



March 29, 2016

Charles Clark
Director, Consumer Services Division
Washington Department of Financial Institutions
150 Israel Road
Tumwater, Washington 98501

Dear Mr. Clark:

On behalf of Google Payment Corp. ("GPC"), I am submitting the following comments in response to the Department of Financial Institutions' ("DFI") proposed rulemaking under WAC 208-690, the rules implementing the Washington Uniform Money Services Act. GPC is a licensed money transmitter in Washington State, providing various financial services to its users under the authority of this license. GPC believes that there are many good provisions within the proposed rules, but is hoping for some clarification and/or revision of the provisions identified below.

New Section WAC 208-690-230. We understand the proposed section would require equal prominence of a licensee's licensed name alongside its trade name on any advertisements. GPC has registered its trade names with the Secretary of State and DFI. By registering these trade names, GPC has made its users and regulators aware of the names under which we operate. GPC also discloses its licensed name on receipts, on our website, and in other relevant places, albeit in a smaller font but always in a manner that would allow a user requiring assistance to easily contact GPC. In our view, displaying the licensed name with equal prominence to a given trade name in all marketing would be extremely burdensome, and result in an unappealing and confusing user experience. For example, if we understand the proposed language correctly, a 48-foot billboard with a simple Android Pay logo in the center would also have to include an equally large reference to "Google Payment Corp." alongside it. Apart from the aesthetic deficiencies of such an approach, we expect consumers to be confused about the presence of such a prominent identification of the licensee's official name, and to be distracted from the intended marketing message. For similar reasons, we believe the requirement would also be problematic in the context of online ads, which are significantly size-constrained — particularly when viewed on mobile phones — and where every word, letter, and pixel matters. GPC respectfully requests the removal of the equal prominence requirement of this section.

Revision to the definition of "AML Compliance Officer" under Section WAC 208-690-010. GPC applauds DFI for its efforts to regulate the use third-party consultants serving as licensees' compliance officers. GPC respectfully requests a slight change to this section, however, that would allow an employee of an affiliate or parent company of a licensee to be the compliance officer. As DFI is aware, many licensees establish payment entities in different jurisdictions for the purpose of complying with at times

contradicting regulations. In such cases, the compliance officer is typically employed by the licensee's parent company, and that officer maintains oversight of each of the various payment entities. As currently drafted, we expect many of your licensees would be unable to comply, as the compliance officer would not technically be employed by the licensee.

Revision to Section WAC 208-690-200. GPC respectfully requests definitions of what an "electronic funds transfer" and an "electronic terminal" are. Given the nature of some of GPC's products, particularly with regard to payment processing, GPC would not have the ability to change content on merchant receipts. Where applicable, GPC provides a separate receipt via email that could comply with this section; however, GPC cannot control what the merchant displays on its point-of-sale receipt.

New Section WAC 208-690-125. GPC respectfully requests clarification in this section that the "record retention period" is what the licensee has set as its retention period. This would give the licensee flexibility to keep records longer than legally required, but to still destroy said records when it deems necessary. GPC would like to ensure that this provision is not interpreted to require a licensee to dispose of records at a certain time that DFI sets, as licensees are already often subject to inconsistent regulations for record retention.

New Section WAC 208-690-240. GPC respectfully requests that certain policies and procedures be permitted to be maintained at the parent level, so long as they are adopted by the licensee. For example, there may be certain Google policies relating to topics such as cyber security that are maintained at the parent-company level and applicable to all Google entities. GPC would want to be sure that such an approach would not run afoul of any requirement that such policies be "established and maintained" by the licensee, as required by this section.

GPC greatly appreciates DFI's consideration of these comments and thanks DFI for the partnership in the rulemaking process.

Sincerely,



Alex Ketter
Compliance Manager
Google Payment Corp.