

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**SECURITIES AND EXCHANGE COMMISSION :**

Plaintiff, :

v. :

**THURMAN P. BRYANT, III, and  
BRYANT UNITED CAPITAL FUNDING, INC. :**

Defendants, :

**ARTHUR F. WAMMEL,  
WAMMEL GROUP, LLC  
THURMAN P. BRYANT, JR.,  
CARLOS GOODSPEED a/k/a SEAN PHILLIPS  
d/b/a TOP AGENT ENTERTAINMENT d/b/a  
MR. TOP AGENT ENTERTAINMENT :**

Relief Defendants. :

Civil Action No.:

**FILED UNDER SEAL**

**APPENDIX IN SUPPORT OF PLAINTIFF'S EMERGENCY  
EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY  
INJUNCTION, ASSET FREEZE, APPOINTMENT OF A RECEIVER,  
DOCUMENT PRESERVATION ORDER, ORDER TO MAKE ACCOUNTING  
AND OTHER EMERGENCY AND ANCILLARY RELIEF**

The Securities and Exchange Commission submits the attached appendix in support of its Emergency *Ex Parte* Motion for Temporary Restraining Order, Preliminary Injunction, Asset Freeze, Appointment of a Receiver, Document Preservation Order, Order to Make Accounting and Other Emergency and Ancillary Relief and Brief in Support. The appendix contains:

	Description	Appendix Citation
1	Declaration of Carol Stumbaugh	App. 0001
2	Declaration of Stephen B. Hoselton	App. 0015

3	Declaration of Chet R. Williams	App. 0068
4	Declaration of Barbara Gunn	App. 0088

May 15, 2017

Respectfully submitted,



JASON REINSCH

Texas Bar No. 24040120

JESSICA B. MAGEE

Texas Bar No. 24037757

United States Securities and Exchange Commission

Fort Worth Regional Office

Burnett Plaza, Suite 1900

801 Cherry Street, Unit #18

Fort Worth, TX 76102-6882

Ph: 817-978-6465 (jbm)

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ATTORNEYS FOR PLAINTIFF

SECURITIES AND EXCHANGE COMMISSION

**IN THE UNITED STATES DISTRICT COURT  
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**SECURITIES AND EXCHANGE COMMISSION** :

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d/b/a TOP AGENT ENTERTAINMENT d/b/a  
MR. TOP AGENT ENTERTAINMENT** :

Relief Defendants. :

**DECLARATION OF BARBARA L. GUNN**

I, Barbara L. Gunn, declare under penalty of perjury, in accordance with 28 U.S.C. § 1746, that the following is true and correct and that I have personal knowledge of, and am competent to testify to, the matters stated herein.

1. I am an Assistant Director in the Division of Enforcement of the United States Securities and Exchange Commission ("Commission"), a position which I have held since 2010. I have been employed by the Commission since 1987 and have worked in the Commission's Fort Worth Regional Office in Fort Worth, Texas since 1998.

2. My official duties with the Commission include leading a team of attorneys, accountants and paralegals, and participating with them, in fact-finding inquiries and investigations to determine whether the federal securities laws have been violated and assisting

in the Commission's litigation of alleged securities laws violations.

3. As part of my official duties, I oversaw and participated in a Commission investigation involving Thurman (Trey) P. Bryant, III (“Bryant”) and his company Bryant United Capital Funding, Inc. (“BUCF”) (collectively “Defendants”) and Arthur F. Wammel (“Wammel”), his company Wammel Group, LLC (“Wammel Group”), Bryant’s father Thurman P. Bryant, Jr. (“Bryant, Jr.”), and Carlos Goodspeed a/k/a Sean Phillips d/b/a Top Agent Entertainment d/b/a Mr. Top Agent (“Goodspeed”), (collectively “Relief Defendants”) to determine whether they have violated, or are actively violating, the federal securities laws. In connection with this investigation, and pursuant to lawfully issued subpoenas and document requests, I, and other members of the SEC staff whom I supervised, reviewed various documents related to the Defendants and Relief Defendants, including but not limited to, offering materials, bank-account records, public records, and records produced by the parties, witnesses, and other third-parties.

4. On December 16, 2016, the Commission served BUCF with a lawful subpoena requiring it to produce documents and appear for testimony (“First BUCF Subpoena”). *A true and correct copy of the First BUCF Subpoena is attached hereto as Exhibit 1.*

5. On March 20, 2017, the Commission served BUCF with a second lawful subpoena requiring it to produce documents and appear for testimony (“Second BUCF Subpoena”). *A true and correct copy of the Second BUCF Subpoena is attached hereto as Exhibit 2.*

6. On December 16, 2016, the Commission served Bryant with a lawful subpoena requiring him to produce documents and appear for testimony (“First Bryant Subpoena”). *A true and correct copy of the First Bryant Subpoena is attached hereto as Exhibit 3.*

7. On March 20, 2017, the Commission served Bryant with a second lawful subpoena requiring him to produce documents and appear for testimony (“Second Bryant Subpoena”). *A true and correct copy of the Second Bryant Subpoena is attached hereto as Exhibit 4.*

8. On February 10, 2017, the Commission served Wammel with a lawful subpoena requiring him to produce documents and appear for testimony (“First Wammel Subpoena”). *A true and correct copy of the First Wammel Subpoena is attached hereto as Exhibit 5.*

9. On March 20, 2017, the Commission served Wammel with a second lawful subpoena requiring him to produce documents and appear for testimony (“Second Wammel Subpoena”). *A true and correct copy of the Second Wammel Subpoena is attached hereto as Exhibit 6.*

10. On February 10, 2017, the Commission served Wammel Group with a lawful subpoena requiring it to produce documents and appear for testimony (“First Wammel Group Subpoena”). *A true and correct copy of the First Wammel Group Subpoena is attached hereto as Exhibit 7.*

11. On March 20, 2017, the Commission served Wammel Group with a second lawful subpoena requiring it to produce documents and appear for testimony (“Second Wammel Group Subpoena”). *A true and correct copy of the Second Wammel Group Subpoena is attached hereto as Exhibit 8.*

12. In addition to the subpoenas for documents and testimony the Commission served on Bryant, BUCF, Wammel, and Wammel Group, it also served subpoenas on—and obtained documents from—other third parties, including banks and other financial institutions where Defendants and Relief Defendants maintain accounts.

13. Based on my personal knowledge and review of the documents obtained in response to the subpoenas served on Bryant and BUCF (a) they produced no balance sheets, profit and loss statements, financial statements, general ledgers, or other accounting records; (b) nor any written agreement or contract, or document memorializing the terms of any agreement or contract, between or among Bryant, BUCF, Wammel, Wammel Group, or Goodspeed concerning the transfer and application of BUCF investor funds.

14. Based on my personal knowledge and review of the documents obtained in response to the subpoenas served on Wammel and Wammel Group (a) they produced no balance sheets, profit and loss statements, financial statements, general ledgers, or other accounting records, but for an uncorroborated and unsupported document titled “Wammel Group, LLC Balance Sheet” prepared by Wammel for the Commission and purporting to state current assets of \$17 million and liabilities of \$800,000 as of March 1, 2017; (b) nor any written agreement or contract, or document memorializing the terms of any agreement or contract, between or among Bryant, BUCF, Wammel, Wammel Group, or Goodspeed concerning the transfer and application of BUCF investor funds.

15. Neither Bryant nor any corporate representative for BUCF has appeared for testimony under their subpoenas and, based on my personal knowledge of representations by legal counsel for Bryant, I understand that Bryant will decline to testify before the Commission in accordance with his rights under the Fifth Amendment to the United States Constitution.

16. Neither Wammel nor any corporate representative for Wammel Group has appeared for testimony under their subpoenas and, based on my personal knowledge of representations by legal counsel for Wammel, I understand that Wammel will decline to testify

before the Commission in accordance with his rights under the Fifth Amendment to the United States Constitution.

17. On or about January 17, 2017, I spoke with legal counsel for Bryant and BUCF, who stated that he personally instructed Bryant and BUCF to cease all activities with regard to BUCF's operations and soliciting or accepting new investments into BUCF. However, based on my review of documents and other materials obtained during the investigation, including bank records reviewed and summarized by Commission Senior Accountant and Certified Fraud Examiner Carol Stumbaugh, I have personal knowledge that Bryant is continuing to solicit, secure, and misappropriate monies from new BUCF investors.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 12, 2017.



Barbara L. Gunn





**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**

Fort Worth Regional Office  
Burnett Plaza, Suite 1900  
801 Cherry Street, Unit 18  
Fort Worth, Texas 76102

**DIVISION OF ENFORCEMENT**

Jason P. Reinsch  
Enforcement Attorney  
(817)900-2601

December 16, 2016

**Via UPS**

Bryant United Capital Funding, Inc.  
24044 Cinco Village Center Blvd.  
Suite 100  
Katy, Texas 77494

Re: In the Matter of Bryant United Capital Funding, Inc. (FW-04150)

Dear Representative of Bryant United Capital Funding, Inc.:

The staff of the Fort Worth Regional Office of the United States Securities and Exchange Commission is conducting an investigation in the matter identified above. The enclosed subpoena has been issued to you as part of this investigation. The subpoena requires you to provide us documents and give sworn testimony. Please note that if you comply with the instructions for producing documents, you will not need to appear for testimony at the indicated time.

Please read the subpoena and this letter carefully. This letter answers some questions you may have about the subpoena. You should also read the enclosed SEC Form 1662. If you do not comply with this subpoena, the SEC may bring an action in Federal Court to enforce this subpoena. Failure to comply with a court order enforcing this subpoena may result in the court imposing a fine, imprisonment or both.

**Producing Documents**

*What materials do I have to produce?*

The subpoena requires you to provide us the documents described in the attachment to the subpoena. You must provide these documents by **December 30, 2016**. The attachment to the subpoena defines some terms (such as "document") before listing what you must provide.

You should produce each and every document in your possession, custody, or control, including any documents that are not in your immediate possession but that you have the ability to obtain. All responsive documents shall be produced as they are kept in the usual course of



business, and shall be organized and labeled to correspond with the numbered paragraphs in the subpoena attachment. In that regard, documents should be produced in a unitized manner, *i.e.*, delineated with staples or paper clips to identify the document boundaries.

Documents responsive to this subpoena may be in electronic or paper form. Electronic documents such as email should be produced in accordance with the attached document entitled SEC Data Delivery Standards (the "Standards"). If you have any questions concerning the production of documents in an electronic format, please contact me as soon as possible but in any event before producing documents. **All electronic documents responsive to the document subpoena, including all metadata, must also be secured and retained in their native software format and stored in a safe place.** The staff may later request or require that you produce the native format.

For documents in paper format, you may send the originals, or, if you prefer, you may send copies of the originals. The Commission cannot reimburse you for the copying costs. If you are sending copies, the staff requests that you scan (rather than photocopy) hard copy documents and produce them in an electronic format consistent with the Standards. Alternatively, you may send us photocopies of the documents in paper format. **If you choose to send copies, you must secure and retain the originals and store them in a safe place.** The staff may later request or require that you produce the originals.

Whether you scan or photocopy documents, the copies must be identical to the originals, including even faint marks or print. Also, please note that if copies of a document differ in any way, they are considered separate documents and you must send each one. For example, if you have two copies of the same letter, but only one of them has handwritten notes on it, you must send both the clean copy and the one with notes.

If you do send us scanned or photocopied documents, please put an identifying notation on each page of each document to indicate that you produced it, and number the pages of all the documents submitted. (For example, if Jane Doe sends documents to the staff, she may number the pages JD-1, JD-2, JD-3, etc., in a blank corner of the documents.) Please make sure the notation and number do not conceal any writing or marking on the document. If you send us originals, please do not add any identifying notations.

In producing a photocopy of an original document that contains post-it(s), notation flag(s), or other removable markings or attachments which may conceal all or a portion of the markings contained in the original document, photocopies of the original document both with and without the relevant post-it(s), notation flag(s), or removable markings or attachments should be produced.

*Do I need to send anything else?*

You should enclose a list briefly describing each item you send. The list should state to which numbered paragraph(s) in the subpoena attachment each item responds. A copy of the subpoena should be included with the documents that are produced.

Passwords for documents, files, compressed archives, and encrypted media should be provided separately either via email addressed to ENF-CPU@sec.gov, or in a separate cover letter mailed separately from the data.

Please include a cover letter stating whether you believe you have met your obligations under the subpoena by searching carefully and thoroughly for everything called for by the subpoena, and sending it all to us.

Please also provide a narrative description describing what you did to identify and collect documents responsive to the subpoena. At a minimum, the narrative should describe:

- who searched for documents;
- who reviewed documents found to determine whether they were responsive;
- what sources were searched (e.g., computer files, CDs, DVDs, thumb drives, flash drives, online storage media, hard copy files, diaries, datebooks, planners, filing cabinets, home office, work office, voice mails, home email, webmail, work email, backup tapes or other media);
- what third parties, if any, were contacted to obtain responsive documents (e.g., phone companies for phone records, brokerage firms for brokerage records); and
- where the original electronic and hardcopy documents are maintained and by whom.

For any documents that qualify as records of regularly conducted activities under Federal Rule of Evidence 902(11), please have the appropriate representative(s) of your firm complete a business records certification (a sample of which is enclosed) and return it with the document production.

*What if I do not send everything described in the attachment to the subpoena?*

The subpoena requires you to send all the materials described in it. If, for any reason – including a claim of attorney-client privilege – you do not produce something called for by the subpoena, you should submit a list of what you are not producing. The list should describe each item separately, noting:

- its author(s);
- its date;
- its subject matter;
- the name of the person who has the item now, or the last person known to have it;
- the names of everyone who ever had the item or a copy of it, and the names of everyone who was told the item's contents;
- the reason you did not produce the item; and
- the specific request in the subpoena to which the document relates.

If you withhold anything on the basis of a claim of attorney-client privilege or attorney work product protection, you should identify the attorney and client involved. If you withhold anything on the basis of the work product doctrine, you should also identify the litigation in anticipation of which the document was prepared.

If documents responsive to this subpoena no longer exist because they have been lost, discarded, or otherwise destroyed, you should identify such documents and give the date on which they were lost, discarded or destroyed.

*Where should I send the materials?*

Please send the materials to:

ENF-CPU  
U.S. Securities and Exchange Commission  
100 F St., N.E., Mailstop 5973  
Washington, DC 20549-5973

For smaller electronic productions under 10MB in size, the materials may be emailed to the following email address: [ENF-CPU@sec.gov](mailto:ENF-CPU@sec.gov).

### **Testifying**

*Where and when do I testify?*

The subpoena requires you to come to the Commission's offices at Burnett Plaza, 801 Cherry Street, Suite 1900, Fort Worth, Texas at **9:30 a.m. on January 19, 2017** to testify under oath in the matter identified on the subpoena.

A background questionnaire is also enclosed. During your testimony, the staff intends to ask background questions concerning, among other things, your residences, telephone numbers, education and employment. To expedite that part of the testimony, we request that you complete the enclosed questionnaire on a voluntary basis and provide it to the staff prior to your testimony.

### **Other Important Information**

*May I have a lawyer help me respond to the subpoena?*

Yes. You have the right to consult with and be represented by your own lawyer in this matter. Your lawyer may also advise and accompany you when you testify. We cannot give you legal advice.

*What will the Commission do with the materials I send and/or the testimony I provide?*

The enclosed SEC Form 1662 explains how we may use the information you provide to the Commission. This form also has other important information for you. Please read it carefully.

*Has the Commission determined that anyone has done anything wrong?*

This investigation is a non-public, fact-finding inquiry. We are trying to determine whether there have been any violations of the federal securities laws. The investigation and the subpoena do not mean that we have concluded that you or anyone else has violated the law. Also, the investigation does not mean that we have a negative opinion of any person, entity or security.

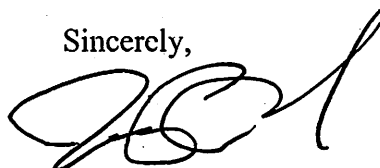
*Important Policy Concerning Settlements*\_\_\_\_\_

Please note that, in any matter in which enforcement action is ultimately deemed to be warranted, the Division of Enforcement will not recommend any settlement to the Commission unless the party wishing to settle certifies, under penalty of perjury, that all documents responsive to Commission subpoenas and formal and informal document requests in this matter have been produced.

*I have read this letter, the subpoena, and the SEC Form 1662, but I still have questions. What should I do?*

If you have any other questions, you may call me at (817)900-2601. If you are represented by a lawyer, you should have your lawyer contact me.

Sincerely,



Jason P. Reinsch  
Enforcement Attorney  
Division of Enforcement

Enclosures: Subpoena and Attachment  
SEC Data Delivery Standards  
SEC Form 1662  
Background Questionnaire  
Business Records Certification



## SUBPOENA

### UNITED STATES OF AMERICA SECURITIES AND EXCHANGE COMMISSION

**In the Matter of Bryant United Capital Funding, Inc. (FW-4150)**

To: Bryant United Capital Funding, Inc.  
5343 Buena Vista Dr.  
Frisco, Texas 75034

☒ **YOU MUST PRODUCE** everything specified in the Attachment to this subpoena to officers of the Securities and Exchange Commission, at the place, date and time specified below:

ENF-CPU, U.S. Securities and Exchange Commission, 100 F St., N.E., Mailstop 5973,  
Washington, DC 20549-5973, no later than December 30, 2016 at 9:30 a.m.

☒ **YOU MUST TESTIFY** before officers of the Securities and Exchange Commission, at the place, date and time specified below:

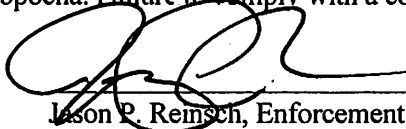
Securities and Exchange Commission, Fort Worth Regional Office,  
Burnett Plaza, 801 Cherry St., Suite 1900, Fort Worth, Texas on January  
19, 2017 at 9:30 a.m.

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**FEDERAL LAW REQUIRES YOU TO COMPLY WITH THIS SUBPOENA.**

If you do not comply with this subpoena, the SEC may bring an action in Federal Court to enforce this subpoena. Failure to comply with a court order enforcing this subpoena may result in the court imposing a fine, imprisonment, or both.

By:

  
Jason P. Reinsch, Enforcement Attorney  
U.S. Securities and Exchange Commission  
801 Cherry St., Suite 1900  
Fort Worth, Texas 76102

Date:

DECEMBER 16, 2016

I am an officer of the U.S. Securities and Exchange Commission authorized to issue subpoenas in this matter. The Securities and Exchange Commission has issued a formal order authorizing this investigation under: Section 20(a) of the Securities Act of 1933, and Section 21(a) of the Securities Exchange Act of 1934

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NOTICE TO WITNESS: If you claim a witness fee or mileage, submit this subpoena with the claim voucher.

**SUBPOENA ATTACHMENT FOR BRYANT UNITED CAPITAL FUNDING, INC.**

**December 16, 2016**

**In the Matter of Bryant United Capital Funding, Inc. (FW-04150)**

**A. Definitions**

As used in this subpoena, the words and phrases listed below shall have the following meanings:

1. "Bryant United" means the entity doing business under the name "Bryant United Capital Funding, Inc." including parents (including but not limited to Bryant United Holdings, Inc.), subsidiaries, affiliates, predecessors, successors, officers, directors, members, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. "Bryant United" also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Bryant United.
2. "Person" means a natural person, firm, association, organization, partnership, business, trust, corporation, bank or any other private or public entity.
3. A "Representative" of a Person means any present or former family members, officers, executives, partners, joint-venturers, directors, trustees, employees, consultants, accountants, attorneys, agents, or any other representative acting or purporting to act on behalf of the Person.
4. "Bryant" means (i) Thurman (Trey) P. Bryant, III, SSN [REDACTED] and/or (ii) any present or former representative of Thurman P. Bryant, III.
5. "Document" shall include, but is not limited to, any written, printed, or typed matter including, but not limited to all drafts and copies bearing notations or marks not found in the original, letters and correspondence, interoffice communications, slips, tickets, records, worksheets, financial records, accounting documents, bookkeeping documents, memoranda, reports, manuals, telephone logs, telegrams, facsimiles, messages of any type, telephone messages, voice mails, tape recordings, notices, instructions, minutes, summaries, notes of meetings, file folder markings, and any other organizational indicia, purchase orders, information recorded by photographic process, including microfilm and microfiche, computer printouts, spreadsheets, and other electronically stored information, including but not limited to writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations that are stored in any medium from which information can be retrieved, obtained, manipulated, or translated.
6. "Communication" means any correspondence, contact, discussion, e-mail, instant message, or any other kind of oral or written exchange or transmission of information (in the form of facts, ideas, inquiries, or otherwise) and any response thereto between two or more Persons or entities, including, without limitation, all telephone conversations, face-to-face meetings or conversations, internal or external discussions, or exchanges of a Document or Documents.



7. “Concerning” means directly or indirectly, in whole or in part, describing, constituting, evidencing, recording, evaluating, substantiating, concerning, referring to, alluding to, in connection with, commenting on, relating to, regarding, discussing, showing, describing, analyzing or reflecting.
8. An “Agreement” means any actual or contemplated (i) written or oral Agreement; (ii) term or provision of such Agreement; or (iii) amendment of any nature or termination of such Agreement. A request for any Agreement among or between specified parties includes a request for all Documents Concerning (i) any actual or contemplated Agreement among or between such parties, whether or not such Agreement included any other Person; (ii) the drafting or negotiation of any such Agreement; (iii) any actual or contemplated demand, request or application for any such Agreement, and any response thereto; and (iv) any actual or contemplated objection or refusal to enter into any such Agreement, and any response thereto.
9. The terms “Reviewed” means examined, assessed, considered, analyzed or evaluated.
10. The term “you” and “your” means the Person or entity to whom this subpoena was issued.
11. To the extent necessary to bring within the scope of this subpoena any information or Documents that might otherwise be construed to be outside its scope:
  - a. the word “or” means “and/or”;
  - b. the word “and” means “and/or”;
  - c. the functional words “each,” “every” “any” and “all” shall each be deemed to include each of the other functional words;
  - d. the masculine gender includes the female gender and the female gender includes the masculine gender; and
  - e. the singular includes the plural and the plural includes the singular.

