



**ORAL TESTIMONY SUBMITTED TO THE RHODE ISLAND
HOUSE INNOVATION, INTERNET & TECHNOLOGY COMMITTEE**

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Chair Baginski and honorable members of the House Innovation, Internet & Technology Committee, thank you for the opportunity to provide testimony today regarding HB 5121.

We all share the goal of protecting consumers from bad actors seeking to part them from their hard-earned money. And that's why we support about 95% of HB 5121. In fact, many of the provisions were originally drafted by CoinFlip in its model consumer protection bill that has been introduced in a number of states.

However, CoinFlip opposes certain language in HB 5121 relating to the proposed regulation of virtual currency kiosks. We appreciate the opportunity to offer additional consumer protection-focused recommendations that we know to be highly effective in preventing fraudulent transactions at virtual currency kiosks and look forward to continuing to work with Representative Casimiro, Senator Gu, and the AARP to protect consumers.

Company Background

CoinFlip is a Chicago-based, global digital currency platform, focused on providing consumers a simple and secure way to buy and sell virtual currency. Founded in 2015, CoinFlip is one of the world's largest operators of virtual currency kiosks, with more than 6,000 locations across the United States and in ten countries around the world, employing more than 200 people.

CoinFlip's kiosks make buying and selling major cryptocurrencies accessible and secure for consumers who wish to purchase their virtual currency using cash. CoinFlip has operated in the State of Rhode Island since 2021 and was originally granted a Rhode Island money transmitter license by the Rhode Island Department of Business Regulation on November 1, 2021. Additionally, CoinFlip is a money service business registered with the Financial Crimes Enforcement Network. As an MSB, CoinFlip is subject to the Bank Secrecy Act ("BSA"), the United States PATRIOT Act, and their implementing rules and regulations.

CoinFlip embraces licensing regimes as an effective means to create baseline requirements for operations, as well as effective oversight. CoinFlip holds approximately 26 money transmitter licenses with numerous additional applications currently pending. CoinFlip has moved to obtain these licenses, even in states where there is no current licensing requirement.

Advancing Consumer Protection

As a company, one of CoinFlip’s key business priorities is consumer protection. We won’t succeed unless our customers believe we provide them with a safe and secure platform from which to transact virtual currency. CoinFlip’s compliance and consumer protection efforts are currently overseen by its Chief Legal Officer, General Counsel, BSA Officer, and Consumer Protection Officer. To effectively manage the risks associated with its operations, CoinFlip implements both traditional consumer protection efforts such as clear disclosures and warnings, as well as state-of-the-art technology to detect and fight fraudulent transactions.

When transacting with a CoinFlip kiosk, customers are warned numerous times regarding scam-related activity prior to initiating *every* transaction. The customer must attest that they were not sent to the kiosk by a third-party to make a payment; that they are transacting with a digital wallet they own and control; and that they understand all transactions are final and irreversible. This screen is customizable and is updated regularly with warnings about common scams to alert customers and help fight fraud. We also provide clear disclosures on fees and provide customers with a receipt of their transaction via email or text.

Additionally, CoinFlip has 24/7 live customer service and lists its number both on the physical kiosk as well as its transaction screens. Customers are instructed to call CoinFlip in the event a third-party sent them to transact at the kiosk. CoinFlip customer service representatives receive training at least twice annually on AML/BSA requirements and how to be the first line of defense in compliance efforts.

CoinFlip also implements state-of-the-art blockchain analytics and compliance tools to block fraudulent transactions and investigate suspicious activity. In addition to blocking transactions, CoinFlip permanently blacklists digital wallet addresses to prevent those high-risk digital wallets from ever being used at a CoinFlip kiosk again.

HB 5121

Unfortunately, HB 5121 relies on policy recommendations that create a false sense of consumer protection. The proposed transaction limits in the bill do not adequately consider federal reporting requirements. Under federal law, CoinFlip is required to file a Suspicious Activity Report (“SAR”) for any suspected suspicious transactions above \$2,000 and a Currency Transaction Report (“CTR”) for transactions above \$10,000. This information is placed in a repository for law enforcement to quickly and accurately conduct investigations. Rhode Island’s proposed \$1,000 transaction limit encourages stacking transactions across multiple kiosk operators, and limits companies’ Anti-Money Laundering efforts. Further, the limit will result in less information available to law enforcement as kiosk operators will file less SARs and CTRs.

