

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EMPOWER OVERSIGHT
WHISTLEBLOWERS & RESEARCH,
11166 Fairfax Blvd., Suite 500 #1076
Fairfax, VA 22030

Plaintiff,

v.

U.S. SECURITIES AND EXCHANGE
COMMISSION,
100 F Street, NE
Washington, DC 20549

Defendant.

Civil Action No.: 25-317

COMPLAINT

1. Plaintiff Empower Oversight Whistleblowers & Research (hereinafter, “Empower Oversight”) brings this action against Defendant U.S. Securities and Exchange Commission (“SEC”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. The requested records concern conflicts of interest involving former high-level officials at the SEC, including William Hinman, and they will demonstrate how the SEC mitigated or failed to mitigate those conflicts.

3. These controversies arose after the SEC’s selective enforcement decisions on cryptocurrencies, which raised serious concerns about the SEC’s objectivity.

4. To better understand these issues, on May 9, 2022, Empower Oversight sent a letter to the SEC's Office of the Inspector General ("OIG") requesting a comprehensive review of the SEC's ethics officials' failure to properly manage Mr. Hinman's potential conflict of interest surrounding cryptocurrency issues.

5. After two years passed, Empower Oversight received no response to that May 9, 2022 letter. However, during the course of discussions regarding a separate FOIA matter, the SEC represented to Empower Oversight that OIG was nearing completion of an investigation related to the conflict issues Empower Oversight identified in its May 9, 2022 letter.

6. As discussed below, Empower Oversight submitted two FOIA requests to obtain records regarding that investigation. To date, the SEC has failed to provide any substantive response to either request.

7. By failing to respond to either request, the SEC is depriving Empower Oversight and the public of vital information needed to assess whether the SEC's recent actions regarding the cryptocurrency market were affected by conflicts of interest.

JURISDICTION AND VENUE

8. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

9. Venue is proper in this District pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

10. Plaintiff Empower Oversight is a nonprofit, nonpartisan educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. Empower Oversight works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, as well as work to hold authorities accountable to act on such reports. Empower Oversight has its principal place of business located in Fairfax, Virginia, and it submitted the FOIA Requests described herein to the SEC.

11. The SEC is an agency of the federal government within the meaning of 5 U.S.C. § 552(f), and it has possession and control of the records Empower Oversight seeks.

BACKGROUND

Request 1

12. On December 13, 2024, Empower Oversight submitted a FOIA request to the SEC. *See* Ex. A.

13. In that request, Empower Oversight sought: “the SEC-OIG’s completed report regarding its investigation into William Hinman.” *See id.* at 2.

14. On December 16, 2024, the SEC sent a letter to Empower Oversight acknowledging receipt of the request and assigning it tracking number 25-00981-FOIA. *See* Ex. B.

15. In that response, the SEC also stated that it was unable to respond within the statutory deadline and invoked a 10-day extension. *See id.* at 1.

16. On December 18, 2024, the OIG separately acknowledged receipt of this request and assigned it tracking number 25-00002-OIG. *See* Ex. C.

17. The OIG also stated it was unable to respond within the statutory deadline and invoked a 10-day extension. *See id.* at 1.

18. On December 20, 2024, the OIG sent a letter classifying Empower Oversight as a media requester. *See* Ex. D at 1.

19. Since then, Empower Oversight has received no further response regarding this FOIA request.

Request 2

20. On December 17, 2024, Empower Oversight submitted a FOIA request to the SEC. *See* Ex. E.

21. In that request, Empower Oversight requested five categories of records:

- All internal and external communications and correspondence (emails, memos, notes, etc.) related to the investigation.
- Reports, findings, analyses, or summaries produced during or as a result of the investigation.
- Audio, video, or photographic evidence collected or used in the investigation.
- Transcripts of interviews, depositions, or affidavits given by any person in connection with the investigation.
- Any other documents or records that discuss, reference, or are generated in relation to the said OIG investigation and report.

See id. at 1–2.

