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October 20, 2016

Sent Via Postal Service, Email, And Fax To:

Via Postal Service To:

SEC Office of the Whistleblower
100 F Street NE Mail Stop 5631
Washington, DC 20549

Via Email To:

NorbergJ@sec.gov

Via Fax To:

SEC Office of the Whistleblower At (703) 813-9322

Ms. Norberg, Office of the Whistleblower Staff, and Commissioners:

**Claim For An Award: In the Matter of American Life, Inc. and Henry
Liebman - Administrative Proceeding File No.: 3-17285**

Pursuant to the Whistleblower provisions set forth within the Dodd–Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank”) I hereby submit a Claim For An Award to the US Securities And Exchange Commission (“SEC”) in connection with In the Matter of American Life, Inc. and Henry Liebman - Administrative Proceeding File No.: 3-17285 AND Any Related Actions Or Independently Eligible Actions.

Enclosed herein is a completed Form WB-APP as well as necessary supporting documentation that shall be considered when determining an award.

In processing this Claim For An Award and upholding the necessary aspects of due process, please process these submissions in the order set forth below:

1. CLAIMANT'S MOTION TO COMPEL RECUSAL OF NIKKIA WHARTON IN CLAIMANT'S CLAIM FOR AN AWARD;
2. CLAIMANT'S MOTION TO COMPEL RECUSAL OF JACK MCCREERY IN CLAIMANT'S CLAIM FOR AN AWARD;
3. CLAIMANT'S MOTION TO COMPEL EXPEDITED REVIEW IN CLAIMANT'S CLAIM FOR AN AWARD;
4. CLAIMANT'S MOTION TO COMPEL A THE AFFORDANCE OF PRIVACY ACT RIGHTS IN CLAIMANT'S CLAIM FOR AN AWARD;
5. CLAIMANT'S MOTION TO COMPEL A REVIEW OF RELATED ACTION IN CLAIMANT'S CLAIM FOR AN AWARD; AND
6. CLAIMANT'S MOTION TO COMPEL DISCOVERY IN CLAIMANT'S CLAIM FOR AN AWARD;

As these motions are decided, I explicitly reserve a right to file additional motions or appeals as relevant to this Claim For An Award, within 30 days of receiving a response to such motion or motions. For example, if discovery is denied in full or in part, I may file a motion for leave to acquire more evidence via other channels, such as the Freedom of Information and Privacy Act requests. Similarly, if discovery reveals evidence that is questionable, I reserve the right to seek leave in order to exercise my right to "amend" a record as set forth within the Privacy Act. Given the unique circumstances surrounding this case, including the admission by the SEC that certain Whistleblower records were deleted or spoiled it is necessary to diligently address each motion in a timely and fair manner.

Although the filings may be unique to this Claim For An Award, they are not without reason or warrant. Indeed, substantial resources have been expended to produce this filing to preserve my rights and a failure to consider these filings in good faith would be an indictment against the Whistleblower program.

Ultimately, the SEC must ask itself whether it is amicable to the intent of Congress to put significant roadblocks in front of Whistleblowers when the SEC is

simultaneously giving corporate fraudsters a copious rights, remedies, and niceties including but not limited to discovery, filing of motions, deadline extensions, and prompt attention from SEC staff.

Should you have any questions or concerns please contact me at Amarel.TaylorScott@Yandex.com. Please send all emails via an encrypted medium such as the SEC's ZIX email system – alternatively, my PGP fingerprint is: 7261 3EE9 8ACB 7CFC BFA6 07A6 4EA3 1997 0425 C914.

A failure to contact me via encrypted communications would place me at unnecessary additional risk for retaliation.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Taylor Scott Amarel". The signature is fluid and cursive, with the first name "Taylor" being the most prominent.

Taylor Scott Amarel

**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, DC 20549**

OMB APPROVAL	
OMB Number	3235-0686
Expires:	April 30, 2018
Estimated average burden hours per response.	2

FORM WB-APP

**APPLICATION FOR AWARD FOR ORIGINAL INFORMATION SUBMITTED
PURSUANT TO SECTION 21F OF THE SECURITIES EXCHANGE ACT OF 1934**

A. APPLICANT'S INFORMATION (REQUIRED FOR ALL SUBMISSIONS)			
1. Last Name	AMAREL	First	TAYLOR
		M.I.	S
2. Street Address			10420 JITNEY LN
			Apartment/ Unit #
			UNIT 1
City	GRASS VALLEY	State/ Province	CALIFORNIA
		ZIP Code	95945
		Country	USA
3. Telephone	N/A	Alt. Phone	530-273-1942
		E-mail Address	Amarel.TaylorScott@Yandex.com
B. ATTORNEY'S INFORMATION (IF APPLICABLE – SEE INSTRUCTIONS)			
1. Attorney's Name			
2. Firm Name			
3. Street Address			
City	State/ Province	ZIP Code	Country
4. Telephone	Fax	E-mail Address	
C. TIP/COMPLAINT DETAILS			
1. Manner in which original information was submitted to SEC: SEC website <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Other <input type="checkbox"/> Email			
2a. Tip, Complaint or Referral number		2b. Date TCR referred to in 2a submitted to SEC	
TCR14447606433067 AND OTHERS		10/13/15	
2c. Subject(s) of the Tip, Complaint or Referral: EB-5 Fraud, Unlicensed Broker-Dealers, AP File No. 3-17285			
D. NOTICE OF COVERED ACTION			
1. Date of Notice of Covered Action to which claim relates: 7/29/16 /		2. Notice Number: 2016-88	
3a. Case Name In the Matter of American Life, Inc. and Henry Liebman		3b. Case Number AP File No. 3-17285	
E. CLAIMS PERTAINING TO RELATED ACTIONS			
1. Name of agency or organization to which you provided your information SEC, USCIS, DHS, Congress, Etc.			
2. Name and contact information for point of contact at agency or organization, if known. Florida SEC Office, USCIS, Etc.			
3a. Date you provided your information / /		3b. Date action filed by agency/organization / /	
4a. Case Name See Attached		4b. Case number See Attached	
F. ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION			
1. Are you, or were you at the time you acquired the original information you submitted to us, a member, officer or employee of the Department of Justice, the Securities and Exchange Commission ("SEC" or "Commission"), the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision; the Public Company Accounting Oversight Board; any law enforcement organization; or any national securities exchange, registered securities association, registered clearing agency, or the Municipal Securities Rulemaking Board? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			

2. Are you, or were you at the time you acquired the original information you submitted to us, a member, officer or employee of a foreign government, any political subdivision, department, agency, or instrumentality of a foreign government, or any other foreign financial regulatory authority as that term is defined in Section 3(a)(52) of the Securities Exchange Act of 1934 (15 U.S.C. §78c(a)(52))?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
3. Did you obtain the information you are providing to us through the performance of an engagement required under the federal securities laws by an independent public accountant?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
4. Did you provide the information identified in Section C above pursuant to a cooperation agreement with the SEC or another agency or organization?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
5. Are you a spouse, parent, child, or sibling of a member or employee of the Commission, or do you reside in the same household as a member or employee of the Commission?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
6. Did you acquire the information you are providing to us from any person described in questions F1 through F5?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
7. If you answered "yes" to any of questions 1 through 6 above, please provide details. Use additional sheets if necessary.		
8a. Did you provide the information identified in Section C above before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of your submission (i) from the SEC, (ii) in connection with an investigation, inspection or examination by the Public Company Accounting Oversight Board, or any self-regulatory organization; or (iii) in connection with an investigation by the Congress, any other authority of the federal government, or a state Attorney General or securities regulatory authority?		
		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
8b. If you answered "No" to question 8a, please provide details. Use additional sheets if necessary.		
Please see attached, this question is vague because I have received requests generally about fraud within the EB-5 industry but I am uncertain if those requests and answers were specifically relevant to this Claim For An Award, nor do I have the access to documents needed to make a determination.		
9a. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information upon which your application for an award is based?		
		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
9b. If you answered "Yes" to question 9a, please provide details. Use additional sheets if necessary.		

G. ENTITLEMENT TO AWARD

Explain the basis for your belief that you are entitled to an award in connection with your submission of information to us, or to another agency in a related action. Provide any additional information you think may be relevant in light of the criteria for determining the amount of an award set forth in Rule 21F-6 under the Securities Exchange Act of 1934. Include any supporting documents in your possession or control, and attach additional sheets, if necessary.

Please see attached for sections G and E, as well as for further elaboration on other sections. Many of the feilds, such as the feilds within section C are too small to contain the necessary text. Furthermore, some of the requested information is not in Claimant's possession and will thus need to be provided via discovery. The attached documents go into significant detail about what additional evidence should be considered and the situation of the Claimant as it relates to this claim.

H. DECLARATION

I declare under penalty of perjury under the laws of the United States that the information contained herein is true, correct and complete to the best of my knowledge, information and belief. I fully understand that I may be subject to prosecution and ineligible for a whistleblower award if, in my submission of information, my other dealings with the SEC, or my dealings with another authority in connection with a related action, I knowingly and willfully make any false, fictitious, or fraudulent statements or representations, or use any false writing or document knowing that the writing or document contains any false, fictitious, or fraudulent statement or entry.

Signature 	Date OCTOBER 20, 2016
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Privacy Act Statement

This notice is given under the Privacy Act of 1974. We are authorized to request information from you by Section 21F of the Securities Exchange Act of 1934. Our principal purpose in requesting this information is to assist in our evaluation of your eligibility and other factors relevant to our determination of whether to pay a whistleblower award to you under Section 21F of the Exchange Act.

However, the information provided may be used by SEC personnel for purposes of investigating possible violations of, or to conduct investigations authorized by, the federal securities law; in proceedings in which the federal securities laws are in issue or the SEC is a party; to coordinate law enforcement activities between the SEC and other federal, state, local or foreign law enforcement agencies, securities self regulatory organizations, and foreign securities authorities; and pursuant to other routine uses as described in SEC-42 "Enforcement Files."

Furnishing this information is voluntary, but a decision not to do so, or failure to provide complete information, may result in our denying a whistleblower award to you, or may affect our evaluation of the appropriate amount of an award. Further, if you are submitting this information for the SEC whistleblower program and you do not execute the Declaration, you may not be considered for an award.

Questions concerning this form may be directed to the SEC Office of the Whistleblower, 100 F Street, NE, Washington, DC 20549-5631, Tel. (202) 551-4790, Fax (703) 813-9322.

General

- This form should be used by persons making a claim for a whistleblower award in connection with information provided to the SEC or to another agency in a related action. In order to be deemed eligible for an award, you must meet all the requirements set forth in Section 21F of the Securities Exchange Act of 1934 and the rules thereunder.
- You must sign the Form WB-APP as the claimant. If you provided your information to the SEC anonymously, you must now disclose your identity on this form and your identity must be verified

in a form and manner that is acceptable to the Office of the Whistleblower prior to the payment of any award.

- If you are filing your claim in connection with information that you provided to the SEC, then your Form WB-APP, and any attachments thereto, **must be received by the SEC Office of the Whistleblower within ninety (90) days of the date of the Notice of Covered Action to which the claim relates.**
- If you are filing your claim in connection with information you provided to another agency in a related action, then your Form WB-APP, and any attachments thereto, must be received by the SEC Office of the Whistleblower as follows:
 - If a final order imposing monetary sanctions has been entered in a related action at the time you submit your claim for an award in connection with a Commission action, **you must submit your claim for an award in that related action on the same Form WB-APP that you use for the Commission action.**
 - If a final order imposing monetary sanctions in a related action has not been entered at the time you submit your claim for an award in connection with a Commission action, **you must submit your claim on Form WB-APP within ninety (90) days of the issuance of a final order imposing sanctions in the related action.**
- You must submit your Form WB-APP to us in one of the following two ways:
 - By mailing or delivering the signed form to the SEC Office of the Whistleblower, 100 F Street NE, Washington, DC 20549-5631; or
 - By faxing the signed form to (703) 813-9322.

Instructions for Completing Form WB-APP

Section A: Applicant's Information

Questions 1-3: Provide the following information about yourself:

- First and last name, and middle initial
- Social Security Number
- Complete address, including city, state and zip code
- Telephone number and, if available, an alternate number where you can be reached
- E-mail address

Section B: Attorney's Information. If you are represented by an attorney in this matter, provide the information requested. If you are not represented by an attorney in this matter, leave this Section blank.

Questions 1-4: Provide the following information about the attorney representing you in this matter:

- Attorney's name
- Firm name
- Complete address, including city, state and zip code
- Telephone number and fax number, and
- E-mail address.

Section C: Tip/Complaint Details

Question 1: Indicate the manner in which your original information was submitted to the SEC.

Question 2a: Include the TCR (Tip, Complaint or Referral) number to which this claim relates.

Question 2b: Provide the date on which you submitted your information to the SEC.

Question 2c: Provide the name of the individual(s) or entity(s) to which your complaint related.

Section D: Notice of Covered Action

The process for making a claim for a whistleblower award begins with the publication of a "Notice of Covered Action" on the Commission's website. This Notice is published whenever a judicial or administrative action brought by the Commission results in the imposition of monetary

sanctions exceeding \$1,000,000. The Notice is published on the Commission's website subsequent to the entry of a final judgment or order in the action that by itself, or collectively with other judgments or orders previously entered in the action, exceeds the \$1,000,000 threshold.

Question 1: Provide the date of the Notice of Covered Action to which this claim relates.

Question 2: Provide the notice number of the Notice of Covered Action.

Question 3a: Provide the case name referenced in Notice of Covered Action.

Question 3b: Provide the case number referenced in Notice of Covered Action.

Section E: Claims Pertaining to Related Actions

Question 1: Provide the name of the agency or organization to which you provided your information.

Question 2: Provide the name and contact information for your point of contact at the agency or organization, if known.

Question 3a: Provide the date on which you provided your information to the agency or organization referenced in question E1.

Question 3b: Provide the date on which the agency or organization referenced in question E1 filed the related action that was based upon the information you provided.

Question 4a: Provide the case name of the related action.

Question 4b: Provide the case number of the related action.

Section F: Eligibility Requirements

Question 1: State whether you are currently, or were at the time you acquired the original information that you submitted to the SEC, a member, officer, or employee of the Department of Justice; the Securities and Exchange Commission; the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision; the Public Company Accounting Oversight Board; any law enforcement organization; or any national securities exchange, registered securities association, registered clearing agency, or the Municipal Securities Rulemaking Board.

Question 2: State whether you are, or were you at the time you acquired the original information you submitted to the SEC, a member, officer or employee of a foreign government, any political subdivision, department, agency, or instrumentality of a foreign government, or any other foreign financial regulatory authority as that term is defined in Section 3(a)(52) of the Securities Exchange Act of 1934.

- Section 3(a)(52) of the Exchange Act (15 U.S.C. §78c(a)(52)) currently defines “foreign financial regulatory authority” as “any (A) foreign securities authority, (B) other governmental body or foreign equivalent of a self-regulatory organization empowered by a foreign government to administer or enforce its laws relating to the regulation of fiduciaries, trusts, commercial lending, insurance, trading in contracts of sale of a commodity for future delivery, or other instruments traded on or subject to the rules of a contract market, board of trade, or foreign equivalent, or other financial activities, or (C) membership organization a function of which is to regulate participation of its members in activities listed above.”

Question 3: Indicate whether you acquired the information you provided to the SEC through the performance of an engagement required under the Federal securities laws by an independent public accountant.

Question 4: State whether you provided the information submitted to the SEC pursuant to a cooperation agreement with the SEC or with any other agency or organization.

Question 5: State whether you are a spouse, parent, child or sibling of a member or employee of the Commission, or whether you reside in the same household as a member or employee of the Commission.

Question 6: State whether you acquired the information you are providing to the SEC from any individual described in Question 1 through 5 of this Section.

Question 7: If you answered “yes” to questions 1 through 6, please provide details.

Question 8a: State whether you provided the information identified to the SEC before you (or anyone representing you) received any request, inquiry or demand from the SEC,

Congress, or any other federal, state or local authority, or any self regulatory organization, or the Public Company Accounting Oversight Board about a matter to which the information in your submission was relevant.

Question 8b: If you answered “no” to questions 8a, please provide details. Use additional sheets if necessary.

Question 9a: State whether you are the subject or target of a criminal investigation or have been convicted of a criminal violation in connection with the information upon which your application for award is based.

Question 9b: If you answered “yes” to question 9a, please provide details, including the name of the agency or organization that conducted the investigation or initiated the action against you, the name and telephone number of your point of contact at the agency or organization, if available and the investigation/case name and number, if applicable. Use additional sheets, if necessary.

Section G: Entitlement to Award

This section is optional. Use this section to explain the basis for your belief that you are entitled to an award in connection with your submission of information to us or to another agency in connection with a related action. Specifically address how you believe you voluntarily provided the Commission with original information that led to the successful enforcement of a judicial or administrative action filed by the Commission, or a related action. Refer to Rules 21F-3 and 21F-4 under the Exchange Act for further information concerning the relevant award criteria. You may attach additional sheets, if necessary.

Rule 21F-6 under the Exchange Act provides that in determining the amount of an award, the Commission will evaluate the following factors: (a) the significance of the information provided by a whistleblower to the success of the Commission action or related action; (b) the degree of assistance provided by the whistleblower and any legal representative of the whistleblower in the

Commission action or related action; (c) the programmatic interest of the Commission in deterring violations of the securities laws by making awards to whistleblowers who provide information that leads to the successful enforcement of such laws; and (d) whether the award otherwise enhances the Commission's ability to enforce the federal securities laws, protect investors, and encourage the submission of high-quality information from whistleblowers. Address these factors in your response as well.

Additional information about the criteria the Commission may consider in determining the amount of an award is available on the Commission's website at www.sec.gov/whistleblower.

Section H: Declaration

This section must be signed by the claimant.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

1 I. **PREFATORY STATEMENT**

2 This document is submitted to the U.S. Securities and Exchange
3 Commission (“Commission”) with significant elaboration and legal
4 analysis for the purposes of obtaining justice for Whistleblowers¹ who
5 risk their live, family, health, and security to safeguard our nation from
6 wrongdoing.

7 Above all else, the documents herein, the numerous
8 Whistleblower submissions, tips, and related efforts are dedicated to
9 both Whistleblowers and fraud victims around the world. Special
10 dedication is also given to financial Whistleblowers and the individuals
11 they have attempted to protect, including but not limited to: Harry
12 Markopolos, Bradley Birkenfeld, Laurence do Rego, David P. Weber,
13 Antoine Deltour, Carmen Segarra, Everett Stern, Andrew Maguire,
14 Linda Almonte, Wendell Potter, Hervé Falciani, Rudolf Elmer, Sergei
15 Magnitsky, Richard M. Bowen III, Michael G. Winston, Gary J.
16 Aguirre, Paul Moore, Sherron Watkins, Cynthia Cooper, Christoph
17 Meili, Keith A. Schooley, Douglas D. Keeth, John Michael Gravitt,
18 Brian Penny, and many more.

19 In honor of those who have so courageously fought to disclose
20 fraud, I hereby state my intention to dedicate any monetary awards
21 earned, less legal expenses, to designated non-profit organizations
22 dedicated to fighting fraud in our financial markets, supporting

¹ Except as quoted in an excerpt, to properly recognize the contributions and public good Whistleblowers provide. Throughout this document Whistleblower or Whistleblowers shall be capitalized to show recognition for their efforts and sacrifices.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

23 whistleblower protections, ensuring financial stability, implementing
24 progressive financial reform, and pursuing accountability within our
25 financial markets and their respective regulators..

26 II. INTRODUCTION

27 Taylor Scott Amarel (“Claimant”) files this claim for an award to
28 obtain the protections, rights, and awards afforded to Whistleblowers
29 under the Dodd-Frank Wall Street Reform and Consumer Protection
30 Act (“Dodd-Frank”) and any other relevant laws, statutes, rules, or
31 matters protecting Whistleblowers and those who disclose fraud to
32 protect others.

33 Claimant seeks a fair, equitable, and righteous administrative
34 adjudication of this Claim For an Award.

35 III. JURISDICTION AND VENUE

36 The Administrative Procedure Act (“APA”) and Dodd-Frank
37 provide the Respondent with the conditioned subject matter
38 jurisdiction and conditioned personal jurisdictional authority over this
39 mater provided the Respondent’s proceeding, among other things, are
40 impartial, follow fair procedures, provides due process, allow for fair

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

41 play, and utilize procedural safeguards in a manner not to defeat the
42 ends of justice.²³⁴⁵⁶⁷

43 **IV. PARTIES**

44 Claimant, is a victim of financial fraud and financial fraud
45 Whistleblower who has dedicated thousands of hours to the discovery
46 and explanation of financial frauds to Respondent and other law
47 enforcement parties.