CoinFlip would support a reasonable transaction limit for new users who may not be familiar with the kiosks. However, existing customers who are familiar with our kiosks should have the freedom to buy more crypto—and at least as much as the federal gift card limit of \$10,000. Minnesota passed a bill that was publicly backed by the AARP that set a \$2,000 daily limit for new users and federal limits for existing users. That is a model that the AARP previously supported and CoinFlip

would support here in Rhode Island. In fact, this bill would go further than Minnesota because it contains consumer protections the Minnesota bill lacks.

The addition of transaction fee caps does not prevent customer fraud, inadvertently creates incentives for less transparency and less use of expensive compliance tools which keep consumers safe, and is a de facto ban on the industry. Unlike online exchanges, virtual currency kiosk operators have additional operational costs such as device hardware and maintenance, rent payments to local small business hosts, armored car service costs, customer service, and blockchain analytics. The proposed Rhode Island fee limits do not take into consideration these unique operational costs and are a de facto ban of virtual currency kiosks in Rhode Island. It would also hurt local business owners who earn revenue from hosting our devices, and reduce tax revenue paid to the State of Rhode Island.

Similarly, the requirement of physical receipts does not prevent fraud. CoinFlip provides customers with digital receipts and supports the content requirements in this bill. However, a physical receipt does not provide any protections a digital receipt does not.

Lastly, the refund provisions found in HB 5121 are unprecedented for money service businesses. No responsible money service business wants to profit off possible fraudulent transactions; however, requiring a refund for the entire transaction requires virtual currency kiosk operators to insure every transaction and encourages fraudsters to defraud kiosk operators. CoinFlip already voluntarily refunds scam victims the fees and would support such a requirement in Rhode Island. However, the refund provision goes beyond federal Reg E requirements which requires the refund of unauthorized transactions. If CoinFlip is required to refund scam victims' authorized transactions, it results in a double loss to us—the virtual currency we purchased and sent per the customer instructions, and the cash the customer put into the kiosk. As an example, this would be similar to requiring Target to refund the purchase of a gift card if the customer later gave their gift card to a bad actor.

Proposed Consumer Protection Policies

CoinFlip believes smart regulation is good for business. We believe that a regulatory framework is necessary to protect consumers and encourage innovation in the industry; however, transaction limits and fee limits as currently proposed in HB 5121 are a de facto ban on operating in the State of Rhode Island and do not take into consideration federal reporting requirements. Instead, we developed the following best practices that would further enhance consumer protections and support their inclusion in any legislation:

- **Require licensure with the state.** CoinFlip believes a money transmitter license should be required for all virtual currency kiosk operators, allowing for state oversight and periodic audits to determine the adequacy of compliance, finance, and cybersecurity programs.
- **Require robust compliance programs.** Kiosk operators should be required to directly employ a qualified, in-house, Chief Compliance Officer and compliance team, that does not have a large ownership interest in the company. At CoinFlip, we take compliance

seriously: our Chief Compliance Officer is a former federal prosecutor, and our general counsel is a former Illinois Assistant Attorney General.

- **Require clear, highly visible warnings and fee disclosures.** We agree with the proposed legislation regarding the requirement of clear disclosures regarding all fees and terms of service. We also believe highly visible fraud warnings should be required to be displayed and acknowledged by the customer prior to the initiation and completion of any transaction.
- **Require blockchain analytics.** The use of blockchain analytics technology should be required to fight fraud by automatically blocking customer transactions to high-risk digital wallets.
- **Require live customer service.** Customer service is the first line of defense for consumer protection. We believe every virtual currency kiosk operator should be required to provide trained, live customer service at minimum during business hours.

CoinFlip shares your goals of consumer protection. Although blockchain technology and virtual currency kiosks are new, the fraud we see reported is all too familiar. Whether it's phone, email, text or an online pop-up, scammers repackage the same old tactics and utilize whatever methods they have at hand – Venmo, PayPal, Zelle, Gift Cards, MoneyGram or virtual currency kiosks – to dupe people out of their money.

The best defense for consumers is to be well-informed and well-alerted at the point of transaction. The best defense for companies is to have the right tools in place to help identify and fight fraud and help law enforcement catch the bad actors.

Conclusion

In conclusion, we believe that a regulatory framework is necessary to protect consumers and encourage innovation and we look forward to working with the Rhode Island House and AARP to improve HB 5121 to achieve the right balance to protect Rhode Island consumers and ensure continued access for lawful virtual currency transactions.

Thank you for your time and consideration.

Sincerely,

/s/ Larry Lipka

Larry Lipka
General Counsel