

EXHIBIT A

Jonathan Mullane

**VIA ELECTRONIC CORRESPONDENCE
AND FIRST-CLASS MAIL**

October 12, 2018

U.S. Department of Justice
Justice Management Division
FOIA/PA Mail Referral Unit
950 Pennsylvania Avenue NW
Washington, DC 20530-0001
MRUFOIA.Requests@usdoj.gov

CONFIDENTIAL COMMUNICATION
WITHOUT PREJUDICE

**Re: Expedited Request for Records pursuant to
the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552**

Dear Keeper of the Records:

Pursuant to the above-mentioned statute and 28 CFR § 16.1 *et seq.*, I respectfully request all information, records, documents, messages, text, memoranda, and data, together with any and all related or similar material, in connection with the following:

I. Agency subject to the Expedited FOIA Request.

This expedited FOIA request shall apply *solely* to the U.S. Attorney’s Office for the Southern District of Florida,¹ together with its agents and employees. The said Office is located at the following address: 99 N.E. 4th Street, Miami, FL 33132.

II. Requested Time Period of Records.

The instant FOIA request is *solely* for the time period from January 1, 2018 up until the present (i.e., the time and date when the requested records and information will be retrieved by you or your agents).

¹ “If after receiving a request a component determines that [the FOIA request] does not reasonably describe the records sought, the component shall inform the requester what additional information is needed or why the request is otherwise insufficient.” 28 C.F.R. § 16.3(b).

Jonathan Mullane

U.S. Department of Justice
October 12, 2018
Page 2 of 3

III. Identity Verification.

Pursuant to 28 C.F.R. § 16.3(a)(3), “[a] requester who is making a request for records about himself or herself must comply with the verification of identity provision set forth in subpart D [thereof][.]” Accordingly, because the undersigned is requesting information about himself, please find the attached passport copy as proof of identity. [See, **EXHIBIT “A”**].

IV. Description of Records Sought.

The undersigned respectfully requests any and all records, digital or otherwise, in the possession of the United States of America (hereinafter, “United States”) *solely* for the above-mentioned time period. More specifically, the following records are hereby requested, preferably in electronic format:

- (1) Records containing the name “Mullane;”
- (2) Records containing the name “Jonathan;”
- (3) Records containing the word “intern;”
- (4) Records containing the term “law clerk;”
- (5) Records containing the term “law student;”
- (6) Records containing the name “Moreno;”
- (7) Records of any and all telephone calls, voicemail, text messages, and other communications between *any* of the following individuals: Alison W. Lehr, Benjamin G. Greenberg, and Federico A. Moreno;
- (8) Records of any and all meetings or appointments, virtual or in-person, in which *any* of the following individuals were contemporaneously present: Alison W. Lehr, Benjamin G. Greenberg, and Federico A. Moreno.

Please note that this FOIA request also includes any and all records on *personal* mobile or electronic devices, as well as any such devices which were furnished by the United States or its agents. Upon information and belief, none of the records requested herein are classified or privileged.

V. Expedited FOIA Request.

Pursuant to 28 C.F.R. § 16.5(e)(1)(iii)-(iv), the instant FOIA request qualifies for expedited processing because it pertains to the undersigned’s “loss of substantial due process rights,” as expressly set forth in his administrative complaint filed with the U.S. Department of Justice on or around September 4, 2018, *and* because this request pertains to “[a] matter of widespread and exceptional media interest in



Jonathan Mullane

U.S. Department of Justice
October 12, 2018
Page 3 of 3

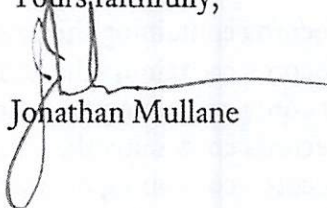
which there exists possible questions about the government's integrity that affect public confidence."²
The requisite verification is annexed hereto. [EXHIBIT "B"].

VI. Fee Waiver Request.

In the event the United States or an agency thereof intends to charge a fee for the instant FOIA request, a waiver therefor is hereby requested.

Many thanks in advance for your courtesy and consideration as to the foregoing. Should you have any questions, please do not hesitate to contact me via email correspondence at your earliest convenience.

Yours faithfully,



Jonathan Mullane

² See, e.g., <http://www.naag.org/publications/nagri-newsletters/corruption-news/cepi-newsletter-may-2018.php>.