48 Respondent, is a federal agency of the United States Government
49 tasked by Congress to protect investors, maintain fair, orderly, and
50 efficient markets, and facilitate capital formation.⁸ The Commission is
51 run by Commissioners who are appointed by the President of the
52 United state with the advice and consent of the Senate. The
53 Commissioners of the Commission are directly responsible for the
54 implementation, execution, and adjudication of the Whistleblower
55 program as set forth in Dodd-Frank.

56 **V. BACKGROUND OF CLAIMANT**

57 After being a victim of egregious and severely damaging financial
58 fraud, Claimant has discovered, researched, elaborated, and submitted

² See Appeal of Morin, 140 N.H. 515 (N.H. 1995).

³ See State ex rel. White v. Parsons, 199 W. Va. 1 (W. Va. 1996).

⁴ See Mathews v. Eldridge, 424 U.S. 319 (U.S. 1976).

⁵ See State, Dep't of Environmental Protection v. Stavola, 103 N.J. 425, 436 (N.J. 1986).

⁶ See [iv] Secretary, Agency of Natural Resources v. Upper Valley Reg'l Landfill Corp., 167 Vt. 228, 234 (Vt. 1997).

⁷ See State ex rel. Cangemi v. Industrial Comm'n, 72 Ohio St. 3d 453 (Ohio 1995).

⁸ See <https://www.sec.gov/about/whatwedo.shtml>.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

59 numerable highly detailed turn key Whistleblower tips to Respondent
60 in accordance with the Whistleblower program as set forth in Dodd-
61 Frank.

62 The frauds discovered and reported to Respondent include
63 detailed information that comprehensively laid out multiple fraudulent
64 schemes which otherwise would have been very difficult for
65 investigators to detect. Further, Claimant's submissions have allowed
66 Respondent to converse significant time and resources and act quicker,
67 greatly improving investor protection and faith in our financial
68 markets. Claimant's tips cover at least the following frauds:

69

70 A. SEC vs. Steven Chen, et al. Case Number: CV 15-07425-
71 RGK (PLAx);

72 B. SEC vs. Path America, LLC, et al. Case Number: 2:15-CV-
73 01350-JLR;

74 C. SEC vs. Ariel Quiros and William Stenger, et al. Case
75 Number: 16-CV-21301-GAYLES;

76 D. SEC vs. Charles C. Liu, et al. Case Number: SACV16-
77 00974 CJC (AGR_x);

78 E. In the Matter of American Life, Inc. and Henry G.
79 Liebman, SEC Administrative Proceeding File No. 3-17285;

80 F. Non-public investigations into Giro Katsimbrakis;

81 G. Non-public investigations into Chicagoland Foreign
82 Investment Group and associated project entities.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

- 83 H. Non-public investigations into AZ Sourcing and
- 84 PhoenixMart.
- 85 I. Non-public investigations into Ocean Studios EB-5 Project.
- 86 J. Non-public investigations into San Francisco Regional
- 87 Center.
- 88 K. Non-public investigations into American Regional Center
- 89 For Entrepreneurs.
- 90 L. Non-public investigations into at least 30 other companies,
- 91 including numerous SEC, FBI, DHS, IRS, and CFPB
- 92 investigations.
- 93 M. Significant frauds within the EB-5 and foreign direct
- 94 investment industries, including over 20 attorneys acting as
- 95 unlicensed broker-dealers, multiple EB-5 Regional Centers
- 96 willfully paying those attorney's illicit commissions, and
- 97 countless other frauds within this industry from inappropriate
- 98 representations to investors, to money laundering, to VISA and
- 99 Passport forgery, to fake I-526 petitions, etc.

100

101 These tips and the sincerity of Claimant in brining innumerable
102 instances of fraud to the attention of Respondent indisputably led the
103 Respondent to more effectively prioritize staff for examinations,
104 sweeps, and investigations within the EB-5 and foreign direct
105 investment sectors. Indeed, in recognition of this, Claimant submitted
106 to Respondent numerous summary's, manuals, and background
107 information which walks Claimant through how to analyze and triage

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

108 Claimant's tips as well as brought numerous red flags to the attention
109 of Respondent. In aggregate, Claimant's actions have immeasurably
110 assisted Respondent by providing data, tactics, and a unique otherwise
111 not obtainable insider perspective on this industry, which allows
112 Respondent to greatly increase the efficiency and effectiveness of their
113 investigations and resulting actions.

114 VI. INTENT OF CONGRESS

115 Generally, Congress favorably views persons who notify the
116 government of potential illegalities, customarily termed
117 "whistleblowers," because the information which the government
118 receives frequently helps rectify illegal behavior. 12 Specifically,
119 Congress designed the Whistleblower Program to motivate persons
120 possessing reasonable belief of potential securities laws violations to
121 inform the SEC of their suspicion. 13 Congress attempted to provide
122 whistleblower protection because the information provided by
123 whistleblowers would often not be easily discovered through external
124 SEC investigations. 14 Therefore, Congress sought to incentivize
125 whistleblowers to file more reports, which, in turn, would improve the
126 transparency of the financial system and decrease the likelihood of
127 another financial crisis materializing. 15 Markopolos cited statistics
128 showing the historical efficacy of such programs where "whistleblower
129 tips detected 54.1% of uncovered fraud schemes in public companies,"¹⁷
130 while SEC exam teams, and all other external auditors, "detected a
131 mere 4.1%."¹⁸ Notably, whistleblower tips were also shown to be
132 thirteen times more effective than all external audits. 19 Due to the

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

133 demonstrated success of whistleblowing, Congress attempted to solve
134 the historical impediments faced by whistleblowers. The most
135 significant of such impediments is the deterrence factor which prevents
136 employees who may wish to notify the government of wrongdoing from
137 doing so due to the potential risk of adverse employment action in
138 retaliation for such whistleblowing. The concept is not new; other
139 federal statutes afford anti-retaliation protection to whistleblowers, 20
140 making illegal employer discrimination against such employees. Per
141 Dodd-Frank, Congress expanded whistleblower protection within the
142 financial industry through various means. The broader scope of the
143 new Whistleblower Program seeks to increase motivation for “potential
144 whistleblowers to come forward and help the government identify and
145 prosecute fraudsters,” 21 by incentivizing whistleblowers with
146 monetary awards, and through expanding the definition of
147 whistleblower and thereby extending anti-retaliation protection to
148 more persons. 22

149 VII. **ELIGABILITY TO SUBMIT A CLAIM**

150 Claimant has submitted the necessary completed and signed WP-
151 APP Form which is necessary for the administrative processing of this
152 claim for an award.

153 Further, Claimant has previously filed the necessary
154 Whistleblower tips in accord with the SEC’s rules and regulations as
155 well as statutory requirements.

156 Respondent acknowledged at least two Whistleblower tips are
157 applicable to the present claim and covered action.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

158 **VIII. FACT RELEVANT TO FAIR DUE PROCESS**

159 As a requirement of a fair administrative forum and the proper
160 adjudication of this case it is necessary to consider unique, extreme,
161 and compelling circumstances.

162 Pertinent to this claim, Respondent must “calculate a fair forum
163 and proceeding” is direct consideration of the facts that:

164 A. Respondent has deleted or lost evidence necessary to
165 establish the assistance Claimant provided to the Respondent⁹;

166 B. Respondent has regularly refused to acknowledged receipt
167 of Claimants Whistleblower submissions;

168 C. Respondent has refused to provide consultation to
169 Claimant to discuss issues, provide follow up, or inform Claimant
170 that certain Whistleblower tips were not properly placed in
171 Respondent’s record;

172 D. Respondent and and members of Respondent, including at
173 least Ms. Nikkia Wharton have violated Rule 21F-17 by
174 interfering with Claimants submission of evidence to Respondent
175 through the Whistleblower portal and interfering with Claimants
176 submission of evidence directly to staff of Respondent;

177 E. Respondent and staff of Respondent have conspired,
178 planned, and executed additional wrongdoing and bad faith to be
179 discovered and supported through discovery;

180 F. The Claimant has suffered significantly as a result of
181 reporting financial fraud to Respondent and will suffer

⁹ See Affidavits Of Claimant.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

182 irreparable, sever, and debilitating injury, including but not
183 limited to potential death, starvation, homelessness, and
184 continued persecution should Respondent prejudice Claimants
185 rights.¹⁰

186
187 To preserve justice and avoid injustice the Commission is
188 obligated to take the aforementioned items and other relevant factors
189 into consideration when administratively determining what rights,
190 opportunities, and niceties are afforded to Claimant before Claimant is
191 denied life, liberty, property, etc.

192 **IX. THE EQUAL PROTECTION CLAUSE**

193 The Equal Protection Clause is part of the Fourteenth
194 Amendment to the United States Constitution. The clause, which took
195 effect in 1868, provides that no state shall deny to any person within its
196 jurisdiction "the equal protection of the laws".

197 In accordance with this act, Respondent must provide, at a
198 minimum, the same level of discovery, communication, niceties, and
199 cooperation that the Commission has provided to other Whistleblowers
200 and parties to Respondent's proceedings.

201 Further, Respondent need apply the same level of Due Process
202 covenants that other agencies, such as the Social Security
203 Administration apply, and at a minimum reach a level of deference of
204 due process equal to its administrative law judge proceedings. Although
205 difference laws, Respondent is obligated to adopt a scale that similarly

¹⁰ See Affidavits Of Claimant.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

206 weights the potential risks to unfair encroachment that has yet to be
207 displayed.¹¹

208 **X. BURDEN OF PROOF**

209 Summarily, the Responent bears the burden of proof in relation
210 to all facts, matters, and documents relating to a disputed issue that is
211 either proven or disproven because: A.) evidence lies peculiarly within
212 the knowledge of Respondent; or B.) Respondent has failed to maintain
213 the integrity of relevant documents and have at times acted to delete,
214 remove, corrupt or otherwise spoil relevant.

215 **XI. AUTHORITY TO INTERPRET RULES**

216 As an administrative proceeding, pursuant to the APA
217 Respondent must exercise extreme caution when exercising a limited
218 right to interpret Whistleblower rules.

219 As a matter of law, the Commission may only exercise any
220 authority to interpret after first concluding that Statue, Judicial
221 Precedent, Legislative History, Remedial Intent, and Public Comments
222 fail to provide the necessary clarification to ambiguity. Similarly, the
223 Commission is forbidden from exercising its limited right to interpret
224 Whistleblower rules in a manner that is contradictory to Statue,
225 Judicial Precedent, Legislative History, Remedial Intent and Public
226 Comments.

¹¹ Companies subject to ALJ proceedings routinely get extensions, niceties, and prompt attention from Respondent, even for subjective non-life threatening, non-material matters, yet, Whistleblowers, who are struggling with their very well being, often without counsel are not provided these opportunities.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

227 The Commission must further recognize and act in accord with
228 the hierarchy of authority afforded to Statute, Judicial Precedent,
229 Legislative History, Remedial Intent, and Public Comments, whereby,
230 Statute is more authoritative than Judicial Precedent which is more
231 authoritative than Legislative History and so on.

232 Moreover, any former precedents set by Respondent that do not
233 recognize or otherwise ignore this well established hierarchy of
234 authority can not be applied to this Claim For An Award.

235 **XII. ARGUMENT**

236 Pursuant to 17 CFR 240.21F-6 the Commission's is required to
237 provide Whistleblower's with an award based on four positive and three
238 negative factors. The four positive factors to be considered include:
239 significant, assistance, law enforcement interest, and participation in
240 internal compliance systems. The three negative factors to be
241 considered include: culpability, interference with internal compliance
242 and reporting systems, and unreasonable delay in reporting.

243 **A. Significance**

244 The significance of the information I provided greatly
245 impacted the success of proceedings brought against wrongdoers.
246 Pertaining to In the Matter of American Life, Inc. and Henry
247 Liebman Administrative Proceeding File No.: 3-17285 I provided
248 Respondent with specific, timely, and credible evidence in at least
249 two Whistleblower tips delineated. It is noted that the
250 Respondent unilaterally determined that these tips identified the

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

251 companies involved but it is necessary to conduct addition
252 discovery to find other tips or assistance provided by Claimant.

253 **B. Assistance**

254 The extent of the assistance I have provided to Respondent
255 in investigations and successful proceedings is great. Indeed,
256 without the documents, elaboration, and assistance I provided to
257 Respondent, Respondent would not be able to resolve this
258 situation as fast, effectively, or efficiently as it did.

259 **C. Law Enforcement Interest**

260 There are numerous reasons why making a award to
261 Claimant will assist in deterring violations of the securities laws.
262 Including but not limited to:

- 263 1. Encouraging other Whistleblowers;
- 264 2. Encouraging internal compliance programs.
- 265 3. Shedding light on ubiquitous bad practices.
- 266 4. Cleaning up an industry with rampant fraud. For
267 example, this claim for an award relates to bad actions
268 within the EB-5 industry. An industry that, according to
269 Congress, the Department Of Homeland Security (“DHS”),
270 and Respondent, has been dogged by fraud, folly, waste,
271 and abuse. According to Congressional correspondence
272 between Respondent and Congress there are over 50 EB-5
273 investigations ongoing requiring the expenditure of
274 thousands of hours of Respondent’s resources. These
275 demands come at a time when Respondent already has

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

276 limited resources to police our financial markets. Indeed,
277 Mary Jo White and Respondent routinely asked Congress
278 for increased budget and have been unequivocally hindered
279 by their limited budget increases but exponentially
280 expanding responsibilities. Further, a review of publicly
281 available information including investor lawsuits, DHS
282 actions, and other private litigation tells, once again, that
283 fraud and the resulting damages to investors are
284 ubiquitous in this industry.

285 As an insider, an analysis of this information is even
286 more worrisome. Particularly because, most of the publicly
287 announced fraud as been known by insiders for years
288 before Respondent or federal regulators are become privy to
289 the fraud. Despite industry players knowing very well
290 which projects are fraudulent and what securities
291 violations are going on, Respondent appears to be entirely
292 in the dark. To great effect, Respondent could immediately
293 remedy this problem by announcing an EB-5 Whistleblower
294 award and inviting the many knowledge EB-5 insiders to
295 submit more fraud to their attention.

296 The EB-5 industry is one of the only industries where
297 investors routinely file lawsuits, with substantiated
298 allegations before these concerns reach Respondent and
299 years before the Respondent takes public actions. By
300 awarding a Whistleblower award to somebody within the

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

301 EB-5 industry Respondent will immediately gain an army
302 of potential informants and likely see thee number of EB-5
303 related tips immediately double, if not triple. The resulting
304 flow of EB-5 Whistleblower tips would undoubtedly allow
305 Respondent to substantially streamline its EB-5 oversight
306 and enforcement efforts and allow Respondent to take
307 preventative against future frauds, rather than cleaning up
308 frauds that have ran for years, such as Jay Peak.

309
310 There is an enormous law enforcement interest that
311 Respondent provide a positive and inviting environment to
312 Whistleblowers. Further assistance Claimant has provided to
313 Respondent has allowed Respondent to tackle frauds in an area
314 of securities law that is still novel to most of Respondents staff
315 and save significant resources when doing so. These benefits are
316 significant, especially given Respondent's stagnant budget and
317 increased responsibilities that had spread resources dangerously
318 thin.

319 **D. Participation In Internal Compliance Systems**

320 To Claimant's knowledge, the companies related to this
321 Claim For An Award did not have and do not have any internal
322 compliance systems, thus there was no opportunity for Claimant
323 to internally report violations before, after, or at at the same time
324 Claimant reported them to Respondent.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

325 **E. Culpability**

326 Claimant has never participated in any of the securities
327 law violations. Further Claimant is not culpable for any
328 securities law violations. For every Whistleblower tip Claimant
329 has submitted, Claimant was a passive observer of the fraud
330 conducting only analysis and explanation of the fraud and
331 subsequently reporting the fraud to Respondent.

332 **F. Interference With Internal Compliance And**
333 **Reporting Systems**

334 At no point did Claimant ever interfere with Claimant's
335 company's internal compliance and reporting systems. Nor has
336 Claimant interfered with the internal compliance and reporting
337 systems of other companies.

338 **G. Unreasonable Delay In Reporting**

339 Claimant reported all tips to Respondent in a timely manner.
340 Regularly, Claimant would report violations of securities law within
341 144 hours of first learning about the fraud and Claimant worked
342 diligently to inform Respondent of any new information or additional
343 elaboration as needed in follow-up tips. Claimant made significant
344 sacrifices to report information to Respondent in a timely manner,
345 these sacrifices include but are not limited to:

- 346 1. Despite continued financial difficulties, Claimant
347 routinely paid for shipping, flash drives, and other items to
348 submit fraud to Respondent. In doing so, Claimant regularly

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

349 prioritized these expenses over very basic rent, food, and
350 transportation expenses, which was a huge sacrifice.

351 2. On multiple occasions, Claimant stayed present at
352 Claimant's computer for periods greater than 12 hours for the
353 purposes uploading documents to the Respondent's
354 Whistleblower portal. The Whistleblower portal is very low
355 upload speeds, often loses connection, only accepts 10MB file
356 uploads, and has a very cumbersome 30-minute timeout that
357 required Claimant to dedicate a substantial number of hours to
358 upload even a small number of files;

359 3. In total, it is estimated that Claimant has spent over 750
360 hours simply uploading files to Respondent's Whistleblower
361 portal. This time could have been used for Claimant's other
362 activities such as work, exercise, or additional fraud research.

363 4. As a result of staying up late and the continuous presence
364 required at the computer to avoid time out, Claimant did not eat
365 properly, lost significant weight, suffered significant stress, and
366 regularly became ill.

367 5. In totality, the sacrifices made by Claimant in reporting
368 financial fraud to Respondent range from persecution,
369 retaliation, and health problems to illness, lost financial
370 opportunities, degrading live standards, homelessness, etc, and
371 these problems are only exacerbated by the continued sacrifices
372 Claimant made to report fraud to Respondent as soon as
373 possible.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

396 the U.S. economy.¹³ Within Dodd-Frank Congress included a new
397 and robust “Whistleblower Program”¹⁴ to motivate persons
398 possessing reasonable belief of potential securities laws violations
399 to inform the SEC of their suspicion.¹⁵ Generally, Congress
400 favorably views persons who notify the government of potential
401 illegalities, customarily termed “whistleblowers,” because the
402 information which the government receives frequently helps
403 rectify illegal behavior. Specifically, Congress designed the
404 Whistleblower Program to motivate persons possessing
405 reasonable belief of potential securities laws violations to inform
406 Respondent of their suspicion.

407 **B. Reasons For Remediation**

408 Congress attempted to provide whistleblower protections
409 because the information provided by whistleblowers would often
410 not be easily discovered through agency investigations.
411 Therefore, Congress sought to incentivize whistleblowers to file
412 more reports, which, in turn, would improve the transparency of
413 the financial system and decrease the likelihood of another
414 financial crisis materializing. Certified Fraud Examiner and
415 Bernie Madoff whistleblower Harry Markopolos demonstrated
416 the historical efficiency of whistleblower programs when he
417 testified in front of the Senate Banking Committee urging

¹³ S. Rep. No. 111-176, at 39-40.

¹⁴ 15 U.S.C. § 78u-6 (2012).

¹⁵ S. Rep. No. 111-176, at 39-40.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

418 enactment of the Whistleblower Program.¹⁶

419 Markopolos cited statistics showing the historical efficacy
420 of such programs where “whistleblower tips detected 54.1% of
421 uncovered fraud schemes in public companies,”¹⁷ while
422 Respondent’s exam teams, and all other external auditors,
423 “detected a mere 4.1%.”¹⁸ Notably, Congress become very
424 receptive to the fact that whistleblower tips were also shown to
425 be thirteen times more effective than all external audits.¹⁹

426 **C. Need For Action**

427 Given the limited sources of Respondent and the immediate
428 need for improved financial regulation, Respondent has a duty to
429 provide Whistleblowers with good faith, fair, and throughout
430 administrative proceedings as to avoid a situation where
431 Respondent acts to discourage would be Whistleblowers through
432 highly technical arguments for denials, failures to provide basic
433 discovery, and or a general diversion from adopted standards of
434 good practice and due process in administrative proceedings.

435 Respondent’s goal and purpose of existence is to protect
436 investors, maintain fair, orderly, and efficient markets, and
437 facilitate capital formation, yet as we have learned through the
438 Internal Revenue Service’s Whistleblower Program, the use of
439 highly technical arguments and the resulting processing delays

¹⁶ S. Rep. No. 111-176, at 110-11.

¹⁷ S. Rep. No. 111-176, at 110-11.

¹⁸ S. Rep. No. 111-176, at 110-11.

¹⁹ S. Rep. No. 111-176, at 110-11.

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

440 ultimately hinder the success of the Whistleblower program. As a
441 result of this necessary for Claimant to put forth extremely time
442 consuming and dedicated arguments to avoid, what currently
443 appears to be, a behavior of Respondent to expend significant
444 money, time, and resources denying Whistleblower claims and
445 motions. In most cases, the Respondent could more quickly
446 process awards and thus limit delay based discouragement if
447 Respondent dedicated more resources to cooperating with
448 Whistleblowers and providing due process rather than stringing
449 along significantly lengthy and highly technical arguments for
450 denial, many of which are directly in conflict with Congressional
451 intent.