22. On December 19, 2024, the SEC acknowledged receipt of this request and assigned it tracking number 25-00003-OIG. *See* Ex. F.

23. In that response, the SEC also stated that it was unable to respond within the statutory deadline and invoked a 10-day extension. *See id.* at 1.

24. Since then, Empower Oversight has received no further response regarding this FOIA request.

COUNT I
Violation of FOIA, 5 U.S.C. § 552

25. Plaintiff repeats the foregoing paragraphs as if set forth fully herein.

26. The SEC is an agency of the federal government within the meaning of 5 U.S.C. § 552(f).

27. By letters dated December 13 and 17, 2024, Empower Oversight submitted valid FOIA requests to the SEC. *See* Exs. A & E.

28. Those requests reasonably described all requested records and complied with all applicable statutes and regulations.

29. The SEC has failed to respond to the requests by conducting a search reasonably calculated to locate responsive records, as FOIA requires. *See Weisberg v. U.S. Dep't of Just.*, 705 F.2d 1344, 1351 (D.C. Cir. 1983).

30. And the requested records are not exempt from FOIA pursuant to 5 U.S.C. § 552(b).

31. The SEC has also failed to respond to Empower Oversight's requests within the statutory time period. *See* 5 U.S.C. § 552(a)(6).

32. Accordingly, Empower Oversight has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

33. By failing to release all responsive, non-exempt records, the SEC has violated FOIA. *See* 5 U.S.C. § 552(a)(3)(A).

PRAYER FOR RELIEF

WHEREFORE, Empower Oversight respectfully requests that this Court:

i. Declare that the requested records, as described in the foregoing paragraphs, must be disclosed pursuant to 5 U.S.C. § 552.

ii. Order the SEC to conduct legally sufficient searches immediately for all records responsive to Empower Oversight's FOIA requests and demonstrate that the search methods were reasonably likely to lead to the discovery of responsive records.

iii. Order the SEC to produce by a date certain all non-exempt records responsive to Empower Oversight's FOIA requests.

iv. Award Empower Oversight attorneys' fees and costs incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E).

v. Grant Empower Oversight such other and further relief as this Court deems proper.

February 4, 2025

Respectfully submitted,

/s/ Brian J. Field
BRIAN J. FIELD
D.C. Bar No. 985577
SCHAERR | JAFFE LLP
1717 K Street NW
Suite 900
Washington, DC 20006
Tel.: (202) 787-1060
Email: bfield@schaerr-jaffe.com

Counsel for Plaintiff

EXHIBIT A

EMPOWER OVERSIGHT

Whistleblowers & Research



December 13, 2024

Deborah J. Jeffrey, Inspector General
Office of Inspector General
Securities and Exchange Commission
100 F Street, N.E.
Washington, DC 20549

Dear Ms. Jeffrey:

INTRODUCTION

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization, which is dedicated to enhancing independent oversight of government and corporate wrongdoing. It works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

BACKGROUND

Since August 2022, Empower Oversight has pressed the Securities and Exchange Commission (“SEC”) through a series of Freedom of Information Act (“FOIA”) requests for evidence of alleged conflicts of interest by senior officials, including William Hinman, and how the SEC mitigated or failed to mitigate those conflicts. The controversy arose following the SEC’s selective enforcement decisions on cryptocurrencies, raising suspicions about its objectivity and questions about its failure to develop clear, consistent regulation of the new industry.

On May 9, 2022, Empower Oversight sent a letter to the Office of the Inspector General of the Securities and Exchange Commission (“SEC-OIG”) requesting a comprehensive review of the SEC’s ethics officials’ failure to properly manage Mr. Hinman’s potential conflict of interest regarding cryptocurrency issues.¹ The letter detailed evidence that Mr. Hinman, who worked as the Director of the Division of Corporate Finance at the SEC from May 2017 through December of 2020, participated in matters in which he had a personal financial interest.

