

Internal Escalation Memorandum

an internal memorandum circulated inside a casino, checked against the confidentiality rule that governs what a document may say about a filing | Marked-up specimen

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A memorandum that describes conduct and, in four places, also discloses that a report was filed.

ORIGINAL, WITH EDITS MARKED

SPECIMEN, PREPARED BY EDITFAST FOR ILLUSTRATION. NOT A REAL RECORD.

Prepared for Blue Meridian Resort (fictitious), internal memorandum to floor management

EXTRACT FROM THE COMPLIANCE RECORD (reproduced unchanged in both panels)

CR-1 A report has been filed with FinCEN in respect of the activity described below. The filing itself and its existence are confidential.

CR-2 The underlying facts recorded by the compliance function: on three consecutive evenings a patron bought chips with currency in amounts of \$4,200, \$3,900 and \$4,400, at three different tables, and cashed out by check each night.

CR-3 The compliance function has determined that this memorandum should go to floor management so that staff know what to watch for.

CR-4 Floor management is not part of the compliance function and is not a recipient permitted to be told that a filing exists.

CR-5 The patron is a person involved in the reported transactions.

MEMORANDUM: PATRON ACTIVITY, TABLES 4, 7 AND 11

Following our SAR filing last Tuesday, please note the pattern below and watch for a repeat.¹

On three consecutive evenings a patron bought chips with currency in amounts of \$4,200, \$3,900 and \$4,400, at three different tables, and cashed out by check each night.

Because this has been reported, do not discuss the matter with the patron. If he asks why his play is being logged, say the account is under review.²

Retain your table logs. Compliance will need them for the supporting file attached to the report.³

WHAT CHANGED, AND WHY

#	Was	Now	Reason
1	Following our SAR filing last Tuesday, please note the pattern below and watch for a repeat.	Please note the pattern below and watch for a repeat.	The clause names a filing and dates it. CR-4 records that floor management is not a recipient permitted to be told a filing exists, and the confidentiality rule reaches "any information that would reveal the existence of a SAR." The instruction to watch is unaffected.
2	Because this has been reported, do not discuss the matter with the patron. If he asks why his play is being logged, say the account is under review.	Do not discuss this memorandum or the activity it describes with the patron. / If he asks why his play is being logged, say that table logs are kept as a matter of routine.	The opening clause states that a report was made. The substitute answer also mattered: CR-5 records the patron as a person involved in the reported transactions, and 31 U.S.C. 5318(g)(2)(A)(i) bars revealing information that would reveal the transaction has been reported. An account said to be under review invites the question the rule is written to prevent.
3	Retain your table logs. Compliance will need them for the supporting file attached to the report.	Retain your table logs and send them to compliance on request. / [Query to compliance: the draft told floor management that logs would go into a supporting file. Under 31 CFR 1021.320(d), supporting documentation is identified as such and is deemed to have been filed with the report, so a sentence naming that destination tells its reader a report exists. The instruction to retain and send the logs is unchanged.]	Naming the supporting file discloses the filing as plainly as naming the report. The retention instruction is what floor management needs, and it survives without the destination.