452 Notwithstanding, Respondent's position that the
453 Whistleblower office is under-resourced and would be
454 significantly delayed by the affordance of basic due process is
455 pure applesauce, and bears no ground as an argument.
456 Particularly because, for the entire year ending September 30,
457 2016, Respondent has had the budget and authority to increase
458 the number of staff within the Whistleblower office but refused to
459 do so, despite multi-year long adjudication times and regular
460 media reports discussing how Whistleblower's are more likely to
461 win the California lottery than get a Whistleblower award. These
462 actions by Respondent can only be interpreted as 1.) that
463 Respondent believes it is not burdened; and 2.) Respondent
464 believes in the dedication of resources elsewhere. These actions

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

465 fail to pass basic standards of reason because respondent denies
466 Whistleblower rights and claims that granting those rights would
467 cause other Whistleblower's delays and hardship. At the same
468 time, unfortunately, Respondent does not take the very basic
469 action of independently limiting the effects of the delays without
470 affecting such Whistleblowers, such as hiring more staff or
471 dedicating staff to productive activities rather than highly
472 technical reasoning that burdens Whistleblowers from discovery,
473 right to an award, etc.

474 In short, Respondent claims that delays are an enormous
475 problem and due to their severity, Whistleblowers can not have
476 any standards of due process that would cause more delays – yet
477 Respondent takes no action to resolve those delays through
478 currently available resources; Respondent is purposefully
479 running a marathon with weights tied to its shoes.

480 Moreover, Respondent's lack of concern for these delays
481 shows that Respondent is out of touch with the Whistleblower
482 community or does not wish to promote further Whistleblowers
483 from coming forward. The main reason Whistleblowers and their
484 attorneys are not coming to Respondent is because of these
485 enormous delays and the growing perception the the
486 Whistleblower claim forum is stacked against Whistleblowers
487 and does not provide due process. If Respondent provided
488 Whistleblowers with due process, discovery, and general niceties
489 it is assured that more Whistleblower's would come forward, but

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490 this is far from realty.

491 Indeed, throughout Respondent's previous Whistleblower
492 adjudications, when faced with any reasonable argument or
493 motion from Whistleblower's, Respondent regularly defaults to a
494 very dangerous and unsupported position that Respondent knows
495 what it best for the Whistleblower program. In doing so,
496 Respondent has routinely denied requests for discovery based on
497 the one sided argument that granting discovery would some-how
498 discourage other Whistleblowers from coming forward. A string of
499 reasoning that is easily contradicted by a survey of
500 Whistleblowers. The actions by Respondent have gone against
501 Dodd-Franks goal - "[t]o promote the financial stability of the
502 United States by improving ... transparency in the financial
503 system ... to protect consumers from abusive financial services
504 practices" and to to motivate persons possessing reasonable belief
505 of potential securities laws violations to inform the SEC of their
506 suspicion – by providing another, wholly artificial barrier
507 discouraging Whistleblowers.

508

509 Besides, Because the purpose of Dodd-Frank globally declares its
510 purpose: "To promote the financial stability of the United States by
511 improving ... transparency in the financial system ... to protect
512 consumers from abusive financial services practices, and for other
513 purposes.", this purpose should never be contradicted, hindered,
514 changed or interpreted by Respondent, in any manner. And any action

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515 by Respondent must, upon consideration of statute, legal precedent,
516 legislative history and remedial intent, be immediately and
517 indisputably an action to further the intent of Dodd-Frank. Before
518 exercising any sort of rule making authority or discretion, Respondent
519 must consider statute, legal precedent, legislative history and remedial
520 intent and any adjudication that is contradictory to the precedential
521 standards set forth within statute, legal precedent, legislative history
522 and remedial intent shall be considered invalid. Given such, if
523 Respondent is truly dedicated to upholding the intent of Congress,
524 Respondent must take action to show the public that their forum
525 provides for due process, fair proceedings, and other niceties necessary
526 to safeguard our financial markets and avoid an overreaching abuse of
527 power without first consulting the appropriate judicial, congressional,
528 and legislative standards.

529 Simultaneously, Respondent must prevent itself from
530 implementing or spending significant resources on highly technical rule
531 based arguments that are contradictory to the precedential standards
532 set forth by statute, judicial precedent, legislative history, and remedial
533 intent. Indeed, as a matter of law, Respondent must defer to statute,
534 judicial precedent, legislative history, and or remedial intent before
535 even considering exercising their rule based authority, a lawful practice
536 that unfortunately, respondent has avoided to adopt in ubiquity. It
537 would be entirely inappropriate for Respondent to act in a manner that
538 is reckless or contradictory to the remedial intent. Despite this,
539 Respondent appears to be encompassed by its own authority and has

Sections G and E, as well as for further elaboration on other sections within Form WP-APP. Please review in its entirety.

540 not taken the necessary steps to view this forum in the lenses of a
541 Whistleblower nor has Respondent taken the trivial steps to learn from
542 other Whistleblower programs and is currently on track to make
543 identical mistakes that the Internal Revenue Service made for so many
544 years.

545 **XIV. CONCLUSION**

546 Finally, Claimant takes this opportunity to remind Respondent
547 that Respondent has a substantial interest and duty in granting
548 awards to Whistleblower applicants who satisfy the criteria for an
549 award, as set forth by Congress. By allowing a forum of due process and
550 providing for appropriate consideration to Claimant and Claimant's
551 situation Respondent would help maximize the effectiveness of the
552 Whistleblower program and ultimately uphold Respondent's obligation
553 to protect investors, maintain fair, orderly, and efficient markets, and
554 facilitate capital formation.

555 Above all else, Respondent owes it to the American people to
556 zealously do their jobs, implementing remedial intent and encouraging
557 Whistleblowers to come forward. These are trivial necessities that are
558 necessary to prevent the next Bernie Madoff or similar scandal.

559

560 Respectfully Submitted,

561

562

563



564 Taylor Scott Amarel

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding
SECURITIES AND	)	File No.: 3-17285 AND Any
EXCHANGE	)	Related Actions Or
COMMISSION,	)	Independently Eligible
	)	Actions
Respondent)	

1 **CLAIMANT’S MOTION TO COMPEL RECUSAL IN**
2 **CLAIMANT’S CLAIM FOR AN AWARD**

3
4 As set forth herein, Claimant hereby requests that
5 Respondent recuse Ms. Nikkia Wharton (“Wharton”) from all
6 matters as it pertains to Claimant’s Claim For An Award.

7
8 **I. INTENT OF MOTION**

9 This Motion is submitted to protect the remedial relief, as
10 set forth by Congress, by ensuring Claimant is not unfairly
11 denied proper due process or rights as a result unacceptable bias.

12 **II. CONGRESSIONAL REMEDIAL INTENT**

13 The overarching goal of Dodd-Frank, as stated by Congress
14 is to “motivate persons possessing reasonable belief of potential
15 securities laws violations to inform the SEC of their suspicion”,
16 “To promote the financial stability of the United States by
17 improving ... transparency in the financial system ... to protect
18 consumers from abusive financial services practices, and for other
19 purposes.”, and “to address flaws in the regulatory structure
20 surrounding the events that took place and that led to the [2007-
21 2008 global financial] crisis with hopes of increasing
22 accountability within the financial system, ensuring financial
23 stability, and decreasing bailouts.”¹

24 **III. RIGHT TO MOTION AND RECORD**

25 As a prerequisite to uphold due process which is “meant to
26 protect persons” “from the mistaken or unjustified deprivation of
27 life, liberty, or property” Claimant is entitled the right to file this
28 motion and explicitly retains the “procedural rights, the worth of
29 being able to defend one's interests even if one cannot change the
30 result.”²

¹ See Lori Schock, Outline of Dodd-Frank Act and JOBS Act, U.S. SECURITIES & EXCHANGE COMMISSION (June 9, 2012), <http://www.sec.gov/News/Speech/Detail/Speech/1365171490596#.VK9MfSvF-AU>.

² Fuentes v. Shevin, 407 U.S. 67, 81 (1972); Carey v. Piphus, 435 U.S. 247, 266-67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 120 S. Ct. 1579 (2000).

31 Because due process provides variances in procedure
32 "appropriate to the nature of the case", given the gravity and
33 nature of Claimant's situation, it is necessary to afford Claimant
34 the right to file this motion and have it decided.

35 Furthermore, it is noted that companies and individuals
36 subject to Respondent's other administrative proceedings,
37 including proceedings before an administrative law judge are
38 provided the right to submit motions and have those motions
39 decided by Respondent. Thus as a matter of Equal Protection,
40 Claimant has a similar right to file this motion.

41 Moreover, "to demonstrate compliance with due process,
42 the decision maker should state the reasons for his determination
43 and indicate the evidence he relied on" and make this
44 information available to Claimant.

45 **IV. PREFACTORY STATEMENT**

46 Incorporated herein is all of the accompanied documents,
47 references, arguments, and matters. For the purposes of
48 considering this request emphasis is given to include matters of
49 Fair and Equitable Law, Due Process, and Conflict of interest as
50 it relates to bias arising from self interest, culpability, and a
51 history of detrimental actions.

52 **V. INTRODUCTION**

53 Claimant has suffered and is currently suffering
54 irreparable, inhumane, and highly damaging retaliation and

55 damages as a result of Wharton's involvement in Claimant's
56 Whistleblower tips and present Claim For An Award..

57 Courts have routinely decided that the participation of a
58 biased individual or culpable individual in deciding or
59 participating in a judicial or administrative proceeding
60 fundamentally impairs the fairness of such proceeding.

61 An impartial decision maker is an essential right in any
62 proceeding. "The neutrality requirement helps to guarantee that
63 life, liberty, or property will not be taken on the basis of an
64 erroneous or distorted conception of the facts or the law... At the
65 same time, it preserves both the appearance and reality of
66 fairness . . . by ensuring that no person will be deprived of his
67 interests in the absence of a proceeding in which he may present
68 his case with assurance that the arbiter is not predisposed to find
69 against him."

70 The recusal of Wharton from all matters concerning
71 Claimant's Claim For An Award would serve to limit the
72 previous, current, and future damages and prejudices Claimant
73 is subject to as a result of Wharton's past, ongoing, and future
74 negligence and the Respondent's involvement, as well as assist
75 the Respondent in policing our financial markets, and
76 encouraging other Whistleblowers to come forward.

77 **VI. EXTREME AND COMPELLING CIRCUMSTANCES**

78 Courts have regularly held that administrative proceedings

79 must preserve a “balancing act” when considering a petitioners
80 requests and that an appropriate balancing in consideration of all
81 facts and circumstances unique to each proceeding is required to
82 uphold due process.

83 By no fault of Claimant, Claimant’s circumstances are
84 extreme and compelling and warrant significant balancing. This
85 balancing should include deference, niceties, hearings, discovery,
86 or additional opportunities provide to Claimant “which regards
87 and preserves [the] principles of liberty and justice” and to avoid
88 “the mistaken or unjustified deprivation of life, liberty, or
89 property.”⁶⁹⁵ must be held to be due process of law.” Id. at 708;
90 Accord, *Hurtado v. California*, 110 U.S. 516, 537 (1884).

91 As set forth within Claimant’s affidavits, Wharton has
92 planned, conspired to, and executed the deletion, loss, or willful
93 negligence of Whistleblower records highly relevant to this case
94 and a necessity to preserves Claimant’s legal rights. To be sure,
95 among other relevant facts, during communications between
96 Claimant and Wharton, Wharton conceded the many of
97 Claimant’s Whistleblower tips were being delete and “removed
98 from SEC computers”. The actions of Wharton and the manner in
99 which they were executed constitute extreme and compelling
100 circumstances.

101 Moreover, as set forth within the affidavit, Wharton’s
102 actions and involvement in the deletion, loss, and negligent

103 handling of Claimant's Whistleblower tips, including but not
104 limited to the deletion of Whistleblower records, constitutes a
105 violation of Respondent's own Rule 21F-17, which forbids
106 anybody from interfering with a Whistleblower's communications
107 with Respondent.

108 Claimant has submitted to Respondent multiple
109 Whistleblower tips and records detailing how Wharton regularly
110 violated Rule 21F-17 by, among other things:

- 111 A. Failing to respond to Claimant's good faith inquiries
112 for over 11 months;
- 113 B. Refusing to confirm receipt of documents Claimant
114 submitted to the Commission;
- 115 C. Instructing Claimant to provide more "elaboration
116 and detailed analysis" in November 2015 then telling
117 Claimant in July that Claimant's tips were too long and not
118 being reviewed and that Claimant should submit tips that
119 are between 5-7 paragraphs and reviewable within 15
120 minutes;
- 121 D. Instructing Claimant to submit voluminous
122 submissions in multiple parts in September 2015, then
123 informing Claimant in July 2016 that all of Claimant's
124 multiple part submissions were corrupted on Respondent's
125 computers, a fact Wharton knew or should have known
126 nearly a year earlier, yet failed to disclose to Claimant;

127 E. Withholding information Claimant needed to inform
128 Respondent of violations of securities law;

129 F. Refusing to liaison between Claimant and
130 enforcement staff; and

131 G. More detrimental actions as set forth in this Claim
132 For An Award, relevant documents, affidavits, and records
133 to be discovered via discovery.

134 **VII. REQUEST FOR RELIEF**

135 Claimant, hereby moves for the recusal Wharton from any
136 further participation in this Claim For An Award in any capacity.

137 Specifically, Claimant moves for the recusal of Wharton for her:

138

139 1.) Culpability in the securities violations Claimant has
140 reported to the Commission;

141 2.) Unequitable retaliation against Claimant;

142 3.) Deep-seated antagonism against Claimant;

143 4.) Will failure to fulfill her job responsibilities as they

144 pertain to the appropriate communication, record

145 keeping, and administrative processes necessary to

146 provide Claimant with a fair forum; and

147 5.) A clear motive to deny Claimant's Claim For An Award

148 to avoid lawsuits or difficulties that may be encountered

149 should the Claimant use the proceeds of a

150 Whistleblower award to seek accountability in relation

151 to Wharton’s violations of Rule 21F-17 and her general
152 failure to appropriately execute her job responsibilities.

153

154 As is the accepted practice, a affidavit in support of this
155 motion has been provided, the affidavit provides a concise
156 summary of relevant facts, many of which are already in the
157 record, and some of which are not.

158 Respondent owes to Claimant a fair and reasonable forum
159 for adjudication to uphold Claimant’s rights and maintain due
160 process of law. The involvement of Wharton as an individual who
161 participated in the deletion of evidence and violation of the
162 Respondents Rule 21F-17 unequivocally provide that Wharton
163 must be recused from this matter to avoid bias and maintain
164 impartiality.

165 Wharton’s continued involvement in this Claim For An
166 Award would constitute “circumstances in which experience
167 teaches that the probability of actual bias ... too high to be
168 constitutionally tolerable.”

169 **VIII. STANDARD OF LAW**

170 Under the Due Process Clause of the United States
171 Constitution, all litigants are entitled to objective impartiality
172 from the judiciary or any administrative proceeding.

173 In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009),
174 the United States Supreme Court provided an individual “must

175 recuse himself or herself if he or she has “a direct, personal,
176 substantial, [or] pecuniary interest” in the case or its outcome”
177 and further offered a set of standards to determine bias,
178 objectively.

179 The Court wrote that the Due Process Clause requires an
180 evaluation “whether, under a realistic appraisal of psychological
181 tendencies and human weakness, the interest [or relationship]
182 poses such a risk of actual bias or prejudice that the practice
183 must be forbidden if the guarantee of due process is to be
184 adequately implemented.”

185 **IX. SUBSTANTIAL INTEREST AND RESULTING BIAS**

186 Wharton has a substantial irremediable interest that
187 Claimant not be awarded a Whistleblower award. This interest
188 arises from the fact that Claimant, in the pursuit of global
189 financial fairness has voiced the intention to hold Wharton and
190 others accountable for failures, illegal actions, and rule violations
191 that have caused and continue to cause significant and
192 unnecessary risks to our financial markets. However, currently,
193 Claimant is restricted from pursuing these interests as a result of
194 financial constraints.

195 As Wharton is very well aware of, if Claimant continues to
196 suffer from financial distress Claimant will be unable to pursue
197 these claims against Wharton and others. Thus Wharton has an
198 undisputed interest to deny Claimant an award or interfere with

199 Claimant rights to an award to protect herself, avoid being
200 named as a defendant in a lawsuit, prevent her bad actions from
201 becoming common knowledge, and ultimately retain her financial
202 interests by continuing employment with the Respondent.³

203 **X. CONCLUSION**

204 Realistically, any human in a position similar to Wharton's,
205 having already admitted to violations of securities laws, would
206 consciously and or subconsciously take action to protect
207 themselves from facing consequences and accountability for their
208 actions. This motivation to deny Claimant's reward is
209 compounded by very real and present circumstances that may
210 cause Wharton to lose her job, lose her financial security, or be
211 subject to disciplinary actions that Wharton would strongly wish
212 to avoid. Given such, it is necessary to recuse Wharton from this
213 Claim For An Award not only to prevent bias to as a safeguard to
214 prevent further Whistleblower tips, records, and communications
215 from being deleted, lost, or carelessly handled.

216

217

³ It is further worth noting that Wharton is obligated by attorney codes of conduct and professional ethics to recuse herself or be subject to sanctions, including but not limited to sanctions initiated by a state bar association.

218 Respectfully Submitted,

219

220

221

222 Taylor Scott Amarel

A handwritten signature in black ink, appearing to read "Taylor Scott Amarel". The signature is written in a cursive style with a large initial "T" and "S".

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding
SECURITIES AND	)	File No.: 3-17285 AND Any
EXCHANGE	)	Related Actions Or
COMMISSION,	)	Independently Eligible
	)	Actions
Respondent)	

1 **CLAIMANT’S MOTION TO COMPEL RECUSAL IN**
2 **CLAIMANT’S CLAIM FOR AN AWARD**
3

4 As set forth herein, Claimant hereby requests that
5 Respondent recuse Mr. Jack McCreery (“McCreery”) from all
6 matters as it pertains to Claimant’s Claim For An Award.
7

8 **I. INTENT OF MOTION**

9 This Motion is submitted to protect the remedial relief, as
10 set forth by Congress, by ensuring Claimant is not unfairly
11 denied proper due process or rights as a result unacceptable bias.

12 **II. CONGRESSIONAL REMEDIAL INTENT**

13 The overarching goal of the Dodd–Frank Wall Street
14 Reform and Consumer Protection Act ("Dodd-Frank"), as stated
15 by Congress is to “motivate persons possessing reasonable belief
16 of potential securities laws violations to inform the SEC of their
17 suspicion”¹, “[t]o promote the financial stability of the United
18 States by improving ... transparency in the financial system ... to
19 protect consumers from abusive financial services practices, and
20 for other purposes.”², and “to address flaws in the regulatory
21 structure surrounding the events that took place and that led to
22 the [2007-2008 global financial] crisis with hopes of increasing
23 accountability within the financial system, ensuring financial
24 stability, and decreasing bailouts.”³

25 **III. RIGHT TO MOTION AND RECORD**

26 As a prerequisite to uphold due process which is “meant to

¹ S. Rep. No. 111-176, at 38.

² The Dodd-Frank Act declares its purpose: “To promote the financial stability of the United States by improving ... transparency in the financial system ... to protect consumers from abusive financial services practices, and for other purposes.” The Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376, 1376 (2010) (codified as amended in scattered sections of the U.S. Code).

³ See Lori Schock, Outline of Dodd-Frank Act and JOBS Act, U.S. SECURITIES & EXCHANGE COMMISSION (June 9, 2012), <http://www.sec.gov/News/Speech/Detail/Speech/1365171490596#.VK9MfSvF-AU>.

27 protect persons from the “mistaken or unjustified deprivation of
28 life, liberty, or property”⁴ Claimant is entitled the right to file this
29 motion and explicitly retains the “procedural rights, the worth of
30 being able to defend one's interests even if one cannot change the
31 result.”⁵

32 Because due process provides variances in procedure
33 "appropriate to the nature of the case"⁶, given the gravity and
34 nature of Claimant’s situation, it is necessary to afford Claimant
35 the right to file this motion and have it decided.

36 Furthermore, it is noted that companies and individuals
37 subject to Respondent’s other administrative proceedings,
38 including proceedings before an administrative law judge are
39 provided the right to submit motions and have those motions
40 decided by Respondent. Thus as a matter of Equal Protection,
41 Claimant has a similar right to file this motion.

42 Moreover, “to demonstrate compliance with due process,
43 the decision maker should state the reasons for his determination
44 and indicate the evidence he relied on”⁷ and make this
45 information available to Claimant.