EXHIBIT B

Jonathan Mullane

**VIA ELECTRONIC CORRESPONDENCE
AND FIRST-CLASS MAIL**

October 14, 2018

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001
MRUFOIA.Requests@usdoj.gov

CONFIDENTIAL COMMUNICATION
WITHOUT PREJUDICE

Re: Expedited Privacy Act & Freedom of Information Act (“FOIA”) Request

Dear Madam/Sir:

Pursuant to 5 U.S.C. § 552a and 5 U.S.C. § 552, I respectfully request any and all records and information in the possession of the United States Department of Justice pertaining to Jonathan Mullane, the undersigned.

I further request any and all information in connection with my employment at the United States Attorney’s Office (“USAO”) in Miami, Florida, between the months of January 2018 and April 2018¹. This includes, but is in no way limited to, my employee and/or personnel file.

I. Agency subject to the Expedited Privacy Act and FOIA Request.

This expedited Privacy Act and FOIA request applies to the U.S. Attorney’s Office for the Southern District of Florida,² together with its agents and employees. The said Office is located at the following address: 99 N.E. 4th Street, Miami, FL 33132.

¹“If after receiving a request a component determines that [the FOIA request] does not reasonably describe the records sought, the component shall inform the requester what additional information is needed or why the request is otherwise insufficient.” 28 C.F.R. § 16.3(b).

Jonathan Mullane

U.S. Department of Justice
October 14, 2018
Page 2 of 2

II. Requested Time Period of Records.

The instant Privacy Act and FOIA request is *solely* for the time period from January 1, 2018 up until the present (i.e., the time and date when the requested records and information will be retrieved by you or your agents).

III. Identity Verification.

Pursuant to 28 C.F.R. § 16.3(a)(3), *inter alia*, “[a] requester who is making a request for records about himself or herself must comply with the verification of identity provision set forth in subpart D [thereof][.]” Accordingly, because the undersigned is requesting information about himself, please find the attached apposite form. [See, EXHIBIT “A”].

IV. Expedited Request.

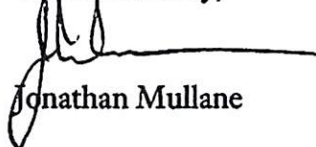
The instant Privacy Act and FOIA request qualifies for expedited processing because it pertains to the undersigned’s “loss of substantial due process rights,” as expressly set forth in his administrative complaint filed with the U.S. Department of Justice on or around September 4, 2018, *and* because this request pertains to “[a] matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity that affect public confidence.”³ The requisite verification is annexed hereto. [EXHIBIT “B”].

V. Fee Waiver Request.

In the event the United States or an agency thereof intends to charge a fee for the instant Privacy Act and FOIA request, a waiver therefor is hereby requested.

Many thanks in advance for your courtesy and consideration as to the foregoing. Should you have any questions, please do not hesitate to contact me via email correspondence at your earliest convenience.

Yours faithfully,



Jonathan Mullane

³ See, e.g., <http://www.naag.org/publications/nagri-newsletters/corruption-news/cepi-newsletter-may-2018.php>.

EXHIBIT C

From: admin@foiaonline.gov
Subject: FOIA Request EOUSA-2019-000377 Submitted
Date: October 25, 2018 at 21:10
To: j.mullane@icloud.com



This message is to confirm your request submission to the FOIAonline application: [View Request](#). Request information is as follows:

- Tracking Number: EOUSA-2019-000377
- Requester Name: Jonathan Mullane
- Date Submitted: 10/15/2018
- Request Status: Submitted
- Description: Self/FLS

Exp-Deny
Fee Waiver-Deny



EXHIBIT D

Jonathan Mullane

VIA ELECTRONIC CORRESPONDENCE
AND FIRST-CLASS MAIL

November 2, 2018

U.S. Department of Justice
Justice Management Division
FOIA/PA Mail Referral Unit
950 Pennsylvania Avenue NW
Washington, DC 20530-0001
MRUFOIA.Requests@usdoj.gov

CONFIDENTIAL COMMUNICATION - REQUEST NO. EOUSA-2019-000377
FREEDOM OF INFORMATION ACT AND PRIVACY ACT APPEAL
PURSUANT TO 5 U.S.C. § 552(A)(6); 17 C.F.R. § 200.80(F)(1); *inter alia*

Dear Madam/Sir:

In accordance with 17 CFR 200.80(f)(1), the instant appeal is in connection with the adverse determination of the United States of America (hereinafter, "United States") dated October 25, 2018. The undersigned is requesting: (1) expedited processing; and (2) the apposite fee waiver.

