin**, 61, and **Jed Ladin**, 65, both of Lauderdale-by-the-Sea, Florida...

The criminal complaint, which was unsealed after the defendants' arrest on January 31, 2014, charges Natalie and Jed Ladin with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h); conspiracy to smuggle gold, in violation of Title 18, United States Code, Section 371; entry of goods by false statements, in violation of Title 18, United States Code, Section 542; and smuggling of gold, in violation of Title 18, United States Code, Section 545. If convicted, the defendants face a statutory maximum sentence of 20 years in prison.

According to the complaint, Natalie Jewelry, doing business as Golden Opportunities, smuggled Guatemalan scrap gold into the United States that was significantly undervalued: from January 2012 until November 2013, two Guatemalan companies sent gold with a declared value of \$6,451,90, yet during that same period Natalie Jewelry wire transferred \$24,317,665 to Guatemala for those imports. Natalie Ladin and Jed Ladin were the owners of Natalie Jewelry, located in Hallandale Beach, Florida.

## Regina Thompson

### Deputy Assistant Director, Criminal Investigative Division

### Federal Bureau of Investigation

Statement Before the Senate Foreign Relations Committee, Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues  
Washington, D.C.  
December 5, 2019

#### **Illicit Mining: Threats to U.S. National Security and International Human Rights**

Good afternoon Chairman Rubio, Ranking Member Cardin, and members of the subcommittee. I am pleased to appear before you today to discuss the threat of illicit mining and the FBI's efforts to address it.

#### **The Threat: TCOs and Illicit Mining**

The last decade has seen a boom in illicit mining operations in the Western Hemisphere due to various factors affecting global markets such as financial instability and increased demand for precious metals. The fracturing of major transnational criminal organizations (TCOs) in the hemisphere into smaller organizations due to the death or apprehension of key leadership, compounded with infighting for control, has forced TCOs to diversify their criminal activities in order to supplement their revenue. Illicit mining operations provide Western Hemisphere-based TCOs with a profitable source of income beyond traditional revenue streams, such as narcotics trafficking, and a reliable mechanism to launder illicit proceeds from those traditional activities. TCOs use traditional criminal infrastructure—to include established drug trafficking routes, control of corrupt officials, and proven smuggling techniques—to traffic illegally mined metals and minerals in the same manner as narcotics. In contrast to narcotics, however, illicit mining provides an avenue for TCOs to exploit a legal commodity. Illicit activity is easily commingled with legal trade obfuscating TCO involvement.

The precious metals trade is a global industry with longstanding value...

TCOs in Mexico, Colombia, Venezuela, Peru, Guyana and other South and Central American countries exploit valuable metals, minerals, and precious stones such as gold, silver, copper, coltan (colombite-tantalite), iron, coal, emeralds, and uranium. Neighboring countries and Caribbean islands serve as transshipments points, while North American countries are final destination markets.

The U.S. market plays a key role in the global exchange of precious metals. TCOs use often-witting U.S. businesses to exploit U.S. regulations and export illegally extracted gold to the United States to launder billions of dollars of illicit proceeds from criminal operations in Latin America. Because gold bullion is classified as a commodity rather than a monetary instrument, the imported gold is not subject to Treasury Department reporting requirements; nor is it subject to customs duties, which limits law enforcement visibility into this money laundering method and increases profitability for TCOs.

#### **FBI Initiative to Combat Illicit Mining**

In October 2015, the FBI established the Illegal Mining Initiative to disrupt TCO involvement in this illicit trade and to prosecute complicit companies. The initiative simultaneously addresses the FBI's strategic and tactical necessities, enhancing our understanding of the threat, and steering joint intelligence production and multi-agency operations...The investigation uncovered a conspiracy responsible for the importation of over \$3.5 billion dollars of gold derived from numerous illicit activities, including narcotics trafficking, illegal gold mining, foreign bribery, foreign smuggling, and U.S. customs violations, on behalf of multiple TCOs.