As I wrote you on July 15, 2024, *two years later*, we have received no reply and seen no final work product released by your office related to the May 9, 2022 referral. On February 15, 2024, an SEC official claimed that the SEC-OIG had authorized disclosing to Empower Oversight in the course of responding to our FOIA requests that it was nearing the conclusion of an investigation related to financial conflict of interest issues identified and referred to the OIG by Empower Oversight.² This

¹ See Empower Oversight, referral to SEC Inspector General (May 9, 2022) available at <https://empowr.us/wp-content/uploads/2022/05/2022-5-9-JF-to-SECOIG-Ethics-Office-Referral.pdf>.

² Empower Oversight, *CONFIRMED: SEC Inspector General in “Final Stages” of Investigation on Crypto Conflicts Referred by Empower Oversight*, PRESS RELEASE (Feb. 15, 2024), available at <https://empowr.us/confirmed-sec-inspector->

marks the first acknowledgment of an ongoing investigation into the matter.

RECORDS REQUEST

Pursuant to the Freedom of Information Act (5 U.S.C. § 552) Empower Oversight requests the SEC-OIG's completed report regarding its investigation into William Hinman.

DEFINITIONS

"COMMUNICATION(S)" means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

"DOCUMENT(S)" or "RECORD(S)" mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms "DOCUMENT(S)" or "RECORD(S)" include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

"PERSON" means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

"REFERS," "REFERRING TO," "REGARDS," "REGARDING," "RELATES," "RELATING TO," "CONCERNS," "BEARS UPON," or "PERTAINS TO" mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

"INCLUDING" means comprising part of, but not being limited to, the whole.

INSTRUCTIONS

The words "and" and "or" shall be construed in the conjunctive or disjunctive, whichever is most inclusive. The singular form shall include the plural form and vice versa. The present tense shall include the past tense and vice versa. In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request. If you have any questions about this request, please contact Mike Zummer by e-mail at mzummer@empowr.us.

FEE WAIVER REQUEST

Empower Oversight agrees to pay up to \$25.00 in applicable fees, but notes that it qualifies as a "representative of the news media" and requests a waiver of any fees that may be associated with

[general-in-final-stages-of-investigation-on-crypto-conflicts-referred-by-empower-oversight.](#)

processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public's understanding of the Department's handling of allegations that it or its employees were negligent or engaged in wrongdoing.

Empower Oversight is committed to government accountability, public integrity and transparency. In the latter regard, the information that that Empower Oversight receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Cordially,

/Tristan Leavitt/
Tristan Leavitt
President

EXHIBIT B



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

December 16, 2024

Mr. Alex Xenos
11166 Fairfax Blvd.
Suite 500 #1076
Fairfax, VA 22030

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **25-00981-FOIA**

Dear Mr. Xenos:

This letter is an acknowledgment of your FOIA request dated December 13, 2024, and received in this office on December 13, 2024, for records regarding SEC-OIG's completed report regarding its investigation into William Hinman.

Your request has been assigned tracking number 25-00981-FOIA. Your request will be assigned to a Research Specialist for processing and you will be notified of the findings as soon as possible. We will be unable to respond to your request within the Freedom of Information Act's twenty day statutory time period, as there are unusual circumstances which impact on our ability to quickly process your request. Therefore, we are invoking the 10 day extension. These unusual circumstances are: (a) the need to search for and collect records from an organization geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other offices having a substantial interest in either the determination or the subject matter of the records. For these reasons, we will process your case consistent with the order in which we received your request.

If you do not receive a response after thirty business days from when we received your request, you have the right to seek dispute resolution services from an SEC FOIA Public Liaison or the Office of Government Information Services (OGIS). A list of SEC FOIA Public Liaisons can be found on our agency website at <https://www.sec.gov/oso/contact/foia-contact.html>. OGIS can be reached at 1-877-684-6448 or [Archives.gov](https://www.archives.gov) or via email at ogis@nara.gov.