**B. Instructions**

1. Unless otherwise specified, the subpoena calls for production of the original Documents and all copies and drafts of same. Documents responsive to this subpoena may be in electronic or paper form. Electronic Documents such as email should be produced in accordance with the attached Document entitled SEC Data Delivery Standards. All electronic Documents responsive to the Document subpoena, including all metadata, should also be produced in their native software format.
2. For Documents in paper format, you may send the originals, or, if you prefer, you may send copies of the originals. The Commission cannot reimburse you for the copying costs. If you are sending copies, the staff requests that you scan (rather



than photocopy) hard copy Documents and produce them in an electronic format consistent with the SEC Data Delivery Standards. Alternatively, you may send us photocopies of the Documents in paper format. If you choose to send copies, you must secure and retain the originals and store them in a safe place. The staff may later request or require that you produce the originals.

3. Whether you scan or photocopy Documents, the copies must be identical to the originals, including even faint marks or print. Also, please note that if copies of a Document differ in any way, they are considered separate Documents and you must send each one. For example, if you have two copies of the same letter, but only one of them has handwritten notes on it, you must send both the clean copy and the one with notes.
4. In producing a photocopy of an original Document that contains post-it(s), notation flag(s), or other removable markings or attachments which may conceal all or a portion of the markings contained in the original Document, photocopies of the original Document both with and without the relevant post-it(s), notation flag(s), or removable markings or attachments should be produced.
5. Documents should be produced as they are kept in the ordinary course of business or be organized and labeled to correspond with the categories in this request. In that regard, Documents should be produced in a unitized manner, i.e., delineated with staples or paper clips to identify the Document boundaries.
6. Documents should be labeled with sequential numbering (bates-stamped).
7. You must produce all Documents created during, or Concerning, the period January 1, 2012 to the present, unless otherwise specified.
8. The scope of any given request should not be limited or narrowed based on the fact that it calls for Documents that are responsive to another request.
9. You are not required to produce exact duplicates of any Documents that have been previously produced to the Securities and Exchange Commission staff **in connection with this matter**. If you are not producing Documents based upon a prior production, please identify the responsive Documents that were previously produced.
10. For any Documents that qualify as records of regularly conducted activities under Federal Rule of Evidence 902(11), please complete a business records certification (a sample of which is enclosed) and return it with the Document production.
11. This subpoena covers all Documents in or subject to your possession, custody or control, including all Documents that are not in your immediate possession but that you have the ability to obtain, that are responsive, in whole or in part, to any of the individual requests set forth below. If, for any reason – including a claim of attorney-client privilege – you do not produce something called for by the

request, you should submit a list of what it is not producing. The list should describe each item separately, noting:

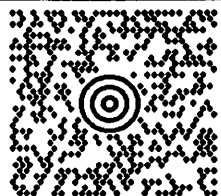


- a. its author(s);
  - b. its date;
  - c. its subject matter;
  - d. the name of the Person who has the item now, or the last Person known to have it;
  - e. the names of everyone who ever had the item or a copy of it, and the names of everyone who was told the item's contents;
  - f. the basis upon which you are not producing the responsive Document;
  - g. the specific request in the subpoena to which the Document relates;
  - h. the attorney(s) and the client(s) involved; and
  - i. in the case of the work product doctrine, the litigation for which the Document was prepared in anticipation.
12. If Documents responsive to this subpoena no longer exist because they have been lost, discarded, or otherwise destroyed, you should identify such Documents and give the date on which they were lost, discarded or destroyed.

**C. Documents to be Produced**

1. Documents sufficient to disclose the corporate structure of Bryant United, including, but not limited to, the date and place of establishment, organization, and, if applicable, incorporation;
2. Documents sufficient to identify all officers, directors, principals, owners shareholders, employees, and all others acting on behalf of Bryant United, and Documents sufficient to disclose, for each individual identified in response to this Item:
  - a. title;
  - b. dates of affiliation with Bryant United;
  - c. current or last known home address and telephone number;
  - d. current or last known employment address and telephone number; and
  - e. salary or other compensation for each year from 2012 to present;
3. Documents sufficient to disclose all domestic and foreign bank, brokerage, or other financial accounts held by or on behalf of Bryant United from January 1, 2012 to present;
4. Documents sufficient to disclose all other assets held by or on behalf of Bryant United;

5. Documents sufficient to identify all Bryant United investors by name, address, telephone number, and email address;
6. For each investor identified in response to Item 5 above, Documents sufficient to disclose:
  - a. the amount invested,
  - b. the date(s) of investments, and
  - c. whether, when, and how much of each investors' principal has been returned to them;
7. For each investor identified in response to Item 5 above, all Documents Concerning agreements or contracts between Bryant United and the investor and all Documents Concerning terms of investments;
8. For each investor identified in response to Item 5 above, all periodic or other account statements;
9. For each investor identified in response to Item 5 above, all Documents Concerning the investment of (or other use of) their funds by Bryant United and the current location of investor funds;
10. Documents sufficient to identify all individuals or entities who were solicited as potential investors but did not ultimately invest in Bryant United;
11. All Documents Concerning Communications between Bryant United and investors or potential investors in Bryant United;
12. To the extent not provided in response to other Items, all Documents Concerning the following:
  - a. All Bryant United accounts held at any banks, brokerages, or other financial institutions from January 1, 2012 to present including, but not limited to, account opening Documents and periodic or other statements; and
  - b. Bryant United Holdings, Inc.;
13. All Documents Concerning agreements or contracts between Bryant United and any lending or financial institutions including, but not limited to, mortgage companies;
14. All Documents Concerning expected, actual, or guaranteed periodic distributions to investors;
15. All Documents Concerning expected, actual, or guaranteed investment returns for investors;

16. All Documents Concerning the existence of any escrow accounts for the benefit of Bryant United or its investors, shareholders, or partners;
17. All Documents Concerning the existence of any shareholder, partner, or member capital accounts;
18. All Documents Concerning any final or draft limited partnership agreements of Bryant United;
19. All documents used to promote or describe to investors or potential investors any offering by Bryant United and/or any funds or other investment vehicles advised by or sponsored by Bryant United, including, without limitation, originals and drafts of all private placement memoranda, confidential placement memoranda, confidential information memoranda, brochures, and any documents describing the offering, rates of return, financial summaries, or projections that were made available to investors and potential investors, brokers, sales agents, or employees;
20. All balance sheets, income statements, statement of cash flows or other summaries identifying the sources and uses of funds for Bryant United and/or any funds or other investment vehicles advised by or sponsored by Bryant United;
21. Documents sufficient to identify all loans, mortgages and lines of credit made to or obtained from third parties or affiliates by Bryant United and/or funds or other investment vehicles advised by or sponsored by Bryant United;
22. All audited financial statements of Bryant United and/or any funds or other investment vehicles advised by or sponsored by Bryant United;
23. All general ledgers, subsidiary ledgers and cash receipts and cash disbursements journals of Bryant United and/or any funds or other investment vehicles advised by or sponsored by Bryant United;
24. Documents sufficient to identify, or an electronic spreadsheet listing, all telephone numbers (including service provider), fax numbers (including service provider), e-mail addresses, internet service providers and internet protocol addresses, websites or social media sites or pages used or maintained by Bryant United and/or any funds or other investment vehicles advised by or sponsored by Bryant United, including the approximate date range of their use; and
25. Documents sufficient to identify, or an electronic spreadsheet listing, the type and location of any electronic device, computer, server, computer back-up system, or computer data storage or cloud service used by Bryant United and/or any funds or other investment vehicles advised by or sponsored by Bryant United, including a general summary of the content of such device or service.

36 SEC FORT WORTH 801 CHERRY ST FORT WORTH TX 76102		0.5 LBS LTR	1 OF 1
<b>SHIP TO:</b> BRYANT UNITED CAPITAL FUNDING, INC. SUITE 100 24044 CINCO VILLAGE CENTER BLVD. <b>KATY TX 77494-8433</b>			
	<b>TX 774 9-08</b> 		
<b>UPS NEXT DAY AIR</b>		<b>1</b>	
TRACKING #: 1Z A37 81X 24 9057 4640			
			
BILLING: P/P SIGNATURE REQUIRED			
		 TM	
CS 18.5.48. WNTNV50 81.0A 10/2016			

12/16/2016

UPS CampusShip: Shipment Label

App. 0105



### Proof of Delivery

Close Window

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1ZA3781X2490574640
Service:	UPS Next Day Air®
Special Instructions:	Signature Required
Weight:	.50 lb
Shipped/Billed On:	12/16/2016
Delivered On:	12/19/2016 11:40 A.M.
Delivered To:	KATY, TX, US
Received By:	CBURGESS

Cyberpunk 54

Left At: Front Desk

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 01/11/2017 4:23 P.M. ET

[Print This Page](#)

Close Window

**App. 0106**





**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**

Fort Worth Regional Office  
801 Cherry Street, Suite 1900  
Fort Worth, Texas 76102

**DIVISION OF ENFORCEMENT**

Jason P. Reinsch  
Enforcement Attorney  
(817) 900-2601

March 20, 2017

**Via UPS**

Bryant United Capital Funding, Inc.  
c/o Dan Waller  
Glast, Phillips & Murray, P.C.  
14801 Quorum Dr., Suite 500  
Dallas, Texas 75254

Re: In the Matter of Bryant United Capital Funding, Inc. (FW-04150)

Dear Mr. Waller:

Pursuant to Rule 8 of the United States Securities and Exchange Commission's Rules Relating to Investigations, 17 C.F.R. § 203.8, and your agreement to accept service, I have enclosed a subpoena for documents and testimony issued to your client, Bryant United Capital Funding, Inc., in connection with the above-referenced formal investigation. The subpoena requires Bryant United Capital Funding, Inc. to produce documents by March 31, 2017 to the SEC's Fort Worth Regional Office.

Please send the materials to:

ENF-CPU  
U.S. Securities and Exchange Commission  
[REDACTED]

For smaller electronic productions under 10MB in size, the materials may be emailed to the following email address: [REDACTED]

The subpoena also requires a corporate representative of Bryant United Capital Funding, Inc. to appear for testimony on May 5, 2017 at 9:30 a.m. at the above address.

Please carefully read the subpoena attachment, which contains, among other things, important instructions related to the manner of producing documents. In particular, if your client prefers to send us copies of original documents, **the staff requests that you scan and produce**



**hard copy documents, as well as electronic documents, in an electronic format consistent with the SEC Data Delivery Standards attached hereto. All electronic documents responsive to the document subpoena, including all metadata, should also be produced in their native software format.** If you have any questions concerning the production of documents in an electronic format, please contact me as soon as possible and in any event before producing documents.

In your cover letter(s) accompanying the production of responsive documents, please enclose a list briefly describing each item you send. The list should state to which paragraph(s) in the subpoena attachment each item responds. Please also state in the cover letter(s) whether you believe your client has met its obligations under the subpoena by searching carefully and thoroughly for everything called for by the subpoena, and sending it all to us. A copy of the subpoena should be included with the documents that are produced.

Passwords for documents, files, compressed archives, and encrypted media should be provided separately either via email addressed to [REDACTED], or in a separate cover letter mailed separately from the data.

Please also provide a narrative description describing what was done to identify and collect documents responsive to the subpoena. At a minimum, the narrative should describe:

- who searched for documents;
- who reviewed documents found to determine whether they were responsive;
- which custodians were searched;
- what sources were searched (e.g., computer files, CDs, DVDs, thumb drives, flash drives, online storage media, hard copy files, diaries, datebooks, planners, filing cabinets, storage facilities, home offices, work offices, voice mails, home email, webmail, work email, backup tapes or other media);
- what search terms, if any, were employed to identify responsive documents;
- what firms and/or persons, if any, assisted in analyzing the data collected;
- what third parties, if any, were contacted to obtain responsive documents (e.g., phone companies for phone records, brokerage firms for brokerage records); and
- where the original electronic and hardcopy documents are maintained and by whom.

A background questionnaire is also enclosed. During your client's testimony, the staff intends to ask background questions concerning, among other things, your client's residences, telephone numbers, education and employment. To expedite that part of the testimony, we request that your client complete the enclosed questionnaire on a voluntary basis and provide it to the staff prior to your client's testimony.

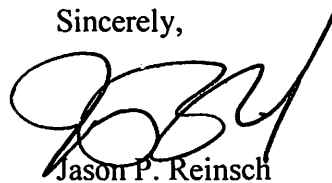
Please note that, in any matter in which enforcement action is ultimately deemed to be warranted, the Division of Enforcement will not recommend any settlement to the Commission unless the party wishing to settle certifies, under penalty of perjury, that all documents

responsive to Commission subpoenas and formal and informal document requests in this matter have been produced.

This investigation is a non-public, fact-finding inquiry. We are trying to determine whether there have been any violations of the federal securities laws. The investigation and the subpoena do not mean that we have concluded that your client or anyone else has violated the law. Also, the investigation does not mean that we have a negative opinion of any person, entity or security. Enclosed are copies of the Commission's Form 1662 entitled "Supplemental Information for Persons Requested to Supply Information Voluntarily or Directed to Supply Information Pursuant to a Commission Subpoena." Form 1662 explains how we may use the information your client provides to the Commission and has other important information. Please provide a copy of this form to your client.

If you have any questions or would like to discuss this matter, you may call me at 817-900-2601.

Sincerely,



Jason P. Reinsch  
Enforcement Attorney  
Division of Enforcement

Enclosures: Subpoena, Attachment, and Exhibits A and B thereto  
SEC Data Delivery Standards  
SEC Form 1662  
Background Questionnaire  
Business Records Affidavit



## SUBPOENA

### UNITED STATES OF AMERICA SECURITIES AND EXCHANGE COMMISSION

**In the Matter of Bryant United Capital Funding (FW-04150)**

To: Bryant United Capital Funding, Inc.  
c/o Dan Waller  
Glast, Phillips & Murray, P.C.  
14801 Quorum Dr., Suite 500  
Dallas, Texas 75254

☒ **YOU MUST PRODUCE** everything specified in the Attachment to this subpoena to officers of the Securities and Exchange Commission, at the place, date and time specified below:

ENF-CPU, U.S. Securities and Exchange Commission, 100 F St., N.E., Mailstop 5973,  
Washington, DC 20549-5973, no later than March 31, 2017 at 9:30 a.m.

☒ **YOU MUST TESTIFY** before officers of the Securities and Exchange Commission, at the place, date and time specified below:

Securities and Exchange Commission, Fort Worth Regional Office, 801  
Cherry Street, Suite 1900, Fort Worth, Texas on May 5, 2017 at 9:30 a.m.

---

**FEDERAL LAW REQUIRES YOU TO COMPLY WITH THIS SUBPOENA.**

If you do not comply with this subpoena, the SEC may bring an action in Federal Court to enforce this subpoena. Failure to comply with a court order enforcing this subpoena may result in the court imposing a fine, imprisonment, or both.

By: \_\_\_\_\_

Jason P. Reusch, Enforcement Attorney  
U.S. Securities and Exchange Commission  
801 Cherry Street, Suite 1900  
Fort Worth, Texas 76102

Date: \_\_\_\_\_

March 20, 2017

I am an officer of the U.S. Securities and Exchange Commission authorized to issue subpoenas in this matter. The Securities and Exchange Commission has issued a formal order authorizing this investigation under: Section 20(a) of the Securities Act of 1933, Section 21(a) of the Securities Exchange Act of 1934.

NOTICE TO WITNESS: If you claim a witness fee or mileage, submit this subpoena with the claim voucher.

**SUBPOENA ATTACHMENT FOR BRYANT UNITED CAPITAL FUNDING, INC.**

**March 20, 2017**

In the Matter of Bryant United Capital Funding, Inc. (FW-04150)

**A. Definitions**

As used in this subpoena, the words and phrases listed below shall have the following meanings:

1. “Bryant United” means the entity doing business under the name “Bryant United Capital Funding, Inc.” including parents (including but not limited to Bryant United Holdings, Inc.), subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Bryant United” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Bryant United.
2. “Wammel Group” means the entity doing business under the name “Wammel Group LLC” including parents, subsidiaries, affiliates, predecessors, successors, officers, directors, members, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing including but not limited to WSG Equity Partners LLC. “Wammel Group” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Wammel Group.
3. “Global Motorcars” means the entity doing business under the name “Global Motorcars of Houston, LLC” f/k/a Houston Luxury Car Rental including parents, subsidiaries, affiliates, predecessors, successors, officers, directors, members, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Global Motorcars” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Global Motorcars.
4. “Summus” means the entity doing business under the name “Summus Investment Holdings, LLC” including parents, subsidiaries, affiliates, predecessors, successors, officers, directors, members, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Summus” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Summus.
5. “Black Gold” means the entity doing business under the name “Black Gold Investments Holdings Inc.” including parents, subsidiaries, affiliates,

predecessors, successors, officers, directors, members, employees, agents (including but not limited to Blake Ducharme), general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Black Gold” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Black Gold.

6. “Person” means a natural person, firm, association, organization, partnership, business, trust, corporation, bank or any other private or public entity.
7. A “Representative” of a Person means any present or former family members, officers, executives, partners, joint-venturers, directors, trustees, employees, consultants, accountants, attorneys, agents, or any other representative acting or purporting to act on behalf of the Person.
8. “Bryant” means (i) Thurman (Trey) P. Bryant, III, SSN [REDACTED] and/or (ii) any present or former representative of Bryant.
9. “Wammel” means (i) Arthur Franz Wammel, SSN [REDACTED] and/or (ii) any present or former representative of Wammel.
10. “Document” shall include, but is not limited to, any written, printed, or typed matter including, but not limited to all drafts and copies bearing notations or marks not found in the original, letters and correspondence, interoffice communications, slips, tickets, records, worksheets, financial records, accounting documents, bookkeeping documents, memoranda, reports, manuals, telephone logs, telegrams, facsimiles, messages of any type, telephone messages, voice mails, tape recordings, notices, instructions, minutes, summaries, notes of meetings, file folder markings, and any other organizational indicia, purchase orders, information recorded by photographic process, including microfilm and microfiche, computer printouts, spreadsheets, and other electronically stored information, including but not limited to writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations that are stored in any medium from which information can be retrieved, obtained, manipulated, or translated.
11. “Communication” means any correspondence, contact, discussion, e-mail, instant message, or any other kind of oral or written exchange or transmission of information (in the form of facts, ideas, inquiries, or otherwise) and any response thereto between two or more Persons or entities, including, without limitation, all telephone conversations, face-to-face meetings or conversations, internal or external discussions, or exchanges of a Document or Documents.

12. “Concerning” means directly or indirectly, in whole or in part, describing, constituting, evidencing, recording, evaluating, substantiating, concerning, referring to, alluding to, in connection with, commenting on, relating to, regarding, discussing, showing, describing, analyzing or reflecting.
13. An “Agreement” means any actual or contemplated (i) written or oral Agreement; (ii) term or provision of such Agreement; or (iii) amendment of any nature or termination of such Agreement. A request for any Agreement among or between specified parties includes a request for all Documents Concerning (i) any actual or contemplated Agreement among or between such parties, whether or not such Agreement included any other Person; (ii) the drafting or negotiation of any such Agreement; (iii) any actual or contemplated demand, request or application for any such Agreement, and any response thereto; and (iv) any actual or contemplated objection or refusal to enter into any such Agreement, and any response thereto.
14. The terms “Reviewed” means examined, assessed, considered, analyzed or evaluated.
15. The term “you” and “your” means the Person or entity to whom this subpoena was issued.
16. To the extent necessary to bring within the scope of this subpoena any information or Documents that might otherwise be construed to be outside its scope:
  - a. the word “or” means “and/or”;
  - b. the word “and” means “and/or”;
  - c. the functional words “each,” “every” “any” and “all” shall each be deemed to include each of the other functional words;
  - d. the masculine gender includes the female gender and the female gender includes the masculine gender; and
  - e. the singular includes the plural and the plural includes the singular.

**B. Instructions**

1. Unless otherwise specified, the subpoena calls for production of the original Documents and all copies and drafts of same. Documents responsive to this subpoena may be in electronic or paper form. Electronic Documents such as email should be produced in accordance with the attached Document entitled SEC Data Delivery Standards. All electronic Documents responsive to the Document subpoena, including all metadata, should also be produced in their native software format.



2. For Documents in paper format, you may send the originals, or, if you prefer, you may send copies of the originals. The Commission cannot reimburse you for the copying costs. If you are sending copies, the staff requests that you scan (rather than photocopy) hard copy Documents and produce them in an electronic format consistent with the SEC Data Delivery Standards. Alternatively, you may send us photocopies of the Documents in paper format. If you choose to send copies, you must secure and retain the originals and store them in a safe place. The staff may later request or require that you produce the originals.
3. Whether you scan or photocopy Documents, the copies must be identical to the originals, including even faint marks or print. Also, please note that if copies of a Document differ in any way, they are considered separate Documents and you must send each one. For example, if you have two copies of the same letter, but only one of them has handwritten notes on it, you must send both the clean copy and the one with notes.
4. In producing a photocopy of an original Document that contains post-it(s), notation flag(s), or other removable markings or attachments which may conceal all or a portion of the markings contained in the original Document, photocopies of the original Document both with and without the relevant post-it(s), notation flag(s), or removable markings or attachments should be produced.
5. Documents should be produced as they are kept in the ordinary course of business or be organized and labeled to correspond with the categories in this request. In that regard, Documents should be produced in a unitized manner, *i.e.*, delineated with staples or paper clips to identify the Document boundaries.
6. Documents should be labeled with sequential numbering (bates-stamped).
7. You must produce all Documents created during, or Concerning, the period January 1, 2010 to the present, unless otherwise specified.
8. The scope of any given request should not be limited or narrowed based on the fact that it calls for Documents that are responsive to another request.
9. You are not required to produce exact duplicates of any Documents that have been previously produced to the Securities and Exchange Commission staff **in connection with this matter**. If you are not producing Documents based upon a prior production, please identify the responsive Documents that were previously produced.
10. For any Documents that qualify as records of regularly conducted



activities under Federal Rule of Evidence 902(11).

11. This subpoena covers all Documents in or subject to your possession, custody or control, including all Documents that are not in your immediate possession but that you have the effective ability to obtain, that are responsive, in whole or in part, to any of the individual requests set forth below. If, for any reason – including a claim of attorney-client privilege – you do not produce something called for by the request, you should submit a list of what you are not producing. The list should describe each item separately, noting:
  - a. its author(s);
  - b. its date;
  - c. its subject matter;
  - d. the name of the Person who has the item now, or the last Person known to have it;
  - e. the names of everyone who ever had the item or a copy of it, and the names of everyone who was told the item's contents;
  - f. the basis upon which you are not producing the responsive Document;
  - g. the specific request in the subpoena to which the Document relates;
  - h. the attorney(s) and the client(s) involved; and
  - i. in the case of the work product doctrine, the litigation for which the Document was prepared in anticipation.
12. If Documents responsive to this subpoena no longer exist because they have been lost, discarded, or otherwise destroyed, you should identify such Documents and give the date on which they were lost, discarded or destroyed.