Pursuant to the above-mentioned statute and 28 CFR § 16.1 *et seq.*, I respectfully request all information, records, documents, messages, text, memoranda, and data, together with any and all related or similar material, in connection with the following:

I. Agency subject to the Expedited FOIA and Privacy Act Request.

This expedited FOIA and Privacy Act request shall apply to the U.S. Attorney's Office for the Southern District of Florida,¹ together with its agents and employees. The said Office is located at the following address: 99 N.E. 4th Street, Miami, FL 33132. The instant request shall also apply to any other responsive documents and/or information maintained off-site, including, but not limited to, responsive information in the possession or control of the U.S. Attorney's Office for the District of Columbia or in the U.S. Department of Justice in Washington, DC.

¹ "If after receiving a request a component determines that [the FOIA request] does not reasonably describe the records sought, the component shall inform the requester what additional information is needed or why the request is otherwise insufficient." 28 C.F.R. § 16.3(b).

Jonathan Mullane

U.S. Department of Justice
November 2, 2018
Page 2 of 4

II. Requested Time Period of Records.

The instant FOIA and Privacy Act request is *solely* for the time period from July 1, 2017 up until the present (i.e., the time and date when the requested records and information will be retrieved by you or your agents).

III. Identity Verification.

Pursuant to 28 C.F.R. § 16.3(a)(3), “[a] requester who is making a request for records about himself or herself must comply with the verification of identity provision set forth in subpart D [thereof][.]” Proof of identity was previously submitted to you with the undersigned’s initial written request.

IV. Description of Records Sought.

The undersigned respectfully requests any and all records, digital or otherwise, in the possession of the United States *solely* for the above-mentioned time period. More specifically, the following records are hereby requested, preferably in electronic format:

- (1) Records containing the name “Mullane;”
- (2) Records containing the name “Jonathan;”
- (3) Records containing the word “intern;”
- (4) Records containing the term “law clerk;”
- (5) Records containing the term “law student;”
- (6) Records containing the name “Moreno;”
- (7) Records of any and all telephone calls, voicemail, text messages, and other communications between *any* of the following individuals: Alison W. Lehr, Benjamin G. Greenberg, and Federico A. Moreno;
- (8) Records of any and all meetings or appointments, virtual or in-person, in which *any* of the following individuals were contemporaneously present: Alison W. Lehr, Benjamin G. Greenberg, and Federico A. Moreno.

Please note that this FOIA request also includes any and all records on *personal* mobile or electronic devices, as well as any such devices which were furnished by the United States or its agents. Upon information and belief, none of the records requested herein are classified or privileged.

U.S. Department of Justice
November 2, 2018
Page 3 of 4

V. Expedited FOIA Request.

Pursuant to 28 C.F.R. § 16.5(e)(1)(iii)-(iv), the instant FOIA and Privacy Act request **qualifies for expedited processing** because there is a “compelling need” therefor. The aforesaid request pertains to the undersigned’s “loss of substantial due process rights,” as expressly set forth in his administrative complaint filed with the U.S. Department of Justice on or around September 4, 2018, *and* because this request pertains to “[a] matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity that affect public confidence.”²

VI. Fee Waiver Request.

5 U.S.C. § 552(a)(4)(A)(iii) expressly states as follows:

“(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to **contribute significantly to public understanding of the operations or activities of the government** and is **not primarily in the commercial interest of the requester.**” (Emphasis supplied).

In the case at bar, as a matter of law, a “fee waiver” is required as: (1) the subject request is **not** for any “commercial interest,” as it merely pertains to the undersigned’s September 4, 2018 administrative complaint which is currently before the U.S. Department of Justice; and (2) the subject request unquestionably and irrefutably contributes to the public’s understanding “of the operations or activities of the government[.]” as the records requested pertain directly to the employment practices of the federal government, together with potential constitutional violations³ and violations of substantive rights.

Please take notice that 5 U.S.C. § 552 expressly provides for a private cause of action⁴ for enforcement hereof after the apposite administrative procedures have been exhausted. The said statute provides, in pertinent part:

² See, e.g., <http://www.naag.org/publications/nagri-newsletters/corruption-news/cepi-newsletter-may-2018.php>.

³ See, e.g., 42 U.S.C. § 1983.

⁴ The instant appeal notwithstanding, in the event of litigation in the district court in connection herewith, the subject records will be requested by the undersigned in discovery at the USAO’s

Jonathan Mullane

U.S. Department of Justice
November 2, 2018
Page 4 of 4

“(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to **order the production of any agency records improperly withheld from the complainant.** In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and **the burden is on the agency to sustain its action.**” (Emphasis supplied).

With a view to avoid unnecessary and costly litigation in connection herewith, it is respectfully requested that the instant appeal be allowed. Many thanks in advance for your courtesy and consideration as to the foregoing. Should you have any questions, please do not hesitate to contact me via email correspondence at your earliest convenience.