Alex Xenos
December 16, 2024
Page Two

25-00981-FOIA

In the interim, if you have any questions about your request, you may contact this office by calling (202) 551-7900, or sending an e-mail to foiapa@sec.gov. Please refer to your tracking number when contacting us.

For additional information, please visit our website at www.sec.gov and follow the FOIA link at the bottom.

Sincerely,

Office of FOIA Services

EXHIBIT C



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

December 18, 2024

Mr. Alex Xenos
Empower Oversight
11166 Fairfax Blvd. Suite 500 #1076
Fairfax, VA 22030

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **25-00002-OIG**

Dear Mr. Xenos:

This letter is an acknowledgment of your FOIA request dated and received in this office on December 13, 2024, for records regarding SEC-OIG's completed report regarding its investigation into William Hinman.

Your request has been assigned tracking number 25-00002-OIG. Your request will be assigned to a Research Specialist for processing and you will be notified of the findings as soon as possible. We will be unable to respond to your request within the Freedom of Information Act's twenty day statutory time period, as there are unusual circumstances which impact on our ability to quickly process your request. Therefore, we are invoking the 10 day extension. These unusual circumstances are: (a) the need to search for and collect records from an organization geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other offices having a substantial interest in either the determination or the subject matter of the records. For these reasons, we will process your case consistent with the order in which we received your request.

If you do not receive a response after thirty business days from when we received your request, you have the right to seek dispute resolution services from an SEC FOIA Public Liaison or the Office of Government Information Services (OGIS). A list of SEC FOIA Public Liaisons can be found on our agency website at <https://www.sec.gov/oso/contact/foia-contact.html>. OGIS can be reached at 1-877-684-6448 or [Archives.gov](https://www.archives.gov) or via email at ogis@nara.gov.

Alex Xenos
December 18, 2024
Page Two

25-00002-OIG

In the interim, if you have any questions about your request, you may contact this office by calling (202) 551-7900, or sending an e-mail to foiapa@sec.gov. Please refer to your tracking number when contacting us.

For additional information, please visit our website at www.sec.gov and follow the FOIA link at the bottom.

Sincerely,

Office of FOIA Services

EXHIBIT D



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

December 20, 2024

Mr. Alex Xenos
11166 Fairfax Blvd.
Suite 500 #1076
Fairfax, VA 22030

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **25-00002-OIG**

Dear Mr. Xenos:

This letter is in reference to your request, dated and received in this office on December 13, 2024, for "SEC-OIG's completed report regarding its investigation into William Hinman."

You requested a fee waiver of all costs associated with your request. We may waive or reduce search, review, and duplication fees if (A) disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and (B) disclosure is not primarily in the commercial interest of the requester, 5 U.S.C. § 552(a)(4)(iii).

Based on the information you provided, we classified you in the "media" fee category. As such, search and review services are free of charge. Additionally, we typically release records electronically and do not charge copy costs. Accordingly, your request for a fee waiver is moot as fees are unlikely to be accrued.

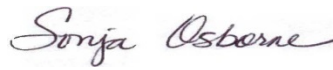
We are consulting with other SEC staff regarding your request. As soon as we complete our consultation, we will notify you of our findings.

Mr. Alex Xenos
December 20, 2024
Page Two

25-00002-OIG

If you have any questions, please contact me at osbornes@sec.gov or 202-551-8371. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,



Sonja Osborne
FOIA Lead Research Specialist

Enclosure

ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at ogis@nara.gov. Information concerning services offered by OGIS can be found at their website at [Archives.gov](https://www.archives.gov). Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.

EXHIBIT E

EMPOWER OVERSIGHT

Whistleblowers & Research



December 17, 2024

Raymond McInerney, FOIA Officer
Securities and Exchange Commission
100 F Street, N.E., Mail Stop 2465
Washington, DC 20549-2465
Dear Mr. McInerney:

INTRODUCTION

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization, which is dedicated to enhancing independent oversight of government and corporate wrongdoing. It works to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

BACKGROUND

Since August 2022, Empower Oversight has pressed the Securities and Exchange Commission (“SEC”) through a series of Freedom of Information Act (“FOIA”) requests for evidence of alleged conflicts of interest by senior officials, including William Hinman, and how the SEC mitigated or failed to mitigate those conflicts. The controversy arose following the SEC’s selective enforcement decisions on cryptocurrencies, raising suspicions about its objectivity and questions about its failure to develop clear, consistent regulation of the new industry.