**C. Documents to be Produced**

1. All tax returns, tax filings or documents provided to the IRS, including all supporting documentation for Bryant United from tax years 2010 to present;
2. All tax forms or tax schedules provided to any investors, members, or limited partners of Bryant United from tax years 2010 to present;
3. Documents sufficient to identify all accountants or other persons Bryant United used to prepare any tax returns, tax filings, documents provided to the IRS, and tax forms or tax schedules provided to any investors, members, or limited partners of Bryant United from tax years 2010 to present;
4. All Documents Concerning Communications between Bryant United and Global Motorcars;

5. All Documents Concerning Communications between Bryant United and investors or potential investors in Global Motorcars;
6. All Documents Concerning agreements or contracts between Bryant United and Global Motorcars;
7. Documents sufficient to identify the nature of Bryant United's relationship with Global Motorcars and all salary or other compensation Bryant United received from Global Motorcars from January 1, 2010 through present;
8. All Documents used or referred to by Bryant United to calculate or determine any payments made to or from Global Motorcars;
9. All Documents Concerning the terms, dates, principal balance, interest rate, escrow balance, or amount of monthly payments of any loans by and between Bryant United and Global Motorcars;
10. All Documents Concerning Communications between Bryant United and Summus;
11. All Documents Concerning communications between Bryant United and investors or potential investors in Summus;
12. All Documents Concerning agreements or contracts between Bryant United and Summus;
13. Documents sufficient to identify the nature of Bryant United relationship with Summus and all salary or other compensation Bryant United received from Summus from January 1, 2010 through present;
14. All Documents used or referred to by Bryant United to calculate or determine any payments made to or from Summus;
15. All Documents Concerning the terms, dates, principal balance, interest rate, escrow balance, or amount of monthly payments of any loans by and between Bryant United and Summus;
16. All Documents Concerning Communications between Bryant United and Black Gold from January 1, 2008 through present;
17. All Documents Concerning Communications between Bryant United and investors or potential investors in Black Gold from January 1, 2008 through present;
18. All Documents Concerning agreements or contracts between Bryant United and Black Gold from January 1, 2008 through present;
19. Documents sufficient to identify the nature of Bryant United's relationship with Black Gold and all salary or other compensation Bryant United received from Black Gold from January 1, 2008 through present;

20. All Documents used or referred to by Bryant United to calculate or determine any payments made to Black Gold;
21. All Documents Concerning the terms, dates, principal balance, interest rate, escrow balance, or amount of monthly payments of any loans by and between Bryant United and Black Gold;
22. All Documents used or referred to by Bryant United to calculate or determine the following values as set forth in the account statements for each investor, member, or limited partner (present or former) of Bryant United (see, by way of example only, Exhibit A attached hereto for items “a.” through “p.”, Exhibit B for items “b.”, “e.”, “g.”, “i.”, “j.”, “n.”, and “r.” through “z.”):
  - a. Escrow Capital Balance;
  - b. Available Disbursement;
  - c. Qualified Referral Bonus;
  - d. Deferred Referral Bonus;
  - e. Scheduled Disbursement;
  - f. Monthly Reinvested;
  - g. Payment Date;
  - h. Calculated Account Balance;
  - i. Beneficiary of Account;
  - j. Rate of Annual Return;
  - k. Guaranteed Monthly Earnings
  - l. The graph listing “Guaranteed Annual Earnings”, “Paid Monthly Earnings”, “Reinvested Monthly Earnings”, “Referral Earnings”, and “Total Earnings (YTD)”;
  - m. Additional Investment Deposit;
  - n. Disbursed Earnings (YTD);
  - o. Reinvested Earnings (YTD);
  - p. Accumulated Account Balance; or
  - q. Partner Vested Interest;

- r. Qualified Bonus;
  - s. Deferred Qualified Bonus;
  - t. Monthly Retained;
  - u. Calculated Partner Interest;
  - v. Monthly Earnings;
  - w. The graph listing “Partner Annual Earnings”, “Paid Monthly Earnings”, “Retained Monthly Earnings”, “Qualified Bonus”, and “Total Earnings (YTD)”;
  - x. Additional Partner Deposit;
  - y. Retained Earnings (YTD);
  - z. Accumulated Partner Value; and
  - aa. Any other data or values included on any account statements.
23. All Documents used or referred to by Bryant United to calculate or determine any payments made to or from Wammel Group;
24. All Documents Concerning the terms, dates, principal balance, interest rate, escrow balance, or amount of monthly payments of any loans by and between Bryant United and Wammel Group or Wammel on the other;
25. All Documents Concerning any due diligence, research, verification, investigation, or inquiry of Wammel or Wammel Group prior to entering into any investment, loan or other transaction with Wammel or Wammel Group.

**STATEMENT****Bryant United Capital Funding, Inc.**

PRIVATE EQUITY • ASSET MANAGEMENT

MEMBER ID # 12-1041

STATEMENT DATE: NOVEMBER 28, 2016

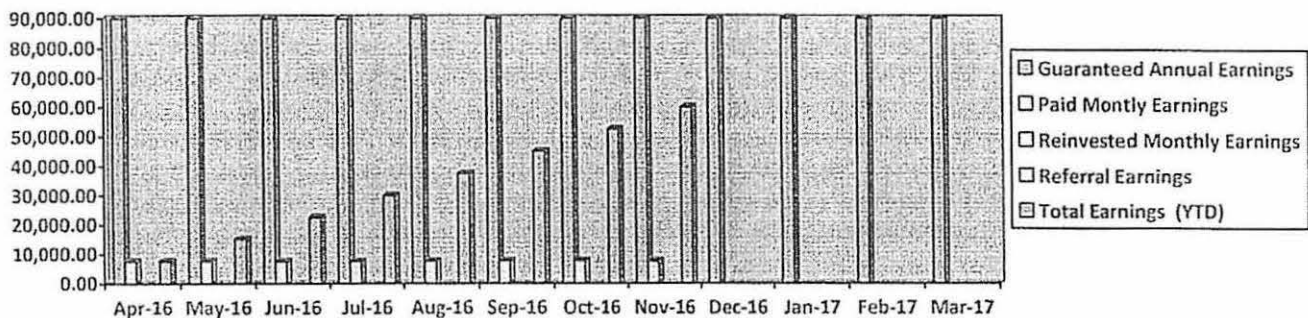
STATEMENT TERM: OCT 22, 2016 - NOV 18, 2016

24044 Cinco Village Center Blvd  
 Ste.100  
 Katy, TX 77494  
 Phone 1.866.580.3525  
 Fax 281.860.7651  
 office@bryantunited.com

TO Howard W. Acton

Escrow Capital Balance	Available Disbursement	Qualified Referral Bonus	Deferred Referral Bonus	Scheduled Disbursement	Monthly Reinvested	Payment Date
\$300,000.00	\$7,500.00	\$0.00	\$0.00	\$7,500.00	\$0.00	12/03/2016

CALCULATED ACCOUNT BALANCE	BENEFICIARY OF ACCOUNT	RATE OF ANNUAL RETURN	GUARANTEED MONTHLY EARNINGS
\$300,000.00 USD	Howard & Karen Acton	30%	\$7,500.00



ADDITIONAL INVESTMENT DEPOSIT	DISBURSED EARNINGS (YTD)	REINVESTED EARNINGS (YTD)	ACCUMULATED ACCOUNT BALANCE
\$0.00	\$60,000.00	\$0.00	\$300,000.00

**Messages/Notes:**

Congratulations on your Nov-2016 monthly Earning! You are currently set up for monthly disbursements. Your next scheduled disbursement date will be Dec 03, 2016.

**Exhibit**

App. 6119

THANK YOU FOR YOUR TRUST!

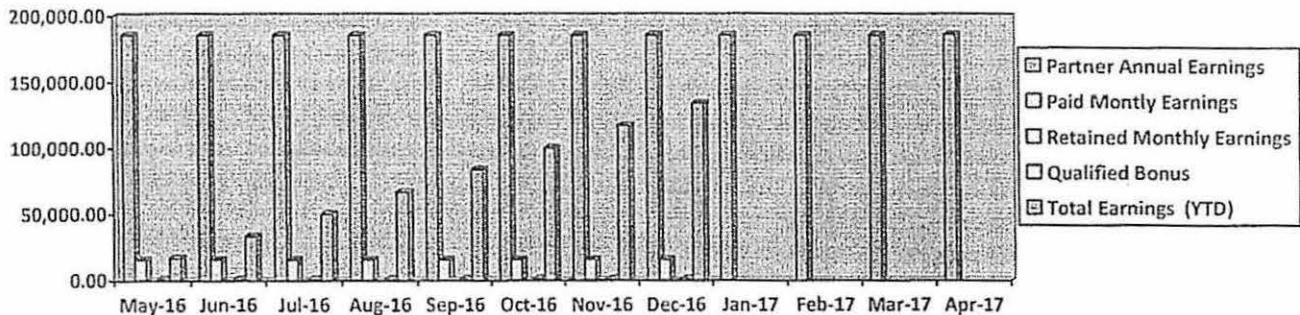
FOIA Confidential Treatment Requested — Bryant United - 000168



**STATEMENT****Bryant United Capital Funding, Inc.**STATEMENT DATE: DECEMBER 28, 2016  
STATEMENT TERM: NOV 19, 2016 - DEC 16, 201624044 Cinco Village Center Blvd  
Ste. 100  
Katy, TX 77494  
Phone 1.866.580.3525  
Fax 281.860.7651  
office@bryantunited.comTO Thurman P. Bryant, Jr.  
Judy Bryant  
[REDACTED]

Partner Vested Interest	Available Disbursement	Qualified Bonus	Deferred Qualified Bonus	Scheduled Disbursement	Monthly Retained	Payment Date
\$550,000.00	\$15,750.00,	\$1,000.00	\$0.00	\$16,750.00	\$0.00	01/03/2017

CALCULATED PARTNER INTEREST	BENEFICIARY OF ACCOUNT	RATE OF ANNUAL RETURN	MONTHLY EARNINGS
\$550,000.00 USD	Thurman & Judy Bryant, Jr.	SET RATE	\$15,750.00



ADDITIONAL PARTNER DEPOSIT	DISBURSED EARNINGS (YTD)	RETAINED EARNINGS (YTD)	ACCUMULATED PARTNER VALUE
\$0.00	\$134,000.00	\$0.00	\$550,000.00

**Messages/Notes:**

Congratulations on your Dec-2016 Earnings! You are currently set up for monthly disbursements. Your next Scheduled disbursement date will be Jan 03, 2017.

**Exhibit****B**  
**App. 0120**



## U.S. Securities and Exchange Commission

### Data Delivery Standards

This document describes the technical requirements for paper and electronic document productions to the U.S. Securities and Exchange Commission (SEC). **\*\*Any questions or proposed file formats other than those described below must be discussed with the legal and technical staff of the SEC Division of Enforcement prior to submission.\*\***

General Instructions.....	1
Delivery Formats.....	2
I. Concordance® Imaged Productions.....	2
1. Images .....	2
2. Concordance Image® or Opticon Cross-Reference File.....	2
3. Concordance® Data File.....	3
4. Text .....	3
5. Linked Native Files .....	3
II. Native File Productions without Load Files.....	3
III. Adobe PDF File Productions.....	3
IV. Audio Files .....	4
V. Video Files.....	4
VI. Electronic Trade and Bank Records .....	4
VII. Electronic Phone Records .....	4
VIII. Audit Workpapers .....	4

#### General Instructions

Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. (Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)

In the event produced files require the use of proprietary software not commonly found in the workplace, the SEC will explore other format options with the producing party.

The proposed use of file de-duplication methodologies or *computer-assisted review* or *technology-assisted review* (TAR) during the processing of documents must be discussed with and approved by the legal and technical staff of the Division of Enforcement (ENF). If your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production to the SEC.



General requirements for ALL document productions are:

1. A cover letter should be included with each production and include the following:
  - a. A list of each piece of media included in the production with its unique production volume number
  - b. A list of custodians, identifying the Bates range for each custodian.
  - c. The time zone in which the emails were standardized during conversion.
2. Data can be produced on CD, DVD, thumb drive, etc., using the media requiring the least number of deliverables and labeled with the following:
  - a. Case number
  - b. Production date
  - c. Producing party
  - d. Bates range
3. All submissions must be organized by custodian unless otherwise instructed.
4. All document family groups, i.e. email attachments, embedded files, etc., should be produced together and children files should follow parent files sequentially in the Bates numbering.
5. All load-ready collections should include only one data load file and one image pointer file.
6. All load-ready text must be produced as separate text files.
7. All load-ready collections should account for custodians in the custodian field.
8. Audio files should be separated from data files if both are included in the production.
9. Only alphanumeric characters and the underscore character are permitted in file names and folder names. Special characters are not permitted.
10. All electronic productions submitted on media must be produced using industry standard self-extracting encryption software.
11. Electronic productions may be submitted via Secure File Transfer. The SEC cannot accept productions made using file sharing sites.
12. Productions containing BSA or SARs material must be delivered on encrypted physical media. The SEC cannot accept electronic transmission of BSA or SARs material. Any BSA or SARs material produced should be segregated and appropriately marked as BSA or SARs material, or should be produced separately from other case related material.
13. Passwords for electronic documents, files, compressed archives and encrypted media must be provided separately either via email or in a separate cover letter from the media.
14. All electronic productions should be produced free of computer viruses.
15. Additional technical descriptions can be found in the addendum to this document.

\*Please note that productions sent to the SEC via United States Postal Service are subject to Mail Irradiation, and as a result electronic productions may be damaged.\*

## Delivery Formats

### I. *Concordance®* Imaged Productions

The SEC prefers that all documents and data be produced in a structured format prepared for Concordance. All scanned paper and electronic file collections should be converted to TIFF files, Bates numbered, and include fully searchable text files.

#### 1. Images

- a. Black and white images must be 300 DPI Group IV single-page TIFF files.
- b. Color images must be produced in JPEG format.
- c. File names cannot contain embedded spaces or special characters (including the comma).
- d. Folder names cannot contain embedded spaces or special characters (including the comma).
- e. All TIFF image files must have a unique file name, i.e. Bates number.
- f. Images must be endorsed with sequential Bates numbers in the lower right corner of each image.
- g. The number of TIFF files per folder should not exceed 500 files.
- h. Excel spreadsheets should have a placeholder image named by the Bates number of the file.
- i. AUTOCAD/photograph files should be produced as a single page JPEG file.

**2. Concordance Image® OR Opticon Cross-Reference File**

The image cross-reference file (.LOG or .OPT) links the images to the database records. It should be a comma-delimited file consisting of seven fields per line with a line in the cross-reference file for every image in the database with the following format:

*ImageID, VolumeLabel, ImageFilePath, DocumentBreak, FolderBreak, BoxBreak, PageCount*

**3. Concordance® Data File**

The data file (.DAT) contains all of the fielded information that will be loaded into the *Concordance®* database.

- a. The first line of the .DAT file must be a header row identifying the field names.
- b. The .DAT file must use the following *Concordance®* default delimiters:
  - Comma ¶ ASCII character (020)
  - Quote ¤ ASCII character (254)
- c. Date fields should be provided in the format: mm/dd/yyyy
- d. Date and time fields must be two separate fields.
- e. If the production includes imaged emails and attachments, the attachment fields must be included to preserve the parent/child relationship between an email and its attachments.
- f. An OCRPATH field must be included to provide the file path and name of the extracted text file on the produced storage media. The text file must be named after the FIRSTBATES. Do not include the text in the .DAT file.
- g. For productions with native files, a LINK field must be included to provide the file path and name of the native file on the produced storage media. The native file must be named after the FIRSTBATES.
- h. BEGATTACH and ENDATTACH fields must be two separate fields.
- i. A complete list of metadata fields is available in Addendum A to this document.

**4. Text**

Text must be produced as separate text files, not as fields within the .DAT file. The full path to the text file (OCRPATH) should be included in the .DAT file. We require document level ANSI text files, named per the FIRSTBATES/Image Key. Please note in the cover letter if any non-ANSI text files are included in the production. Extracted text files must be in a separate folder, and the number of text files per folder should not exceed 1,000 files. There should be no special characters (including commas in the folder names). For redacted documents, provide the full text for the redacted version.

**5. Linked Native Files**

Copies of original email and native file documents/attachments must be included for all electronic productions.

- a. Native file documents must be named per the FIRSTBATES number.
- b. The full path of the native file must be provided in the .DAT file for the LINK field.
- c. The number of native files per folder should not exceed 1,000 files.

**II. Native File Production without Load Files**

With prior approval, native files may be produced without load files. The native files must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. When approved, Outlook (.PST) and Lotus Notes (.NSF) email files may be produced in native file format. A separate folder should be provided for each custodian.

**III. Adobe PDF File Production**

With prior approval, Adobe PDF files may be produced in native file format.

1. PDF files should be produced in separate folders named by the custodian. The folders should not contain any special characters (including commas).
2. All PDFs must be unitized at the document level, i.e., each PDF must represent a discrete document.
3. All PDF files must contain embedded text that includes all discernible words within the document, not selected text or image only. This requires all layers of the PDF to be flattened first.
4. If PDF files are Bates endorsed, the PDF files must be named by the Bates range.

#### **IV. Audio Files**

Audio files from telephone recording systems must be produced in a format that is playable using Microsoft Windows Media Player™. Additionally, the call information (metadata) related to each audio recording **MUST** be provided. The metadata file must be produced in a delimited text format. Field names must be included in the first row of the text file. The metadata must include, at a minimum, the following fields:

- 1) Caller Name: Caller's name or account/identification number
- 2) Originating Number: Caller's phone number
- 3) Called Party Name: Called party's name
- 4) Terminating Number: Called party's phone number
- 5) Date: Date of call
- 6) Time: Time of call
- 7) Filename: Filename of audio file

#### **V. Video Files**

Video files must be produced in a format that is playable using Microsoft Windows Media Player™.

#### **VI. Electronic Trade and Bank Records**

When producing electronic trade and bank records, provide the files in one of the following formats:

1. MS Excel spreadsheet with header information detailing the field structure. If any special codes exist in the dataset, a separate document must be provided that details all such codes. If details of the field structure do not fit in the header, a separate document must be provided that includes such details.
2. Delimited text file with header information detailing the field structure. The preferred delimiter is a vertical bar "|". If any special codes exist in the dataset, a separate document must be provided that details all such codes. If details of the field structure do not fit in the header, a separate document must be provided that includes such details.

#### **VII. Electronic Phone Records**

When producing electronic phone records, provide the files in the following format:

1. MS Excel spreadsheet with header information detailing the field structure. If any special codes exist in the dataset, a separate document must be provided that details all such codes. If details of the field structure do not fit in the header, a separate document must be provided that includes such details. Data must be formatted in its native format (i.e. dates in a date format, numbers in an appropriate numerical format, and numbers with leading zeroes as text).
  - a. The metadata that must be included is outlined in **Addendum B** of this document. Each field of data must be loaded into a separate column. For example, Date and Start Time must be produced in separate columns and not combined into a single column containing both pieces of information. Any fields of data that are provided in addition to those listed in **Addendum B** must also be loaded into separate columns.

#### **VIII. Audit Workpapers**

The SEC prefers for workpapers to be produced in two formats: (1) With Bates numbers in accordance with the SEC Data Delivery Standards; and (2) in native format or if proprietary software was used, on a standalone laptop with the appropriate software loaded so that the workpapers may be reviewed as they would have been maintained in the ordinary course of business. When possible, the laptop should be configured to enable a Virtual Machine (VM) environment.