⁴ Carey v. Phipus, 435 U.S. 247, 259 (1978); Mathews v. Eldridge, 424 U.S. 319, 344 (1976).

⁵ Fuentes v. Shevin, 407 U.S. 67, 81 (1972); Carey v. Phipus, 435 U.S. 247, 266-67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 120 S. Ct. 1579 (2000).

⁶ Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 (1950).

⁷ Goldberg v. Kelly, 397 U.S. 254, 271 (1970).

46 **IV. PREFATORY STATEMENT**

47 Incorporated herein is all of the accompanied documents,
48 references, arguments, and matters. For the purposes of
49 considering this request emphasis is given to include matters of
50 Fair and Equitable Law, Due Process, and Conflict of interest as
51 it relates to bias arising from self interest, culpability, and a
52 history of errors.

53 **V. INTRODUCTION**

54 Claimant has suffered and is currently suffering
55 irreparable, inhumane, and highly damaging retaliation and
56 damages as a result of McCreery's involvement in Claimant's
57 Whistleblower tips and present Claim For An Award..

58 Courts have routinely decided that the participation of a
59 biased individual or culpable individual in deciding or
60 participating in a judicial or administrative proceeding
61 fundamentally impairs the fairness of such proceeding.

62 An impartial decision maker is an essential right in any
63 proceeding. "The neutrality requirement helps to guarantee that
64 life, liberty, or property will not be taken on the basis of an
65 erroneous or distorted conception of the facts or the law... At the
66 same time, it preserves both the appearance and reality of
67 fairness . . . by ensuring that no person will be deprived of his
68 interests in the absence of a proceeding in which he may present
69 his case with assurance that the arbiter is not predisposed to find

70 against him."⁸

71 The recusal of McCreery from all matters concerning
72 Claimant's Claim For An Award would serve to limit the
73 previous, current, and future damages and prejudices Claimant
74 is subject to as a result of McCreery's past, ongoing, and future
75 negligence and the Respondent's involvement, as well as assist
76 the Respondent in policing our financial markets, and
77 encouraging other Whistleblowers to come forward.

78 VI. EXTREME AND COMPELLING CIRCUMSTANCES

79 Courts have regularly held that administrative proceedings
80 must preserve a "balancing act"⁹ when considering a petitioners
81 requests and that an appropriate balancing is required to uphold
82 due process. By no fault of Claimant, Claimant circumstances are
83 extreme and compelling and warrant significant balancing. This
84 balancing should include deference, niceties, hearings, discovery,
85 or additional opportunities provide to Claimant "which regards
86 and preserves [the] principles of liberty and justice"¹⁰ and to
87 avoid "the mistaken or unjustified deprivation of life, liberty, or
88 property"¹¹ on "case-by-case" basis.¹²

⁸ Marshall v. Jerrico, 446 U.S. 238, 242 (1980); Schweiker v. McClure, 456 U.S. 188, 195 (1982).

⁹ 452 U.S..

¹⁰ Hagar v. Reclamation Dist., 111 U.S. 701, 708 (1884); Accord, Hurtado v. California, 110 U.S. 516, 537 (1884).

¹¹ Carey v. Piphus, 435 U.S. 247, 259 (1978).

¹² Lassiter v. Department of Social Services, 452 U.S. 18 (1981).

89 As set forth within Claimant's affidavits and to be proven
90 further by discovery McCreery, falsely informed Claimant that
91 voluminous Whistleblower submissions can be submitted in
92 multiple parts, multiple submissions, or via partitioned files.
93 McCreery assured Claimant that the submission of evidence in
94 this manner was accepted, yet McCreery took no action to
95 confirm this and ignored Claimant's emails asking for
96 confirmation that such submissions were being received correctly.

97 As a result of McCreery's false statements to Claimant,
98 Claimant, being assured by McCreery's statements, spent
99 thousands of hours preparing and submitting frauds to
100 Respondent in the multi part manner provided by McCreery.
101 Unfortunately, despite McCreery's assurances, in July 2016, it
102 was discovered that Respondent was unable to access or read any
103 of the submissions made by Claimant. Further, Claimant learned
104 of a caustic opinion growing within the Respondent's staff that
105 Claimant was wasting Respondent's resources.

106 To Claimant, this was disheartening to the core, not only
107 because Claimant had just been told thousands of hours of
108 Claimant's work was for nothing but also because if McCreery or
109 Respondent took the five minutes required to respond to
110 Claimant's requests for confirmation, this situation would not
111 have occurred.

112 Instead, McCreery's failure to look into or respond to

113 Claimant's inquiries allowed the initial error or deception to go
114 on for over 11 months - which has cost Claimant thousands of
115 hours of work and, most importantly, caused the Respondent to
116 be 11 months behind on investigating significant fraudulent
117 schemes that would have been already stopped if Respondent and
118 McCreery took appropriate action to communicate and confirm
119 receipt of the tips – rather than telling Claimant false and
120 detrimental information.

121 As is the accepted practice, an affidavit providing support
122 for motion has been provided, the affidavit provides a concise
123 summary of relevant facts, many of which are already in the
124 record, and some of which are not.

125 Respondent owes to Claimant a fair and reasonable forum
126 for adjudication to uphold Claimant's rights and maintain due
127 process of law. The involvement of McCreery as an individual
128 who either willfully deceived Claimant or negligently provided
129 Claimant with false information would not be appropriate. Given
130 such, McCreery must be recused from this matter to avoid bias
131 and maintain impartiality.

132 McCreery's continued involvement in this Claim For An
133 Award would constitute "circumstances in which experience

134 teaches that the probability of actual bias ... too high to be
135 constitutionally tolerable.”¹³

136 VII. STANDARD OF LAW

137 Under the Due Process Clause of the United States
138 Constitution, all litigants are entitled to objective impartiality
139 from the judiciary or any administrative proceeding.

140 The United States Supreme Court provided an individual
141 “must recuse himself or herself if he or she has “a direct,
142 personal, substantial, [or] pecuniary interest” in the case or its
143 outcome”¹⁴ and further offered a set of standards to determine
144 bias, objectively.

145 The Court wrote that the Due Process Clause requires an
146 evaluation “whether, under a realistic appraisal of psychological
147 tendencies and human weakness, the interest [or relationship]
148 poses such a risk of actual bias or prejudice that the practice
149 must be forbidden if the guarantee of due process is to be
150 adequately implemented.”¹⁵

151 VIII. SUBSTANTIAL INTEREST AND RESULTING BIAS

152 McCreery has a substantial irremediable interest to
153 interfere with this Claim For An Award as McCreery may wish to
154 hide aspects of Claimant’s interactions or inquiries to shield

¹³ 129 S. Ct. at 2259

¹⁴ Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)

¹⁵ Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)

155 himself from liability. Indeed, McCreery may act to hinder
156 discovery of emails that would show McCreery's refusal to
157 respond to Claimant's emails and his false instructions to
158 Claimant that information can be submitted in multiple parts.

159 **IX. CONCLUSION**

160 Realistically, any human in a position similar to
161 McCreery's, would consciously and or subconsciously take action
162 to protect themselves from facing consequences and
163 accountability for their actions. This motivation to deny
164 Claimant's reward is compounded by very real and present
165 circumstances that may cause McCreery may be reprimanded,
166 fired, or subject to other disciplinary actions that McCreery
167 would strongly wish to avoid. Given such, it is necessary to recuse
168 McCreery from this Claim For An Award not only to prevent bias
169 to as a safeguard to prevent further Whistleblower tips, records,
170 and communications from being deleted, lost, or carelessly
171 handled.

172

173 Respectfully Submitted,

174

175

176

A handwritten signature in black ink, appearing to read "Taylor Scott Amarel". The signature is written in a cursive, flowing style with some loops and flourishes.

177 Taylor Scott Amarel

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding
SECURITIES AND	)	File No.: 3-17285 AND Any
EXCHANGE	)	Related Actions Or
COMMISSION,	)	Independently Eligible
	)	Actions
Respondent)	

1 **CLAIMANT’S MOTION TO COMPEL EXPEDITED**
2 **REVIEW IN CLAIMANT’S CLAIM FOR AN AWARD**

3
4 As set forth herein, Claimant hereby requests that
5 Respondent provide Claimant with expedited processing of
6 Claimant’s Claim For An Award.

7
8 **I. INTENT OF MOTION**

9 This Motion is submitted to protect the remedial relief, as
10 set forth by Congress, by ensuring Claimant is not unfairly

11 denied proper due process or rights as a result of lengthy
12 adjudication times.

13 **II. CONGRESS' REMEDIA INTENT**

14 The overarching goal of the Dodd–Frank Wall Street
15 Reform and Consumer Protection Act ("Dodd-Frank"), as stated
16 by Congress is to “motivate persons possessing reasonable belief
17 of potential securities laws violations to inform the SEC of their
18 suspicion”¹, “[t]o promote the financial stability of the United
19 States by improving ... transparency in the financial system ... to
20 protect consumers from abusive financial services practices, and
21 for other purposes.”², and “to address flaws in the regulatory
22 structure surrounding the events that took place and that led to
23 the [2007-2008 global financial] crisis with hopes of increasing
24 accountability within the financial system, ensuring financial
25 stability, and decreasing bailouts.”³

¹ S. Rep. No. 111-176, at 38.

² The Dodd-Frank Act declares its purpose: “To promote the financial stability of the United States by improving ... transparency in the financial system ... to protect consumers from abusive financial services practices, and for other purposes.” The Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376, 1376 (2010) (codified as amended in scattered sections of the U.S. Code).

³ See Lori Schock, Outline of Dodd-Frank Act and JOBS Act, U.S. SECURITIES & EXCHANGE COMMISSION (June 9, 2012), <http://www.sec.gov/News/Speech/Detail/Speech/1365171490596#.VK9MfSvF-AU>.

26 **III. RIGHT TO MOTION AND RECORD**

27 As a prerequisite to uphold due process which is “meant to
28 protect persons from the “mistaken or unjustified deprivation of
29 life, liberty, or property”⁴ Claimant is entitled the right to file this
30 motion and explicitly retains the “procedural rights, the worth of
31 being able to defend one's interests even if one cannot change the
32 result.”⁵

33 Because due process provides variances in procedure
34 "appropriate to the nature of the case"⁶, given the gravity and
35 nature of Claimant’s situation, it is necessary to afford Claimant
36 the right to file this motion and have it decided.

37 Furthermore, it is noted that companies and individuals
38 subject to Respondent’s other administrative proceedings,
39 including proceedings before an administrative law judge are
40 provided the right to submit motions and have those motions
41 decided by Respondent. Thus as a matter of Equal Protection,
42 Claimant has a similar right to file this motion.

43 Moreover, “to demonstrate compliance with due process,
44 the decision maker should state the reasons for his determination

⁴ Carey v. Phipus, 435 U.S. 247, 259 (1978); Mathews v. Eldridge, 424 U.S. 319, 344 (1976).

⁵ Fuentes v. Shevin, 407 U.S. 67, 81 (1972); Carey v. Phipus, 435 U.S. 247, 266-67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 120 S. Ct. 1579 (2000).

⁶ Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 (1950).

45 and indicate the evidence he relied on”⁷ and make this
46 information available to Claimant.

47 **IV. PREFACTORY STATEMENT**

48 Incorporated herein is all of the accompanied documents,
49 references, arguments, and matters relevant to this Claim For An
50 Award. For the purposes of considering this request emphasis is
51 given to include matters of fair and equitable law, Equal
52 Protection of the laws”⁸ Due Process, and Conflict of interest as it
53 relates to a situation in which lengthy proceedings would deny
54 Claimant rights and remedies, subject Claimant to inhumane
55 hardship, and be contrary to the intent of statute.

56 **V. INTRODUCTION**

57 Claimant has suffered and is currently suffering
58 irreparable, inhumane, and highly damaging retaliation as a
59 result of Claimant’s good faith disclosures to the Respondent.

60 The expeditious treatment of this Claim For An Award
61 would serve to limit the continuing damages Claimant is
62 suffering, allow Claimant a humane living condition, preserve
63 portions of Claimant’s rights, assist the Respondent in policing
64 our financial markets, and encourage other Whistleblowers to
65 come forward.

⁷ Goldberg v. Kelly, 397 U.S. 254, 271 (1970).

⁸ Section 1 of the Fourteenth Amendment

66 **VI. EXTREME AND COMPELLING CIRCUMSTANCES**

67 Courts have regularly held that administrative proceedings
68 must preserve a “balancing act”⁹ when considering a petitioners
69 requests and that an appropriate balancing is required to uphold
70 due process. By no fault of Claimant, Claimant circumstances are
71 extreme and compelling and warrant significant balancing. This
72 balancing should include deference, niceties, hearings, discovery,
73 or additional opportunities provide to Claimant “which regards
74 and preserves [the] principles of liberty and justice”¹⁰ and to
75 avoid “the mistaken or unjustified deprivation of life, liberty, or
76 property”¹¹ on “case-by-case” basis.¹²

77 As it set forth within Claimant’s affidavits, in an effort to
78 promote the financial stability of the United States, as intended
79 by Congress, Claimant has routinely made enormous personal
80 sacrifices to further the Respondent’s mission to protect
81 investors, maintain fair, orderly, and efficient markets, and
82 facilitate capital formation. Claimant has also been subject to
83 significant mis-treatment, persecution, financial loss, health
84 problems, and continued retaliation as a result of Claimant’s
85 disclosures to Respondent.

⁹ 452 U.S..

¹⁰ Hagar v. Reclamation Dist., 111 U.S. 701, 708 (1884); Accord, Hurtado v. California, 110 U.S. 516, 537 (1884).

¹¹ Carey v. Piphus, 435 U.S. 247, 259 (1978).

¹² Lassiter v. Department of Social Services, 452 U.S. 18 (1981).

86 In an effort to promote the financial stability of the United
87 States, Claimant has submitted numerous Whistleblower tips to
88 the Respondent and spent thousands of hours responding to
89 Respondent's requests and inquiries for more information. Many
90 of these Whistleblower tips pertain to In the Matter of American
91 Life, Inc. and Henry Liebman - Administrative Proceeding File
92 No.: 3-17285, related companies, bad acting unlicensed attorney-
93 broker-dealers¹³, and related securities violation in the relevant
94 industry. The Respondent has further acknowledged that at least
95 two of Claimant's Whistleblower tips pertain to Administrative
96 Proceeding File No.: 3-17285.¹⁴

97 **VII. RELIEF REQUESTED**

98 Claimant hereby requests that Respondent provide
99 Claimant's Claim For An Award with expedited treatment. As set
100 forth in the foregoing, Claimant is subject to almost inconceivable
101 levels of maltreatment.

102 The expedited review of this Claim For An Award would
103 allow Claimant to better evaluate options and remedies available
104 to at least partially amend the present afflictions. Further, the
105 reward of money to Claimant would allow Claimant to solve a
106 significant number of problems by: 1.) Seeking medical treatment

¹³ Within the Administrative Proceeding File No.: 3-17285 there are mentioned of unnamed unlicensed broker-dealers.

¹⁴ As shown in an email to be provided in discovery.

107 that is currently prohibitively expensive; 2.) Hiring a lawyer to
108 handle issues of persecution, retaliation, and quality submissions
109 to the Respondent, etc.; 3.) Obtaining adequate level of nutrition;
110 4.) Allowing for relocation to a safe and calm location for safety
111 reasons; 5.) Etc.

112 Finally, given the good faith efforts of Claimant and unique
113 ability to assist in the fight against financial fraud, it is in the
114 Respondents interest to process this Claim For An Award in an
115 expeditious fashion. As set forth within this Claim For An Award
116 and Claimant's correspondence with the Respondent, Claimant
117 has recently received numerous inquiries from multiple law
118 enforcement agencies concerning Claimant's knowledge about
119 financial fraud.

120 Currently, Claimant is significantly hindered in assisting
121 law enforcement and the Respondent due to the significant
122 difficulties.¹⁵ However, a decision by Respondent would allow
123 Claimant to devote and prioritize additional resources to
124 responding to law enforcement requests and ultimately assist in
125 upholding the Respondents mission to protect investors, maintain

¹⁵ These difficulties include a enormously burdensome 90 day Whistleblower deadline which has forced Claimant to spent time submitting this Claim For An Award rather than reporting fraud to the Commission and responding to inquiries for more information.

126 fair, orderly, and efficient markets, and facilitate capital
127 formation

128 **VIII. CONCLUSION**

129 Given Claimant's situation, Respondent is obligated to
130 provide Claimant with an expedited review of this Claim For An
131 Award as to avoid plausible situations where Claimant rights
132 become moot as a result of a plurality of present risks, such as:
133 1.) Death; 2.) Incapacitation; 3.) Illegal detainment; 4.) Continued
134 persecution; 5.) Physical injury; and or other detrimental events
135 that could be readily avoided should Claimant be given an
136 expedited review.¹⁶

137

138

139 Respectfully Submitted,

140

141

142



143 Taylor Scott Amarel

¹⁶ See Affidavits Of Claimant which detail the numerous instances of near death, physical attacks, persecution, retaliation, and daily risk Claimant is subject to.

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding
SECURITIES AND	)	File No.: 3-17285 AND Any
EXCHANGE COMMISSION,	)	Related Actions Or
	)	Independently Eligible
Respondent	)	Actions
)	

1 **CLAIMANT’S MOTION TO COMPEL DISCOVERY IN**
2 **CLAIMANT’S CLAIM FOR AN AWARD**

3
4 As set forth herein, Claimant hereby requests that
5 Claimant be provided declaratory relief to appropriately place the
6 burden of proof on Respondent as it pertains to Claimant’s Claim
7 For An Award.

8
9 **I. INTENT OF MOTION**

10 This Motion is submitted to protect the remedial relief, as
11 set forth by Congress, by ensuring Claimant is not unfairly
12 denied proper due process or rights as a result of Respondent’s

13 deletion of Whistleblower records and inappropriate burdens of
14 proof.

15 **II. CONGRESSIONAL REMEDIAL INTENT**

16 The overarching goal of the Dodd–Frank Wall Street
17 Reform and Consumer Protection Act ("Dodd-Frank"), as stated
18 by Congress is to “motivate persons possessing reasonable belief
19 of potential securities laws violations to inform the SEC of their
20 suspicion”¹, “[t]o promote the financial stability of the United
21 States by improving ... transparency in the financial system ... to
22 protect consumers from abusive financial services practices, and
23 for other purposes.”², and “to address flaws in the regulatory
24 structure surrounding the events that took place and that led to
25 the [2007-2008 global financial] crisis with hopes of increasing
26 accountability within the financial system, ensuring financial
27 stability, and decreasing bailouts.”³

¹ S. Rep. No. 111-176, at 38.

² The Dodd-Frank Act declares its purpose: “To promote the financial stability of the United States by improving ... transparency in the financial system ... to protect consumers from abusive financial services practices, and for other purposes.” The Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376, 1376 (2010) (codified as amended in scattered sections of the U.S. Code).

³ See Lori Schock, Outline of Dodd-Frank Act and JOBS Act, U.S. SECURITIES & EXCHANGE COMMISSION (June 9, 2012), <http://www.sec.gov/News/Speech/Detail/Speech/1365171490596#.VK9MfSvF-AU>.

28 **III. RIGHT TO MOTION AND RECORD**

29 As a prerequisite to uphold due process which is “meant to
30 protect persons from the “mistaken or unjustified deprivation of
31 life, liberty, or property”⁴ Claimant is entitled the right to file this
32 motion and explicitly retains the “procedural rights, the worth of
33 being able to defend one's interests even if one cannot change the
34 result.”⁵

35 Because due process provides variances in procedure
36 "appropriate to the nature of the case"⁶, given the gravity and
37 nature of Claimant’s situation, it is necessary to afford Claimant
38 the right to file this motion and have it decided.

39 Furthermore, it is noted that companies and individuals
40 subject to Respondent’s other administrative proceedings,
41 including proceedings before an administrative law judge are
42 provided the right to submit motions and have those motions
43 decided by Respondent. Thus as a matter of Equal Protection,
44 Claimant has a similar right to file this motion.

45 Moreover, “to demonstrate compliance with due process,
46 the decision maker should state the reasons for his determination

⁴ Carey v. Phipus, 435 U.S. 247, 259 (1978); Mathews v. Eldridge, 424 U.S. 319, 344 (1976).

⁵ Fuentes v. Shevin, 407 U.S. 67, 81 (1972); Carey v. Phipus, 435 U.S. 247, 266-67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 120 S. Ct. 1579 (2000).

⁶ Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 (1950).

47 and indicate the evidence he relied on”⁷ and make this
48 information available to Claimant.

49 **IV. PREFATORY STATEMENT**

50 Incorporated herein is all of the accompanied documents,
51 references, arguments, and matters relevant to this Claim For An
52 Award. For the purposes of considering this request emphasis is
53 given to include matters of fair and equitable law, Equal
54 Protection of the laws”⁸ Due Process, and Conflict of interest as it
55 relates to a party that unilaterally holds the evidence required to
56 make a fair legal determination and has acted to delete, corrupt,
57 and withhold the necessary evidence from Claimant.