On December 13, 2025, Empower Oversight sent a FOIA request to the Office of the Inspector General of the Securities and Exchange Commission (“SEC-OIG”) requesting SEC-OIG’s completed report regarding its investigation into William Hinman. The SEC’s Office of FOIA Services assigned that request a tracking number of Request No. 25-00981-FOIA.

Empower Oversight is making this new FOIA request to formally request all investigative records related to its investigation in addition to the SEC-OIG report into William Hinman.

RECORDS REQUEST

Pursuant to the Freedom of Information Act (5 U.S.C. § 552), for the period from May 9, 2022 to the date the SEC begins a search for requested records, Empower Oversight requests all records associated with the SEC-OIG’s completed report regarding its investigation into William Hinman including:

- All internal and external communications and correspondence (emails, memos, notes, etc.) related to the investigation.

- Reports, findings, analyses, or summaries produced during or as a result of the investigation.
- Audio, video, or photographic evidence collected or used in the investigation.
- Transcripts of interviews, depositions, or affidavits given by any person in connection with the investigation.
- Any other documents or records that discuss, reference, or are generated in relation to the said OIG investigation and report.

DEFINITIONS

“COMMUNICATION(S)” means every manner or method of disclosure, exchange of information, statement, or discussion between or among two or more persons, including but not limited to, face-to-face and telephone conversations, correspondence, memoranda, telegrams, telexes, email messages, voice-mail messages, text messages, Slack messages, meeting minutes, discussions, releases, statements, reports, publications, and any recordings or reproductions thereof.

“DOCUMENT(S)” or “RECORD(S)” mean any kind of written, graphic, or recorded matter, however produced or reproduced, of any kind or description, whether sent, received, or neither, including drafts, originals, non-identical copies, and information stored magnetically, electronically, photographically or otherwise. As used herein, the terms “DOCUMENT(S)” or “RECORD(S)” include, but are not limited to, studies, papers, books, accounts, letters, diagrams, pictures, drawings, photographs, correspondence, telegrams, cables, text messages, emails, memoranda, notes, notations, work papers, intra-office and inter-office communications, communications to, between and among employees, contracts, financial agreements, grants, proposals, transcripts, minutes, orders, reports, recordings, or other documentation of telephone or other conversations, interviews, affidavits, slides, statement summaries, opinions, indices, analyses, publications, questionnaires, answers to questionnaires, statistical records, ledgers, journals, lists, logs, tabulations, charts, graphs, maps, surveys, sound recordings, data sheets, computer printouts, tapes, discs, microfilm, and all other records kept, regardless of the title, author, or origin.

“PERSON” means individuals, entities, firms, organizations, groups, committees, regulatory agencies, governmental entities, business entities, corporations, partnerships, trusts, and estates.

“REFERS,” “REFERRING TO,” “REGARDS,” “REGARDING,” “RELATES,” “RELATING TO,” “CONCERNS,” “BEARS UPON,” or “PERTAINS TO” mean containing, alluding to, responding to, commenting upon, discussing, showing, disclosing, explaining, mentioning, analyzing, constituting, comprising, evidencing, setting forth, summarizing, or characterizing, either directly or indirectly, in whole or in part.

“INCLUDING” means comprising part of, but not being limited to, the whole.

INSTRUCTIONS

The words “and” and “or” shall be construed in the conjunctive or disjunctive, whichever is most inclusive. The singular form shall include the plural form and vice versa. The present tense shall include the past tense and vice versa. In producing the records described above, you shall segregate them by reference to each of the numbered items of this FOIA request. If you have any questions about this request, please contact Alex Xenos by e-mail at ax@empowr.us.