### ADDENDUM A

The metadata of electronic document collections should be extracted and provided in a .DAT file using the field definition and formatting described below:

Field Name	Sample Data	Description
FIRSTBATES	EDC0000001	First Bates number of native file document/email
LASTBATES	EDC0000001	Last Bates number of native file document/email **The LASTBATES field should be populated for single page documents/emails.
ATTACHRANGE	EDC0000001 - EDC0000015	Bates number of the first page of the parent document to the Bates number of the last page of the last attachment "child" document
BEGATTACH	EDC0000001	First Bates number of attachment range
ENDATTACH	EDC0000015	Last Bates number of attachment range
PARENT_BATES	EDC0000001	First Bates number of parent document/Email **This PARENT_BATES field should be populated in each record representing an attachment "child" document
CHILD_BATES	EDC0000002; EDC0000014	First Bates number of "child" attachment(s); can be more than one Bates number listed depending on the number of attachments **The CHILD_BATES field should be populated in each record representing a "parent" document
CUSTODIAN	Smith, John	Email: Mailbox where the email resided Native: Name of the individual or department from whose files the document originated
FROM	John Smith	Email: Sender Native: Author(s) of document **semi-colon should be used to separate multiple entries
TO	Coffman, Janice; LeeW [mailto:LeeW@MSN.com]	Recipient(s) **semi-colon should be used to separate multiple entries
CC	Frank Thompson [mailto:frank_Thompson@cdt.com]	Carbon copy recipient(s) **semi-colon should be used to separate multiple entries
BCC	John Cain	Blind carbon copy recipient(s) **semi-colon should be used to separate multiple entries
SUBJECT	Board Meeting Minutes	Email: Subject line of the email Native: Title of document (if available)
FILE_NAME	BoardMeetingMinutes.docx	Native: Name of the original native file, including extension
DATE_SENT	10/12/2010	Email: Date the email was sent Native: (empty)
TIME_SENT/TIME_ZONE	07:05 PM GMT	Email: Time the email was sent/ Time zone in which the emails were standardized during conversion. Native: (empty) **This data must be a separate field and cannot be combined with the DATE_SENT field
TIME_ZONE	GMT	The time zone in which the emails were standardized during conversion. Email: Time zone Native: (empty)

LINK	D:\001\EDC0000001.msg	Hyperlink to the email or native file document **The linked file must be named per the FIRSTBATES number
MIME_TYPE	MSG	The content type of an Email or native file document as identified/extracted from the header
FILE_EXTEN	MSG	The file type extension representing the Email or native file document; will vary depending on the email format
AUTHOR	John Smith	Email: (empty) Native: Author of the document
DATE_CREATED	10/10/2010	Email: (empty) Native: Date the document was created
TIME_CREATED	10:25 AM	Email: (empty) Native: Time the document was created **This data must be a separate field and cannot be combined with the DATE_CREATED field
DATE_MOD	10/12/2010	Email: (empty) Native: Date the document was last modified
TIME_MOD	07:00 PM	Email: (empty) Native: Time the document was last modified **This data must be a separate field and cannot be combined with the DATE_MOD field
DATE_ACCESSD	10/12/2010	Email: (empty) Native: Date the document was last accessed
TIME_ACCESSD	07:00 PM	Email: (empty) Native: Time the document was last accessed **This data must be a separate field and cannot be combined with the DATE_ACCESSD field
PRINTED_DATE	10/12/2010	Email: (empty) Native: Date the document was last printed
FILE_SIZE	5,952	Size of native file document/email in KB
PGCOUNT	1	Number of pages in native file document/email
PATH	J:\Shared\SmithJ\October Agenda.doc	Email: (empty) Native: Path where native file document was stored including original file name.
INTFILEPATH	Personal Folders\Deleted Items\Board Meeting Minutes.msg	Email: original location of email including original file name. Native: (empty)
INTMSGID	<000805c2c71b\$75977050\$cb8306d1@MSN>	Email: Unique Message ID Native: (empty)
MD5HASH	d131dd02c5e6eec4693d9a0698aff95c2fcab58712467eab4004583eb8fb7f89	MD5 Hash value of the document.
OCRPATH	TEXT/001/EDC0000001.txt	Path to extracted text of the native file

Sample Image Cross-Reference File:

```
IMG00000001,,E:\001\IMG00000001.TIF,Y,,,
IMG00000002,,E:\001\IMG00000002.TIF,,,,
IMG00000003,,E:\001\IMG00000003.TIF,,,,
IMG00000004,,E:\001\IMG00000004.TIF,Y,,,
IMG00000005,,E:\001\IMG00000005.TIF,Y,,,
IMG00000006,,E:\001\IMG00000006.TIF,,,,
```

## **ADDENDUM B**

For Electronic Phone Records, include the following fields in separate columns:

For Calls:

- 1) Account Number
- 2) Connection Date – Date the call was received or made
- 3) Connection Time – Time call was received or made
- 4) Seizure Time – Time it took for the call to be placed in seconds
- 5) Originating Number – Phone that placed the call
- 6) Terminating Number – Phone that received the call
- 7) Elapsed Time – The length of time the call lasted, preferably in seconds
- 8) End Time – The time the call ended
- 9) Number Dialed – Actual number dialed
- 10) IMEI Originating – Unique id to phone used to make call
- 11) IMEI Terminating– Unique id to phone used to receive call
- 12) IMSI Originating – Unique id to phone used to make call
- 13) IMSI Terminating- Unique id to phone used to receive call
- 14) Call Codes – Identify call direction or other routing information
- 15) Time Zone – Time Zone in which the call was received or placed, if applicable

For Text messages:

- 1) Account Number
- 2) Connection Date – Date the text was received or made
- 3) Connection Time – Time text was received or made
- 4) Originating Number – Who placed the text
- 5) Terminating Number – Who received the text
- 6) IMEI Originating – Unique id to phone used to make text
- 7) IMEI Terminating– Unique id to phone used to receive text
- 8) IMSI Originating - Unique id to phone used to make text
- 9) IMSI Terminating- Unique id to phone used to receive text
- 10) Text Code – Identify text direction, or other text routing information
- 11) Text Type Code – Type of text message (sent SMS, MMS, or other)
- 12) Time Zone – Time Zone in which the call was received or placed, if applicable

For Mobile Data Usage:

- 1) Account Number
- 2) Connection Date – Date the data was received or made
- 3) Connection Time – Time data was received or made
- 4) Originating number – Number that used data
- 5) IMEI Originating – Unique id of phone that used data
- 6) IMSI Originating - Unique id of phone that used data
- 7) Data or Data codes – Identify data direction, or other data routing information
- 8) Time Zone – Time Zone in which the call was received or placed, if applicable



**SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

**Supplemental Information for Persons Requested to Supply  
Information Voluntarily or Directed to Supply Information  
Pursuant to a Commission Subpoena**

**A. False Statements and Documents**

Section 1001 of Title 18 of the United States Code provides that fines and terms of imprisonment may be imposed upon:

[W]hoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully--

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

Section 1519 of Title 18 of the United States Code provides that fines and terms of imprisonment may be imposed upon:

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States . . . , or in relation to or contemplation of any such matter.

**B. Testimony**

If your testimony is taken, you should be aware of the following:

1. *Record.* Your testimony will be transcribed by a reporter. If you desire to go off the record, please indicate this to the Commission employee taking your testimony, who will determine whether to grant your request. The reporter will not go off the record at your, or your counsel's, direction.
2. *Counsel.* You have the right to be accompanied, represented and advised by counsel of your choice. Your counsel may advise you before, during and after your testimony; question you briefly at the conclusion of your testimony to clarify any of the answers you give during testimony; and make summary notes during your testimony solely for your use. If you are accompanied by counsel, you may consult privately.

If you are not accompanied by counsel, please advise the Commission employee taking your testimony if, during the testimony, you desire to be accompanied, represented and advised by counsel. Your testimony will be adjourned once to afford you the opportunity to arrange to be so accompanied, represented or advised.

You may be represented by counsel who also represents other persons involved in the Commission's investigation. This multiple representation, however, presents a potential conflict of interest if one client's interests are or may be adverse to another's. If you are represented by counsel who also represents other persons involved in the investigation, the Commission will assume that you and counsel have discussed and resolved all issues concerning possible conflicts of interest. The choice of counsel, and the responsibility for that choice, is yours.

3. *Transcript Availability.* Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6, states:

A person who has submitted documentary evidence or testimony in a formal investigative proceeding shall be entitled, upon written request, to procure a copy of his documentary evidence or a transcript of his testimony on payment of the appropriate fees: *Provided, however,* That in a nonpublic formal investigative proceeding the Commission may for good cause deny such request. In any event, any witness, upon proper identification, shall have the right to inspect the official transcript of the witness' own testimony.

If you wish to purchase a copy of the transcript of your testimony, the reporter will provide you with a copy of the appropriate form. Persons requested to supply information voluntarily will be allowed the rights provided by this rule.

4. *Perjury.* Section 1621 of Title 18 of the United States Code provides that fines and terms of imprisonment may be imposed upon:

Whoever--

- (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify

SEC 1662 (08-16)

truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true.

5. *Fifth Amendment and Voluntary Testimony.* Information you give may be used against you in any federal, state, local or foreign administrative, civil or criminal proceeding brought by the Commission or any other agency.

You may refuse, in accordance with the rights guaranteed to you by the Fifth Amendment to the Constitution of the United States, to give any information that may tend to incriminate you.

If your testimony is not pursuant to subpoena, your appearance to testify is voluntary, you need not answer any question, and you may leave whenever you wish. Your cooperation is, however, appreciated.

6. *Formal Order Availability.* If the Commission has issued a formal order of investigation, it will be shown to you during your testimony, at your request. If you desire a copy of the formal order, please make your request in writing.

### **C. Submissions and Settlements**

Rule 5(c) of the Commission's Rules on Informal and Other Procedures, 17 CFR 202.5(c), states:

Persons who become involved in . . . investigations may, on their own initiative, submit a written statement to the Commission setting forth their interests and position in regard to the subject matter of the investigation. Upon request, the staff, in its discretion, may advise such persons of the general nature of the investigation, including the indicated violations as they pertain to them, and the amount of time that may be available for preparing and submitting a statement prior to the presentation of a staff recommendation to the Commission for the commencement of an administrative or injunction proceeding. Submissions by interested persons should be forwarded to the appropriate Division Director or Regional Director with a copy to the staff members conducting the investigation and should be clearly referenced to the specific investigation to which they relate. In the event a recommendation for the commencement of an enforcement proceeding is presented by the staff, any submissions by interested persons will be forwarded to the Commission in conjunction with the staff memorandum.

The staff of the Commission routinely seeks to introduce submissions made pursuant to Rule 5(c) as evidence in Commission enforcement proceedings, when the staff deems appropriate.

Rule 5(f) of the Commission's Rules on Informal and Other Procedures, 17 CFR 202.5(f), states:

In the course of the Commission's investigations, civil lawsuits, and administrative proceedings, the staff, with appropriate authorization, may discuss with persons involved the disposition of such matters by consent, by settlement, or in some other manner. It is the policy of the Commission, however, that the disposition of any such matter may not, expressly or impliedly, extend to any criminal charges that have been, or may be, brought against any such person or any recommendation with respect thereto. Accordingly, any person involved in an enforcement matter before the Commission who consents, or agrees to consent, to any judgment or order does so solely for the purpose of resolving the claims against him in that investigative, civil, or administrative matter and not for the purpose of resolving any criminal charges that have been, or might be, brought against him. This policy reflects the fact that neither the Commission nor its staff has the authority or responsibility for instituting, conducting, settling, or otherwise disposing of criminal proceedings. That authority and responsibility are vested in the Attorney General and representatives of the Department of Justice.

### **D. Freedom of Information Act**

The Freedom of Information Act, 5 U.S.C. 552 (the "FOIA"), generally provides for disclosure of information to the public. Rule 83 of the Commission's Rules on Information and Requests, 17 CFR 200.83, provides a procedure by which a person can make a written request that information submitted to the Commission not be disclosed under the FOIA. That rule states that no determination as to the validity of such a request will be made until a request for disclosure of the information under the FOIA is received. Accordingly, no response to a request that information not be disclosed under the FOIA is necessary or will be given until a request for disclosure under the FOIA is received. If you desire an acknowledgment of receipt of your written request that information not be disclosed under the FOIA, please provide a duplicate request, together with a stamped, self-addressed envelope.

**E. Authority for Solicitation of Information**

*Persons Directed to Supply Information Pursuant to Subpoena.* The authority for requiring production of information is set forth in the subpoena. Disclosure of the information to the Commission is mandatory, subject to the valid assertion of any legal right or privilege you might have.

*Persons Requested to Supply Information Voluntarily.* One or more of the following provisions authorizes the Commission to solicit the information requested: Sections 19 and/or 20 of the Securities Act of 1933; Section 21 of the Securities Exchange Act of 1934; Section 321 of the Trust Indenture Act of 1939; Section 42 of the Investment Company Act of 1940; Section 209 of the Investment Advisers Act of 1940; and 17 CFR 202.5. Disclosure of the requested information to the Commission is voluntary on your part.

**F. Effect of Not Supplying Information**

*Persons Directed to Supply Information Pursuant to Subpoena.* If you fail to comply with the subpoena, the Commission may seek a court order requiring you to do so. If such an order is obtained and you thereafter fail to supply the information, you may be subject to civil and/or criminal sanctions for contempt of court. In addition, Section 21(c) of the Securities Exchange Act of 1934, Section 42(c) of the Investment Company Act of 1940, and Section 209(c) of the Investment Advisers Act of 1940 provide that fines and terms of imprisonment may be imposed upon any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry, or to produce books, papers, correspondence, memoranda, and other records in compliance with the subpoena.

*Persons Requested to Supply Information Voluntarily.* There are no direct sanctions and thus no direct effects for failing to provide all or any part of the requested information.

**G. Principal Uses of Information**

The Commission's principal purpose in soliciting the information is to gather facts in order to determine whether any person has violated, is violating, or is about to violate any provision of the federal securities laws or rules for which the Commission has enforcement authority, such as rules of securities exchanges and the rules of the Municipal Securities Rulemaking Board. Facts developed may, however, constitute violations of other laws or rules. Information provided may be used in Commission and other agency enforcement proceedings. Unless the Commission or its staff explicitly agrees to the contrary in writing, you should not assume that the Commission or its staff acquiesces in, accedes to, or concurs or agrees with, any position, condition, request, reservation of right, understanding, or any other statement that purports, or may be deemed, to be or to reflect a limitation upon the Commission's receipt, use, disposition, transfer, or retention, in accordance with applicable law, of information provided.

**H. Routine Uses of Information**

The Commission often makes its files available to other governmental agencies, particularly United States Attorneys and state prosecutors. There is a likelihood that information supplied by you will be made available to such agencies where appropriate. Whether or not the Commission makes its files available to other governmental agencies is, in general, a confidential matter between the Commission and such other governmental agencies.

Set forth below is a list of the routine uses which may be made of the information furnished.

1. To appropriate agencies, entities, and persons when (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the SEC has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the SEC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.
2. To other federal, state, local, or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.
3. To national securities exchanges and national securities associations that are registered with the SEC, the Municipal Securities Rulemaking Board; the Securities Investor Protection Corporation; the Public Company Accounting Oversight Board; the federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation; state securities regulatory agencies or organizations; or regulatory authorities of a foreign government in connection with their regulatory or enforcement responsibilities.
4. By SEC personnel for purposes of investigating possible violations of, or to conduct investigations authorized by, the federal securities laws.
5. In any proceeding where the federal securities laws are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

6. In connection with proceedings by the Commission pursuant to Rule 102(e) of its Rules of Practice, 17 CFR 201.102(e).
7. To a bar association, state accountancy board, or other federal, state, local, or foreign licensing or oversight authority; or professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.
8. To a federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.
9. To a federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
10. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.
11. To any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)) or pursuant to the Commission's Rules of Practice, 17 CFR 201.100 – 900 or the Commission's Rules of Fair Fund and Disgorgement Plans, 17 CFR 201.1100-1106, or otherwise, where such trustee, receiver, master, special counsel, or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the federal securities laws or the Commission's Rules of Practice or the Rules of Fair Fund and Disgorgement Plans.
12. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.
13. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.
14. In reports published by the Commission pursuant to authority granted in the federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), which authority shall include, but not be limited to, section 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(a)).
15. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.
16. To any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735-1 to 200.735-18, and who assists in the investigation by the Commission of possible violations of the federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the federal securities laws.
17. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.
18. To members of Congress, the press, and the public in response to inquiries relating to particular Registrants and their activities, and other matters under the Commission's jurisdiction.
19. To prepare and publish information relating to violations of the federal securities laws as provided in 15 U.S.C. 78c(a)(47)), as amended.
20. To respond to subpoenas in any litigation or other proceeding.
21. To a trustee in bankruptcy.

22. To any governmental agency, governmental or private collection agent, consumer reporting agency or commercial reporting agency, governmental or private employer of a debtor, or any other person, for collection, including collection by administrative offset, federal salary offset, tax refund offset, or administrative wage garnishment, of amounts owed as a result of Commission civil or administrative proceedings.

\* \* \* \* \*

*Small Business Owners:* The SEC always welcomes comments on how it can better assist small businesses. If you would like more information, or have questions or comments about federal securities regulations as they affect small businesses, please contact the Office of Small Business Policy, in the SEC's Division of Corporation Finance, at 202-551-3460. If you would prefer to comment to someone outside of the SEC, you can contact the Small Business Regulatory Enforcement Ombudsman at <http://www.sba.gov/ombudsman> or toll free at 888-REG-FAIR. The Ombudsman's office receives comments from small businesses and annually evaluates federal agency enforcement activities for their responsiveness to the special needs of small business.



**BACKGROUND QUESTIONNAIRE**

**Please respond to the following questions in the space provided. If you need additional space for any response, you may attach additional pieces of paper.**

Today's date: \_\_\_\_\_

1. What is your full name?

\_\_\_\_\_

2. Have you ever been known by any other name? Yes \_\_ No \_\_

If yes, list each such name and the period(s) in which you were known by that name.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Date and Place of Birth?

\_\_\_\_\_

4. Country of Citizenship?

\_\_\_\_\_

5. Marital Status? Married \_\_ Divorced \_\_ Single \_\_

If you have ever been married, state for each marriage: (i) the date(s) of the marriage; (ii) the name of your spouse; (iii) your spouse's birth name, if different; (iv) your spouse's age; and (v) your spouse's occupation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. List the names, ages and occupations of your children, if any.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. List all residences you occupied at any time during the last [three] years, including vacation homes, beginning with your current residence. For each residence, state the address, dates of residence, and all telephone numbers (including facsimile numbers) listed at that address.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Background Questionnaire

Page 2

8. List all telephone numbers and telecommunication services that were in your name or that you regularly used at any time during the last [three] years. Include all residential, business, cellular, credit card, and VOIP telephone numbers, including those listed in your response to question 7, and services such as GoogleVoice, Skype, video conference services. For each telephone number, state the name(s) of the corresponding carrier(s) (e.g., AT&T, Verizon, Vonage, Skype, etc.).

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9. List the universal resource locator (URL) for all websites or blogs that you established or for which you had the authority to control content, at any time during the last [three] years. For each website, state the name(s) of the domain name registrar (e.g. GoDaddy) through which the URL was obtained, the name(s) of all individuals or entities who provided web site hosting or design services, whether the website contained primarily business or personal information, and the time period in which it was active.

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10. List all electronic mail addresses and social networking accounts (e.g. Facebook, LinkedIn, Twitter, Instagram, Flickr, and Google+) that were in your name or that you regularly used at any time during the last [three] years. Include all personal, business and shared electronic mail addresses and social networking accounts. For each electronic mail address and social networking account, state the name(s) of the corresponding internet service provider(s) (e.g., Google, Yahoo, AOL, or your employer), whether the address was used primarily for business or personal correspondence, and the time period in which it was active.

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11. List all usernames for instant messaging and similar electronic communication services (including, but not limited to, Bloomberg, Skype, whatsapp), other than those listed in your response to questions 8 through 10, that were in your name or that you regularly used at any time during the last [three] years. Include all personal, business and shared addresses. For each username, state the name(s) of the communication service provider (e.g., Google, AOL, etc.), whether the address was used primarily for business or

Background Questionnaire  
Page 3

personal correspondence, the time period in which it was active, and the name of the software application(s) (e.g., GTalk, ICQ, MSN Messenger) you used to access it.

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12. List all internet message boards or discussion forums (including, but not limited to, Money Maker Group, PNQI Message Board, Investors Hub Daily) of which you were a member or on which you posted any messages at any time during the last [three] years. For each message board or discussion forum, state the service provider and your member name or identification information.

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PUBLICLY-HELD COMPANIES

13. Are you now, or have you ever been, an officer or director of any publicly-held company? Yes ☐ No ☐

If yes, identify each such company, its CUSIP, and any exchange on which it is or was listed, and state your positions (including membership on any Board or management committees) and the dates you held each position.

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14. Are you now, or have you ever been, a beneficial owner, directly or indirectly, of five per cent or more of any class of equity securities of any publicly held company? Yes ☐ No ☐

If yes, identify each such company, its CUSIP, and any exchange on which it is or was listed, and state the amount, percentage, and dates of your ownership.

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Background Questionnaire

Page 4

PRIVATELY-HELD COMPANIES

15. Are you now, or have you ever been, a beneficial owner, directly or indirectly, of any privately-held company (*i.e.*, corporation, partnership, limited liability company or other corporate form)? Yes\_\_ No\_\_

If yes, identify each such company, including address and other contact information, and state your positions and the dates you held each position.

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16. Are you now, or have you ever been, a manager or a member of any privately-held company (*i.e.*, corporation, partnership, limited liability company or other corporate form)? Yes\_\_ No\_\_

If yes, identify each such company, including address and other contact information, and state your positions and the dates you held each position.

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SECURITIES ACCOUNTS

17. List all securities or brokerage accounts that you have held in your name, individually or jointly, at any time during the last [three] years. Include all foreign accounts. For each such account, identify: (i) the brokerage firm; (ii) the location of the branch where your account is or was held; (iii) your broker; (iv) the type of account (*i.e.*, cash, margin or IRA); (v) the account number; and (vi) whether any person has ever held discretionary authority or power of attorney over the account; if so, name such person(s).

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Background Questionnaire

Page 5

18. List all securities or brokerage accounts (including foreign accounts), other than those listed in your answer to question 17, in which you had any direct or indirect beneficial interest at any time during the last [three] years. For each such account, provide the information requested by question 17.

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19. List all securities or brokerage accounts (including foreign accounts), other than those listed in your answer to question 17 or 18, over which you had any control at any time during the last [three] years. For each such account, provide the information requested by question 17.

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BANK ACCOUNTS

20. List all accounts you have held in your name at any financial institution (*i.e.*, bank, thrift, or credit union) at any time during the last [three] years. Include all foreign accounts. For each such account, identify: (i) the financial institution; (ii) the address of the branch at which your account is or was held; (iii) the type of account (*i.e.*, checking, savings, money market or IRA); (iv) the account number; and (v) whether any person has ever had discretionary authority or power of attorney over the account; if so, name such person(s).

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21. List all accounts at financial institutions (including foreign accounts), other than those listed in your answer to question 20, in which you had any direct or indirect beneficial interest at any time during the last [three] years. For each such account, provide the information requested by question 20.

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Background Questionnaire

Page 6

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22. List all accounts at financial institutions (including foreign accounts), other than those listed in your answer to question 20 or 21, over which you had any control at any time during the last [three] years. For each such account, provide the information requested by question 20.
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23. List any other accounts (including foreign accounts), other than those listed in your answers to questions 20 through 22, that were held in your name, in which you had any direct or indirect beneficial interest, or over which you had any control, that you have used to transfer funds in the last [three] years, including, but not limited to, PayPal accounts. For each such account, provide the information requested by question 20.
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PRIOR PROCEEDINGS

24. Have you ever testified in any proceeding conducted by the staff of the Securities and Exchange Commission, a U.S. or foreign federal or state agency, a U.S. or foreign federal or state court, a stock exchange, the Financial Industry Regulatory Authority ("FINRA") or any other self-regulatory organization ("SRO"), or in any arbitration proceeding related to securities transactions? Yes ☐ No ☐

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the organization or agency; and (iii) the date(s) on which you testified.

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Background Questionnaire

Page 7

25. Have you ever been deposed in connection with any court proceeding? Yes \_\_ No \_\_

If yes, for each such proceeding, identify: (i) the title of the proceeding, and (ii) the date(s) on which you were deposed.

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26. Have you ever been named as a defendant or respondent in any action or proceeding brought by the SEC, any other U.S. or foreign federal agency, a state securities agency, FINRA, an SRO, or any exchange? Yes \_\_ No \_\_

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the agency or tribunal; (iii) the substance of the allegations; (iv) the outcome of the proceeding; and (v) the date of the outcome.

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27. Have you ever been a defendant in any action (other than those listed in response to question 26) alleging violations of the federal securities laws? Yes \_\_ No \_\_

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the court or tribunal; (iii) the outcome of the proceeding; and (iv) the date of the outcome.

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28. Have you ever been a defendant in any criminal proceeding other than one involving a minor traffic offense? Yes \_\_ No \_\_

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the court or tribunal; (iii) the outcome of the proceeding; and (iv) the date of the outcome.

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Background Questionnaire  
Page 8

EDUCATIONAL HISTORY

29. Provide the requested information about each educational institution that you have attended, beginning with the most recent and working backward to the date that you completed high school.

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

30. Other than courses taken in connection with institutions listed in response to question 29, list any securities, accounting or business related courses taken since high school. For each such course, identify the date that the course was completed and the name of the institution or organization that offered the course.