58 **V. INTRODUCTION**

59 Claimant has suffered and is currently suffering
60 irreparable, inhumane, and highly damaging retaliation and
61 damages as a result of Claimant’s good faith disclosures to the
62 Respondent.

63 Despite regularly assuring Claimant that all Whistleblower
64 records would be available for review at the request of Claimant,
65 Respondent has refused to make good on those statements and
66 have unilaterally denied Claimant access to relevant records.
67 Further, Respondent has admitted on multiple occasions to losing
68 evidence, corrupting files, willfully deleting Claimant’s

⁷ Goldberg v. Kelly, 397 U.S. 254, 271 (1970).

⁸ Section 1 of the Fourteenth Amendment

69 Whistleblower tips, and operating an inadequate complaint
70 tracking system.⁹

71 Respondent's actions are directly contradictory to their
72 obligations to safeguard information and maintain Whistleblower
73 records needed to administer the Whistleblower program to the
74 effect of Congressional intent. Moreover, Respondent actions
75 have permanently and irreparably negatively affected Claimant's
76 ability to obtain evidence necessary to show Claimant provide
77 assistance to Respondent.

78 **VI. EXTREME AND COMPELLING CIRCUMSTANCES**

79 Courts have regularly held that administrative proceedings
80 must preserve a "balancing act"¹⁰ when considering a petitioners
81 requests and that an appropriate balancing is required to uphold
82 due process. By no fault of Claimant, Claimant circumstances are
83 extreme and compelling and warrant significant balancing. This
84 balancing should include deference, niceties, hearings, discovery,
85 or additional opportunities provide to Claimant "which regards

⁹ See Affidavits Of Claimant, The Inspector General's Statement on the SEC's Management and Performance Challenges, October 2016, SEC FY 2017 Congressional Budget Justification, Final Management Letter: Evaluation of the SEC Division of Enforcement's Coordination Related to a Federal Civil Action, and other OIG Reports admitting a pressing need for improved case tracking.

¹⁰ 452 U.S..

86 and preserves [the] principles of liberty and justice”¹¹ and to
87 avoid “the mistaken or unjustified deprivation of life, liberty, or
88 property”¹² on “case-by-case” basis.¹³

89 As it set forth within the Affidavits of Claimant, in an effort
90 to promote the financial stability of the United States, Claimant
91 has submitted numerous Whistleblower tips to the Respondent.
92 Many of these Whistleblower tips pertain to In the Matter of
93 American Life, Inc. and Henry Liebman - Administrative
94 Proceeding File No.: 3-17285, related companies, bad acting
95 unlicensed attorney-broker-dealers¹⁴, and related securities
96 violation in the relevant industry. The Respondent has further
97 acknowledged that at least two of Claimant’s Whistleblower tips
98 pertain to Administrative Proceeding File No.: 3-17285.¹⁵

99 Further, during communications with employees of
100 Respondent, Claimant was informed that the Respondent has
101 deleted Whistleblower tips from Respondent’s computers,
102 corrupted numerous Whistleblower tips, was unable to track tips,
103 and lost text information that may identify tips submitted by

¹¹ Hagar v. Reclamation Dist., 111 U.S. 701, 708 (1884); Accord, Hurtado v. California, 110 U.S. 516, 537 (1884).

¹² Carey v. Piphus, 435 U.S. 247, 259 (1978).

¹³ Lassiter v. Department of Social Services, 452 U.S. 18 (1981).

¹⁴ Within the Administrative Proceeding File No.: 3-17285 there are mentioned of unnamed unlicensed broker-dealers.

¹⁵ As shown in an email to be provided in discovery.

104 Claimant, etc.¹⁶ The fact that Respondent carelessly acted in a
105 manner to delete, remove, or destroy records relevant to the very
106 core of this Claim For An Award is a clear case of negligence and
107 constitutes a compelling and unique circumstance to grant
108 discovery.

109 VII. RELIEF REQUESTED

110 Because Respondent has deleted, corrupted, and lost
111 records and has further conspired to deny Claimant the right to
112 review these records, the burden of proof to prove Claimant's
113 assistance did not lead to a covered action is placed firmly on
114 Respondent. As set forth in Robert Lippolis v. Commissioner of
115 Internal Revenue, Case No. 18172-12W, in denying Claimant's
116 Claim For An Award, Respondent must prove that all of the
117 relevant records, including the deleted and corrupted records did
118 not assist with a covered action.

119 On November 20, 2014, the United States Tax Court ruled
120 that "It would be unduly burdensome to require the
121 whistleblower to provide or perhaps even to know of the existence
122 of" certain records and further provided that the burden of proof
123 to determine Whistleblower eligibility is on the "Commission".
124 This ruling is perfectly analogous to Respondent's Whistleblower
125 program and Claimant's situation. Indeed, within Robert Lippolis

¹⁶ See Affidavit's Of Claimant and Respondent's email records to be provided in discovery.

126 v. Commissioner of Internal Revenue it was noted that the
127 Internal Revenue Service provided Robert Lippolis with a letter
128 substantiating the need to shift the burden of proof as a result of
129 a letter that showed Robert Lippolis connection to the covered
130 action, just as Respondent has admitted at least two of
131 Claimant's tips relate to the covered action.

132 The remarkable similarity of these cases therefore sets a
133 standard where; in instances where documents may be
134 confidential, unknown of, or otherwise difficult to access it is the
135 Respondent's burden of proof to substantiate any affirmative
136 defenses. This position is amicable to *ITSI T.V. Prods., Inc. v.*
137 *Agric. Ass'ns*, 3 F.3d 1289, 1292 (9th Cir. 1993), wherein it is
138 concluded that “[w]hen the true facts relating to a disputed issue
139 lie peculiarly within the knowledge of one party, the burden of
140 proof may properly be assigned to that party[.]” Moreover, the
141 “party asserting an affirmative defense usually has the burden of
142 proving it” and has particular cogency “where the facts in support
143 of the defense are peculiarly within the knowledge of the party
144 asserting it.”

145 These precedents, taken in totality or individually
146 determine that the Respondent has the burden of proof in
147 exercising any affirmative defenses because the information is
148 held by or was held by Respondent, and not within the realm of
149 Claimant's knowledge. This is even more critical to this Claim

150 For An Award due to the negligence by Respondent and willful
151 allowance of records to be destroyed, lost, and corrupted. As set
152 forth within Affidavits of Claimant and to the supported via
153 discovery, the Respondent has admitted to the deletion of
154 relevant records, the corruption of relevant records, and the loss
155 of relevant records.

156 These actions fly in the face of the standards set forth
157 within Robert Lippolis v. Commissioner of Internal Revenue,
158 which states “[t]he [Respondent] generally should have easy
159 access to all of the records or documents that would show” a
160 Whistleblower’s assistance in enforcement actions and the
161 particulars of those enforcement actions, including but not
162 limited to law enforcement records.

163 The court further noted that because documents may not be
164 available to the whistleblower and may constitute confidential
165 taxpayer information of the target, it would be unduly
166 burdensome to require the whistleblower to provide or perhaps
167 even to know of the existence of those records.

168 In a similar manner, because Respondent is likely to claim
169 these records are confidential, Respondent, thereby adopts the
170 burden of proof to provide that none of Claimant’s Whistleblower
171 tips, present, deleted, lost, and corrupted, had been used by
172 Respondent in relevant enforcement actions.

173 In consideration of such, Claimant hereby motions that a

174 declaratory judgment be issued determining that the burden of
175 proof is on Respondent.

176 **VIII. INHERANT UNFAIRNESS**

177 As the Respondent’s previous behavior shows, the
178 Respondent has the power of judge, jury, and executioner in that
179 it determines what to do with Whistleblower tips, what
180 information is important to enforcement staff, what information
181 will be considered for the purposes of determining if a
182 Whistleblower led to an action, what information will be included
183 and considered when calculating how much an award should be,
184 etc. Further, Respondent has shown that it is willing to abuse its
185 powers by deleting information and failing to keep records readily
186 accessible. Given that Respondent has already acted to delete,
187 lose, or otherwise destroy relevant Whistleblower evidence¹⁷
188 Respondent can not and should not be provided such unilateral
189 authority and secrecy in its decision making process and should
190 be forced to meet a burden of proof to avoid a complete injustice
191 to Whistleblowers and a mockery of Dodd-Frank.

192 While the Respondent routinely contents that a “search of
193 the Commission’s Tips, Complaints and Referrals (“TCR”)
194 system—the Commission’s electronic database which records and
195 stores information received from whistleblowers and others about

¹⁷ See Affidavits Of Claimant

196 potential securities law violations and records staff action taken
197 with regard to tips, complaints, and referrals entered into the
198 system”¹⁸ is adequate reason to deny a Whistleblower claim by
199 establishing an absence of connection between the
200 Whistleblower’s tips and the covered actions this practice does
201 not consider a number of potential flaws, many of which exist in
202 Claimant’s current Claim For An Award, including but not
203 limited to:

204

205 A. If information within the TCR System becomes
206 corrupt, is deleted, or is otherwise removed from the TCR
207 System, a search of the TCR system may produce no results
208 even though the Whistleblower submitted information and
209 that information was used by Respondent;

210 B. If information within a Whistleblower tip is
211 communicated via phone, there may be no record of such
212 communication;

213 C. If information submitted via a Whistleblower is not
214 timely entered into a case tracking system used by
215 Respondent but is nonetheless used by enforcement staff.¹⁹

¹⁸ See Whistleblower Award Proceeding File No. 2016-3 and Whistleblower Award Proceeding File No. 2014-9.

¹⁹ See Final Management Letter: Evaluation of the SEC Division of Enforcement's Coordination Related to a Federal Civil Action, which found not all information was being submitted to tracking systems.

- 216 D. If a Whistleblower tip is marked as NFA it still may
217 be reviewed by staff of Respondent without being re-
218 opened;
- 219 E. If information is lost in the mail instead of being
220 transmitted electronically.²⁰
- 221 F. If Respondent decides to ignore results produced
222 within a system search, a Whistleblower may be improperly
223 denied access to record; and
- 224 G. Other potential circumstances, faults, or bad actions
225 by Respondent where appropriate information is not placed
226 in the TCR system.²¹

227

228 As admitted by staff of the Respondent and supported by
229 the accompanying Affidavits Of Claimant, all of the situations
230 above are entirely relevant and present to this case and
231 Respondent's previous statements that it provides adequate

²⁰ See FY 2017 Congressional Budget Justification which provides "s, the SEC needs to build a capacity to electronically transmit data for tracking and loading (versus the current practice of receiving content via the mail); implement a document management system for Enforcement's internal case files; and revamp the tools used to collect trading data from market participants."

²¹ Such as deleting Whistleblower tips for "privilege" reasons, without investigating or even asking how a Whistleblower obtained the documents or deleting records that show violations of 21F-17 by staff of Respondent.

232 discovery in “any proceeding of this kind”²² is clearly not
233 applicable to Claimant. This incorrect position is stems from an
234 overreaching generalization by the Commission that entirely
235 ignores the nature of this case, complexities of Whistleblower tip
236 tracking, the conceded bad actions present here.

237 IX. CONCLUSION

238 Once again, Given that Respondent has already acted to
239 delete, lose, or otherwise destroy relevant Whistleblower evidence
240 Respondent can not and should not be provided such unilateral
241 authority and secrecy, especially when such authority could be
242 abused to cover up previous wrongdoing, such as destroying
243 Whistleblower records, by Respondent.²³

244 If Respondent is not held to meet such burden of proof,
245 Respondent will be in a position of unfettered power and likely
246 continue to deletion of Whistleblower records and ultimately act
247 contrary to the intention and remedial effects set forth by
248 Congress by eliminating Whistleblower’s faith or belief that
249 submitting tips to Respondent is a worth while endeavor.

250 As a logical extension of such, the Respondent is obligated

²² See Whistleblower Award Proceeding File No. 2014-1.

²³ As shown in the Affidavits Of Claimant, Ms. Nikkia Wharton and Mr. Vincente Martinez have admitted to Claimant and willful deletion of Whistleblower records and corruption of Whistleblower records due to Respondent’s negligence.

251 to meet a burden of proof and adopt an affirmative defense if it
252 should act to deny Claimant an award.

253

254

255 Respectfully Submitted,

256

257

258

259 Taylor Scott Amarel

A handwritten signature in black ink, appearing to read "Taylor Scott Amarel", written in a cursive style.

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding
SECURITIES AND	)	File No.: 3-17285 AND Any
EXCHANGE	)	Related Actions Or
COMMISSION,	)	Independently Eligible
	)	Actions
Respondent)	

1 **CLAIMANT’S MOTION TO COMPEL A REVIEW OF**
2 **RELATED ACTION OR INDEPEDENTLY ELIGIBLE**
3 **ACTIONS**
4

5 As set forth herein, Claimant hereby requests that
6 Respondent recuse conduct a thorough review for related matters
7 or independently eligible matters that may be less than
8 \$1,000,000.

9
10 **I. INTENT OF MOTION**

11 This Motion is submitted to protect the remedial relief, as
12 set forth by Congress, by ensuring Claimant is not unfairly
13 denied proper due process or by the withholding of related

14 information or actions that may be designated by the Director of
15 the Division of Enforcement as eligible for a Whistleblower
16 award.

17 **II. CONGRESSIONAL REMEDIAL INTENT**

18 The overarching goal of the Dodd–Frank Wall Street
19 Reform and Consumer Protection Act ("Dodd-Frank"), as stated
20 by Congress is to “motivate persons possessing reasonable belief
21 of potential securities laws violations to inform the SEC of their
22 suspicion”¹, “[t]o promote the financial stability of the United
23 States by improving ... transparency in the financial system ... to
24 protect consumers from abusive financial services practices, and
25 for other purposes.”², and “to address flaws in the regulatory
26 structure surrounding the events that took place and that led to
27 the [2007-2008 global financial] crisis with hopes of increasing

¹ S. Rep. No. 111-176, at 38.

² The Dodd-Frank Act declares its purpose: “To promote the financial stability of the United States by improving ... transparency in the financial system ... to protect consumers from abusive financial services practices, and for other purposes.” The Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376, 1376 (2010) (codified as amended in scattered sections of the U.S. Code).

28 accountability within the financial system, ensuring financial
29 stability, and decreasing bailouts.”³

30 III. RIGHT TO MOTION AND RECORD

31 As a prerequisite to uphold due process which is “meant to
32 protect persons from the “mistaken or unjustified deprivation of
33 life, liberty, or property”⁴ Claimant is entitled the right to file this
34 motion and explicitly retains the “procedural rights, the worth of
35 being able to defend one's interests even if one cannot change the
36 result.”⁵

37 Because due process provides variances in procedure
38 "appropriate to the nature of the case"⁶, given the gravity and
39 nature of Claimant’s situation, it is necessary to afford Claimant
40 the right to file this motion and have it decided.

41 Furthermore, it is noted that companies and individuals
42 subject to Respondent’s other administrative proceedings,
43 including proceedings before an administrative law judge are
44 provided the right to submit motions and have those motions

³ See Lori Schock, Outline of Dodd-Frank Act and JOBS Act, U.S. SECURITIES & EXCHANGE COMMISSION (June 9, 2012), <http://www.sec.gov/News/Speech/Detail/Speech/1365171490596#.VK9MfSvF-AU>.

⁴ Carey v. Piphus, 435 U.S. 247, 259 (1978); Mathews v. Eldridge, 424 U.S. 319, 344 (1976).

⁵ Fuentes v. Shevin, 407 U.S. 67, 81 (1972); Carey v. Piphus, 435 U.S. 247, 266-67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 120 S. Ct. 1579 (2000).

⁶ Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 (1950).

45 decided by Respondent. Thus as a matter of Equal Protection,
46 Claimant has a similar right to file this motion.

47 Moreover, “to demonstrate compliance with due process,
48 the decision maker should state the reasons for his determination
49 and indicate the evidence he relied on”⁷ and make this
50 information available to Claimant.

51 **IV. PREFACTORY STATEMENT**

52 Incorporated herein is all of the accompanied documents,
53 references, arguments, and matters. For the purposes of
54 considering this request emphasis is given to include matters of
55 Fair and Equitable Law, Due Process, and Conflict of interest as
56 it relates to bias arising from self interest, culpability, and a
57 history of errors.

58 **V. INTRODUCTION**

59 As set forth within Dodd-Frank, Respondent is authorized
60 to provide awards for related actions of a covered actions and of
61 actions determined by the Director of the Division of
62 Enforcement, or his or her designee, to be eligible for a
63 Whistleblower award where

64 For purposes of determining the payment of the Claimant’s
65 award under Exchange Act Rule 21F-14, the Director of the
66 Division of Enforcement, or his or her designee, may determine if

⁷ Goldberg v. Kelly, 397 U.S. 254, 271 (1970).

67 an action is eligible for a Whistleblower ward even if the total
68 monetary sanctions do not exceed \$1,000,000.

69 **VI. EXTREME AND COMPELLING CIRCUMSTANCES**

70 Courts have regularly held that administrative proceedings
71 must preserve a “balancing act”⁸ when considering a petitioners
72 requests and that an appropriate balancing is required to uphold
73 due process. By no fault of Claimant, Claimant circumstances are
74 extreme and compelling and warrant significant balancing. This
75 balancing should include deference, niceties, hearings, discovery,
76 or additional opportunities provide to Claimant “which regards
77 and preserves [the] principles of liberty and justice”⁹ and to avoid
78 “the mistaken or unjustified deprivation of life, liberty, or
79 property”¹⁰ on “case-by-case” basis.¹¹

80 As set forth within Claimant’s affidavits and to be proven
81 further by discovery Claimant has submitted substantial
82 information concerning various fraud within the EB-5 and
83 foreign direct investment industries. The volume and nature of
84 the information submitted as well as recent actions by
85 Respondent lead favorably to the possibility that Claimant’s
86 disclosures to Respondent significantly helped in assisting

⁸ 452 U.S..

⁹ Hagar v. Reclamation Dist., 111 U.S. 701, 708 (1884); Accord, Hurtado v. California, 110 U.S. 516, 537 (1884).

¹⁰ Carey v. Piphus, 435 U.S. 247, 259 (1978).

¹¹ Lassiter v. Department of Social Services, 452 U.S. 18 (1981).

87 Respondent with other enforcement actions.

88 Based on the submissions from Claimant and to be further
89 supported via discovery, likely related actions, or independently
90 eligible actions may include, but are not limited to:

- 91 A. The sanctioning of numerous unlicensed broker-
92 dealers, including attorneys, who pawn EB-5 investments
93 to US Persons without a broker-dealer license;
- 94 B. The sanctioning of numerous EB-5 regional centers
95 who conspire to pay unlicensed broker-dealers illicit
96 commissions, fees, and kickbacks;
- 97 C. Embezzlement of foreign investment funds by Lily
98 Zhong;
- 99 D. Numerous bad actions by Quiros, Stenger, Jay Peak,
100 and others;
- 101 E. SEC vs. Steven Chen, et al. Case Number: CV 15-
102 07425-RGK (PLAx);
- 103 F. SEC vs. Path America, LLC, et al. Case Number:
104 2:15-CV-01350-JLR;
- 105 G. SEC vs. Charles C. Liu, et al. Case Number:
106 SACV16-00974 CJC (AGR_x); and
- 107 H. Et al.

108 Further, it is noted that Claimant has assisted in at least
109 the following non-public actions, which are of similar nature in

110 that they could be classified as a related action or independently
111 eligible action, including but not limited to:

- 112 I. Investigations into PhoenixMart and AZ Sourcing;
- 113 J. Investigations into Giro Katsimbrakis;
- 114 K. Investigations into Chicagoland Foreign Investment
115 Group and associated project entities;
- 116 L. Investigations into ShenLaw Offices acting as an
117 unlicensed broker-dealer of Jay Peak securities.
- 118 M. Investigations into San Francisco Regional Center's
119 use of unlicensed broker-dealers, et al;
- 120 N. Investigations into American Regional Center For
121 Entrepreneurs; and
- 122 O. Over 30 other bad acting companies and regional
123 centers within this industry, located throughout the
124 country, with bad actions ranging from illicit kickbacks to
125 practicing law without a license to posting hundreds of
126 confidential investor documents in publicly accessible
127 locations.

128 VII. **REQUESTED RELIEF**

129 Given Claimant's substantial and highly detailed
130 Whistleblower tips within this industry, it reasons that
131 Claimant's tips have likely been used, are currently being used,
132 or will be used in assisting Respondent in investigating other
133 enforcement actions besides : In the Matter of American Life, Inc.