FEE WAIVER REQUEST

Empower Oversight agrees to pay up to \$25.00 in applicable fees, but notes that it qualifies as a “representative of the news media” and requests a waiver of any fees that may be associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii).

Empower Oversight is a non-profit educational organization as defined under Section 501(c)(3) of the Internal Revenue Code, which helps insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities, and seeks to hold those authorities accountable to act on such reports by, among other means, publishing information concerning the same.

Further, the information that Empower Oversight seeks is in the public interest because it is likely to contribute significantly to the public’s understanding of the Department’s handling of allegations that it or its employees were negligent or engaged in wrongdoing.

Empower Oversight is committed to government accountability, public integrity and transparency. In the latter regard, the information that that Empower Oversight receives that tends to explain the subject matter of this FOIA request will be disclosed publicly via its website, and copies will be shared with other news media for public dissemination.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. Thank you for your time and consideration. Please do not hesitate to contact me with any questions.

Cordially,

/Tristan Leavitt/
Tristan Leavitt
President

EXHIBIT F



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

December 19, 2024

Mr. Michael S. Zummer
Empower Oversight
11166 Fairfax Blvd., Ste. 500 #1076
Fairfax, VA 22030

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **25-00003-OIG**

Dear Mr. Zummer:

This letter is an acknowledgment of your FOIA request dated December 17, 2024, and received in this office on December 17, 2024, for records regarding all internal and external communications and correspondence related to the investigation of William Hinman.

Your request has been assigned tracking number 25-00003-OIG. Your request will be assigned to a Research Specialist for processing and you will be notified of the findings as soon as possible. We will be unable to respond to your request within the Freedom of Information Act's twenty day statutory time period, as there are unusual circumstances which impact on our ability to quickly process your request. Therefore, we are invoking the 10 day extension. These unusual circumstances are: (a) the need to search for and collect records from an organization geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other offices having a substantial interest in either the determination or the subject matter of the records. For these reasons, we will process your case consistent with the order in which we received your request.

If you do not receive a response after thirty business days from when we received your request, you have the right to seek dispute resolution services from an SEC FOIA Public Liaison or the Office of Government Information Services (OGIS). A list of SEC FOIA Public Liaisons can be found on our agency website at <https://www.sec.gov/oso/contact/foia-contact.html>. OGIS can be reached at 1-877-684-6448 or [Archives.gov](https://www.archives.gov) or via email at ogis@nara.gov.

Michael S. Zummer
December 19, 2024
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25-00003-OIG

In the interim, if you have any questions about your request, you may contact this office by calling (202) 551-7900, or sending an e-mail to foiapa@sec.gov. Please refer to your tracking number when contacting us.

For additional information, please visit our website at www.sec.gov and follow the FOIA link at the bottom.

Sincerely,

Office of FOIA Services

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

<p>I. (a) PLAINTIFFS EMPOWER OVERSIGHT WHISTLEBLOWERS & RESEARCH</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>88888</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Brian J. Field Schaerr Jaffe LLP 1717 K Street NW, Suite 900, Washington, DC 20006 (202) 787-1060</p>	<p>DEFENDANTS U.S. SECURITIES AND EXCHANGE COMMISSION</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p> <p>ATTORNEYS (IF KNOWN) United States Department of Justice</p>
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<p>II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)</p> <p><input type="radio"/> 1 U.S. Government Plaintiff <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
	PTF	DFT		PTF	DFT																				
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<p><input type="radio"/> A. Antitrust</p> <p><input type="checkbox"/> 410 Antitrust</p>	<p><input type="radio"/> B. Personal Injury/Malpractice</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Medical Malpractice</p> <p><input type="checkbox"/> 365 Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Product Liability</p>	<p><input type="radio"/> C. Administrative Agency Review</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><u>Social Security</u></p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)</p>	<p><input type="radio"/> D. Temporary Restraining Order/Preliminary Injunction</p> <p>Any nature of suit from any category may be selected for this category of case assignment.</p> <p>*(If Antitrust, then A governs)*</p>
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<p><input type="radio"/> E. General Civil (Other) OR <input type="radio"/> F. Pro Se General Civil</p>			
<p><u>Real Property</u></p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p><u>Personal Property</u></p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p><u>Bankruptcy</u></p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p><u>Prisoner Petitions</u></p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Conditions</p> <p><input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement</p> <p><u>Property Rights</u></p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 835 Patent – Abbreviated New Drug Application</p> <p><input type="checkbox"/> 840 Trademark</p> <p><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)</p>	<p><u>Federal Tax Suits</u></p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p> <p><u>Forfeiture/Penalty</u></p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p><u>Other Statutes</u></p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 462 Naturalization Application</p>	<p><input type="checkbox"/> 465 Other Immigration Actions</p> <p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA)</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>