Background Questionnaire  
Page 9

PROFESSIONAL LICENSES/CLUBS

31. Do you hold, or have you ever held, any professional license? Yes\_\_ No \_\_

If yes, for each such license, identify: (i) the license number or attorney bar number; (ii) the licensing organization; (iii) the date the license was awarded; (iv) the date such license terminated, if applicable; (v) the date(s) of any disciplinary proceeding(s) against you; and (vi) the outcome of any such disciplinary proceeding (*e.g.*, reprimand, suspension, revocation).

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32. Are you, or have you ever been, a member of any professional or business club or organization? Yes \_\_ No \_\_

If yes, list for each: (i) the name of the club or organization; (ii) its address; (iii) the date(s) of your membership; and (iv) service in any governance roles (*e.g.*, board member, committee member, etc.) including title and dates of service.

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33. Are you, or have you been in the last [three] years, a member of any social clubs, charities or nonprofit organizations? Yes \_\_ No \_\_

If yes, list for each: (i) the name of the social club, charity or nonprofit organization; (ii) its address; (iii) the date(s) of your membership; and (iv) service in any governance roles (*e.g.*, board member, committee member, etc.) including title and dates of service..

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EMPLOYMENT HISTORY

34. Are you, or have you ever been, an employee of a broker, dealer, investment adviser, investment company, municipal securities dealer, municipal advisor, transfer agent, or

Background Questionnaire  
Page 10

nationally recognized statistical rating organization? Yes \_\_\_ No \_\_\_

If yes, list for each: (i) the jurisdiction of the entity; (ii) your CRD number; (iii) the entity's CRD number; (iv) the entity's SEC File number; (v) the entity's CUSIP number; and (vi) any foreign registration information similar to the foregoing.

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35. State your employment activities, beginning with the present and working backward to the date that you completed high school and attach a recent copy of your resume or curriculum vitae.

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor



App. 0143

Background Questionnaire  
Page 11

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

Background Questionnaire  
Page 12

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

CONTINUE ON ADDITIONAL SHEETS IF NECESSARY

[FOR DOMESTIC U.S. RECORDS]

**DECLARATION OF *[Insert Name]* CERTIFYING RECORDS  
OF REGULARLY CONDUCTED BUSINESS ACTIVITY**

I, the undersigned, *[insert name]*, pursuant to 28 U.S.C. § 1746, declare that:

1. I am employed by *[insert name of company]* as *[insert position]* and by reason of my position am authorized and qualified to make this declaration. *[if possible supply additional information as to how person is qualified to make declaration, e.g., I am custodian of records, I am familiar with the company's recordkeeping practices or systems, etc.]*
2. I further certify that the documents *[attached hereto or submitted herewith]* and stamped *[insert bates range]* are true copies of records that were:
  - (a) made at or near the time of the occurrence of the matters set forth therein, by, or from information transmitted by, a person with knowledge of those matters;
  - (b) kept in the course of regularly conducted business activity; and
  - (c) made by the regularly conducted business activity as a regular practice.

I declare under penalty of perjury that the foregoing is true and correct. Executed on *[date]*.

---

*[Name]*

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

**3. GETTING YOUR SHIPMENT TO UPS****Customers with a Daily Pickup**

Your driver will pickup your shipment(s) as usual.

**Customers without a Daily Pickup**

Take your package to any location of The UPS Store®, UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

Hand the package to any UPS driver in your area.

UPS Access Point™  
THE UPS STORE  
209 W 2ND ST  
FORT WORTH ,TX 76102

UPS Access Point™  
THE UPS STORE  
2830 S HULEN ST  
FORT WORTH ,TX 76109

UPS Access Point™  
THE UPS STORE  
6387 CAMP BOWIE BLVD  
FORT WORTH ,TX 76116

FOLD HERE

0.0 LBS LTR 1 OF 1	
SEC-FORT WORTH 801 CHERRY ST FORT WORTH TX 76102	
SHIP TO: DAN WALLER 0000000000 GLAST, PHILLIPS & MURRAY, P.C. 14801 QUORUM DR., SUITE 500 DALLAS TX 75254	
TX 752 9-23	
	
UPS NEXT DAY AIR 1	
TRACKING #: 1Z A37 81X A2 9176 7050	
	
BILLING: P/P ADULT SIGNATURE REQUIRED-MIN 21	
	
CS 19 1 15 WNTNV50 84 0A 01/2017	

App. 0146



### Proof of Delivery

Close Window

**Dear Customer,**

**This notice serves as proof of delivery for the shipment listed below.**

<b>Tracking Number:</b>	1ZA3781XA291767050
<b>Service:</b>	UPS Next Day Air®
<b>Special Instructions:</b>	Adult Signature Required
<b>Shipped/Billed On:</b>	03/20/2017
<b>Delivered On:</b>	03/21/2017 10:23 A.M.
<b>Delivered To:</b>	DALLAS, TX, US
<b>Received By:</b>	ARIAS

[illegible]

**Left At:** **Front Desk**

**Thank you for giving us this opportunity to serve you.**

Sincerely,

**UPS**

Tracking results provided by UPS: 04/06/2017 11:11 A.M. ET

[Print This Page](#)

Close Window



**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION**

Fort Worth Regional Office  
801 Cherry Street, Suite 1900  
Fort Worth, Texas 76102

**DIVISION OF ENFORCEMENT**

Jason P. Reinsch  
Enforcement Attorney  
(817) 900-2601

December 16, 2016

**Via UPS**

Thurman (Trey) P. Bryant, III  
5343 Buena Vista Dr.  
Frisco, Texas 75034

Re: In the Matter of Bryant United Capital Funding, Inc. (FW-04150)

Dear Mr. Bryant:

The staff of the Fort Worth Regional Office of the United States Securities and Exchange Commission is conducting an investigation in the matter identified above. The enclosed subpoena has been issued to you as part of this investigation. The subpoena requires you to provide us documents and give sworn testimony.

Please read the subpoena and this letter carefully. This letter answers some questions you may have about the subpoena. You should also read the enclosed SEC Form 1662. If you do not comply with this subpoena, the SEC may bring an action in Federal Court to enforce this subpoena. Failure to comply with a court order enforcing this subpoena may result in the court imposing a fine, imprisonment or both.

**Producing Documents**

*What materials do I have to produce?*

The subpoena requires you to provide us the documents described in the attachment to the subpoena. You must provide these documents by **December 30, 2016**. The attachment to the subpoena defines some terms (such as "document") before listing what you must provide.

You should produce each and every document in your possession, custody, or control, including any documents that are not in your immediate possession but that you have the ability to obtain. All responsive documents shall be produced as they are kept in the usual course of business, and shall be organized and labeled to correspond with the numbered paragraphs in the subpoena attachment. In that regard, documents should be produced in a unitized manner, *i.e.*, delineated with staples or paper clips to identify the document boundaries.



Documents responsive to this subpoena may be in electronic or paper form. Electronic documents such as email should be produced in accordance with the attached document entitled SEC Data Delivery Standards (the "Standards"). If you have any questions concerning the production of documents in an electronic format, please contact me as soon as possible but in any event before producing documents. **All electronic documents responsive to the document subpoena, including all metadata, must also be secured and retained in their native software format and stored in a safe place.** The staff may later request or require that you produce the native format.

For documents in paper format, you may send the originals, or, if you prefer, you may send copies of the originals. The Commission cannot reimburse you for the copying costs. If you are sending copies, the staff requests that you scan (rather than photocopy) hard copy documents and produce them in an electronic format consistent with the Standards. Alternatively, you may send us photocopies of the documents in paper format. **If you choose to send copies, you must secure and retain the originals and store them in a safe place.** The staff may later request or require that you produce the originals.

Whether you scan or photocopy documents, the copies must be identical to the originals, including even faint marks or print. Also, please note that if copies of a document differ in any way, they are considered separate documents and you must send each one. For example, if you have two copies of the same letter, but only one of them has handwritten notes on it, you must send both the clean copy and the one with notes.

If you do send us scanned or photocopied documents, please put an identifying notation on each page of each document to indicate that you produced it, and number the pages of all the documents submitted. (For example, if Jane Doe sends documents to the staff, she may number the pages JD-1, JD-2, JD-3, etc., in a blank corner of the documents.) Please make sure the notation and number do not conceal any writing or marking on the document. If you send us originals, please do not add any identifying notations.

In producing a photocopy of an original document that contains post-it(s), notation flag(s), or other removable markings or attachments which may conceal all or a portion of the markings contained in the original document, photocopies of the original document both with and without the relevant post-it(s), notation flag(s), or removable markings or attachments should be produced.

*Do I need to send anything else?*

You should enclose a list briefly describing each item you send. The list should state to which numbered paragraph(s) in the subpoena attachment each item responds. A copy of the subpoena should be included with the documents that are produced.

Passwords for documents, files, compressed archives, and encrypted media should be provided separately either via email addressed to [ENF-CPU@sec.gov](mailto:ENF-CPU@sec.gov), or in a separate cover letter mailed separately from the data.

Please include a cover letter stating whether you believe you have met your obligations under the subpoena by searching carefully and thoroughly for everything called for by the subpoena, and sending it all to us.

Please also provide a narrative description describing what you did to identify and collect documents responsive to the subpoena. At a minimum, the narrative should describe:

- who searched for documents;
- who reviewed documents found to determine whether they were responsive;
- what sources were searched (e.g., computer files, CDs, DVDs, thumb drives, flash drives, online storage media, hard copy files, diaries, datebooks, planners, filing cabinets, home office, work office, voice mails, home email, webmail, work email, backup tapes or other media);
- what third parties, if any, were contacted to obtain responsive documents (e.g., phone companies for phone records, brokerage firms for brokerage records); and
- where the original electronic and hardcopy documents are maintained and by whom.

*What if I do not send everything described in the attachment to the subpoena?*

The subpoena requires you to send all the materials described in it. If, for any reason – including a claim of attorney-client privilege – you do not produce something called for by the subpoena, you should submit a list of what you are not producing. The list should describe each item separately, noting:

- its author(s);
- its date;
- its subject matter;
- the name of the person who has the item now, or the last person known to have it;
- the names of everyone who ever had the item or a copy of it, and the names of everyone who was told the item's contents;
- the reason you did not produce the item; and
- the specific request in the subpoena to which the document relates.

If you withhold anything on the basis of a claim of attorney-client privilege or attorney work product protection, you should identify the attorney and client involved. If you withhold anything on the basis of the work product doctrine, you should also identify the litigation in anticipation of which the document was prepared.

If documents responsive to this subpoena no longer exist because they have been lost, discarded, or otherwise destroyed, you should identify such documents and give the date on which they were lost, discarded or destroyed.

*Where should I send the materials?*

Please send the materials to:

ENF-CPU  
U.S. Securities and Exchange Commission  
100 F St., N.E., Mailstop 5973  
Washington, DC 20549-5973

For smaller electronic productions under 10MB in size, the materials may be emailed to the following email address: [REDACTED].

### **Testifying**

*Where and when do I testify?*

The subpoena requires you to come to the Commission's offices at 801 Cherry Street, Suite 1900 at **9:30 a.m. on January 19, 2017** to testify under oath in the matter identified on the subpoena.

A background questionnaire is also enclosed. During your testimony, the staff intends to ask background questions concerning, among other things, your residences, telephone numbers, education and employment. To expedite that part of the testimony, we request that you complete the enclosed questionnaire on a voluntary basis and provide it to the staff prior to your testimony.

### **Other Important Information**

*May I have a lawyer help me respond to the subpoena?*

Yes. You have the right to consult with and be represented by your own lawyer in this matter. Your lawyer may also advise and accompany you when you testify. We cannot give you legal advice.

*What will the Commission do with the materials I send and/or the testimony I provide?*

The enclosed SEC Form 1662 explains how we may use the information you provide to the Commission. This form also has other important information for you. Please read it carefully.

*Has the Commission determined that anyone has done anything wrong?*

This investigation is a non-public, fact-finding inquiry. We are trying to determine whether there have been any violations of the federal securities laws. The investigation and the subpoena do not mean that we have concluded that you or anyone else has violated the law. Also, the investigation does not mean that we have a negative opinion of any person, entity or security.

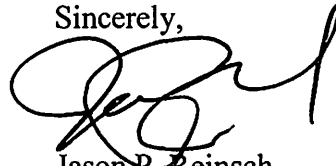
*Important Policy Concerning Settlements*

Please note that, in any matter in which enforcement action is ultimately deemed to be warranted, the Division of Enforcement will not recommend any settlement to the Commission unless the party wishing to settle certifies, under penalty of perjury, that all documents responsive to Commission subpoenas and formal and informal document requests in this matter have been produced.

*I have read this letter, the subpoena, and the SEC Form 1662, but I still have questions. What should I do?*

If you have any other questions, you may call me at (817) 900-2601. If you are represented by a lawyer, you should have your lawyer contact me.

Sincerely,



Jason P. Reinsch  
Enforcement Attorney  
Division of Enforcement

Enclosures: Subpoena and Attachment  
SEC Data Delivery Standards  
SEC Form 1662  
Background Questionnaire



## SUBPOENA

### UNITED STATES OF AMERICA SECURITIES AND EXCHANGE COMMISSION

**In the Matter of Bryant United Capital Funding, Inc. (FW-04150)**

To: Thurman P. Bryant, III  
5343 Buena Vista Dr.  
Frisco, Texas 75034

☒ **YOU MUST PRODUCE** everything specified in the Attachment to this subpoena to officers of the Securities and Exchange Commission, at the place, date and time specified below:

ENF-CPU, U.S. Securities and Exchange Commission, 100 F St., N.E., Mailstop 5973,  
Washington, DC 20549-5973, no later than December 30, 2016 at 9:30 a.m.

☒ **YOU MUST TESTIFY** before officers of the Securities and Exchange Commission, at the place, date and time specified below:

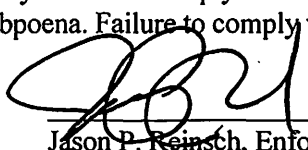
Securities and Exchange Commission, Fort Worth Regional Office, 801  
Cherry St., Suite 1900, Fort worth, Texas on January 19, 2017 at 9:30 a.m.

---

**FEDERAL LAW REQUIRES YOU TO COMPLY WITH THIS SUBPOENA.**

If you do not comply with this subpoena, the SEC may bring an action in Federal Court to enforce this subpoena. Failure to comply with a court order enforcing this subpoena may result in the court imposing a fine, imprisonment, or both.

By:

  
Jason P. Reinsch, Enforcement Attorney  
U.S. Securities and Exchange Commission  
801 Cherry St., Suite 1900  
Fort Worth, Texas 76102

Date:

December 16, 2016

I am an officer of the U.S. Securities and Exchange Commission authorized to issue subpoenas in this matter. The Securities and Exchange Commission has issued a formal order authorizing this investigation under: Section 20(a) of the Securities Act of 1933, and Section 21(a) of the Securities Exchange Act of 1934.

---

NOTICE TO WITNESS:

If you claim a witness fee or mileage, submit this subpoena with the claim voucher.

**SUBPOENA ATTACHMENT FOR THURMAN P. BRYANT, III**

**December 16, 2016**

**In the Matter of Bryant United Capital Funding, Inc. (FW-04150)**

**A. Definitions**

As used in this subpoena, the words and phrases listed below shall have the following meanings:

1. “Bryant United” means the entity doing business under the name “Bryant United Capital Funding, Inc.” including parents (including but not limited to Bryant United Holdings, Inc.), subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Bryant United” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Bryant United.
2. “Person” means a natural person, firm, association, organization, partnership, business, trust, corporation, bank or any other private or public entity.
3. A “Representative” of a Person means any present or former family members, officers, executives, partners, joint-venturers, directors, trustees, employees, consultants, accountants, attorneys, agents, or any other representative acting or purporting to act on behalf of the Person.
4. “Bryant” means (i) Thurman (Trey) P. Bryant, III, SSN [REDACTED] and/or (ii) any present or former representative of Bryant.
5. “Document” shall include, but is not limited to, any written, printed, or typed matter including, but not limited to all drafts and copies bearing notations or marks not found in the original, letters and correspondence, interoffice communications, slips, tickets, records, worksheets, financial records, accounting documents, bookkeeping documents, memoranda, reports, manuals, telephone logs, telegrams, facsimiles, messages of any type, telephone messages, voice mails, tape recordings, notices, instructions, minutes, summaries, notes of meetings, file folder markings, and any other organizational indicia, purchase orders, information recorded by photographic process, including microfilm and microfiche, computer printouts, spreadsheets, and other electronically stored information, including but not limited to writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations that are stored in any medium from which information can be retrieved, obtained, manipulated, or translated.
6. “Communication” means any correspondence, contact, discussion, e-mail, instant message, or any other kind of oral or written exchange or transmission of information (in the form of facts, ideas, inquiries, or otherwise) and any response thereto between two or more Persons or entities, including, without limitation, all telephone conversations, face-to-face meetings or conversations, internal or external discussions, or exchanges of a Document or Documents.



7. “Concerning” means directly or indirectly, in whole or in part, describing, constituting, evidencing, recording, evaluating, substantiating, concerning, referring to, alluding to, in connection with, commenting on, relating to, regarding, discussing, showing, describing, analyzing or reflecting.
8. An “Agreement” means any actual or contemplated (i) written or oral Agreement; (ii) term or provision of such Agreement; or (iii) amendment of any nature or termination of such Agreement. A request for any Agreement among or between specified parties includes a request for all Documents Concerning (i) any actual or contemplated Agreement among or between such parties, whether or not such Agreement included any other Person; (ii) the drafting or negotiation of any such Agreement; (iii) any actual or contemplated demand, request or application for any such Agreement, and any response thereto; and (iv) any actual or contemplated objection or refusal to enter into any such Agreement, and any response thereto.
9. The terms “Reviewed” means examined, assessed, considered, analyzed or evaluated.
10. The term “you” and “your” means the Person or entity to whom this subpoena was issued.
11. To the extent necessary to bring within the scope of this subpoena any information or Documents that might otherwise be construed to be outside its scope:
  - a. the word “or” means “and/or”;
  - b. the word “and” means “and/or”;
  - c. the functional words “each,” “every” “any” and “all” shall each be deemed to include each of the other functional words;
  - d. the masculine gender includes the female gender and the female gender includes the masculine gender; and
  - e. the singular includes the plural and the plural includes the singular.

**B. Instructions**

1. Unless otherwise specified, the subpoena calls for production of the original Documents and all copies and drafts of same. Documents responsive to this subpoena may be in electronic or paper form. Electronic Documents such as email should be produced in accordance with the attached Document entitled SEC Data Delivery Standards. All electronic Documents responsive to the Document subpoena, including all metadata, should also be produced in their native software format.
2. For Documents in paper format, you may send the originals, or, if you prefer, you may send copies of the originals. The Commission cannot reimburse you for the copying costs. If you are sending copies, the staff requests that you scan (rather

than photocopy) hard copy Documents and produce them in an electronic format consistent with the SEC Data Delivery Standards. Alternatively, you may send us photocopies of the Documents in paper format. If you choose to send copies, you must secure and retain the originals and store them in a safe place. The staff may later request or require that you produce the originals.

3. Whether you scan or photocopy Documents, the copies must be identical to the originals, including even faint marks or print. Also, please note that if copies of a Document differ in any way, they are considered separate Documents and you must send each one. For example, if you have two copies of the same letter, but only one of them has handwritten notes on it, you must send both the clean copy and the one with notes.
4. In producing a photocopy of an original Document that contains post-it(s), notation flag(s), or other removable markings or attachments which may conceal all or a portion of the markings contained in the original Document, photocopies of the original Document both with and without the relevant post-it(s), notation flag(s), or removable markings or attachments should be produced.
5. Documents should be produced as they are kept in the ordinary course of business or be organized and labeled to correspond with the categories in this request. In that regard, Documents should be produced in a unitized manner, i.e., delineated with staples or paper clips to identify the Document boundaries.
6. Documents should be labeled with sequential numbering (bates-stamped).
7. You must produce all Documents created during, or Concerning, the period January 1, 2012 to the present, unless otherwise specified.
8. The scope of any given request should not be limited or narrowed based on the fact that it calls for Documents that are responsive to another request.
9. You are not required to produce exact duplicates of any Documents that have been previously produced to the Securities and Exchange Commission staff **in connection with this matter**. If you are not producing Documents based upon a prior production, please identify the responsive Documents that were previously produced.
10. This subpoena covers all Documents in or subject to your possession, custody or control, including all Documents that are not in your immediate possession but that you have the ability to obtain, that are responsive, in whole or in part, to any of the individual requests set forth below. If, for any reason – including a claim of attorney-client privilege – you do not produce something called for by the request, you should submit a list of what it is not producing. The list should describe each item separately, noting:
  - a. its author(s);
  - b. its date;

- c. its subject matter;
  - d. the name of the Person who has the item now, or the last Person known to have it;
  - e. the names of everyone who ever had the item or a copy of it, and the names of everyone who was told the item's contents;
  - f. the basis upon which you are not producing the responsive Document;
  - g. the specific request in the subpoena to which the Document relates;
  - h. the attorney(s) and the client(s) involved; and
  - i. in the case of the work product doctrine, the litigation for which the Document was prepared in anticipation.
11. If Documents responsive to this subpoena no longer exist because they have been lost, discarded, or otherwise destroyed, you should identify such Documents and give the date on which they were lost, discarded or destroyed.

