



To: All Policy Issuing Agents of WFG National Title Insurance Company
From: Underwriting Department
Date: May 1, 2023
Bulletin No.: FinCEN 2023-01
Subject: Updated - Process when FINCEN GTO Reporting Is Required

WFG Agents in affected states will receive a separate bulletin outlining the latest FINCEN GTO.

This bulletin is to: (1) provide additional guidance on preparing a WFG commitment or preliminary title report in an area subject to GTO reporting; (2) share our best thoughts on managing the GTO process with customers and other; and (3) provide the mechanics of satisfying the reporting obligations when GTO reporting is required.

1. Requirement Added to All Commitments and Preliminary Reports

Any commitment, preliminary report or title search report generated by WFG in an area subject to GTO reporting will include this requirement:

- #. Determination of whether reporting is required under any applicable U.S. Department of Treasury FinCEN Geographic Targeting Order (GTO) and, if reporting under the GTO is required, providing to the Company the information and identity documents required to comply with the GTO and complete the report.

A similar requirement should be included in any commitment or preliminary report prepared by a WFG agent in the affected areas. This is to protect yourself and WFG from being contractually bound to close and issue a policy when a last-minute change to the structure of a transaction triggers a GTO reporting obligation.

2. Managing Customer Expectations/Avoiding Last Minute Surprises

Good customer service depends on clear communication. None of us want a transaction to be held up because the buyer didn't understand that GTO reporting might be required, or because a last-minute change in the transaction triggered a reporting obligation.

Orders placed with key parties and provisions "To Be Determined" or "TBD" create a particular risk that our customers might be unpleasantly surprised by GTO reporting obligations.

A. A cover sheet on each title product

Internally, we've decided to attach one of three cover sheets to the commitment or prelim before it goes to any Realtor® or buyer. This is both part of managing expectations, but also about having something to point to if a last-minute change in structure causes consternation.

We all hate to say "I told you so" to a good customer, but when there is a blow-up, it's mighty nice to have told them so in writing.

All three versions can be found here [[Cover Sheets](#)], and you are free to borrow or adapt these ideas to your own needs.

B. More frequent communication on "TBD" files.

In some parts of the country, it is not uncommon to generate a search product shortly after a property has been listed. For these files, no one has any idea of the ultimate buyer, the price that may be agreed, how it might be financed or other key details necessary to determine if GTO reporting will be required. In areas where escrow is separate from title, you might not know anything is happening until you receive signed documents and a recording package. Then you have a definite problem if GTO reporting is required.

We're building this into the workflow in our production systems, but the key point is until you have enough data points to determine if a transaction is or is not subject to GTO reporting, your team needs to keep touching base with the independent escrow, the Realtors® and (if known) your buyer to get enough information to make a GTO determination.

We're phrasing it as "touching base to keep the transaction on track" so that it is "good customer service," but the contact serves multiple purposes.

When actual work starts in a file that still has "TBD" elements, we will be generating an email to the independent escrow or Realtors® to remind them of the possibility of a GTO delay. We have shared a copy of the form email [["TBD" Form Email](#)]. Please feel free to borrow and adopt it to your own style.

C. Getting the request for information out as soon as we can determine GTO reporting is required

Internally we're still debating whether a determination that GTO reporting is required should generate a phone call, an email, or both. The answer probably differs transaction to transaction.

We do think it best to advise the Buyer (and their Realtor®) sooner rather than later. We've attached a sample email [[Buyer Advisory Sample Email](#)]. Again, feel free to use it as you see fit, and adopt it to your own style.

3. Training your Realtors®

Realtors® are an integral part of most sale transactions. Your buyers will naturally turn to them for guidance. We do not want one of our Realtors® to embarrass themselves or generate unnecessary angst in the transaction, because they were unaware of the Bank Secrecy Act and the GTO.

4. Gathering the Information when GTO Reporting is required.

A. Form to help gather the information.

The title industry, working through ALTA, has put together a form to be used to gather the necessary information when GTO reporting is required. [[GTO Information Collection Form](#)].

Our recommendation is to let the buyer's representative fill it out the form and sign it (and take responsibility) and provide the copies of the driver's licenses or other identify documents for each of the individuals listed.

Option 1 – WFG will upload the information for you

From there, we tried to make it easy. If you will send WFG copies of the completed form and drivers' licenses (encrypted please since it will contain NPI), we'll handle it from there and contact you if there is any missing information.

The email to use is: FINCENreports@wfgtitle.com

Option 2 – Upload the Information yourself – and copy WFG.

You can register and submit your FINCEN reports yourself at <https://bsaefiling.fincen.treas.gov>. However, we are responsible for tracking your filing, so you must still send the completed filing, copies of the information collection form and the various identity documents by encrypted email to FINCENreports@wfgtitle.com.

We strongly encourage all of our agents to let WFG handle the filing on your behalf.

NOTE: This Bulletin is for the sole purpose of establishing underwriting positions and policies reflecting WFG National Title Insurance Company's best business judgment. The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company's Underwriting Department.

The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.