Yours faithfully,

/s/ Jonathan Mullane

expense. Accordingly, any objection to the requested “fee waiver” on financial grounds would appear to be moot.

EXHIBIT E



U.S. Department of Justice

Executive Office for United States Attorneys

Freedom of Information and Privacy Staff

Suite 5.400, 3CON Building
175 N Street, NE
Washington, DC 20530

(202) 252-6020
FAX (202) 252-6048

December 18, 2018

Jonathan Mullane
60 Clyde Street
Somerville, MA 02145

Re: Request Number: 2019-000377
Date of Receipt: 10/15/2018
Subject of Request: Self

Dear Mr. Mullane:

In response to your Freedom of Information Act and/or Privacy Act request, the paragraph(s) checked below apply:

1. A search for records located in EOUSA- Personnel has revealed no responsive records regarding the above subject.
2. A search for records located in the United States Attorney's Office(s) for the _____ has revealed no responsive records regarding the above subject.
3. After an extensive search, the records which you have requested cannot be located.
4. Your records have been destroyed pursuant to Department of Justice guidelines.
5. Please note that your original letter was split into separate files ("requests"), for processing purposes, based on the nature of what you sought. Each file was given a separate Request Number (listed below), for which you will receive a separate response:

This is the final action on this above-numbered request. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the

Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Kevin Krebs
Assistant Director

EX-19-1125

EXHIBIT F

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: MI-412-2019-000953-M

Date Rec'd: 10/09/2018

How Rec'd: Hotline - Mail

SUBJECT: (b) (6), (b) (7)(C) Key: 159723 SSNO: ****-**-*(b) (6), (b) (7)(C)
 Title: ATTY Pay Plan: D.O.B.: (b) (6), (b) (7)(C)
 Component: EUSA EOD Date: 08/27/2000 Alien No.:
 Misc: F.B.I.No.:
 Home: (b) (6), (b) (7)(C) B.O.P.No.:
 Phone: (000) (b) (6), (b) (7)(C) ZIP: (b) (6), (b) (7)(C) D/L No.:
 Work: 99 NE 4TH STREET, MIAMI, FL Offenses: 412
 Phone: (305) 961-9029 ZIP: 33132

SUBJECT: (b) (6), (b) (7)(C) Key: 481500 SSNO:
 Title: JUDGE Pay Plan: D.O.B.:
 Component: COURT EOD Date: Alien No.:
 Misc: US District Judge SD FL F.B.I.No.:
 Home: B.O.P.No.:
 Phone: ZIP: D/L No.:
 Work: Offenses: 498
 Phone: ZIP:

ASSOCIATED PERSON: (b) (6), (b) (7)(C) Key: 174801 SSNO: ****-**-*(b) (6), (b) (7)(C)
 Title: ATTY Pay Plan: AD-00905-29 D.O.B.: (b) (6), (b) (7)(C)
 Component: EUSA EOD Date: 07/19/1998 Alien No.:
 Misc: F.B.I.No.:
 Home: (b) (6), (b) (7)(C) B.O.P.No.:
 Phone: (000) (b) (6), (b) (7)(C) ZIP: (b) (6), (b) (7)(C) D/L No.:
 Work: 99 NE 4TH STREET, MIAMI, FL Offenses:
 Phone: (305) 961-9176 ZIP: 33132

ASSOCIATED PERSON: (b) (6), (b) (7)(C) Key: 611527 SSNO: ****-**-*(b) (6), (b) (7)(C)
 Title: ATTY Pay Plan: AD-00905-29 D.O.B.: (b) (6), (b) (7)(C)
 Component: EUSA EOD Date: 02/19/2017 Alien No.:
 Misc: F.B.I.No.:
 Home: (b) (6), (b) (7)(C) B.O.P.No.:
 Phone: (000) -0000 ZIP: (b) (6), (b) (7)(C) D/L No.:
 Work: Offenses:
 Phone: (202) 514-2000 ZIP:

COMPLAINANT: Mullane, Jonathan Key: 636517 SSNO:
 Title: CIVIL Pay Plan: D.O.B.:
 Component: CITZN EOD Date: Alien No.:
 Misc: F.B.I.No.:
 Home: 60 Clyde St Unit 1, Somerville, MA B.O.P.No.:
 Phone: ZIP: 02145 D/L No.:
 Work: ZIP:
 Phone: Revealed: Authority:

OIG - INVESTIGATIONS DIVISION - Complaint Form

OIG NO.: MI-412-2019-000953-M

Details:

The complaint was received via USPS on 9/24/2018.