134 and Henry Liebman - Administrative Proceeding File No.: 3-
135 17285. Therefore, it is requested that Respondent and the
136 Director of the Division of Enforcement, or his or her designee,
137 take immediate action to:

138

139 A. Immediately investigate whether any publicly
140 announced actions within the area of EB-5 relied on my
141 tips in any way by, among other things, determining if
142 enforcement staff in each action ever reviewed some of the
143 disclosures made in my Whistleblower tips and make an
144 affirmative determination if those actions which are less
145 than \$1,000,000 in sanctions are eligible for an award. For
146 example, I previously mentioned a number of bad acting
147 attorneys who acted as unlicensed broker-dealers, at least
148 two of whom are named in SEC Release No. 2015-274,
149 which previously did not exceed the \$1,000,000 threshold.
150 For each action, a determination should be made to answer
151 the following inquiries:

152

- 153 1. Is the action a related action? and
- 154 2. Does the Director of the Division of
155 Enforcement, or his or her designee classify it as an
156 independently eligible action?

157 B. Immediately investigate whether any non-public
158 investigations are utilizing related information and conduct
159 an analysis to determine if those pending actions may be
160 considered related actions for the purpose of this claim; and
161 if necessary take administrative actions necessary to
162 facilitate the immediate or expedited recovery of additional
163 Whistleblower funds, if possible, without necessitating the
164 filing of an additional Form WP-APP. This should be done
165 for pending actions both larger and lesser than \$1,000,000.
166

167 In furtherance to these requests, I believe it important for
168 Respondent to make substantial efforts to obtain and disclose as
169 much information as possible in order to, to the fullest extent
170 possible, partially remedy the injustices Claimant is suffering
171 from as a result of corrupt and deleted information, a fact that
172 Respondent has conceded to.

173

174 Respectfully Submitted,

175

176

177

178 Taylor Scott Amarel

A handwritten signature in black ink, appearing to read 'Taylor Scott Amarel', is written over the printed name.

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding
SECURITIES AND	)	File No.: 3-17285 AND Any
EXCHANGE COMMISSION,	)	Related Actions Or
	)	Independently Eligible
Respondent	)	Actions
)	

1 **CLAIMANT’S MOTION TO COMPEL DISCOVERY IN**
2 **CLAIMANT’S CLAIM FOR AN AWARD**

3
4 As set forth herein, Claimant hereby requests that
5 Respondent provide Claimant with discovery as it pertains to
6 Claimant’s Claim For An Award.

7
8 **I. INTENT OF MOTION**

9 This Motion is submitted to protect the remedial relief, as
10 set forth by Congress, by ensuring Claimant is not unfairly
11 denied proper due process or rights as a result of lack of
12 discovery.

13 **II. CONGRESSIONAL REMEDIAL INTENT**

14 The overarching goal of the Dodd–Frank Wall Street
15 Reform and Consumer Protection Act ("Dodd-Frank"), as stated
16 by Congress is to “motivate persons possessing reasonable belief
17 of potential securities laws violations to inform the SEC of their
18 suspicion”¹, “[t]o promote the financial stability of the United
19 States by improving ... transparency in the financial system ... to
20 protect consumers from abusive financial services practices, and
21 for other purposes.”², and “to address flaws in the regulatory
22 structure surrounding the events that took place and that led to
23 the [2007-2008 global financial] crisis with hopes of increasing
24 accountability within the financial system, ensuring financial
25 stability, and decreasing bailouts.”³

26 **III. RIGHT TO MOTION AND RECORD**

27 As a prerequisite to uphold due process which is “meant to

¹ S. Rep. No. 111-176, at 38.

² The Dodd-Frank Act declares its purpose: “To promote the financial stability of the United States by improving ... transparency in the financial system ... to protect consumers from abusive financial services practices, and for other purposes.” The Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376, 1376 (2010) (codified as amended in scattered sections of the U.S. Code).

³ See Lori Schock, Outline of Dodd-Frank Act and JOBS Act, U.S. SECURITIES & EXCHANGE COMMISSION (June 9, 2012), <http://www.sec.gov/News/Speech/Detail/Speech/1365171490596#.VK9MfSvF-AU>.

28 protect persons from the “mistaken or unjustified deprivation of
29 life, liberty, or property”⁴ Claimant is entitled the right to file this
30 motion and explicitly retains the “procedural rights, the worth of
31 being able to defend one's interests even if one cannot change the
32 result.”⁵

33 Because due process provides variances in procedure
34 "appropriate to the nature of the case"⁶, given the gravity and
35 nature of Claimant’s situation, it is necessary to afford Claimant
36 the right to file this motion and have it decided.

37 Furthermore, it is noted that companies and individuals
38 subject to Respondent’s other administrative proceedings,
39 including proceedings before an administrative law judge are
40 provided the right to submit motions and have those motions
41 decided by Respondent. Thus as a matter of Equal Protection,
42 Claimant has a similar right to file this motion.

43 Moreover, “to demonstrate compliance with due process,
44 the decision maker should state the reasons for his determination
45 and indicate the evidence he relied on”⁷ and make this
46 information available to Claimant.

⁴ Carey v. Phipus, 435 U.S. 247, 259 (1978); Mathews v. Eldridge, 424 U.S. 319, 344 (1976).

⁵ Fuentes v. Shevin, 407 U.S. 67, 81 (1972); Carey v. Phipus, 435 U.S. 247, 266-67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 120 S. Ct. 1579 (2000).

⁶ Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 (1950).

⁷ Goldberg v. Kelly, 397 U.S. 254, 271 (1970).

47 **IV. PREFATORY STATEMENT**

48 Incorporated herein is all of the accompanied documents,
49 references, arguments, and matters relevant to this Claim For An
50 Award. For the purposes of considering this request emphasis is
51 given to include matters of fair and equitable law, Equal
52 Protection of the laws”⁸ Due Process, and Conflict of interest as it
53 relates to a party that unilaterally holds the evidence required to
54 make a fair legal determination.

55 **V. INTRODUCTION**

56 Claimant has suffered and is currently suffering
57 irreparable, inhumane, and highly damaging retaliation and
58 damages as a result of Claimant’s good faith disclosures to the
59 Respondent.

60 Despite regularly assuring Claimant that all Whistleblower
61 records would be available for review at the request of Claimant,
62 Respondent has refused to make good on those statements and
63 have unilaterally denied Claimant access to relevant records.
64 Further, Respondent has admitted on multiple occasions to losing
65 evidence, corrupting files, willfully deleting Claimant’s
66 Whistleblower tips, and operating an inadequate complaint
67 tracking system.⁹

⁸ Section 1 of the Fourteenth Amendment

⁹ See Affidavits Of Claimant, The Inspector General’s Statement on the SEC’s Management and Performance Challenges, October 2016, SEC FY 2017

68 The allowance of additional discovery would serve to limit
69 the continuing damages Claimant is suffering as a result of
70 Respondents negligence¹⁰, allow Claimant access to critical
71 documents, provide Claimant with the necessary information for
72 cross examination, assist the Respondent in policing our financial
73 markets, and encourage other Whistleblowers to come forward.

74 **VI. EXTREME AND COMPELLING CIRCUMSTANCES**

75 Courts have regularly held that administrative proceedings
76 must preserve a “balancing act”¹¹ when considering a petitioners
77 requests and that an appropriate balancing is required to uphold
78 due process. By no fault of Claimant, Claimant circumstances are
79 extreme and compelling and warrant significant balancing. This
80 balancing should include deference, niceties, hearings, discovery,
81 or additional opportunities provide to Claimant “which regards
82 and preserves [the] principles of liberty and justice”¹² and to
83 avoid “the mistaken or unjustified deprivation of life, liberty, or

Congressional Budget Justification, Final Management Letter:
Evaluation of the SEC Division of Enforcement's Coordination Related
to a Federal Civil Action, and other OIG Reports admitting a pressing
need for improved case tracking.

¹⁰ See Affidavits Of Claimant concerning the deletion of records and
evidence by Respondent.

¹¹ 452 U.S..

¹² Hagar v. Reclamation Dist., 111 U.S. 701, 708 (1884); Accord,
Hurtado v. California, 110 U.S. 516, 537 (1884).

84 property"¹³ on "case-by-case" basis.¹⁴

85 As it set forth within the Affidavits of Claimant, in an effort
86 to promote the financial stability of the United States, Claimant
87 has submitted numerous Whistleblower tips to the Respondent.
88 Many of these Whistleblower tips pertain to In the Matter of
89 American Life, Inc. and Henry Liebman - Administrative
90 Proceeding File No.: 3-17285, related companies, bad acting
91 unlicensed attorney-broker-dealers¹⁵, and related securities
92 violation in the relevant industry. The Respondent has further
93 acknowledged that at least two of Claimant's Whistleblower tips
94 pertain to Administrative Proceeding File No.: 3-17285.¹⁶

95 Further, during communications with employees of
96 Respondent, Claimant was informed that the Respondent has
97 deleted Whistleblower tips from Respondent's computers,
98 corrupted numerous Whistleblower tips, was unable to track tips,
99 and lost text information that may identify tips submitted by
100 Claimant, etc.¹⁷ The fact that Respondent carelessly acted in a
101 manner to delete, remove, or destroy records relevant to the very
102 core of this Claim For An Award is a clear case of negligence and

¹³ Carey v. Phipus, 435 U.S. 247, 259 (1978).

¹⁴ Lassiter v. Department of Social Services, 452 U.S. 18 (1981).

¹⁵ Within the Administrative Proceeding File No.: 3-17285 there are mentioned of unnamed unlicensed broker-dealers.

¹⁶ As shown in an email to be provided in discovery.

¹⁷ See Affidavit's Of Claimant and Respondent's email records to be provided in discovery.

103 constitutes a compelling and unique circumstance to grant
104 discovery.

105 **VII. RELIEF REQUESTED**

106 Respondent owes to Claimant a fair and reasonable level of
107 discovery to uphold Claimant's rights and maintain due process
108 of law. Respondent is further obligated to consider the unique
109 facts and circumstances present in this Claim For An Award and
110 immediately act to remedy, to the fullest extent possible, the
111 damages caused to Claimant by Respondent's deletion of
112 Whistleblower records.

113 Further Despite obligations and statements that
114 Respondent would share relevant information¹⁸, Respondent has
115 and is acting to void any attempts by Claimant to obtain
116 documents relevant to this Claim For An Award. Not only have
117 Respondent interfered with Claimant's attempts to obtain
118 relevant information via Freedom Of Information Act ("FOIA")
119 and Privacy Act ("PA")¹⁹ requests but Respondent has stated
120 globally that that Claimant is not entitled to any discovery

¹⁸ <https://www.sec.gov/about/offices/owb/owb-what-happens-to-tips.shtml> shows Respondent's promise to share information by stating "but don't worry if you lose it, we will always be able to find your TCR by your name."

¹⁹ As to be shown further in discovery, Respondent's Whistleblower Office is exerting un-natural control over FOIA and PA requests by demanding that all requests go through their office rather than the normal FOIA/PA procedures.

121 beyond and Respondent has the unfettered authority to
122 determine what information is searched for and what information
123 is considered in a Claim For An Award.²⁰

124 Accordingly, Claimant hereby request that Respondent be
125 ordered to provide Claimant with a fair a reasonable level of
126 discovery and that Claimant be afforded to right to petition for
127 specific document discovery as well as be allowed inspection of
128 documents, records, or systems.

129 In furtherance of the above, Claimant hereby requests that
130 Respondent provide Claimant's with discovery that would allow
131 Claimant the opportunity to partially recover certain rights,
132 evidence, and remedies that would have been regularly available
133 to Claimant or similarly situations persons if the Respondent did
134 not act negligently in preserving records.

135 Specifically, Claimant requests the discovery be granted to
136 the following materials that Respondent holds:

- 137 A. The TCR Numbers and dates for all Whistleblower
138 tips submitted by Claimant.
- 139 B. The TCR Numbers and content of all Whistleblower
140 tips submitted by Claimant.
- 141 C. All electronic correspondence between Claimant and
142 Respondent.

²⁰ See Whistleblower Award Proceeding File No. 2014-1

- 143 D. All physical correspondence between Claimant and
144 Respondent.
- 145 E. All phone records between Respondent and Claimant.
- 146 F. All notes for phone calls between Respondent and
147 Claimant.
- 148 G. All emails between Respondent and Mr. Vincente
149 Martinez, a former employee of Respondent.
- 150 H. All emails between Respondent's Whistleblower office
151 and Mr. Vincente Martinez, a former employee of
152 respondent.
- 153 I. All notes linked to Claimant's Whistleblower tips.
- 154 J. All notes linked to Claimant's Whistleblower tips
155 identified by Commission staff as relevant to In the Matter
156 of American Life, Inc. and Henry Liebman, Et Al.

157 **VIII. INHERANT UNFAIRNESS**

158 As the Respondent's previous behavior shows, the
159 Respondent has the power of judge, jury, and executioner in that
160 it determines what to do with Whistleblower tips, what
161 information is important to enforcement staff, what information
162 will be considered for the purposes of determining if a
163 Whistleblower led to an action, what information will be included
164 and considered when calculating how much an award should be,
165 etc.

166 However, the manner in which Respondent makes these

167 determinations and the method and forum in which Respondent
168 exercises such enormous power is shrouded in secrecy allowing
169 for considerable abuse or error that imposes a chilling effect on
170 Whistleblowers.

171 Given that Respondent has already acted to delete, lose, or
172 otherwise destroy relevant Whistleblower evidence²¹ Respondent
173 can not and should not be provided such unilateral authority and
174 secrecy, especially when such authority could be abused to cover
175 up previous wrongdoing by Respondent, such as destroying
176 Whistleblower records, interfering with Whistleblower
177 communications, culpability in securities law violations, and
178 conspiring against Claimant.

179 Respondent has previously exercised an overreaching
180 authority to deny Whistleblower's request for discovery by stating
181 that "our whistleblower rules provide all the discovery and other
182 procedural opportunities that due process could possibly require
183 in a proceeding of this kind."²² Respondent made these claims
184 without considering appropriate measures of due process,
185 potentially in an attempt to deny all any level of discovery and
186 allow an unheard of level of discretion that may be influenced by
187 laziness, conflicts of interests, bias, egregious acts, or simple
188 error, that independently and when taken in aggregate become

²¹ See Affidavits Of Claimant

²² See Whistleblower Award Proceeding File No. 2014-1

189 constitutionally unacceptable for a fair proceeding.

190 For example, a Whistleblower who submitted information
191 to the Respondent that led to an enforcement action could be
192 unilaterally denied an award because Respondent failed to find
193 the records or notes linking his submission to the Covered Action.
194 In this situation, Respondent would have no course of action
195 other than filing his Claim and making secondary arguments
196 that his submission resulted in the Covered Action. In this sense,
197 the Respondent legal rights would be at the sometimes arbitrary
198 or self-interested decisions of federal agencies to review certain
199 materials while ignoring others.

200 While the Respondent routinely contents that a “search of
201 the Commission’s Tips, Complaints and Referrals (“TCR”)
202 system—the Commission’s electronic database which records and
203 stores information received from whistleblowers and others about
204 potential securities law violations and records staff action taken
205 with regard to tips, complaints, and referrals entered into the
206 system”²³ is adequate reason to deny a Whistleblower claim by
207 establishing an absence of connection between the
208 Whistleblower’s tips and the covered actions this practice does
209 not consider a number of potential flaws, many of which exist in

²³ See Whistleblower Award Proceeding File No. 2016-3 and
Whistleblower Award Proceeding File No. 2014-9.

210 Claimant's current Claim For An Award, including but not
211 limited to:

212 A. If information within the TCR System becomes
213 corrupt, is deleted, or is otherwise removed from the TCR
214 System, a search of the TCR system may produce no results
215 even though the Whistleblower submitted information and
216 that information was used by Respondent;

217 B. If information within a Whistleblower tip is
218 communicated via phone, there may be no record of such
219 communication;

220 C. If information submitted via a Whistleblower is not
221 timely entered into a case tracking system used by
222 Respondent but is nonetheless used by enforcement staff.²⁴

223 D. If a Whistleblower tip is marked as NFA it still may
224 be reviewed by staff of Respondent without being re-
225 opened;

226 E. If information is lost in the mail instead of being
227 transmitted electronically.²⁵

²⁴ See Final Management Letter: Evaluation of the SEC Division of Enforcement's Coordination Related to a Federal Civil Action, which found not all information was being submitted to tracking systems.

²⁵ See FY 2017 Congressional Budget Justification which provides "s, the SEC needs to build a capacity to electronically transmit data for tracking and loading (versus the current practice of receiving content via the mail); implement a document management system for

228 F. If Respondent decides to ignore results produced
229 within a system search, a Whistleblower may be improperly
230 denied access to record; and
231 G. Other potential circumstances, faults, or bad actions
232 by Respondent where appropriate information is not placed
233 in the TCR system.²⁶

234
235 As admitted by staff of the Respondent and supported by
236 the accompanying Affidavits Of Claimant, all of the situations
237 above are entirely relevant and present to this case and
238 Respondent's previous statements that it provides adequate
239 discovery in "any proceeding of this kind"²⁷ is clearly not
240 applicable to Claimant. This incorrect position stems from an
241 overreaching generalization by the Commission that entirely
242 ignores the nature of this case, complexities of Whistleblower tip
243 tracking, the conceded bad actions present here, and
244 Respondent's constitutional requirement to provide a fair and
245 balanced forum on a case-by-case basis taking into account the
246 nature of the proceeding and situation of the Claimant.

Enforcement's internal case files; and revamp the tools used to collect trading data from market participants."

²⁶ Such as deleting Whistleblower tips for "privilege" reasons, without investigating or even asking how a Whistleblower obtained the documents or deleting records that show violations of 21F-17 by staff of Respondent.

²⁷ See Whistleblower Award Proceeding File No. 2014-1.

247 Once again, Given that Respondent has already acted to
248 delete, lose, or otherwise destroy relevant Whistleblower evidence
249 Respondent can not and should not be provided such unilateral
250 authority and secrecy, especially when such authority could be
251 abused to cover up previous wrongdoing, such as destroying
252 Whistleblower records, by Respondent.²⁸

253 **IX. DISCOVER REQUIRED TO MEASURE BIAS AND**
254 **BAD ACTIONS**

255 **X. SUPPORTING LAW**

256 Courts have regularly adopted provisions and precedents
257 allowing for the discovery, as requested by Claimant, in both
258 administrative and judicial proceedings.

259 **A. Discovery (Mathews v. Eldridge, 424 U .S 319**
260 **(1976))**

261 As set forth within Mathews v. Eldridge, 424 U .S
262 319 (1976), in determining the appropriate process an
263 agency owes to a claimant, a court must weigh in assessing
264 the appropriate due process balance and appropriate
265 measure the risks to individual’s private interests and if
266 those private interests may be affected on a level analogous

²⁸ As shown in the Affidavits Of Claimant, Ms. Nikkia Wharton and Mr. Vincente Martinez have admitted to Claimant and willful deletion of Whistleblower records and corruption of Whistleblower records due to Respondent’s negligence.

267 to, "the termination of disability or welfare benefits where a
268 recipient's very well-being could be at risk"²⁹. In measuring
269 such risks, the Claimant is entitled to additional deference
270 to avoid an adverse decision that would effect the ability to
271 acquire essential goods, clothing, housing, and medical care
272 necessary to live.

273 The Respondent has recognized this law right in
274 Whistleblower Award Proceeding File No. 2014-1 where
275 Respondent denied a Whistleblower discovery but
276 acknowledged under extreme and compelling circumstances
277 an individual would be entitled to discovery.

278 As is critically relevant in This Claim For An Award,
279 there exist multiple extreme and compelling circumstances
280 that present a serious risk to Claimant's live. As detailed
281 within the Affidavits Of Claimant and to be shown further
282 via discovery, a unfair without due process proceeding
283 would significantly impact Claimant's rights and ability to
284 obtain both closure and an award. The failure to obtain an
285 closure and an award will exacerbate Claimant's present
286 situation and ultimately lead to significant suffering,
287 inhuman living conditions, additional health problems, and
288 potential death.³⁰ These statements are not made lightly,

²⁹ 424 U.S. at 335-342.

³⁰ See Affidavits Of Claimant.

289 as detailed in this Claim For An Award, Claimant has
290 already suffered -

- 291 1. Physical attacks;
- 292 2. Continued harassment;
- 293 3. Destruction of property;
- 294 4. Significant health issues; and
- 295 5. Unrelenting persecution

296

297 -as a direct result of Claimant's disclosures to
298 Respondent and continued attempts to stop financial fraud.

299 Without Claimant being provided an award and or
300 decision based on full discovery, Claimant will only suffer
301 further and will become consumed by seeking justice while
302 simultaneously having no resources to defend from the
303 relentless attacks.

304 Finally, it is reasonable to assume, given the
305 admissions of document destruction and loss by the
306 Respondent and the conversations between Claimant and
307 Respondent it is clear that there is or should be³¹
308 significant and discoverable evidence detailing the deletion
309 of whistleblower records. These records would assist in

³¹ According to Respondent's enforcement and Whistleblower manuals, notes, memos, summaries, and comments should be made during every interaction with Whistleblowers by at least two staff of Respondent.