DEPARTMENT OF HOMELAND SECURITY  
U.S. Customs and Border Protection

OMB CONTROL NO: 1561-0023  
EXPIRATION DATE: 11-30-2022

**REQUEST FOR INFORMATION**  
19 CFR 151.11

Date of Request <b>10/20/2022</b>		Date of Entry and Importation <b>10/04/2022 and 10/04/2022</b>	
Manufacturer/Seller/Shipper		Carrier	Entry No.
Invoice Description of Merchandise		Invoice No.	HTSUS Item No.
Country of Origin/Exportation GB / GB	CBP Broker Company Name UPS SUPPLY CHAIN SOLUTION		Broker Filer Code/Number E995VRVWQ
TO: Name: _____ Street 1: _____ Street 2: _____ City: _____ State: <u>FL</u> Zip Code: _____		FROM: Street 1: <u>726 Exchange St Buffalo NY 14210</u> Street 2: _____ City: <u>Buffalo</u> State: <u>NY</u> Zip Code: <u>14210</u>	
Production of Documents and/or Information Required by Law: If you have provided the information requested on this form to U.S. Customs and Border Protection at other ports, please indicate the port of entry to which it was supplied, and furnish a copy of your reply to this office, if possible.		Port	Date Information Furnished
<b>General Information and Instructions</b>			
Please Answer Indicated Question(s)		Please Furnish Indicated Item(s)	
<input type="checkbox"/> A. Are you related (see reverse) in any way to the seller of this merchandise? If you are related, please describe the relationship, and explain how this relationship affects the price paid or payable for the merchandise.  <input type="checkbox"/> B. Identify and give details of any additional costs/ expenses incurred in this transaction, such as: <input type="checkbox"/> (1) packing <input type="checkbox"/> (2) commissions <input type="checkbox"/> (3) proceeds that accrue to the seller <input type="checkbox"/> (4) assists <input type="checkbox"/> (5) royalties and/or license fees	<input type="checkbox"/> A. Copy of contract (or purchase order and seller's confirmation thereof) covering this transaction, and any revisions thereto. <input type="checkbox"/> B. Descriptive or illustrative literature or information explaining what the merchandise is, where and how it is used, and exactly how it operates. <input type="checkbox"/> C. Breakdown of components, materials, or ingredients by weight and the actual cost of the components at the time of assembly into the finished article. <input type="checkbox"/> D. Submit samples: Article number and description _____ _____ from container _____ mark(s) and number _____ Samples consumed in analysis, and other samples whose return is not specifically requested, will not normally be returned. <input checked="" type="checkbox"/> E. See item below.		
CBP Officer Message			
See Continuation Page.			
Reply Message (If more space is needed, see continuation on page 2.)			
CERTIFICATION It is required that an appropriate corporate/company official execute this certificate and/or endorse all correspondence in response to the information requested. (NOTE: NOT REQUIRED IF FOREIGN FIRM COMPLETES THIS FORM.)			
I hereby certify that the information furnished herewith or upon this form in response to this inquiry is true and correct, and that any samples provided were taken from the shipment covered by this entry.		Name and Title/Position of Signer (Owner, Importer, or Corporate/Company Official)	
		Signature	
		Telephone No.	Date
CBP Official William Lahood		Team Designation IBC	Telephone No. 17168438367
Fax No.		Email william.lahood@cbp.dhs.gov	





FPF OFFICE  
P.O. BOX 52-2207  
MIAMI, FL 331522207



U.S. Customs and  
Border Protection

## NOTICE OF SEIZURE AND INFORMATION TO CLAIMANTS NON-CAFRA FORM

June 24, 2022

Re: Case Number: 2022520690

Dear Sir/Madam:

This is to notify you that U.S. Customs and Border Protection (CBP) seized the property described below at MIAMI INTL ARPT on June 02, 2022:

191 EA ELECTRIC CONNECTORS/ POSSIBLE  
GOLD

The appraised domestic value of the property is \$171,900.00.

The property was seized and is subject to forfeiture under the provisions of:

19 USC 1595a(a), 18 USC 542, 18 USC 541, 18 USC 545 - Facilitating an Importation Contrary to Law (Other Than Controlled Substances)

The facts available to CBP indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the options available to you concerning this seizure. An important document – an "Election of Proceedings" form is enclosed with this letter. You must choose one of the options outlined below, indicate your choice on the "Election of Proceedings" form, and return it and any other necessary documents to CBP within the allotted time frame. Should you choose to abandon the property, you must still complete the "Election of Proceedings" form and return it to CBP.