**C. Documents to be Produced**

- 1. Documents sufficient to disclose all of your employers from January 1, 2012 through present, as well as your title(s), dates of affiliation with each employer, and salary or other compensation;
- 2. Documents sufficient to identify the nature of your relationship with Bryant United and all salary or other compensation you have received from Bryant United from January 1, 2012 through present;
- 3. All Documents Concerning agreements or contracts between you and Bryant United;
- 4. For each year from January 1, 2012 through present, Documents sufficient to disclose your annual income and all sources of income;
- 5. Documents sufficient to disclose all domestic and foreign bank, brokerage, or other financial accounts in your name or for your benefit, or over which you have any control;
- 6. Documents sufficient to disclose all of your other assets over \$1,000 in value, including the current location of all such assets;
- 7. Documents sufficient to disclose the corporate structure of Bryant United, including, but not limited to, the date and place of establishment, organization, and, if applicable, incorporation;
- 8. Documents sufficient to identify all officers, directors, principals, owners shareholders, employees, and all others acting on behalf of Bryant United, and Documents sufficient to disclose, for each individual identified in response to this Item:
  - a. title;

- b. dates of affiliation with Bryant United;
  - c. current or last known home address and telephone number;
  - d. current or last known employment address and telephone number; and
  - e. salary or other compensation for each year from January 1, 2012 through present;
- 9. Documents sufficient to disclose all domestic and foreign bank, brokerage, or other financial accounts held by or on behalf of Bryant United from January 1, 2012 through present;
  - 10. Documents sufficient to disclose all other assets held by or on behalf of Bryant United;
  - 11. Documents sufficient to identify all individuals and entities for whom Bryant United performs or has performed services of any kind and the nature of the services performed;
  - 12. Documents sufficient to identify all Bryant United investors by name, address, and telephone number;
  - 13. For each investor identified in response to Item 12 above, Documents sufficient to disclose
    - a. the amount invested,
    - b. the date(s) of investments, and
    - c. whether, when, and how much of each investors' principal has been returned to them;
  - 14. For each investor identified in response to Item 12 above, all Documents Concerning agreements or contracts between Bryant United and the investor and all Documents that reflect terms of investments;
  - 15. For each investor identified in response to Item 12 above, all periodic or other account statements;
  - 16. For each investor identified in response to Item 12 above, all Documents Concerning the investment of (or other use of) their funds by Bryant United and the current location of investor funds;
  - 17. Documents sufficient to identify all individuals or entities who were solicited as potential investors but did not ultimately invest in Bryant United;
  - 18. All Documents Concerning communications between Bryant United and investors or potential investors in Bryant United; and

19. To the extent not provided in response to other Items, all Documents Concerning the following:
  - a. Bryant United;
  - b. Bryant United Holdings, Inc.;
  - c. all Bryant United investors; and
  - d. all individuals or entities who were solicited as potential investors but did not ultimately invest in Bryant United.
20. Documents sufficient to identify the nature of your relationship with Bryant United Holdings, Inc. and all salary or other compensation you have received from Bryant United Holdings, Inc. from January 1, 2012 through present.

12/16/2016

UPS CampusShip: Shipment Label

<div>SEC FORT WORTH 801 CHERRY ST FORT WORTH TX 76102</div> <div><b>SHIP TO:</b> THURMAN BRYANT, III 5343 BUENA VISTA DR. FRISCO TX 75034-2254</div>	
	<div>0.5 LBS LTR 1 OF 1</div> <div><b>TX 753 5-88</b></div> <div></div>
<div><b>UPS NEXT DAY AIR</b></div> <div>TRACKING #: 1Z A37 81X 24 9394 3834</div>	
	
<div>BILLING: P/P SIGNATURE REQUIRED</div> <div><div>CS 18.5.48. WNTNV50 81.0A 10/2016</div><div></div></div>	





## Proof of Delivery

Close Window

**Dear Customer,**

**This notice serves as proof of delivery for the shipment listed below.**

<b>Tracking Number:</b>	1ZA3781X2493943834
<b>Service:</b>	UPS Next Day Air®
<b>Special Instructions:</b>	Signature Required
<b>Weight:</b>	.50 lb
<b>Shipped/Billed On:</b>	12/16/2016
<b>Delivered On:</b>	12/19/2016 5:40 P.M.
<b>Delivered To:</b>	FRISCO, TX, US
<b>Received By:</b>	BRYANT

[illegible]

**Left At:** Residential

**Thank you for giving us this opportunity to serve you.**

Sincerely,

UPS

Tracking results provided by UPS: 01/12/2017 10:29 A.M. ET

[Print This Page](#)

Close Window



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION

Fort Worth Regional Office  
801 Cherry Street, Suite 1900  
Fort Worth, Texas 76102

DIVISION OF ENFORCEMENT

Jason P. Reinsch  
Enforcement Attorney  
(817) 900-2601

March 20, 2017

Via UPS

Thurman (Trey) P. Bryant, III  
c/o Dan Waller  
Glast, Phillips & Murray, P.C.  
14801 Quorum Dr., Suite 500  
Dallas, Texas 75254

Re: In the Matter of Bryant United Capital Funding, Inc. (FW-04150)

Dear Mr. Waller:

Pursuant to Rule 8 of the United States Securities and Exchange Commission's Rules Relating to Investigations, 17 C.F.R. § 203.8, and your agreement to accept service, I have enclosed a subpoena for documents and testimony issued to your client, Thurman (Trey) P. Bryant, III, in connection with the above-referenced formal investigation. The subpoena requires Mr. Bryant to produce documents by March 31, 2017 to the SEC's Fort Worth Regional Office.

Please send the materials to:

ENF-CPU  
U.S. Securities and Exchange Commission  
100 F St., N.E., Mailstop 5973  
Washington, DC 20549-5973

For smaller electronic productions under 10MB in size, the materials may be emailed to the following email address: [REDACTED]

The subpoena also requires Mr. Bryant to appear for testimony on May 4, 2017 at 9:30 a.m. at the above address.

Please carefully read the subpoena attachment, which contains, among other things, important instructions related to the manner of producing documents. In particular, if your client prefers to send us copies of original documents, **the staff requests that you scan and produce hard copy documents, as well as electronic documents, in an electronic format consistent**

**with the SEC Data Delivery Standards attached hereto. All electronic documents responsive to the document subpoena, including all metadata, should also be produced in their native software format.** If you have any questions concerning the production of documents in an electronic format, please contact me as soon as possible and in any event before producing documents.

In your cover letter(s) accompanying the production of responsive documents, please enclose a list briefly describing each item you send. The list should state to which paragraph(s) in the subpoena attachment each item responds. Please also state in the cover letter(s) whether you believe your client has met his obligations under the subpoena by searching carefully and thoroughly for everything called for by the subpoena, and sending it all to us. A copy of the subpoena should be included with the documents that are produced.

Passwords for documents, files, compressed archives, and encrypted media should be provided separately either via email addressed to [REDACTED] or in a separate cover letter mailed separately from the data.

Please also provide a narrative description describing what was done to identify and collect documents responsive to the subpoena. At a minimum, the narrative should describe:

- who searched for documents;
- who reviewed documents found to determine whether they were responsive;
- which custodians were searched;
- what sources were searched (e.g., computer files, CDs, DVDs, thumb drives, flash drives, online storage media, hard copy files, diaries, datebooks, planners, filing cabinets, storage facilities, home offices, work offices, voice mails, home email, webmail, work email, backup tapes or other media);
- what search terms, if any, were employed to identify responsive documents;
- what firms and/or persons, if any, assisted in analyzing the data collected;
- what third parties, if any, were contacted to obtain responsive documents (e.g., phone companies for phone records, brokerage firms for brokerage records); and
- where the original electronic and hardcopy documents are maintained and by whom.

A background questionnaire is also enclosed. During your client's testimony, the staff intends to ask background questions concerning, among other things, your client's residences, telephone numbers, education and employment. To expedite that part of the testimony, we request that your client complete the enclosed questionnaire on a voluntary basis and provide it to the staff prior to your client's testimony.

Please note that, in any matter in which enforcement action is ultimately deemed to be warranted, the Division of Enforcement will not recommend any settlement to the Commission unless the party wishing to settle certifies, under penalty of perjury, that all documents responsive to Commission subpoenas and formal and informal document requests in this matter have been produced.

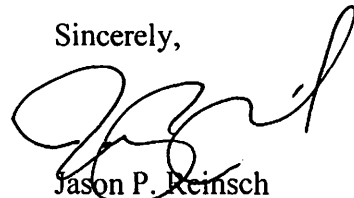
March 20, 2017

Page 3

This investigation is a non-public, fact-finding inquiry. We are trying to determine whether there have been any violations of the federal securities laws. The investigation and the subpoena do not mean that we have concluded that your client or anyone else has violated the law. Also, the investigation does not mean that we have a negative opinion of any person, entity or security. Enclosed are copies of the Commission's Form 1662 entitled "Supplemental Information for Persons Requested to Supply Information Voluntarily or Directed to Supply Information Pursuant to a Commission Subpoena." Form 1662 explains how we may use the information your client provides to the Commission and has other important information. Please provide a copy of this form to your client.

If you have any questions or would like to discuss this matter, you may call me at 817-900-2601.

Sincerely,



Jason P. Reinsch  
Enforcement Attorney  
Division of Enforcement

Enclosures: Subpoena, Attachment, and Exhibits A and B thereto  
SEC Data Delivery Standards  
SEC Form 1662  
Background Questionnaire



## SUBPOENA

### UNITED STATES OF AMERICA SECURITIES AND EXCHANGE COMMISSION

**In the Matter of Bryant United Capital Funding (FW-04150)**

To: Thurman (Trey) P. Bryant, III  
c/o Dan Waller  
Glast, Phillips & Murray, P.C.  
14801 Quorum Dr., Suite 500  
Dallas, Texas 75254

☒ **YOU MUST PRODUCE** everything specified in the Attachment to this subpoena to officers of the Securities and Exchange Commission, at the place, date and time specified below:  
ENF-CPU, U.S. Securities and Exchange Commission, 100 F St., N.E., Mailstop 5973,  
Washington, DC 20549-5973, no later than March 31, 2017 at 9:30 a.m.

☒ **YOU MUST TESTIFY** before officers of the Securities and Exchange Commission, at the place, date and time specified below:  
Securities and Exchange Commission, Fort Worth Regional Office, 801  
Cherry Street, Suite 1900, Fort Worth, Texas on May 4, 2017 at 9:30 a.m.

---

**FEDERAL LAW REQUIRES YOU TO COMPLY WITH THIS SUBPOENA.**

If you do not comply with this subpoena, the SEC may bring an action in Federal Court to enforce this subpoena. Failure to comply with a court order enforcing this subpoena may result in the court imposing a fine, imprisonment, or both.

By:

Jason P. Reinsch, Enforcement Attorney  
U.S. Securities and Exchange Commission  
801 Cherry Street, Suite 1900  
Fort Worth, Texas 76102

Date:

March 20, 2017

I am an officer of the U.S. Securities and Exchange Commission authorized to issue subpoenas in this matter. The Securities and Exchange Commission has issued a formal order authorizing this investigation under: Section 20(a) of the Securities Act of 1933, Section 21(a) of the Securities Exchange Act of 1934.

---

NOTICE TO WITNESS: If you claim a witness fee or mileage, submit this subpoena with the claim voucher.

**SUBPOENA ATTACHMENT FOR THURMAN (TREY) P. BRYANT, III**  
**March 20, 2017**  
In the Matter of Bryant United Capital Funding, Inc. (FW-04150)

**A. Definitions**

As used in this subpoena, the words and phrases listed below shall have the following meanings:

1. “Bryant United” means the entity doing business under the name “Bryant United Capital Funding, Inc.” including parents (including but not limited to Bryant United Holdings, Inc.), subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Bryant United” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Bryant United.
2. “Wammel Group” means the entity doing business under the name “Wammel Group LLC” including parents, subsidiaries, affiliates, predecessors, successors, officers, directors, members, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing including but not limited to WSG Equity Partners LLC. “Wammel Group” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Wammel Group.
3. “Global Motorcars” means the entity doing business under the name “Global Motorcars of Houston, LLC” f/k/a Houston Luxury Car Rental including parents, subsidiaries, affiliates, predecessors, successors, officers, directors, members, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Global Motorcars” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Global Motorcars.
4. “Summus” means the entity doing business under the name “Summus Investment Holdings, LLC” including parents, subsidiaries, affiliates, predecessors, successors, officers, directors, members, employees, agents, general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Summus” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Summus.
5. “Black Gold” means the entity doing business under the name “Black Gold Investments Holdings Inc.” including parents, subsidiaries, affiliates,



predecessors, successors, officers, directors, members, employees, agents (including but not limited to Blake Ducharme), general partners, limited partners, partnerships and aliases, code names, or trade or business names used by any of the foregoing. “Black Gold” also includes investment vehicles, funds, or any other investment entities managed, controlled, or created by Black Gold.

6. “Person” means a natural person, firm, association, organization, partnership, business, trust, corporation, bank or any other private or public entity.
7. A “Representative” of a Person means any present or former family members, officers, executives, partners, joint-venturers, directors, trustees, employees, consultants, accountants, attorneys, agents, or any other representative acting or purporting to act on behalf of the Person.
8. “Bryant”, “you” and “your” means (i) Thurman (Trey) P. Bryant, III, SSN [REDACTED] and/or (ii) any present or former representative of Bryant.
9. “Wammel” means (i) Arthur Franz Wammel, SSN [REDACTED], and/or (ii) any present or former representative of Wammel.
10. “Document” shall include, but is not limited to, any written, printed, or typed matter including, but not limited to all drafts and copies bearing notations or marks not found in the original, letters and correspondence, interoffice communications, slips, tickets, records, worksheets, financial records, accounting documents, bookkeeping documents, memoranda, reports, manuals, telephone logs, telegrams, facsimiles, messages of any type, telephone messages, voice mails, tape recordings, notices, instructions, minutes, summaries, notes of meetings, file folder markings, and any other organizational indicia, purchase orders, information recorded by photographic process, including microfilm and microfiche, computer printouts, spreadsheets, and other electronically stored information, including but not limited to writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations that are stored in any medium from which information can be retrieved, obtained, manipulated, or translated.
11. “Communication” means any correspondence, contact, discussion, e-mail, instant message, or any other kind of oral or written exchange or transmission of information (in the form of facts, ideas, inquiries, or otherwise) and any response thereto between two or more Persons or entities, including, without limitation, all telephone conversations, face-to-face meetings or conversations, internal or external discussions, or exchanges of a Document or Documents.

12. “Concerning” means directly or indirectly, in whole or in part, describing, constituting, evidencing, recording, evaluating, substantiating, concerning, referring to, alluding to, in connection with, commenting on, relating to, regarding, discussing, showing, describing, analyzing or reflecting.
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14. The terms “Reviewed” means examined, assessed, considered, analyzed or evaluated.
15. The term “you” and “your” means the Person or entity to whom this subpoena was issued.
16. To the extent necessary to bring within the scope of this subpoena any information or Documents that might otherwise be construed to be outside its scope:
  - a. the word “or” means “and/or”;
  - b. the word “and” means “and/or”;
  - c. the functional words “each,” “every” “any” and “all” shall each be deemed to include each of the other functional words;
  - d. the masculine gender includes the female gender and the female gender includes the masculine gender; and
  - e. the singular includes the plural and the plural includes the singular.

**B. Instructions**

1. Unless otherwise specified, the subpoena calls for production of the original Documents and all copies and drafts of same. Documents responsive to this subpoena may be in electronic or paper form. Electronic Documents such as email should be produced in accordance with the attached Document entitled SEC Data Delivery Standards. All electronic Documents responsive to the Document subpoena, including all metadata, should also be produced in their native software format.

2. For Documents in paper format, you may send the originals, or, if you prefer, you may send copies of the originals. The Commission cannot reimburse you for the copying costs. If you are sending copies, the staff requests that you scan (rather than photocopy) hard copy Documents and produce them in an electronic format consistent with the SEC Data Delivery Standards. Alternatively, you may send us photocopies of the Documents in paper format. If you choose to send copies, you must secure and retain the originals and store them in a safe place. The staff may later request or require that you produce the originals.
3. Whether you scan or photocopy Documents, the copies must be identical to the originals, including even faint marks or print. Also, please note that if copies of a Document differ in any way, they are considered separate Documents and you must send each one. For example, if you have two copies of the same letter, but only one of them has handwritten notes on it, you must send both the clean copy and the one with notes.
4. In producing a photocopy of an original Document that contains post-it(s), notation flag(s), or other removable markings or attachments which may conceal all or a portion of the markings contained in the original Document, photocopies of the original Document both with and without the relevant post-it(s), notation flag(s), or removable markings or attachments should be produced.
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6. Documents should be labeled with sequential numbering (bates-stamped).
7. You must produce all Documents created during, or Concerning, the period January 1, 2010 to the present, unless otherwise specified.
8. The scope of any given request should not be limited or narrowed based on the fact that it calls for Documents that are responsive to another request.
9. You are not required to produce exact duplicates of any Documents that have been previously produced to the Securities and Exchange Commission staff **in connection with this matter**. If you are not producing Documents based upon a prior production, please identify the responsive Documents that were previously produced.
10. For any Documents that qualify as records of regularly conducted

activities under Federal Rule of Evidence 902(11).

11. This subpoena covers all Documents in or subject to your possession, custody or control, including all Documents that are not in your immediate possession but that you have the effective ability to obtain, that are responsive, in whole or in part, to any of the individual requests set forth below. If, for any reason – including a claim of attorney-client privilege – you do not produce something called for by the request, you should submit a list of what you are not producing. The list should describe each item separately, noting:
  - a. its author(s);
  - b. its date;
  - c. its subject matter;
  - d. the name of the Person who has the item now, or the last Person known to have it;
  - e. the names of everyone who ever had the item or a copy of it, and the names of everyone who was told the item's contents;
  - f. the basis upon which you are not producing the responsive Document;
  - g. the specific request in the subpoena to which the Document relates;
  - h. the attorney(s) and the client(s) involved; and
  - i. in the case of the work product doctrine, the litigation for which the Document was prepared in anticipation.
12. If Documents responsive to this subpoena no longer exist because they have been lost, discarded, or otherwise destroyed, you should identify such Documents and give the date on which they were lost, discarded or destroyed.

**C. Documents to be Produced**

1. All tax returns, tax filings, or documents provided to the IRS, including all supporting documentation for you from tax years 2010 to present;
2. All tax returns, tax filings or documents provided to the IRS, including all supporting documentation for Bryant United from tax years 2010 to present;
3. All tax forms or tax schedules provided to any investors, member, or limited partners of Bryant United from tax years 2010 to present;
4. Documents sufficient to identify all accountants or other persons you or Bryant United used to prepare any tax returns, tax filings, documents provided to the IRS, and tax forms or tax schedules provided to any investors, member, or limited partners of Bryant United from tax years 2010 to present;

5. All Documents Concerning Communications between you or Bryant United and Global Motorcars;
6. All Documents Concerning Communications between you or Bryant United and investors or potential investors in Global Motorcars;
7. All Documents Concerning agreements or contracts between you or Bryant United and Global Motorcars;
8. Documents sufficient to identify the nature of your and/or Bryant United's relationship with Global Motorcars and all salary or other compensation you and/or Bryant United have received from Global Motorcars from January 1, 2010 through present;
9. All Documents used or referred to by you or Bryant United to calculate or determine any payments made to Global Motorcars;
10. All Documents Concerning the terms, dates, principal balance, interest rate, escrow balance, or amount of monthly payments of any loans by and between you or Bryant United on the one hand and Global Motorcars on the other;
11. All Documents Concerning Communications between you or Bryant United and Summus;
12. All Documents Concerning communications between you or Bryant United and investors or potential investors in Summus;
13. All Documents Concerning agreements or contracts between you or Bryant United and Summus;
14. Documents sufficient to identify the nature of your or Bryant United relationship with Summus and all salary or other compensation you or Bryant United have received from Summus from January 1, 2010 through present;
15. All Documents used or referred to by you or Bryant United to calculate or determine any payments made to Summus;
16. All Documents Concerning the terms, dates, principal balance, interest rate, escrow balance, or amount of monthly payments of any loans by and between you or Bryant United on the one hand and Summus on the other;
17. All Documents Concerning Communications between you or Bryant United and Black Gold from January 1, 2008 through present;
18. All Documents Concerning Communications between you or Bryant United and investors or potential investors in Black Gold from January 1, 2008 through present;
19. All Documents Concerning agreements or contracts between you or Bryant United and Black Gold from January 1, 2008 through present;

20. Documents sufficient to identify the nature of your and/or Bryant United's relationship with Black Gold and all salary or other compensation you and/or Bryant United have received from Black Gold from January 1, 2008 through present;
21. All Documents used or referred to by you or Bryant United to calculate or determine any payments made to Black Gold;
22. All Documents Concerning the terms, dates, principal balance, interest rate, escrow balance, or amount of monthly payments of any loans by and between you or Bryant United on the one hand and Black Gold on the other;
23. All Documents used or referred to by you or Bryant United to calculate or determine the following values as set forth in the account statements for each investor, member, or limited partner (present or former) of Bryant United (see, by way of example only, Exhibit A attached hereto for items "a." through "p.", Exhibit B for items "b.", "e.", "g.", "i.", "j.", "n.", and "r." through "z."):
  - a. Escrow Capital Balance;
  - b. Available Disbursement;
  - c. Qualified Referral Bonus;
  - d. Deferred Referral Bonus;
  - e. Scheduled Disbursement;
  - f. Monthly Reinvested;
  - g. Payment Date;
  - h. Calculated Account Balance;
  - i. Beneficiary of Account;
  - j. Rate of Annual Return;
  - k. Guaranteed Monthly Earnings
  - l. The graph listing "Guaranteed Annual Earnings", "Paid Monthly Earnings", "Reinvested Monthly Earnings", "Referral Earnings", and "Total Earnings (YTD)";
  - m. Additional Investment Deposit;
  - n. Disbursed Earnings (YTD);



- o. Reinvested Earnings (YTD);
  - p. Accumulated Account Balance; or
  - q. Partner Vested Interest;
  - r. Qualified Bonus;
  - s. Deferred Qualified Bonus;
  - t. Monthly Retained;
  - u. Calculated Partner Interest;
  - v. Monthly Earnings;
  - w. The graph listing “Partner Annual Earnings”, “Paid Monthly Earnings”, “Retained Monthly Earnings”, “Qualified Bonus”, and “Total Earnings (YTD)”;
  - x. Additional Partner Deposit;
  - y. Retained Earnings (YTD);
  - z. Accumulated Partner Value; and
  - aa. Any other data or values included on any account statements.
24. All Documents used or referred to by you or Bryant United to calculate or determine any payments made to or from Wammel Group; and
25. All Documents Concerning the terms, dates, principal balance, interest rate, escrow balance, or amount of monthly payments of any loans by and between you or Bryant United on the one hand and Wammel Group or Wammel on the other.