310 necessary determinations and finding of fact providing
311 information on what records were destroyed, deleted, or
312 corrupted, why these records were not safeguarded, and
313 provide an avenue for Claimant to, as fully as possible,
314 obtain any secondary evidence showing or elaborating on
315 the contents of relevant records and destroyed records as
316 they pertain to this Claim For An Award.

317 **B. (Robert Lippolis v. Commissioner of Internal**
318 **Revenue, Case No. 18172-12W)**

319 Independently, even if the Commission determined
320 that the extreme need or right to deference and discovery is
321 not in favor of the Claimant the Commission is obligated to
322 and required by law to apply more recent precedents.

323 On November 20, 2014, the United States Tax Court
324 ruled that “It would be unduly burdensome to require the
325 whistleblower to provide or perhaps even to know of the
326 existence of”³² certain records and further provided that the
327 burden of proof to determine Whistleblower eligibility is on
328 the “Commission”. This ruling is perfectly analogous to
329 Respondent’s Whistleblower program and Claimant’s
330 situation. Indeed, within Robert Lippolis v. Commissioner
331 of Internal Revenue it was noted that the Internal Revenue

³² 143 T.C. No. 20

332 Service provided Robert Lippolis with a letter
333 substantiating the need to seek discovery just as
334 Respondent has admitted to the deletion and loss of records
335 which substantiates the need for discovery in this Claim
336 For An Award. The remarkable similarity of these cases
337 therefore sets a standard where; in instances where
338 documents may be confidential, unknown of, or otherwise
339 difficult to access it is the Respondent's burden of proof to
340 substantiate any affirmative defenses.

341 This position is amicable to *ITSI T.V. Prods., Inc. v.*
342 *Agric. Ass'ns*, 3 F.3d 1289, 1292 (9th Cir. 1993), wherein it
343 is concluded that “[w]hen the true facts relating to a
344 disputed issue lie peculiarly within the knowledge of one
345 party, the burden of proof may properly be assigned to that
346 party[.]”³³

347 Moreover, the “party asserting an affirmative defense
348 usually has the burden of proving it”³⁴ and has particular
349 cogency “where the facts in support of the defense are

³³ *United States v. Hays*, 369 F.2d 671, 676 (9th Cir. 1966));
Drexel Burnham Lambert Grp., Inc. v. Galadari, 777 F.2d 877,
880 (2d Cir. 1985)

³⁴ See, e.g., *Howard v. Green*, 555 F.2d 178, 181 (8th Cir.1977);
Organizations United For Ecology v. Bell, 446 F.Supp. 535, 546
(M.D.Pa.1978); *Blunt v. Barrett*, 124 N.Y. 117, 119, 26 N.E. 318 (1891);
Birnbaum v. Birnbaum, 70 Misc.2d 462, 464-65, 333 N.Y.S.2d 890
(1972), *aff'd*, 76 Misc.2d 1087, 352 N.Y.S.2d 600 (1973).

350 peculiarly within the knowledge of the party asserting it.”³⁵
351 These precedents, taken in totality or individually
352 determine that the Respondent has the burden of proof in
353 exercising any affirmative defenses because the
354 information is held by Respondent, and not within the
355 realm of Claimant’s knowledge.

356 This is even more critical to this Claim For An Award
357 due to the negligence by Respondent and willful allowance
358 of records to be destroyed, lost, or corrupted. As set forth
359 within Affidavits of Claimant and to the supported via
360 discovery, the Respondent has admitted to the deletion of
361 relevant records, the corruption of relevant records, and the
362 loss of relevant records. These actions fly in the face of the
363 standards set forth within *Robert Lippolis v. Commissioner*
364 of Internal Revenue, which states “[t]he [Respondent]
365 generally should have easy access to all of the records or
366 documents that would show”³⁶ a Whistleblower’s assistance
367 in enforcement actions and the particulars of those
368 enforcement actions, including but not limited to law

³⁵ See *United States v. New York, N.H. & H.R.R.*, 355 U.S. 253, 256 n. 5, 78 S.Ct. 212, 214 n. 5, 2 L.Ed.2d 212 (1957); *Browzin v. Catholic University of America*, 527 F.2d 843, 849 n. 12 (D.C.Cir.1975); *Adler v. Commissioner*, 85 T.C. 535, 540 (1985); *Farmers Feed Co. v. Commissioner*, 10 B.T.A. 1069, 1075-1076 (1928);

³⁶ 143 T.C. No. 20

369 enforcement records.

370 The court further noted that because documents may
371 not be available to the whistleblower and may constitute
372 confidential taxpayer information of the target, it would be
373 unduly burdensome to require the whistleblower to provide
374 or perhaps even to know of the existence of those records.

375 In a similar manner, the Commission is further
376 obligated to meet its burden of proof that none of the
377 relevant Whistleblower tips had been communicated to the
378 enforcement staff without documentation, either through
379 phone call, etc. Because it is expected that Respondent will
380 refuse the precedent set forth in *Robert Lippolis v.*
381 *Commissioner of Internal Revenue*, it is necessary to
382 provide Claimant with the discovery. By granting
383 discovery, Claimant will be provided an opportunity to
384 obtain documents and evidence relevant to this Claim For
385 An Award and allow claimant a limited ability to recover
386 rights that would have been afforded to Claimant if the
387 precedents set forth in *Robert Lippolis v. Commissioner of*
388 *Internal Revenue* were applied here. The discovery will also
389 allow Claimant the ability to obtain documents while any
390 further appeals or proceedings take place in relation to
391 Respondent's burden of proof as provided in *Robert Lippolis*
392 *v. Commissioner of Internal Revenue*.

393 **C. Right To Cross Examination**

394 Further, "In almost every setting where important
395 decisions turn on questions of fact, due process requires an
396 opportunity to confront and cross-examine adverse
397 witnesses."³⁷ Where the "evidence consists of the testimony
398 of individuals whose memory might be faulty or who, in
399 fact, might be perjurers or persons motivated by malice,
400 vindictiveness, intolerance, prejudice, or jealousy,"³⁸ the
401 individual's right to show that it is untrue depends on the
402 rights of confrontation and cross-examination. "This Court
403 has been zealous to protect these rights from erosion. It has
404 spoken out not only in criminal cases, . . . but also in all
405 types of cases where administrative . . . actions were under
406 scrutiny."³⁹

407 Given such zealous protection from the courts and
408 the particular applicability of the courts statements to this
409 Claim For An Award it is unarguably necessary to provide

³⁷ *Goldberg v. Kelly*, 397 U.S. 254, 269 (1970). See also *ICC v. Louisville & Nashville R.R.*, 227 U.S. 88, 93-94 (1913). Cf. § 7(c) of the Administrative Procedure Act, 5 U.S.C. § 556(d).

³⁸ *Greene v. McElroy*, 360 U.S. 474, 496-97 (1959). But see *Richardson v. Perales*, 402 U.S. 389 (1971); Cf. *Mathews v. Eldridge*, 424 U.S. 319, 343-45 (1976).

³⁹*Greene v. McElroy*, 360 U.S. 474, 496-97 (1959). But see *Richardson v. Perales*, 402 U.S. 389 (1971); Cf. *Mathews v. Eldridge*, 424 U.S. 319, 343-45 (1976).

410 Claimant with the necessary information that could
411 support a fair cross examination. This is particularly true
412 because Claimant's deletion of records, poor actions, and
413 culpability in securities violations creates an unwell
414 environment that will negative effect individual's memory
415 and provides substantial reason for malice and
416 vindictiveness whereby staff of Respondent attempt to deny
417 Claimant an award as a result of personal conflicts of
418 interest. One of those conflicts is obvious to the Respondent
419 because Claimant has already voiced his intention to
420 pursue accountability of Respondent's staff for their
421 deletion for Whistleblower records and failure to respond to
422 basic inquiries for over 11 months, substantially defeating
423 the purpose of the Whistleblower office.

424 **D. Inter Department Use Of Whistleblower**
425 **Information**

426 Finally, due to the inter-agency connection to
427 Claimant's Whistleblower tips, it is a necessary to obtain
428 additional discovery to ensure that information was not
429 shared to a third party law enforcement office who then
430 conducted an investigation and shared novel information
431 with the Respondent that was acquired through action on
432 Claimant's initial tips. Respondent currently has no system
433 in place to attribute the assistance of Whistleblower's to a

434 particular person if the information is shared by
435 Respondent to a third party who then shares related
436 discoveries back to the Respondent.

437 **XI. FALSE ARGUMENT AND PUBLIC POLICY**

438 While the Commission may content that it is not obligated
439 to or it would be too chilling to provide discovery, this claim is
440 overgeneralized, out of reality, and entirely contradictory to the
441 intent of Congress.

442 By denying discovery, Respondent is willfully badgering the
443 very persons that Congress intended to protect. The end result of
444 Respondent's failure to provide discovery will be a dangerous
445 precedent that will discourage thousands of Whistleblower's from
446 coming forward destroying the very heart of the Whistleblower
447 program and defying the intention of Congress to "motivate
448 persons possessing reasonable belief of potential securities laws
449 violations to inform the SEC of their suspicion"⁴⁰.

450 As stated by Mr. Sean McKessy, a former employee of
451 Respondent, in his testimony to Congress, "individuals go
452 through" a "calculous" to "decide whether to report something to
453 a regulator" and this "calculous" has a lot of "factors", including
454 but not limited to a Whistleblower's ability or perceived ability to
455 obtain a just Claim For An Award. If would-be-Whistleblower's

⁴⁰ S. Rep. No. 111-176, at 38.

456 and their potential counsel continue to observe Respondent's
457 behavior of denying basic discovery, would-be-Whistleblower's
458 will not come forward and will not report evidence of wrongdoing
459 to Respondent.

460 Already, an analysis of the Final Orders issued by the
461 Respondent in relation to Whistleblower claims shows that a
462 significant number of Whistleblowers have submitted evidence to
463 Respondent, relevant to a covered action, but Respondent failed
464 to find any connection between the Whistleblower tip and the
465 covered action. In fact, this claim is almost becoming ubiquitous
466 within the Respondent's award denials and it raises serious
467 questions about the effectiveness and sincerity of the
468 Whistleblower program among a plurality of other concerns, such
469 potential retaliation, loss of employment, multi-year long
470 adjudication times, poor communication, and unduly burdensome
471 deadlines.

472 Indeed, would-be-Whistleblower's are beginning to question
473 if they should really submit information to Respondent if:

474 A. Respondent is going to ignore the Whistleblower's
475 information;

476 B. Respondent is going to use but not document the use
477 of Whistleblower's information;

- 478 C. Respondent is going to use the Whistleblower's
479 information but Respondent is incapable of creating an
480 adequate record for Whistleblower tracking; and or
481 D. Respondent is going to use the Whistleblower's
482 information but subsequently delete the Whistleblower Tip,
483 ultimately destroying records of the Whistleblower's
484 assistance and ultimately denying the Whistleblower an
485 award;
486 E. Et al.

487

488 These concerns are not expressed lightly but given that
489 Whistleblower's are also grappling with significant concerns that-
490

- 491 F. Respondent will mark their tips as "privileged" or
492 "trade secrets" eliminating any Whistleblower rights;
493 G. Respondent will inappropriately disclose their
494 identity;
495 H. The Respondent's ultimate reward may be less than
496 2-3 years worth of salary and the time to receive an award
497 will likely be in excess of five years;
498 I. The Respondent will be unable to prevent immediate
499 retaliation; and

500 J. Many other concerns stemming both from private
501 sector concerns to the very roadblocks and difficulties
502 created by the Respondent.

503 K. Et al.

504

505 -There is an pressing need for the Respondent to do
506 everything in its power to convince would-be-Whistleblower's that
507 Respondent will provide a fair, just, flexible, and impartial
508 forums that aligns with the Congressional intent.

509 At a time where people are raising significant questions as
510 to the effectiveness of a Whistleblower program it is in the law
511 enforcement interest of Respondent to alleviate those concerns
512 through fair procedure.

513 As it stands now, Respondent has the absolute and sole
514 authority to determine what documents be reviewed and the
515 Whistleblower is not allowed to know what material the
516 Commission declined to review, a substantial transparency issue
517 that could cause great harm and further deters Whistleblowers
518 from speaking up. As a matter of policy, the Respondent must ask
519 itself, would it rather implement a policy that presents chilling
520 environment to good faith Whistleblowers or the financial
521 fraudsters.

522 By allowing Whistleblower's a level of transparency not
523 only would it promote more tips but, as a result of the sunlight

524 provided, Commissioners, Whistleblower Staff, and Enforcement
525 Staff would be substantially encouraged to appropriately review
526 Whistleblower tips, appropriately document those tips, and take
527 the necessary action. Too many times in the Commissions Final
528 Orders has a Whistleblower alleged and proven that his tips
529 related to a bad acting company and its sanctioned bad actions
530 only to learn that the Commission has no record that his tips
531 were useful. Throughout every level of government and as proven
532 by hundreds of years of observation, erring on the side of
533 transparency will allow for the better, indeed this
534 deference to transparency was the very foundation our democracy
535 was built on.

536 For example, if the Respondent endeavored in good faith to
537 meet its burden of proofs, rather than issuing generic denials
538 based off staff discretion it would not only provide for better
539 financial regulation, deterrence, and enforcement but it would
540 also greatly calm many fears of Whistleblowers and allow them a
541 safety net to obtain closure. Whistleblower's would be provided
542 with the information they need to pursue their claims in a fair
543 forum, the public could obtain additional knowledge about the
544 workings of the Whistleblower program and its ability to execute
545 Congressional intent, and staff of Respondent would be motivated
546 by the increased transparency to do their job and do it will by not
547 deleting records, making appropriate notes, and working in good

548 faith with Whistleblowers to stop financial fraud. More benefits
549 include, providing Whistleblowers with more confidence that they
550 may receive an award. Currently, Whistleblowers are more likely
551 to win the California lottery than be issued a Whistleblower
552 award. This would ultimately increase the number of
553 Whistleblower tips resulting in better financial regulation.⁴¹
554 Whistleblowers would further be given additional fairness, peace
555 of mind, and protection from any wrongdoing by Respondent
556 which would cause the Claims Review Staff to arbitrarily
557 determine that no materials need to be reviewed and be part of
558 the record.

559 Moreover, as the public has learned with the
560 implementation of the IRS Whistleblower office, the use of hyper-
561 technical reasons to deny a Whistleblower's award significant
562 hinder the functioning of a Whistleblower program and
563 ultimately result in a significant waste of resources.⁴²

564 XII. CONCLUSION

⁴¹ Multiple IRS studies, Congressional Letters, and Other Whistleblower Reports have identified Whistleblower tips as being more effective than general audits.

⁴² See IRS responses from IRS commissioner to Grassley from February hearing, 6-3-15.pdf, <https://www.grassley.senate.gov/sites/default/files/news/upload/IRS%20responses%20from%20IRS%20commissioner%20to%20Grassley%20from%20February%20hearing,%206-3-15.pdf>

565 Finally, even if one were to disregard Claimant's extreme
566 and compelling circumstances that conceded bad actions and
567 negligence by Respondent provide a right to discovery, Claimant
568 is independently provided the right of discovery as set forth
569 within case precedent, due process, and public policy grounds.
570 The importance of the documents requested in discover can not
571 be understated and the lack of discovery would provide multiple
572 avenues of rhetoric providing that the denial of discovery is an
573 abuse of administrative authority, does not take into account the
574 circumstances, and is indefensibly a reason for a court to take up
575 judicial review.

576

577

578 Respectfully Submitted,

579

580

581

582 Taylor Scott Amarel

A handwritten signature in black ink, appearing to read 'Taylor Scott Amarel', written in a cursive style.

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant)	
)	
v.	)	Claim For An Award: In the
	)	Matter of American Life, Inc. and
SECURITIES AND EXCHANGE	)	Henry Liebman - Administrative
COMMISSION,	)	Proceeding File No.: 3-17285
)	
Respondent)	
)	

1 **CLAIMANT’S MOTION TO COMPEL DISCOVERY IN CLAIMANT’S**
2 **CLAIM FOR AN AWARD**

3
4 As set forth herein, Claimant hereby requests that Respondent provide
5 Claimant with discovery as it pertains to Claimant’s Claim For An Award.

6
7 **I. INTENT OF MOTION**

8 This Motion is submitted to protect the remedial relief, as set forth by
9 Congress, by ensuring Claimant is not unfairly denied proper due process or
10 rights as a result of a denial to Privacy Act rights.

11 **II. CONGRESSIONAL REMEDIAL INTENT**

12 The overarching goal of the Dodd–Frank Wall Street Reform and
13 Consumer Protection Act ("Dodd-Frank"), as stated by Congress is to
14 “motivate persons possessing reasonable belief of potential securities laws

15 violations to inform the SEC of their suspicion”¹, “[t]o promote the financial
16 stability of the United States by improving ... transparency in the financial
17 system ... to protect consumers from abusive financial services practices, and
18 for other purposes.”², and “to address flaws in the regulatory structure
19 surrounding the events that took place and that led to the [2007-2008 global
20 financial] crisis with hopes of increasing accountability within the financial
21 system, ensuring financial stability, and decreasing bailouts.”³

22 III. RIGHT TO MOTION AND RECORD

23 As a prerequisite to uphold due process which is “meant to protect
24 persons from the “mistaken or unjustified deprivation of life, liberty, or
25 property”⁴ Claimant is entitled the right to file this motion and explicitly
26 retains the “procedural rights, the worth of being able to defend one's
27 interests even if one cannot change the result.”⁵

28 Because due process provides variances in procedure "appropriate to
29 the nature of the case"⁶, given the gravity and nature of Claimant’s situation,
30 it is necessary to afford Claimant the right to file this motion and have it

¹ S. Rep. No. 111-176, at 38.

² The Dodd-Frank Act declares its purpose: “To promote the financial stability of the United States by improving ... transparency in the financial system ... to protect consumers from abusive financial services practices, and for other purposes.” The Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376, 1376 (2010) (codified as amended in scattered sections of the U.S. Code).

³ See Lori Schock, Outline of Dodd-Frank Act and JOBS Act, U.S. SECURITIES & EXCHANGE COMMISSION (June 9, 2012), <http://www.sec.gov/News/Speech/Detail/Speech/1365171490596#.VK9MfSvFAU>.

⁴ Carey v. Piphus, 435 U.S. 247, 259 (1978); Mathews v. Eldridge, 424 U.S. 319, 344 (1976).

⁵ Fuentes v. Shevin, 407 U.S. 67, 81 (1972); Carey v. Piphus, 435 U.S. 247, 266-67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980); Nelson v. Adams, 120 S. Ct. 1579 (2000).

⁶ Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 (1950).

31 decided.

32 Furthermore, it is noted that companies and individuals subject to
33 Respondent's other administrative proceedings, including proceedings before
34 an administrative law judge are provided the right to submit motions and
35 have those motions decided by Respondent. Thus as a matter of Equal
36 Protection, Claimant has a similar right to file this motion.

37 Moreover, "to demonstrate compliance with due process, the decision
38 maker should state the reasons for his determination and indicate the
39 evidence he relied on"⁷ and make this information available to Claimant.

40 **IV. PREFACTORY STATEMENT**

41 Incorporated herein is all of the accompanied documents, references,
42 arguments, and matters relevant to this Claim For An Award. For the
43 purposes of considering this request emphasis is given to include matters of
44 fair and equitable law, Equal Protection of the laws"⁸ Due Process, conflicts of
45 interest, and Privacy Act rights as it relates to a federal agency who
46 maintains Privacy Act records.

47 **V. INTRODUCTION**

48 Claimant has suffered and is currently suffering irreparable,
49 inhumane, and highly damaging retaliation and damages as a result of
50 Claimant's good faith disclosures to the Respondent.

51 Despite regularly assuring Claimant that all Whistleblower records
52 would be available for review at the request of Claimant, Respondent has
53 refused to make good on those statements and have unilaterally denied
54 Claimant access to relevant records. Further, Respondent has admitted on
55 multiple occasions to losing evidence, corrupting files, willfully deleting

⁷ Goldberg v. Kelly, 397 U.S. 254, 271 (1970).

⁸ Section 1 of the Fourteenth Amendment

56 Claimant’s Whistleblower tips, and operating an inadequate complaint
57 tracking system.⁹

58 The allowance of Privacy Act rights would serve to limit the continuing
59 damages Claimant is suffering as a result of Respondents negligence¹⁰, allow
60 Claimant access to critical documents, provide Claimant with the necessary
61 information for cross examination, allow Claimant the right to dispute
62 information, assist the Respondent in policing our financial markets, and
63 encourage other Whistleblowers to come forward.