Your options are as follows:

1. **Petition:** You may file a petition with this office within 30 days from the date of

## ELECTION OF PROCEEDINGS - NON-CAFRA FORM

NOTE: PLEASE READ THE LETTER NOTICE OF SEIZURE AND INFORMATION FOR CLAIMANTS BEFORE YOU FILL OUT THIS FORM. THIS FORM SHOULD BE COMPLETED AND RETURNED TO U.S. CUSTOMS AND BORDER PROTECTION (CBP) AT FPF OFFICE, P.O. BOX 52-2207, MIAMI, FL 331522207.

I understand that property in which I have an interest has been seized by U.S. Customs and Border Protection (CBP)/ U.S. Immigration and Customs Enforcement (ICE) under Case Number 2022520690C

Check **ONLY ONE** of the following choices:

- 1. **I REQUEST THAT CBP CONSIDER MY PETITION ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED.** My petition is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by 19 U.S.C. § 1607 and 19 C.F.R. § 162.45, or (2) have the case immediately referred to the U.S. Attorney for court action, as provided by 19 U.S.C. § 1608 and 19 C.F.R. § 162.47. If administrative forfeiture has begun, it will be stopped until my petition is considered. However, I understand that *at any time* I can request, in writing, that you begin administrative forfeiture proceedings, and you will continue to consider my petition. I also understand that *at any time* I can file a claim and bond with CBP and CBP's consideration of my petition will stop and the case will be sent to the U.S. Attorney's Office for court action.
- 2. **I REQUEST THAT CBP CONSIDER MY OFFER IN COMPROMISE ADMINISTRATIVELY BEFORE FORFEITURE PROCEEDINGS ARE INITIATED.** My offer is attached. By making this request, I understand that I am giving up my right to (1) immediately begin administrative forfeiture proceedings, as provided by 19 U.S.C. § 1607 and 19 C.F.R. § 162.45, or (2) have the case immediately referred to the U.S. Attorney for court action, as provided by 19 U.S.C. § 1608 and 19 C.F.R. § 162.47. If administrative forfeiture has begun, it will be stopped until my offer is considered. However, I understand that *while my offer is under consideration* I can request, in writing, that CBP begin administrative forfeiture proceedings, and CBP will continue to consider my offer. I also understand that *while my offer is under consideration* I can file a claim and cost bond with CBP and CBP's consideration of my offer will stop and the case will be sent to the U.S. Attorney's Office for court action.
- 3. **I ABANDON THE PROPERTY AND I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.** Please immediately begin publication of the notice of seizure and intent to forfeit. I abandon any claim or interest in the property.
- 4. **I REQUEST THAT CBP SEND MY CASE FOR COURT ACTION.** Please immediately refer the case to the U.S. Attorney's Office for the institution of judicial forfeiture proceedings. I am filing/will file a claim and bond with CBP.
- 5. **I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY.** Please immediately begin publication of the notice of seizure and intent to forfeit the property, and consider any petition or offer in compromise which I may timely file. I understand that within thirty (30) days of the first publication of the notice, I can request that CBP send the case to the U.S. Attorney's Office for institution of judicial forfeiture proceedings.

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## 18 USC § 1956. Laundering of monetary instruments

### 18 USC § 1956. Laundering of monetary instruments

(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity--

(A)(i) with the intent to promote the carrying on of specified unlawful activity; or

(ii) with intent to engage in conduct constituting a violation of [section 7201](#) or [7206 of the Internal Revenue Code](#) of 1986; or

(B) knowing that the transaction is designed in whole or in part--

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the property involved in the transaction, whichever is greater, or imprisonment for not more than twenty years, or both. For purposes of this paragraph, a financial transaction shall be considered to be one involving the proceeds of specified unlawful activity if it is part of a set of parallel or dependent transactions, any one of which involves the proceeds of specified unlawful activity, and all of which are part of a single plan or arrangement.