**STATEMENT****Bryant United Capital Funding, Inc.**

PRIVATE EQUITY • ASSET MANAGEMENT

MEMBER ID # 12-1041

STATEMENT DATE: NOVEMBER 28, 2016

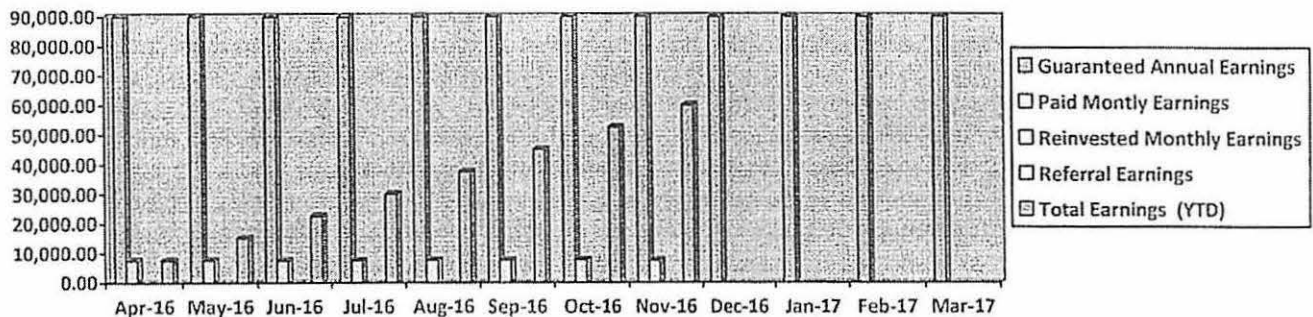
STATEMENT TERM: OCT 22, 2016 - NOV 18, 2016

24044 Cinco Village Center Blvd  
Ste.100  
Katy, TX 77494  
Phone 1.866.580.3525  
Fax 281.860.7651  
office@bryantunited.com

TO Howard W. Acton

Escrow Capital Balance	Available Disbursement	Qualified Referral Bonus	Deferred Referral Bonus	Scheduled Disbursement	Monthly Reinvested	Payment Date
\$300,000.00	\$7,500.00	\$0.00	\$0.00	\$7,500.00	\$0.00	12/03/2016

CALCULATED ACCOUNT BALANCE	BENEFICIARY OF ACCOUNT	RATE OF ANNUAL RETURN	GUARANTEED MONTHLY EARNINGS
\$300,000.00 USD	Howard & Karen Acton	30%	\$7,500.00



ADDITIONAL INVESTMENT DEPOSIT	DISBURSED EARNINGS (YTD)	REINVESTED EARNINGS (YTD)	ACCUMULATED ACCOUNT BALANCE
\$0.00	\$60,000.00	\$0.00	\$300,000.00

**Messages/Notes:**

Congratulations on your Nov-2016 monthly Earning! You are currently set up for monthly disbursements. Your next scheduled disbursement date will be Dec 03, 2016.

**Exhibit**  
**A**

App. 0174

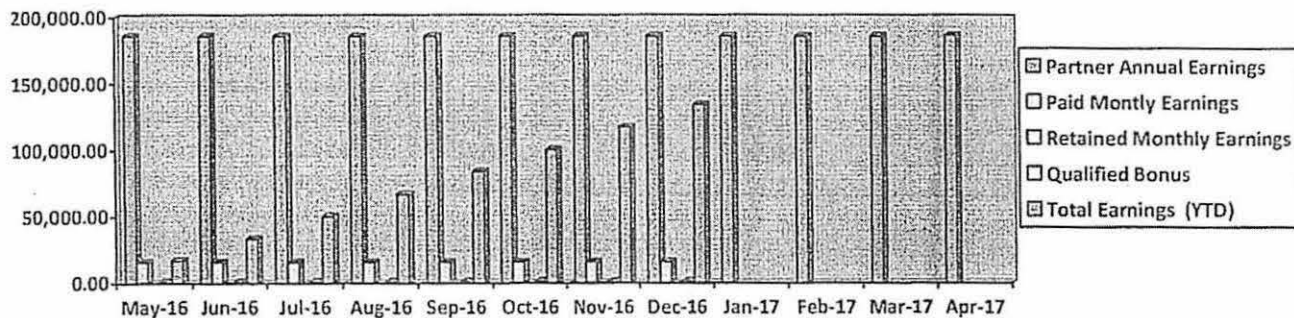
THANK YOU FOR YOUR TRUST!

FOIA Confidential Treatment Requested — Bryant United - 000168

**STATEMENT****Bryant United Capital Funding, Inc.**STATEMENT DATE: DECEMBER 28, 2016  
STATEMENT TERM: NOV 19, 2016 - DEC 16, 201624044 Cinco Village Center Blvd  
Ste. 100  
Katy, TX 77494  
Phone 1.866.580.3525  
Fax 281.860.7651  
office@bryantunited.comTO Thurman P. Bryant, Jr.  
Judy Bryant  
[REDACTED]  
[REDACTED]

Partner Vested Interest	Available Disbursement	Qualified Bonus	Deferred Qualified Bonus	Scheduled Disbursement	Monthly Retained	Payment Date
\$550,000.00	\$15,750.00,	\$1,000.00	\$0.00	\$16,750.00	\$0.00	01/03/2017

CALCULATED PARTNER INTEREST	BENEFICIARY OF ACCOUNT	RATE OF ANNUAL RETURN	MONTHLY EARNINGS
\$550,000.00 USD	Thurman & Judy Bryant, Jr.	SET RATE	\$15,750.00



ADDITIONAL PARTNER DEPOSIT	DISBURSED EARNINGS (YTD)	RETAINED EARNINGS (YTD)	ACCUMULATED PARTNER VALUE
\$0.00	\$134,000.00	\$0.00	\$550,000.00

**Messages/Notes:**

Congratulations on your Dec-2016 Earnings! You are currently set up for monthly disbursements. Your next Scheduled disbursement date will be Jan 03, 2017.

**Exhibit**

App. B75





## U.S. Securities and Exchange Commission

### Data Delivery Standards

This document describes the technical requirements for paper and electronic document productions to the U.S. Securities and Exchange Commission (SEC). **\*\*Any questions or proposed file formats other than those described below must be discussed with the legal and technical staff of the SEC Division of Enforcement prior to submission.\*\***

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#### General Instructions

Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather than an image of a spreadsheet. (Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)

In the event produced files require the use of proprietary software not commonly found in the workplace, the SEC will explore other format options with the producing party.

The proposed use of file de-duplication methodologies or *computer-assisted review* or *technology-assisted review* (TAR) during the processing of documents must be discussed with and approved by the legal and technical staff of the Division of Enforcement (ENF). If your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production to the SEC.

General requirements for ALL document productions are:

1. A cover letter should be included with each production and include the following:
  - a. A list of each piece of media included in the production with its unique production volume number
  - b. A list of custodians, identifying the Bates range for each custodian.
  - c. The time zone in which the emails were standardized during conversion.
2. Data can be produced on CD, DVD, thumb drive, etc., using the media requiring the least number of deliverables and labeled with the following:
  - a. Case number
  - b. Production date
  - c. Producing party
  - d. Bates range
3. All submissions must be organized by custodian unless otherwise instructed.
4. All document family groups, i.e. email attachments, embedded files, etc., should be produced together and children files should follow parent files sequentially in the Bates numbering.
5. All load-ready collections should include only one data load file and one image pointer file.
6. All load-ready text must be produced as separate text files.
7. All load-ready collections should account for custodians in the custodian field.
8. Audio files should be separated from data files if both are included in the production.
9. Only alphanumeric characters and the underscore character are permitted in file names and folder names. Special characters are not permitted.
10. All electronic productions submitted on media must be produced using industry standard self-extracting encryption software.
11. Electronic productions may be submitted via Secure File Transfer. The SEC cannot accept productions made using file sharing sites.
12. Productions containing BSA or SARs material must be delivered on encrypted physical media. The SEC cannot accept electronic transmission of BSA or SARs material. Any BSA or SARs material produced should be segregated and appropriately marked as BSA or SARs material, or should be produced separately from other case related material.
13. Passwords for electronic documents, files, compressed archives and encrypted media must be provided separately either via email or in a separate cover letter from the media.
14. All electronic productions should be produced free of computer viruses.
15. Additional technical descriptions can be found in the addendum to this document.

\*Please note that productions sent to the SEC via United States Postal Service are subject to Mail Irradiation, and as a result electronic productions may be damaged.\*

## Delivery Formats

### I. **Concordance® Imaged Productions**

The SEC prefers that all documents and data be produced in a structured format prepared for Concordance. All scanned paper and electronic file collections should be converted to TIFF files, Bates numbered, and include fully searchable text files.

#### 1. **Images**

- a. Black and white images must be 300 DPI Group IV single-page TIFF files.
- b. Color images must be produced in JPEG format.
- c. File names cannot contain embedded spaces or special characters (including the comma).
- d. Folder names cannot contain embedded spaces or special characters (including the comma).
- e. All TIFF image files must have a unique file name, i.e. Bates number.
- f. Images must be endorsed with sequential Bates numbers in the lower right corner of each image.
- g. The number of TIFF files per folder should not exceed 500 files.
- h. Excel spreadsheets should have a placeholder image named by the Bates number of the file.
- i. AUTOCAD/photograph files should be produced as a single page JPEG file.

**2. Concordance Image® OR Opticon Cross-Reference File**

The image cross-reference file (.LOG or .OPT) links the images to the database records. It should be a comma-delimited file consisting of seven fields per line with a line in the cross-reference file for every image in the database with the following format:

*ImageID, VolumeLabel, ImageFilePath, DocumentBreak, FolderBreak, BoxBreak, PageCount*

**3. Concordance® Data File**

The data file (.DAT) contains all of the fielded information that will be loaded into the Concordance® database.

- a. The first line of the .DAT file must be a header row identifying the field names.
- b. The .DAT file must use the following Concordance® default delimiters:
  - Comma ¶ ASCII character (020)
  - Quote ¸ ASCII character (254)
- c. Date fields should be provided in the format: mm/dd/yyyy
- d. Date and time fields must be two separate fields.
- e. If the production includes imaged emails and attachments, the attachment fields must be included to preserve the parent/child relationship between an email and its attachments.
- f. An OCRPATH field must be included to provide the file path and name of the extracted text file on the produced storage media. The text file must be named after the FIRSTBATES. Do not include the text in the .DAT file.
- g. For productions with native files, a LINK field must be included to provide the file path and name of the native file on the produced storage media. The native file must be named after the FIRSTBATES.
- h. BEGATTACH and ENDATTACH fields must be two separate fields.
- i. A complete list of metadata fields is available in Addendum A to this document.

**4. Text**

Text must be produced as separate text files, not as fields within the .DAT file. The full path to the text file (OCRPATH) should be included in the .DAT file. We require document level ANSI text files, named per the FIRSTBATES/Image Key. Please note in the cover letter if any non-ANSI text files are included in the production. Extracted text files must be in a separate folder, and the number of text files per folder should not exceed 1,000 files. There should be no special characters (including commas in the folder names). For redacted documents, provide the full text for the redacted version.

**5. Linked Native Files**

Copies of original email and native file documents/attachments must be included for all electronic productions.

- a. Native file documents must be named per the FIRSTBATES number.
- b. The full path of the native file must be provided in the .DAT file for the LINK field.
- c. The number of native files per folder should not exceed 1,000 files.

**II. Native File Production without Load Files**

With prior approval, native files may be produced without load files. The native files must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. When approved, Outlook (.PST) and Lotus Notes (.NSF) email files may be produced in native file format. A separate folder should be provided for each custodian.

**III. Adobe PDF File Production**

With prior approval, Adobe PDF files may be produced in native file format.

1. PDF files should be produced in separate folders named by the custodian. The folders should not contain any special characters (including commas).
2. All PDFs must be unitized at the document level, i.e., each PDF must represent a discrete document.
3. All PDF files must contain embedded text that includes all discernible words within the document, not selected text or image only. This requires all layers of the PDF to be flattened first.
4. If PDF files are Bates endorsed, the PDF files must be named by the Bates range.



#### IV. Audio Files

Audio files from telephone recording systems must be produced in a format that is playable using Microsoft Windows Media Player™. Additionally, the call information (metadata) related to each audio recording MUST be provided. The metadata file must be produced in a delimited text format. Field names must be included in the first row of the text file. The metadata must include, at a minimum, the following fields:

- 1) Caller Name: Caller's name or account/identification number
- 2) Originating Number: Caller's phone number
- 3) Called Party Name: Called party's name
- 4) Terminating Number: Called party's phone number
- 5) Date: Date of call
- 6) Time: Time of call
- 7) Filename: Filename of audio file

#### V. Video Files

Video files must be produced in a format that is playable using Microsoft Windows Media Player™.

#### VI. Electronic Trade and Bank Records

When producing electronic trade and bank records, provide the files in one of the following formats:

1. MS Excel spreadsheet with header information detailing the field structure. If any special codes exist in the dataset, a separate document must be provided that details all such codes. If details of the field structure do not fit in the header, a separate document must be provided that includes such details.
2. Delimited text file with header information detailing the field structure. The preferred delimiter is a vertical bar "|". If any special codes exist in the dataset, a separate document must be provided that details all such codes. If details of the field structure do not fit in the header, a separate document must be provided that includes such details.

#### VII. Electronic Phone Records

When producing electronic phone records, provide the files in the following format:

1. MS Excel spreadsheet with header information detailing the field structure. If any special codes exist in the dataset, a separate document must be provided that details all such codes. If details of the field structure do not fit in the header, a separate document must be provided that includes such details. Data must be formatted in its native format (i.e. dates in a date format, numbers in an appropriate numerical format, and numbers with leading zeroes as text).
  - a. The metadata that must be included is outlined in **Addendum B** of this document. Each field of data must be loaded into a separate column. For example, Date and Start\_Time must be produced in separate columns and not combined into a single column containing both pieces of information. Any fields of data that are provided in addition to those listed in **Addendum B** must also be loaded into separate columns.

#### VIII. Audit Workpapers

The SEC prefers for workpapers to be produced in two formats: (1) With Bates numbers in accordance with the SEC Data Delivery Standards; and (2) in native format or if proprietary software was used, on a standalone laptop with the appropriate software loaded so that the workpapers may be reviewed as they would have been maintained in the ordinary course of business. When possible, the laptop should be configured to enable a Virtual Machine (VM) environment.

### **ADDENDUM A**

The metadata of electronic document collections should be extracted and provided in a .DAT file using the field definition and formatting described below:

Field Name	Sample Data	Description
FIRSTBATES	EDC0000001	First Bates number of native file document/email
LASTBATES	EDC0000001	Last Bates number of native file document/email **The LASTBATES field should be populated for single page documents/emails.
ATTACHRANGE	EDC0000001 - EDC0000015	Bates number of the first page of the parent document to the Bates number of the last page of the last attachment "child" document
BEGATTACH	EDC0000001	First Bates number of attachment range
ENDATTACH	EDC0000015	Last Bates number of attachment range
PARENT_BATES	EDC0000001	First Bates number of parent document/Email **This PARENT_BATES field should be populated in each record representing an attachment "child" document
CHILD_BATES	EDC0000002; EDC0000014	First Bates number of "child" attachment(s); can be more than one Bates number listed depending on the number of attachments **The CHILD_BATES field should be populated in each record representing a "parent" document
CUSTODIAN	Smith, John	Email: Mailbox where the email resided Native: Name of the individual or department from whose files the document originated
FROM	John Smith	Email: Sender Native: Author(s) of document **semi-colon should be used to separate multiple entries
TO	Coffman, Janice; LeeW [mailto:LeeW@MSN.com]	Recipient(s) **semi-colon should be used to separate multiple entries
CC	Frank Thompson [mailto:frank_Thompson@cdt.com]	Carbon copy recipient(s) **semi-colon should be used to separate multiple entries
BCC	John Cain	Blind carbon copy recipient(s) **semi-colon should be used to separate multiple entries
SUBJECT	Board Meeting Minutes	Email: Subject line of the email Native: Title of document (if available)
FILE_NAME	BoardMeetingMinutes.docx	Native: Name of the original native file, including extension
DATE_SENT	10/12/2010	Email: Date the email was sent Native: (empty)
TIME_SENT/TIME_ZONE	07:05 PM GMT	Email: Time the email was sent/ Time zone in which the emails were standardized during conversion. Native: (empty) **This data must be a separate field and cannot be combined with the DATE_SENT field
TIME_ZONE	GMT	The time zone in which the emails were standardized during conversion. Email: Time zone Native: (empty)

LINK	D:\001\EDC0000001.msg	Hyperlink to the email or native file document **The linked file must be named per the FIRSTBATES number
MIME_TYPE	MSG	The content type of an Email or native file document as identified/extracted from the header
FILE_EXTEN	MSG	The file type extension representing the Email or native file document; will vary depending on the email format
AUTHOR	John Smith	Email: (empty) Native: Author of the document
DATE_CREATED	10/10/2010	Email: (empty) Native: Date the document was created
TIME_CREATED	10:25 AM	Email: (empty) Native: Time the document was created **This data must be a separate field and cannot be combined with the DATE_CREATED field
DATE_MOD	10/12/2010	Email: (empty) Native: Date the document was last modified
TIME_MOD	07:00 PM	Email: (empty) Native: Time the document was last modified **This data must be a separate field and cannot be combined with the DATE_MOD field
DATE_ACCESSD	10/12/2010	Email: (empty) Native: Date the document was last accessed
TIME_ACCESSD	07:00 PM	Email: (empty) Native: Time the document was last accessed **This data must be a separate field and cannot be combined with the DATE_ACCESSD field
PRINTED_DATE	10/12/2010	Email: (empty) Native: Date the document was last printed
FILE_SIZE	5,952	Size of native file document/email in KB
PGCOUNT	1	Number of pages in native file document/email
PATH	J:\Shared\SmithJ\October Agenda.doc	Email: (empty) Native: Path where native file document was stored including original file name.
INTFILEPATH	Personal Folders\Deleted Items\Board Meeting Minutes.msg	Email: original location of email including original file name. Native: (empty)
INTMSGID	<000805c2c71b\$75977050\$cb8306d1@MSN>	Email: Unique Message ID Native: (empty)
MD5HASH	d131dd02c5e6eec4693d9a0698aff95c2fcab58712467eab4004583eb8fb7f89	MD5 Hash value of the document.
OCRPATH	TEXT/001/EDC0000001.txt	Path to extracted text of the native file

Sample Image Cross-Reference File:

```
IMG0000001,,E:\001\IMG0000001.TIF,Y,,,
IMG0000002,,E:\001\IMG0000002.TIF,,,,
IMG0000003,,E:\001\IMG0000003.TIF,,,,
IMG0000004,,E:\001\IMG0000004.TIF,Y,,,
IMG0000005,,E:\001\IMG0000005.TIF,Y,,,
IMG0000006,,E:\001\IMG0000006.TIF,,,,
```

## **ADDENDUM B**

For Electronic Phone Records, include the following fields in separate columns:

For Calls:

- 1) Account Number
- 2) Connection Date – Date the call was received or made
- 3) Connection Time – Time call was received or made
- 4) Seizure Time – Time it took for the call to be placed in seconds
- 5) Originating Number – Phone that placed the call
- 6) Terminating Number – Phone that received the call
- 7) Elapsed Time – The length of time the call lasted, preferably in seconds
- 8) End Time – The time the call ended
- 9) Number Dialed – Actual number dialed
- 10) IMEI Originating – Unique id to phone used to make call
- 11) IMEI Terminating– Unique id to phone used to receive call
- 12) IMSI Originating – Unique id to phone used to make call
- 13) IMSI Terminating- Unique id to phone used to receive call
- 14) Call Codes – Identify call direction or other routing information
- 15) Time Zone – Time Zone in which the call was received or placed, if applicable

For Text messages:

- 1) Account Number
- 2) Connection Date – Date the text was received or made
- 3) Connection Time – Time text was received or made
- 4) Originating Number – Who placed the text
- 5) Terminating Number – Who received the text
- 6) IMEI Originating – Unique id to phone used to make text
- 7) IMEI Terminating– Unique id to phone used to receive text
- 8) IMSI Originating - Unique id to phone used to make text
- 9) IMSI Terminating- Unique id to phone used to receive text
- 10) Text Code – Identify text direction, or other text routing information
- 11) Text Type Code – Type of text message (sent SMS, MMS, or other)
- 12) Time Zone – Time Zone in which the call was received or placed, if applicable

For Mobile Data Usage:

- 1) Account Number
- 2) Connection Date – Date the data was received or made
- 3) Connection Time – Time data was received or made
- 4) Originating number – Number that used data
- 5) IMEI Originating – Unique id of phone that used data
- 6) IMSI Originating - Unique id of phone that used data
- 7) Data or Data codes – Identify data direction, or other data routing information
- 8) Time Zone – Time Zone in which the call was received or placed, if applicable

**SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

**Supplemental Information for Persons Requested to Supply  
Information Voluntarily or Directed to Supply Information  
Pursuant to a Commission Subpoena**

**A. False Statements and Documents**

Section 1001 of Title 18 of the United States Code provides that fines and terms of imprisonment may be imposed upon:

[W]hoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully--

- (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

Section 1519 of Title 18 of the United States Code provides that fines and terms of imprisonment may be imposed upon:

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States . . . , or in relation to or contemplation of any such matter.

**B. Testimony**

If your testimony is taken, you should be aware of the following:

1. *Record.* Your testimony will be transcribed by a reporter. If you desire to go off the record, please indicate this to the Commission employee taking your testimony, who will determine whether to grant your request. The reporter will not go off the record at your, or your counsel's, direction.
2. *Counsel.* You have the right to be accompanied, represented and advised by counsel of your choice. Your counsel may advise you before, during and after your testimony; question you briefly at the conclusion of your testimony to clarify any of the answers you give during testimony; and make summary notes during your testimony solely for your use. If you are accompanied by counsel, you may consult privately.

If you are not accompanied by counsel, please advise the Commission employee taking your testimony if, during the testimony, you desire to be accompanied, represented and advised by counsel. Your testimony will be adjourned once to afford you the opportunity to arrange to be so accompanied, represented or advised.

You may be represented by counsel who also represents other persons involved in the Commission's investigation. This multiple representation, however, presents a potential conflict of interest if one client's interests are or may be adverse to another's. If you are represented by counsel who also represents other persons involved in the investigation, the Commission will assume that you and counsel have discussed and resolved all issues concerning possible conflicts of interest. The choice of counsel, and the responsibility for that choice, is yours.

3. *Transcript Availability.* Rule 6 of the Commission's Rules Relating to Investigations, 17 CFR 203.6, states:

A person who has submitted documentary evidence or testimony in a formal investigative proceeding shall be entitled, upon written request, to procure a copy of his documentary evidence or a transcript of his testimony on payment of the appropriate fees: *Provided, however,* That in a nonpublic formal investigative proceeding the Commission may for good cause deny such request. In any event, any witness, upon proper identification, shall have the right to inspect the official transcript of the witness' own testimony.

If you wish to purchase a copy of the transcript of your testimony, the reporter will provide you with a copy of the appropriate form. Persons requested to supply information voluntarily will be allowed the rights provided by this rule.

4. *Perjury.* Section 1621 of Title 18 of the United States Code provides that fines and terms of imprisonment may be imposed upon:

Whoever--

- (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify

SEC 1662 (08-16)

truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true.