64 **VI. EXTREME AND COMPELLING CIRCUMSTANCES**

65 Courts have regularly held that administrative proceedings must
66 preserve a “balancing act”¹¹ when considering a petitioners requests and that
67 an appropriate balancing is required to uphold due process. By no fault of
68 Claimant, Claimant circumstances are extreme and compelling and warrant
69 significant balancing. This balancing should include deference, niceties,
70 hearings, discovery, or additional opportunities provide to Claimant “which
71 regards and preserves [the] principles of liberty and justice”¹² and to avoid
72 “the mistaken or unjustified deprivation of life, liberty, or property”¹³ on
73 “case-by-case” basis.¹⁴

74 As it set forth within the Affidavits of Claimant, in an effort to promote

⁹ See Affidavits Of Claimant, The Inspector General’s Statement on the SEC’s Management and Performance Challenges, October 2016, SEC FY 2017 Congressional Budget Justification, Final Management Letter: Evaluation of the SEC Division of Enforcement's Coordination Related to a Federal Civil Action, and other OIG Reports admitting a pressing need for improved case tracking.

¹⁰ See Affidavits Of Claimant concerning the deletion of records and evidence by Respondent.

¹¹ 452 U.S..

¹² Hagar v. Reclamation Dist., 111 U.S. 701, 708 (1884); Accord, Hurtado v. California, 110 U.S. 516, 537 (1884).

¹³ Carey v. Piphus, 435 U.S. 247, 259 (1978).

¹⁴ Lassiter v. Department of Social Services, 452 U.S. 18 (1981).

75 the financial stability of the United States, Claimant has submitted
76 numerous Whistleblower tips to the Respondent. Many of these
77 Whistleblower tips pertain to In the Matter of American Life, Inc. and Henry
78 Liebman - Administrative Proceeding File No.: 3-17285, related companies,
79 bad acting unlicensed attorney-broker-dealers¹⁵, and related securities
80 violation in the relevant industry. The Respondent has further acknowledged
81 that at least two of Claimant's Whistleblower tips pertain to Administrative
82 Proceeding File No.: 3-17285.¹⁶

83 Further, during communications with employees of Respondent,
84 Claimant was informed that the Respondent has deleted Whistleblower tips
85 from Respondent's computers, corrupted numerous Whistleblower tips, was
86 unable to track tips, and lost text information that may identify tips
87 submitted by Claimant, etc.¹⁷ The fact that Respondent carelessly acted in a
88 manner to delete, remove, or destroy records relevant to the very core of this
89 Claim For An Award is a clear case of negligence and constitutes a
90 compelling and unique circumstance to grant discovery.

91 **VII. RELIEF REQUESTED**

92 In accordance with the Privacy Act, Claimant hereby requests that
93 Respondent provide to Claimant the unfettered right to access all of his
94 records and the unfetter right to protest the correctness of those records and
95 seek necessary amendments.

96 **VIII. CONCLUSION**

97 The failure of Respondent to provide the basic and trivial rights

¹⁵ Within the Administrative Proceeding File No.: 3-17285 there are mentioned of unnamed unlicensed broker-dealers.

¹⁶ As shown in an email to be provided in discovery.

¹⁷ See Affidavit's Of Claimant and Respondent's email records to be provided in discovery.

98 afforded by the Privacy Act would cause irreparable damages and only
99 compound the problems associated with Respondent's negligent handling of
100 Whistleblower information. As provided, in plain text, the Privacy Act gives
101 Claimant the right to review records and seek corrections to those records
102 and court precedent has zealously protected these rights, especially when
103 there is a risk of prejudice to the Privacy Act request; as is present in this
104 case.

105

106

107 Respectfully Submitted,

108

109

110

A handwritten signature in black ink, appearing to read "Taylor Scott Amarel". The signature is written in a cursive, flowing style with a large initial "T".

111 Taylor Scott Amarel

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding File
SECURITIES AND	)	No.: 3-17285 AND Any Related
EXCHANGE COMMISSION,	)	Actions Or Independently
	)	Eligible Actions
Respondent)	
)	

1 **AFFIDAVIT OF CLAIMANT TAYLOR SCOTT AMAREL IN**
2 **SUPPORT OF CLAIMANTS CLAIM FOR AN AWARD**
3

4 I, Taylor Scott Amarel, in accordance with the provisions of 28 U.S.C. §
5 1746, declare as follows:

- 6
- 7 1. I am the Claimant in the above-reference case, pending
8 administrative adjudication before the U.S. Securities And
9 Exchange Commission
 - 10 2. I was a victim of financial fraud during the Summer of 2013.
 - 11 3. I dedicated my time, resources, and spirit to stopping financial
12 fraud after being a victim of fraud myself.
 - 13 4. Since 2013, I have submitted numerous tips to Respondent
14 detailing egregious financial fraud.

- 15 5. I have witnessed hundreds of millions of dollars in embezzlement
16 and reported this embezzlement to Respondent.
- 17 6. I have witnessed and discovered hundreds of violations of federal
18 securities law and reporting these violations to Respondent.
- 19 7. I have catalyzed a network of sources whom provide me with
20 substantial amounts of investment information pertaining to
21 fraud on a regular basis.
- 22 8. I have reported hundreds of illegal actions associated with
23 investment and securities fraud.
- 24 9. I have reported fraud in connection to stocks, bonds, private
25 offerings, real estate, and other investments which total over \$3
26 billion in value.
- 27 10. I have witnessed hundreds of investors lose money and
28 suffer significant damages as a result of fraud.
- 29 11. I have provided the Respondent with significant
30 information and actionable evidence of securities fraud.
31 I have always offered to provide more information and analysis to
32 the Respondent should my tips not be immediately clear.
- 33 12. I have always offered to provide more documents and
34 explanation to my tips.
- 35 13. I have reported a minimum of two tips concerning In the
36 Matter of American Life, Inc. and Henry Liebman,
37 Administrative Proceeding File No.: 3-17285.
- 38 14. I have witnessed the Respondent carelessly disclosing my
39 identity to third parties.

- 40 15. I have participated in industry events and have a firm
41 understand of financial matters.
- 42 16. I was formerly an entrepreneur in residence at the venture
43 capital firm SOSVentures.
- 44 17. I have suffered significant retaliation as a result of blowing
45 the Whistle.
- 46 18. In July 2015, my apartment was broken into and
47 ransacked.
- 48 19. In August 2015, at least three individuals attempted to
49 break into my apartment. This apartment was a different
50 apartment than the apartment ransacked in July 2015.
- 51 20. In January 2016, I was attacked by a man dressed in all
52 black while walking home. After sprinting away, I escaped and
53 proceeded to travel to a safe location.
- 54 21. In February 2016, I was interrogated by another man who
55 pursued me to my apartment door and attempted to enter.
- 56 22. From February 2016 to March 2016, I did not leave my
57 apartment for fear of being attacked.
- 58 23. In early March 2016, I sought a new apartment and had to
59 secretly travel at night, dressing in disguise, jumping over fences,
60 and traveling via tinted window cars.
- 61 24. In October 2016, I was pursued by two individuals and
62 chased out of my apartment community. These individuals
63 denied me access to my apartment and I was forced to seek safety

- 64 by walking over 24 miles without food, money, water, or
65 communication.
- 66 25. From August 2015 to Present Day I routinely receive
67 threatening phone calls, text messages, and emails.
- 68 26. From August 2015 to Present Day I feel as though I am
69 under surveillance and being followed.
- 70 27. I have suffered from significant health problems as a result
71 of blowing the Whistle.
- 72 28. I become dizzy regularly.
- 73 29. I have nightmares.
- 74 30. I can not sleep.
- 75 31. I become extreme scared when people walk behind me.
- 76 32. I become extreme scared when hearing knocking sounds.
- 77 33. I become extreme scared when hearing a car accelerator
78 sound.
- 79 34. I become extreme scared when hearing alarm sounds.
- 80 35. I become extreme scared when people stand behind me.
- 81 36. I become extreme scared when the room I am in has an
82 open door.
- 83 37. I become extreme scared when traveling.
- 84 38. I become extreme scared when my Whistleblower
85 documents are not secured.
- 86 39. I constantly worry.
- 87 40. I get massive headaches that are not alleviated by pain
88 medications.

- 89 41. I have lost significant weight.
- 90 42. I can not eat regularly.
- 91 43. I have lost eye function for periods extending 2 hours.
- 92 44. I have had to sell my belongings to afford basic needs.
- 93 45. I routinely have no money for food.
- 94 46. I have regularly gone homeless when unable to afford rent.
- 95 47. I had to sell my computers.
- 96 48. When being pursued or under risk of attack I had been
97 forced to delete documents to prevent from being identified as a
98 Whistleblower.
- 99 49. I am routinely given access to password.
- 100 50. I am physically given access to offices.
- 101 51. I am asked to be a “white face”.
- 102 52. I am routinely given confidential information.
- 103 53. I am routinely asked to do contract work.
- 104 54. I am routinely asked to clarify the meaning of emails.
- 105 55. I am routinely asked to explain company structures.
- 106 56. I am routinely present during confidential phone calls.
- 107 57. I am routinely asked to explain American laws and
108 financial workings.
- 109 58. I have received compensation for my work at financial
110 firms.
- 111 59. I have been given access to over 3TB of financial data.
- 112 60. In November 2015, Ms. Wharton told me to submit my tips
113 with more “information, elaboration, and legal analysis”.

114 61. In July 2016, Mr. Vincent Martinez told me to submit tips
115 that can be evaluated within 15 minutes and contain only “5-7
116 paragraphs”.

117 62. Ms. Wharton refused to provide me with my Whistleblower
118 tips.

119 63. The Freedom Of Information Act and Privacy Act offices of
120 Respondent will not respond to my requests for documents.

121 64. I am at significant risk for additional retaliation should
122 certain individuals or the general public learn my identity.

123 65. I have always put the interest of investors first.

124 66. I intent to continue reporting financial fraud for the
125 remaining years of my life.

126 67. I am currently residing within a non-free press country.

127 68. I have significant debts.

128 69. I have been unable to open a US bank account.

129 70. All of my US bank accounts have been closed without
130 reason.

131 71. I have no bank accounts.

132 72. I rely heavily on others for basic needs.

133 73. I have spent hundreds of hours on the SEC’s Whistleblower
134 portal waiting for documents to upload.

135 74. The SEC’s Whistleblower portal has crashed on numerous
136 occasion.

137 75. I have informed the SEC of a Man In The Middle attack
138 against the SEC’s Whistleblower portal.

- 139 76. I have sent gigabytes of documents to the SEC's regional
140 offices after learning that my Whistleblower tips were getting
141 deleted.
- 142 77. On one occasion I spent over 16 continuous hours on the
143 SEC's Whistleblower portal uploading approximately 400 10MB
144 zip files.
- 145 78. I have been unable to afford medication.
- 146 79. I have been too scared to leave my apartment, even to go to
147 the hospital.
- 148 80. I have gone days without eating.
- 149 81. I have gone days without sleeping.
- 150 82. I have had significant memory loss.
- 151 83. I have slept walk.
- 152 84. I have woken up traveling not knowing where I am or what
153 I was doing.
- 154 85. I have gotten numerous notices from accounts that my
155 accounts were suspiciously accessed.
- 156 86. My SIM card was duplicated allowing somebody to call
157 from my phone number and reset my calls.
- 158 87. My phone was hacked and data exfiltrated.
- 159 88. I routinely reset my electronics for fear of viruses.
- 160 89. My computer got password sniffing virus.
- 161 90. Passwords to my accounts are routinely changed without
162 my knowledge.
- 163 91. I am losing my conversational skills.

- 164 92. I have reviewed over 100,00 financial documents.
165 93. I have spent thousands of hours analyzing financial
166 documents for fraud.
167 94. Only one person within the SEC has ever said thank you.
168 95. I do not have reliable internet access.
169 96. I do not have reliable phone service.
170 97. My body is unable to regulate its body temperature, I
171 become unbearably hot or unbearably cold within previously
172 bearable temperature ranges. During a normal course of the day,
173 I routinely change AC settings over 96 times, switching from air-
174 conditioning at 27C to heater at 28C roughly at least every 15
175 minutes.
176 98. I am suffering debilitating memory loss for trivial actions.
177 If am do not do something at least once every three days I lose
178 most familiarity with that activity – thus I constantly relearn
179 directions, loose access to passwords, forgot how to use function
180 on my phone, etc.

181

182 I declare under penalty of perjury under the laws of the United States
183 of America that the foregoing is true and correct.

184

185 Executed on 20th day of October 2016.

186

187

188



TAYLOR SCOTT AMAREL

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding File
SECURITIES AND EXCHANGE	)	No.: 3-17285 AND Any Related
COMMISSION,	)	Actions Or Independently
	)	Eligible Actions
Respondent)	
)	

1 **AFFIDAVIT OF CLAIMANT TAYLOR SCOTT AMAREL IN**
2 **SUPPORT OF CLAIMANT’S MOTION FOR DISCOVERY**
3

4 I, Taylor Scott Amarel, in accordance with the provisions of 28 U.S.C. §
5 1746, declare as follows:

- 6
- 7 1. I have sent physical letters to the Respondent detailing fraud in
8 relation to In the Matter of American Life, Inc. and Henry Liebman -
9 Administrative Proceeding File No.: 3-17285.
 - 10 2. I have sent emails to the Respondent Respondent detailing fraud
11 in relation to In the Matter of American Life, Inc. and Henry Liebman
12 - Administrative Proceeding File No.: 3-17285.
 - 13 3. I have sent faxes to the Respondent Respondent detailing fraud
14 in relation to In the Matter of American Life, Inc. and Henry Liebman
15 - Administrative Proceeding File No.: 3-17285.

- 16 4. I have called the Respondent numerous times and left messages
17 detailing financial fraud and inquiries.
- 18 5. I have sent communications to Respondent's Washington, DC
19 Office.
- 20 6. I have sent communication to Respondent's Miami, Florida
21 Office.
- 22 7. I have sent communications to Respondent's New York, New
23 York Office.
- 24 8. I have sent communications to Respondent's San Francisco,
25 California Office.
- 26 9. I have been unable to obtain the relevant documents via the
27 Freedom of Information Act.
- 28 10. I have been unable to obtain the relevant documents via
29 the Privacy Act.
- 30 11. I was told by Ms. Nikkia Wharton, an employee of
31 Respondent, that many of my tips "are not allowed on SEC
32 computers" while explaining to me that many of my tips failed
33 "privilege review" and "would be deleted".
- 34 12. I was only contacted once by Mr. Gregory Miller and Ms.
35 Margaret Spillane, both employees of Respondent, in relation to a
36 "privilege review".
- 37 13. I was told by Mr. Vincente Martinez, a former employee of
38 Respondent, that "many of [my] tips have become corrupt on SEC
39 computers".

40 14. I was told by Ms. Nikkia Wharton and Mr. Jack McCreery,
41 both employees of Respondent, that “should [I] continue to
42 submit in such volume” that I should make “multiple”
43 “segregated” submissions.

44 15. I sent numerous inquiries to Respondent asking if my tips
45 were being received. I sent these inquiries via mail, email, fax,
46 and phone call.

47 16. On innumerable occasions, I did not receive any respond
48 from Respondent despite my numerous attempts to contact them,
49 confirm a receipt of a document, and inquire if my electronic
50 submissions can be viewed by Respondent.

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54 Executed on 20th day of October 2016.

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57

A handwritten signature in black ink, appearing to read 'Taylor Scott Amarel', written in a cursive style.

TAYLOR SCOTT AMAREL

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding File
SECURITIES AND EXCHANGE	)	No.: 3-17285 AND Any Related
COMMISSION,	)	Actions Or Independently
	)	Eligible Actions
Respondent)	
)	

1 **AFFIDAVIT OF CLAIMANT TAYLOR SCOTT AMAREL IN**
2 **SUPPORT OF CLAIMANTS MOTION FOR EXPEDITED**
3 **REVIEW**
4

5 I, Taylor Scott Amarel, in accordance with the provisions of 28 U.S.C. §
6 1746, declare as follows:

- 7
- 8 1. Through at least the past year I have had and continue to have
 - 9 inadequate financial resources to live.
 - 10 2. During at least the past year, I have been homeless on multiple
 - 11 occasions due to the inability to afford rent.
 - 12 3. During at least the past year, I have been unable to even a basic
 - 13 amount of food.
 - 14 4. During at least the past year, I have been unable to afford basic
 - 15 medical care.

- 16 5. During at least the past year, I have had to sell all of my
17 belongings to afford food, shelter, or otherwise facilitate my
18 safety from attacks.
- 19 6. During at least the past year, I have routinely prioritized my
20 resources towards fraud reporting.
- 21 7. During at least the past year, I spent nearly two-months rent on
22 shipping documents to the Respondent.
- 23 8. Presently, I am unable to fund the next week of my living
24 expenses. My weekly living expenses are less than \$50 per week.
- 25 9. Presently, the lack of financial security is causing significant
26 physical and emotion damages.
- 27 10. Presently, I have no bank account and no access to
28 financial services.
- 29 11. Presently, even if I had money, I would only be able to pay
30 cash.
- 31 12. Presently, I am unable to work in the country that I am
32 residing in.
- 33 13. Presently, financial constraints limit my ability to travel to
34 obtain work.
- 35 14. Presently, I continue to get fined as a result of my inability
36 to travel outside the country that I am residing in.
- 37 15. Presently, I am unable to pay fines and debts and therefore
38 incur additional fees, fines, and interest.
- 39 16. Presently, numerous creditors allege that I owe them
40 nearly \$100,000.

- 41 17. Presently, as a result of my financial limitations, I am
42 unable to affectively analysis documents and report fraud to the
43 Respondent.
- 44 18. Presently, I am forced to divert resources from responding
45 to the Respondents inquiries to obtaining a basic level of food,
46 shelter, and safety.
- 47 19. Presently, financial constraints limit my ability to obtain
48 safe harbor from attacks, especially if I am homeless.
- 49 20. I plan to go homeless in order to conserve financial
50 resources for food at the end of October.
- 51 21. I have checked the Respondants website thousands of
52 times.
- 53 22. I checkt her respondent's website every morning and night
54 and multiple times during the day.
- 55 23. My primary source of nutrition is potatoes, often uncooked.
- 56 24. I become dizzy when my eyesight is blocked anytime I'm
57 not lying done.
- 58 25. I become afraid anytime my eyesight is blurry.
- 59 26. I have become a very strong pacifist, refusing to be violent
60 event if my life is at risk.
- 61 27. I become very uncomfortable around violate people.
- 62 28. I become very uncomfortable around people holding
63 weapons.
- 64 29. I have very realistic dreams where I am paralyzed and
65 unable to move.

66 30. I have dreams where I “wake up” believing I am no longer
67 asleep only to be in another dream.

68 31. I am unable to think or retain any train of thought when
69 there are noises

70

71 Executed on 20th day of October 2016.

72

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A handwritten signature in black ink, appearing to read "Taylor Scott Amarel", written over a horizontal line.

74

TAYLOR SCOTT AMAREL

75

76

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

TAYLOR SCOTT AMAREL,)	
)	
Claimant	)	Claim For An Award: In the
	)	Matter of American Life, Inc.
v.	)	and Henry Liebman -
	)	Administrative Proceeding File
SECURITIES AND EXCHANGE	)	No.: 3-17285 AND Any Related
COMMISSION,	)	Actions Or Independently
	)	Eligible Actions
Respondent)	
)	

1 **AFFIDAVIT OF CLAIMANT TAYLOR SCOTT AMAREL IN**
2 **SUPPORT OF CLAIMANT’S MOTION FOR RECUSAL**
3

4 I, Taylor Scott Amarel, in accordance with the provisions of 28 U.S.C. §
5 1746, declare as follows:

- 6
- 7 1. I was told by Ms. Nikkia Wharton, an employee of Respondent,
8 that many of my tips “are not allowed on SEC computers” while
9 explaining to me that many of my tips failed “privilege review”
10 and “would be deleted”.
- 11 2. I was only contacted once by Mr. Gregory Miller and Ms.
12 Margaret Spillane, both employees of Respondent, in relation to a
13 “privilege review”.

- 14 3. I have always informed the Respondent of the source of my
15 information and offered to provide additional information to
16 Respondent concerning the source of the information.
- 17 4. I was told by Mr. Vincente Martinez, a former employee of
18 Respondent, that “many of [my] tips have become corrupt on SEC
19 computers”.
- 20 5. I was told by Ms. Nikkia Wharton and Mr. Jack McCreery, both
21 employees of Respondent, that “should [I] continue to submit in
22 such volume” that I should make “multiple” “segregated”
23 submissions.
- 24 6. I sent numerous inquiries to Respondent asking if my tips were
25 being received. I sent these inquiries via mail, email, fax, and
26 phone call.
- 27 7. I did not receive a respond to most of my inquiries for over 11
28 months.
- 29 8. I sent an inquiry to Respondent in August 2015 asking if tips can
30 be submitted via 10MB attachments. Respondent never
31 responded to these inquiries until July 2016.

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Executed on 20th day of October 2016.



TAYLOR SCOTT AMAREL