(2) Whoever transports, transmits, or transfers, or attempts to transport, transmit, or transfer a monetary instrument or funds from a place in the United States to or through a place outside the United States or to a place in the United States from or through a place outside the United States--

(A) with the intent to promote the carrying on of specified unlawful activity; or

(B) knowing that the monetary instrument or funds involved in the transportation, transmission, or transfer represent the proceeds of some form of unlawful activity and knowing that such transportation, transmission, or transfer is designed in whole or in part--

(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; or

(ii) to avoid a transaction reporting requirement under State or Federal law,

shall be sentenced to a fine of not more than \$500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission, or transfer, whichever is greater, or imprisonment for not more than twenty years, or both

## **18 U.S. Code § 541 - Entry of goods falsely classified**

Whoever knowingly effects any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification as to quality or value, or by the payment of less than the amount of duty legally due, shall be fined under this title or imprisoned not more than two years, or both.

## **18 U.S. Code § 542 – Entry of goods by means of false statements**

Whoever enters or introduces, or attempts to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance, or makes any false statement in any declaration without reasonable cause to believe the truth of such statement, or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the United States shall or may be deprived of any lawful duties; or

## **18 U.S. Code § 545 - Smuggling goods into the United States**

Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces or attempts to smuggle or clandestinely introduce into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper; or Whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law—

...

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**22-20347-CR-GAYLES/TORRES**

Case No. \_\_\_\_\_

18 U.S.C. § 545  
18 U.S.C. § 1001(a)(2)  
18 U.S.C. § 982(a)(2)(B)

Aug 4, 2022

ANGELA E. NOBLE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES OF AMERICA

vs.

LUIS VILLANUEVA PERDOMO and  
ANDRES CALERO CASTRO,

Defendants.

\_\_\_\_\_ /

INDICTMENT

The Grand Jury charges that:

COUNT 1  
**Smuggling**  
**(18 U.S.C. § 545)**

On or about July 12, 2022, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendant,

**LUIS VILLANUEVA PERDOMO,**

did knowingly and willfully, with the intent to defraud the United States, attempt to smuggle and clandestinely introduce into the United States merchandise which should have been invoiced, that is, a gold necklace and a gold bracelet, in violation of Title 18, United States Code, Section 545.



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
22-CR-20347-DPG

UNITED STATES OF AMERICA

vs.

LUIS VILLANUEVA PERDOMO,

Defendants.

FACTUAL PROFFER

The United States and Defendant LUIS VILLANUEVA PERDOMO (“Defendant”) agree that had this case proceeded to trial, the United States of America would have proven, beyond a reasonable doubt, the following facts pertaining Smuggling, in violation of Title 18,

United States Code, Section 545:

On July 12, 2022, the Defendant arrived on at Miami International Airport on American Airlines Flight 1142 from Cali, Colombia. Upon his arrival, United States Customs and Border Protection (“CBP”) officers selected the Defendant for a secondary inspection. The Defendant filled out a binding United States Customs Declaration Form 6059B (“Form 6059B”) and knowingly and willfully provided a false statement that he did not have anything to declare. CBP officers conducted a search of Defendant’s person, which revealed a gold necklace and a gold bracelet valued at approximately \$25,000. The Defendant knew the necklace and bracelet were valued at approximately \$25,000 and willfully did not declare the items he smuggled into the United States.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
22-CR-20347-DPG

UNITED STATES OF AMERICA

vs.

LUIS VILLANUEVA PERDOMO,

Defendant.

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PLEA AGREEMENT

The United States Attorney’s Office for the Southern District of Florida (“this Office”) and LUIS VILLANUEVA PERDOMO (hereinafter referred to as the “defendant”) enter into the following agreement:

1. The defendant agrees to plead guilty to Count 1 of the Indictment, which charges the defendant with smuggling, in violation of Title 18, United States Code, Section 545.

4. The defendant also understands and acknowledges that the Court may impose a statutory maximum term of imprisonment of up to 20 years, followed by a term of supervised release of up to 3 years. In addition to a term of imprisonment and supervised release, the Court may impose a fine of up to \$250,000 and may order forfeiture and restitution.

## Anti-Money Laundering (“AML”) Compliance Program: Policies, Procedures, and Internal Controls

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