<input type="radio"/> G. Habeas Corpus/ 2255 <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> H. Employment Discrimination <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation) *(If pro se, select this deck)*	<input type="radio"/> I. FOIA/Privacy Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act) *(If pro se, select this deck)*	<input type="radio"/> J. Student Loan <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> K. Labor/ERISA (non-employment) <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> L. Other Civil Rights (non-employment) <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> M. Contract <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> N. Three-Judge Court <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

V. ORIGIN
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi-district Litigation
 7 Appeal to District Judge from Mag. Judge
 8 Multi-district Litigation – Direct File

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 Under 5 U.S.C. §552, Def. is required to search for & produce all non-exempt records responsive to Pl.'s FOIA request

VII. REQUESTED IN COMPLAINT	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$ JURY DEMAND:	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
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VIII. RELATED CASE(S) IF ANY	(See instruction)	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If yes, please complete related case form
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DATE: 02/04/2025	SIGNATURE OF ATTORNEY OF RECORD /s/ Brian J. Field
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INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EMPOWER OVERSIGHT WHISTLEBLOWERS
& RESEARCH,

Plaintiff

v.

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Defendant

Civil Action No. **25-317**

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

Edward R. Martin, Jr., U.S. Attorney for the District of Columbia
U.S. Attorney's Office
601 D Street, NW
Washington, DC 20530
USADC.ServiceCivil@usdoj.gov

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brian J. Field
Schaerr | Jaffe LLP
1717 K Street NW, Suite 900
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EMPOWER OVERSIGHT WHISTLEBLOWERS
& RESEARCH,

Plaintiff

v.

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Defendant

Civil Action No. **25-317**

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brian J. Field
Schaerr | Jaffe LLP
1717 K Street NW, Suite 900
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EMPOWER OVERSIGHT WHISTLEBLOWERS
& RESEARCH,

Plaintiff

v.

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Defendant

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)

Civil Action No. 25-317

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

James McHenry III, Acting U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brian J. Field
Schaerr | Jaffe LLP
1717 K Street NW, Suite 900
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ANGELA D. CAESAR, CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

United States District Court For the District of Columbia

EMPOWER OVERSIGHT)	
WHISTLEBLOWERS & RESEARCH,)	
)	
)	Plaintiff
vs)	Civil Action No. <u>1:25-cv-00317</u>
)	
U.S. SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
)	Defendant

CERTIFICATE RULE LCvR 26.1

I, the undersigned, counsel of record for Empower Oversight Whistleblowers & Research certify that to the best of my knowledge and belief, the following are parent companies, subsidiaries or affiliates of Empower Oversight Whistleblowers & Research which have any outstanding securities in the hands of the public:

None.

These representations are made in order that judges of this court may determine the need for recusal.

985577
BAR IDENTIFICATION NO.

Attorney of Record

/s/ Brian J. Field
Signature

Brian J. Field
Print Name

Schaerr | Jaffe LLP, 1717 K Street NW, Suite 900
Address

<u>Washington</u>	<u>DC</u>	<u>20006</u>
City	State	Zip Code

(202) 787-1060
Phone Number