5. *Fifth Amendment and Voluntary Testimony.* Information you give may be used against you in any federal, state, local or foreign administrative, civil or criminal proceeding brought by the Commission or any other agency.

You may refuse, in accordance with the rights guaranteed to you by the Fifth Amendment to the Constitution of the United States, to give any information that may tend to incriminate you.

If your testimony is not pursuant to subpoena, your appearance to testify is voluntary, you need not answer any question, and you may leave whenever you wish. Your cooperation is, however, appreciated.

6. *Formal Order Availability.* If the Commission has issued a formal order of investigation, it will be shown to you during your testimony, at your request. If you desire a copy of the formal order, please make your request in writing.

### C. Submissions and Settlements

Rule 5(c) of the Commission's Rules on Informal and Other Procedures, 17 CFR 202.5(c), states:

Persons who become involved in . . . investigations may, on their own initiative, submit a written statement to the Commission setting forth their interests and position in regard to the subject matter of the investigation. Upon request, the staff, in its discretion, may advise such persons of the general nature of the investigation, including the indicated violations as they pertain to them, and the amount of time that may be available for preparing and submitting a statement prior to the presentation of a staff recommendation to the Commission for the commencement of an administrative or injunction proceeding. Submissions by interested persons should be forwarded to the appropriate Division Director or Regional Director with a copy to the staff members conducting the investigation and should be clearly referenced to the specific investigation to which they relate. In the event a recommendation for the commencement of an enforcement proceeding is presented by the staff, any submissions by interested persons will be forwarded to the Commission in conjunction with the staff memorandum.

The staff of the Commission routinely seeks to introduce submissions made pursuant to Rule 5(c) as evidence in Commission enforcement proceedings, when the staff deems appropriate.

Rule 5(f) of the Commission's Rules on Informal and Other Procedures, 17 CFR 202.5(f), states:

In the course of the Commission's investigations, civil lawsuits, and administrative proceedings, the staff, with appropriate authorization, may discuss with persons involved the disposition of such matters by consent, by settlement, or in some other manner. It is the policy of the Commission, however, that the disposition of any such matter may not, expressly or impliedly, extend to any criminal charges that have been, or may be, brought against any such person or any recommendation with respect thereto. Accordingly, any person involved in an enforcement matter before the Commission who consents, or agrees to consent, to any judgment or order does so solely for the purpose of resolving the claims against him in that investigative, civil, or administrative matter and not for the purpose of resolving any criminal charges that have been, or might be, brought against him. This policy reflects the fact that neither the Commission nor its staff has the authority or responsibility for instituting, conducting, settling, or otherwise disposing of criminal proceedings. That authority and responsibility are vested in the Attorney General and representatives of the Department of Justice.

### D. Freedom of Information Act

The Freedom of Information Act, 5 U.S.C. 552 (the "FOIA"), generally provides for disclosure of information to the public. Rule 83 of the Commission's Rules on Information and Requests, 17 CFR 200.83, provides a procedure by which a person can make a written request that information submitted to the Commission not be disclosed under the FOIA. That rule states that no determination as to the validity of such a request will be made until a request for disclosure of the information under the FOIA is received. Accordingly, no response to a request that information not be disclosed under the FOIA is necessary or will be given until a request for disclosure under the FOIA is received. If you desire an acknowledgment of receipt of your written request that information not be disclosed under the FOIA, please provide a duplicate request, together with a stamped, self-addressed envelope.



**E. Authority for Solicitation of Information**

*Persons Directed to Supply Information Pursuant to Subpoena.* The authority for requiring production of information is set forth in the subpoena. Disclosure of the information to the Commission is mandatory, subject to the valid assertion of any legal right or privilege you might have.

*Persons Requested to Supply Information Voluntarily.* One or more of the following provisions authorizes the Commission to solicit the information requested: Sections 19 and/or 20 of the Securities Act of 1933; Section 21 of the Securities Exchange Act of 1934; Section 321 of the Trust Indenture Act of 1939; Section 42 of the Investment Company Act of 1940; Section 209 of the Investment Advisers Act of 1940; and 17 CFR 202.5. Disclosure of the requested information to the Commission is voluntary on your part.

**F. Effect of Not Supplying Information**

*Persons Directed to Supply Information Pursuant to Subpoena.* If you fail to comply with the subpoena, the Commission may seek a court order requiring you to do so. If such an order is obtained and you thereafter fail to supply the information, you may be subject to civil and/or criminal sanctions for contempt of court. In addition, Section 21(c) of the Securities Exchange Act of 1934, Section 42(c) of the Investment Company Act of 1940, and Section 209(c) of the Investment Advisers Act of 1940 provide that fines and terms of imprisonment may be imposed upon any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry, or to produce books, papers, correspondence, memoranda, and other records in compliance with the subpoena.

*Persons Requested to Supply Information Voluntarily.* There are no direct sanctions and thus no direct effects for failing to provide all or any part of the requested information.

**G. Principal Uses of Information**

The Commission's principal purpose in soliciting the information is to gather facts in order to determine whether any person has violated, is violating, or is about to violate any provision of the federal securities laws or rules for which the Commission has enforcement authority, such as rules of securities exchanges and the rules of the Municipal Securities Rulemaking Board. Facts developed may, however, constitute violations of other laws or rules. Information provided may be used in Commission and other agency enforcement proceedings. Unless the Commission or its staff explicitly agrees to the contrary in writing, you should not assume that the Commission or its staff acquiesces in, accedes to, or concurs or agrees with, any position, condition, request, reservation of right, understanding, or any other statement that purports, or may be deemed, to be or to reflect a limitation upon the Commission's receipt, use, disposition, transfer, or retention, in accordance with applicable law, of information provided.

**H. Routine Uses of Information**

The Commission often makes its files available to other governmental agencies, particularly United States Attorneys and state prosecutors. There is a likelihood that information supplied by you will be made available to such agencies where appropriate. Whether or not the Commission makes its files available to other governmental agencies is, in general, a confidential matter between the Commission and such other governmental agencies.

Set forth below is a list of the routine uses which may be made of the information furnished.

1. To appropriate agencies, entities, and persons when (a) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the SEC has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the SEC or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.
2. To other federal, state, local, or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.
3. To national securities exchanges and national securities associations that are registered with the SEC, the Municipal Securities Rulemaking Board; the Securities Investor Protection Corporation; the Public Company Accounting Oversight Board; the federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation; state securities regulatory agencies or organizations; or regulatory authorities of a foreign government in connection with their regulatory or enforcement responsibilities.
4. By SEC personnel for purposes of investigating possible violations of, or to conduct investigations authorized by, the federal securities laws.
5. In any proceeding where the federal securities laws are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

6. In connection with proceedings by the Commission pursuant to Rule 102(e) of its Rules of Practice, 17 CFR 201.102(e).
7. To a bar association, state accountancy board, or other federal, state, local, or foreign licensing or oversight authority; or professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.
8. To a federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.
9. To a federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
10. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.
11. To any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)) or pursuant to the Commission's Rules of Practice, 17 CFR 201.100 – 900 or the Commission's Rules of Fair Fund and Disgorgement Plans, 17 CFR 201.1100-1106, or otherwise, where such trustee, receiver, master, special counsel, or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the federal securities laws or the Commission's Rules of Practice or the Rules of Fair Fund and Disgorgement Plans.
12. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.
13. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.
14. In reports published by the Commission pursuant to authority granted in the federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), which authority shall include, but not be limited to, section 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(a)).
15. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.
16. To any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735-1 to 200.735-18, and who assists in the investigation by the Commission of possible violations of the federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the federal securities laws.
17. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.
18. To members of Congress, the press, and the public in response to inquiries relating to particular Registrants and their activities, and other matters under the Commission's jurisdiction.
19. To prepare and publish information relating to violations of the federal securities laws as provided in 15 U.S.C. 78c(a)(47)), as amended.
20. To respond to subpoenas in any litigation or other proceeding.
21. To a trustee in bankruptcy.

22. To any governmental agency, governmental or private collection agent, consumer reporting agency or commercial reporting agency, governmental or private employer of a debtor, or any other person, for collection, including collection by administrative offset, federal salary offset, tax refund offset, or administrative wage garnishment, of amounts owed as a result of Commission civil or administrative proceedings.

\* \* \* \* \*

*Small Business Owners:* The SEC always welcomes comments on how it can better assist small businesses. If you would like more information, or have questions or comments about federal securities regulations as they affect small businesses, please contact the Office of Small Business Policy, in the SEC's Division of Corporation Finance, at 202-551-3460. If you would prefer to comment to someone outside of the SEC, you can contact the Small Business Regulatory Enforcement Ombudsman at <http://www.sba.gov/ombudsman> or toll free at 888-REG-FAIR. The Ombudsman's office receives comments from small businesses and annually evaluates federal agency enforcement activities for their responsiveness to the special needs of small business.

### **BACKGROUND QUESTIONNAIRE**

**Please respond to the following questions in the space provided. If you need additional space for any response, you may attach additional pieces of paper.**

Today's date: \_\_\_\_\_

1. What is your full name?

\_\_\_\_\_

2. Have you ever been known by any other name? Yes \_\_ No \_\_

If yes, list each such name and the period(s) in which you were known by that name.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Date and Place of Birth?

\_\_\_\_\_

4. Country of Citizenship?

\_\_\_\_\_

5. Marital Status? Married \_\_ Divorced \_\_ Single \_\_

If you have ever been married, state for each marriage: (i) the date(s) of the marriage; (ii) the name of your spouse; (iii) your spouse's birth name, if different; (iv) your spouse's age; and (v) your spouse's occupation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. List the names, ages and occupations of your children, if any.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. List all residences you occupied at any time during the last [three] years, including vacation homes, beginning with your current residence. For each residence, state the address, dates of residence, and all telephone numbers (including facsimile numbers) listed at that address.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Background Questionnaire

Page 2

8. List all telephone numbers and telecommunication services that were in your name or that you regularly used at any time during the last [three] years. Include all residential, business, cellular, credit card, and VOIP telephone numbers, including those listed in your response to question 7, and services such as GoogleVoice, Skype, video conference services. For each telephone number, state the name(s) of the corresponding carrier(s) (*e.g.*, AT&T, Verizon, Vonage, Skype, etc.).

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9. List the universal resource locator (URL) for all websites or blogs that you established or for which you had the authority to control content, at any time during the last [three] years. For each website, state the name(s) of the domain name registrar (*e.g.* GoDaddy) through which the URL was obtained, the name(s) of all individuals or entities who provided web site hosting or design services, whether the website contained primarily business or personal information, and the time period in which it was active.

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10. List all electronic mail addresses and social networking accounts (*e.g.* Facebook, LinkedIn, Twitter, Instagram, Flickr, and Google+) that were in your name or that you regularly used at any time during the last [three] years. Include all personal, business and shared electronic mail addresses and social networking accounts. For each electronic mail address and social networking account, state the name(s) of the corresponding internet service provider(s) (*e.g.*, Google, Yahoo, AOL, or your employer), whether the address was used primarily for business or personal correspondence, and the time period in which it was active.

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11. List all usernames for instant messaging and similar electronic communication services (including, but not limited to, Bloomberg, Skype, whatsapp), other than those listed in your response to questions 8 through 10, that were in your name or that you regularly used at any time during the last [three] years. Include all personal, business and shared addresses. For each username, state the name(s) of the communication service provider (*e.g.*, Google, AOL, etc.), whether the address was used primarily for business or

Background Questionnaire  
Page 3

personal correspondence, the time period in which it was active, and the name of the software application(s) (e.g., GTalk, ICQ, MSN Messenger) you used to access it.

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12. List all internet message boards or discussion forums (including, but not limited to, Money Maker Group, PNQI Message Board, Investors Hub Daily) of which you were a member or on which you posted any messages at any time during the last [three] years. For each message board or discussion forum, state the service provider and your member name or identification information.

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PUBLICLY-HELD COMPANIES

13. Are you now, or have you ever been, an officer or director of any publicly-held company? Yes ☐ No ☐

If yes, identify each such company, its CUSIP, and any exchange on which it is or was listed, and state your positions (including membership on any Board or management committees) and the dates you held each position.

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14. Are you now, or have you ever been, a beneficial owner, directly or indirectly, of five per cent or more of any class of equity securities of any publicly held company? Yes ☐ No ☐

If yes, identify each such company, its CUSIP, and any exchange on which it is or was listed, and state the amount, percentage, and dates of your ownership.

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Background Questionnaire  
Page 4

PRIVATELY-HELD COMPANIES

15. Are you now, or have you ever been, a beneficial owner, directly or indirectly, of any privately-held company (*i.e.*, corporation, partnership, limited liability company or other corporate form)? Yes\_\_ No\_\_

If yes, identify each such company, including address and other contact information, and state your positions and the dates you held each position.

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16. Are you now, or have you ever been, a manager or a member of any privately-held company (*i.e.*, corporation, partnership, limited liability company or other corporate form)? Yes\_\_ No\_\_

If yes, identify each such company, including address and other contact information, and state your positions and the dates you held each position.

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SECURITIES ACCOUNTS

17. List all securities or brokerage accounts that you have held in your name, individually or jointly, at any time during the last [three] years. Include all foreign accounts. For each such account, identify: (i) the brokerage firm; (ii) the location of the branch where your account is or was held; (iii) your broker; (iv) the type of account (*i.e.*, cash, margin or IRA); (v) the account number; and (vi) whether any person has ever held discretionary authority or power of attorney over the account; if so, name such person(s).

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Background Questionnaire  
Page 5

18. List all securities or brokerage accounts (including foreign accounts), other than those listed in your answer to question 17, in which you had any direct or indirect beneficial interest at any time during the last [three] years. For each such account, provide the information requested by question 17.

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19. List all securities or brokerage accounts (including foreign accounts), other than those listed in your answer to question 17 or 18, over which you had any control at any time during the last [three] years. For each such account, provide the information requested by question 17.

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BANK ACCOUNTS

20. List all accounts you have held in your name at any financial institution (*i.e.*, bank, thrift, or credit union) at any time during the last [three] years. Include all foreign accounts. For each such account, identify: (i) the financial institution; (ii) the address of the branch at which your account is or was held; (iii) the type of account (*i.e.*, checking, savings, money market or IRA); (iv) the account number; and (v) whether any person has ever had discretionary authority or power of attorney over the account; if so, name such person(s).

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21. List all accounts at financial institutions (including foreign accounts), other than those listed in your answer to question 20, in which you had any direct or indirect beneficial interest at any time during the last [three] years. For each such account, provide the information requested by question 20.

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Background Questionnaire

Page 6

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22. List all accounts at financial institutions (including foreign accounts), other than those listed in your answer to question 20 or 21, over which you had any control at any time during the last [three] years. For each such account, provide the information requested by question 20.
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23. List any other accounts (including foreign accounts), other than those listed in your answers to questions 20 through 22, that were held in your name, in which you had any direct or indirect beneficial interest, or over which you had any control, that you have used to transfer funds in the last [three] years, including, but not limited to, PayPal accounts. For each such account, provide the information requested by question 20.
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PRIOR PROCEEDINGS

24. Have you ever testified in any proceeding conducted by the staff of the Securities and Exchange Commission, a U.S. or foreign federal or state agency, a U.S. or foreign federal or state court, a stock exchange, the Financial Industry Regulatory Authority ("FINRA") or any other self-regulatory organization ("SRO"), or in any arbitration proceeding related to securities transactions? Yes ☐ No ☐

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the organization or agency; and (iii) the date(s) on which you testified.

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Background Questionnaire

Page 7

25. Have you ever been deposed in connection with any court proceeding? Yes \_\_ No \_\_

If yes, for each such proceeding, identify: (i) the title of the proceeding, and (ii) the date(s) on which you were deposed.

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26. Have you ever been named as a defendant or respondent in any action or proceeding brought by the SEC, any other U.S. or foreign federal agency, a state securities agency, FINRA, an SRO, or any exchange? Yes \_\_ No \_\_

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the agency or tribunal; (iii) the substance of the allegations; (iv) the outcome of the proceeding; and (v) the date of the outcome.

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27. Have you ever been a defendant in any action (other than those listed in response to question 26) alleging violations of the federal securities laws? Yes \_\_ No \_\_

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the court or tribunal; (iii) the outcome of the proceeding; and (iv) the date of the outcome.

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28. Have you ever been a defendant in any criminal proceeding other than one involving a minor traffic offense? Yes \_\_ No \_\_

If yes, for each such proceeding, identify: (i) the title of the proceeding; (ii) the court or tribunal; (iii) the outcome of the proceeding; and (iv) the date of the outcome.

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Background Questionnaire  
Page 8

EDUCATIONAL HISTORY

29. Provide the requested information about each educational institution that you have attended, beginning with the most recent and working backward to the date that you completed high school.

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

Name of School			
City	State	Country	Zip Code
Dates of Attendance: Month/Year to Month/Year		Degree/Major	Month/Year of Degree

30. Other than courses taken in connection with institutions listed in response to question 29, list any securities, accounting or business related courses taken since high school. For each such course, identify the date that the course was completed and the name of the institution or organization that offered the course.


Background Questionnaire  
Page 9

PROFESSIONAL LICENSES/CLUBS

31. Do you hold, or have you ever held, any professional license? Yes\_\_ No \_\_

If yes, for each such license, identify: (i) the license number or attorney bar number; (ii) the licensing organization; (iii) the date the license was awarded; (iv) the date such license terminated, if applicable; (v) the date(s) of any disciplinary proceeding(s) against you; and (vi) the outcome of any such disciplinary proceeding (e.g., reprimand, suspension, revocation).

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32. Are you, or have you ever been, a member of any professional or business club or organization? Yes \_\_ No \_\_

If yes, list for each: (i) the name of the club or organization; (ii) its address; (iii) the date(s) of your membership; and (iv) service in any governance roles (e.g., board member, committee member, etc.) including title and dates of service.

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33. Are you, or have you been in the last [three] years, a member of any social clubs, charities or nonprofit organizations? Yes \_\_\_\_ No \_\_\_\_

If yes, list for each: (i) the name of the social club, charity or nonprofit organization; (ii) its address; (iii) the date(s) of your membership; and (iv) service in any governance roles (e.g., board member, committee member, etc.) including title and dates of service..

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EMPLOYMENT HISTORY

34. Are you, or have you ever been, an employee of a broker, dealer, investment adviser, investment company, municipal securities dealer, municipal advisor, transfer agent, or



## Background Questionnaire

Page 10

nationally recognized statistical rating organization? Yes \_\_\_ No \_\_\_

If yes, list for each: (i) the jurisdiction of the entity; (ii) your CRD number; (iii) the entity's CRD number; (iv) the entity's SEC File number; (v) the entity's CUSIP number; and (vi) any foreign registration information similar to the foregoing.

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35. State your employment activities, beginning with the present and working backward to the date that you completed high school and attach a recent copy of your resume or curriculum vitae.

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Employer's Name/Self-Employment

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Employer's Street Address

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Telephone Number

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City

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State

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Country

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Zip Code

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Title

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Dates of Employment

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Supervisor

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Title

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Dates of Employment

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Supervisor

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Title

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Dates of Employment

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Supervisor

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Title

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Dates of Employment

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Supervisor

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Employer's Name/Self-Employment

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Employer's Street Address

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Telephone Number

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City

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State

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Country

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Zip Code

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Title

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Dates of Employment

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Supervisor

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Title

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Dates of Employment

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Supervisor

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Title

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Dates of Employment

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Supervisor

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Title

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Dates of Employment

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Supervisor

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Page 11

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

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Employer's Name/Self-Employment			
Employer's Street Address			Telephone Number
City	State	Country	Zip Code
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor
Title	Dates of Employment		Supervisor

CONTINUE ON ADDITIONAL SHEETS IF NECESSARY

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. **GETTING YOUR SHIPMENT TO UPS**

**Customers with a Daily Pickup**

Your driver will pickup your shipment(s) as usual.

**Customers without a Daily Pickup**

Take your package to any location of The UPS Store®, UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, UPS Alliances (Office Depot® or Staples®) or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

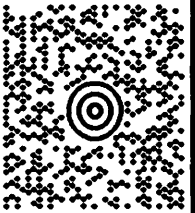

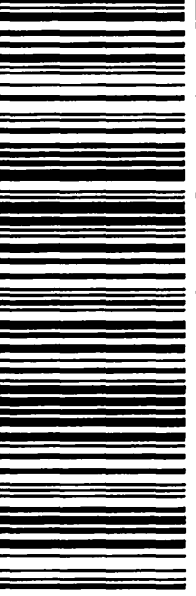

Hand the package to any UPS driver in your area.

UPS Access Point™  
THE UPS STORE  
209 W 2ND ST  
FORT WORTH ,TX 76102

UPS Access Point™  
THE UPS STORE  
2830 S HULEN ST  
FORT WORTH ,TX 76109

UPS Access Point™  
THE UPS STORE  
6387 CAMP BOWIE BLVD  
FORT WORTH ,TX 76116

FOLD HERE

0.0 LBS LTR		1 OF 1	
<b>SHIP TO:</b> DAN WALLER 0000000000 GLAST, PHILLIPS & MURRAY, P.C. 14801 QUORUM DR., SUITE 500 DALLAS TX 75254			
		<b>TX 752 9-23</b> 	
<b>UPS NEXT DAY AIR</b>		<b>1</b>	
TRACKING #: 1Z A37 81X A2 9330 7641			
			
<b>BILLING: P/P</b> ADULT SIGNATURE REQUIRED-MIN 21		CS 19 1 15 WNTNVS0 84 DA 01/2017	

App. 0200



## Proof of Delivery

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**Dear Customer,**

**This notice serves as proof of delivery for the shipment listed below.**

<b>Tracking Number:</b>	1ZA3781XA293307641
<b>Service:</b>	UPS Next Day Air®
<b>Special Instructions:</b>	Adult Signature Required
<b>Shipped/Billed On:</b>	03/20/2017
<b>Delivered On:</b>	03/21/2017 10:23 A.M.
<b>Delivered To:</b>	DALLAS, TX, US
<b>Received By:</b>	ARIAS

A 10x10 grid of the text 'UPS' in a bold, sans-serif font. A hand-drawn black outline of a person running is superimposed over the grid, moving from left to right across the middle rows. The person's legs are spread wide, and their arms are bent at the elbows, suggesting a running motion. The drawing is done in a simple, sketchy style with thick black lines.

Left At: Front Desk

**Thank you for giving us this opportunity to serve you.**

Sincerely,

UPS

Tracking results provided by UPS: 04/06/2017 11:11 A.M. ET

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**App. 0201**