The complainant alleges AUSA (b) (6), (b) (7)(C) committed unlawful conduct by allowing a federal judge to reprimand the complainant during his civil court case. The complainant states he was an unpaid intern with the USAO's office in Miami when this incident occurred.

According to the complainant, he was involved in a civil court case with his bank over a credit rating dispute. During this dispute, the complainant attempted to file a Mandamus action with the Honorable (b) (6), (b) (7)(C), who was presiding over his civil case. The complainant allegedly misrepresented himself as acting on behalf of the USAO to Judge (b) (6), (b) (7)(C) staff, to which (b) (6), (b) (7)(C) reprimanded him in court after discussing this incident with AUSA (b) (6), (b) (7)(C). According to the complainant, this action was also unlawful and violated the complainant's constitutional rights.

ALLEGATIONS: 412 Job Performance Failure

Occurrence Date: 04/10/2018

TIME:

CITY: Miami

State: FL

Zip: 33130

DISPOSITION DATA: Disposition: M Date:10/30/2018

Approval: (b) (6), (b) (7)(C)

Referred to Agency:

Date Sent:

Reviewer: (b) (6), (b) (7)(C)

OGC/FBI Whistleblower: N

Qui Tam:

PREA:

Init Ackno: 11/01/2018

Claims Whistleblower: N

Patriot Act: N

Recovery Act:

Component: OPR

Sensitive:N

Civil Rights: N

Consolidated Case Number:

Component Number:

Remarks:

10/30/2018: Complaint dispositioned M per ASAC (b) (6), (b) (7)(C). Sent to OPR, cc EOUSA, ackno sent.

(b) (6), (b) (7)(C)

EXHIBIT G

Jonathan Mullane

**VIA ELECTRONIC CORRESPONDENCE
AND FIRST-CLASS MAIL**

October 14, 2018

Office of FOIA Services
100 F Street NE
Mail Stop 2736
Washington, DC 20549

CONFIDENTIAL COMMUNICATION
WITHOUT PREJUDICE

Re: Expedited Privacy Act & Freedom of Information Act (“FOIA”) Request

Dear Madam/Sir:

Pursuant to 5 U.S.C. § 552 and 5 U.S.C. § 552a, I respectfully request any and all records and information in the possession of the United States Securities and Exchange Commission (hereinafter, “SEC”) pertaining to Jonathan Mullane, the undersigned.

I further request any and all information in connection with my offer of employment for an internship in the SEC’s Miami, Florida office, together with the subsequent rescission thereof¹. This includes, but is in no way limited to, any human resources, recruitment, employee, and/or personnel file.

I. Agency subject to the Expedited Privacy Act and FOIA Request.

This expedited Privacy Act and FOIA request applies to the SEC, to wit, the SEC headquarters in Washington, DC, as well as the SEC’s Miami, Florida office.

II. Requested Time Period of Records.

The instant Privacy Act and FOIA request is *solely* for the time period from September 1, 2017 up until the present (i.e., the time and date when the requested records and information will be retrieved by you or your agents).

¹“If after receiving a request a component determines that [the FOIA request] does not reasonably describe the records sought, the component shall inform the requester what additional information is needed or why the request is otherwise insufficient.” 28 C.F.R. § 16.3(b).

Jonathan Mullane

U.S. Securities and Exchange Commission
October 14, 2018
Page 2 of 2

III. Identity Verification.

Pursuant to 28 C.F.R. § 16.3(a)(3), *inter alia*, “[a] requester who is making a request for records about himself or herself must comply with the verification of identity provision set forth in subpart D [thereof][.]” Accordingly, because the undersigned is requesting information about himself, please find the attached apposite form. [See, **EXHIBIT “A”**].

IV. Expedited Request.

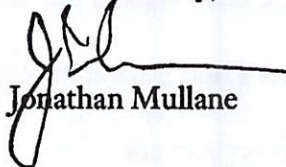
The instant Privacy Act and FOIA request qualifies for expedited processing because it pertains to the undersigned’s “loss of substantial due process rights,” as expressly set forth in his administrative complaint filed with the U.S. Department of Justice on or around September 4, 2018, *and* because this request pertains to “[a] matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity that affect public confidence.”² The requisite verification is annexed hereto. [**EXHIBIT “B”**].

V. Fee Waiver Request.

In the event the United States or an agency thereof intends to charge a fee for the instant Privacy Act and FOIA request, a waiver therefor is hereby expressly requested.

Many thanks in advance for your courtesy and consideration as to the foregoing. Should you have any questions, please do not hesitate to contact me via email correspondence at your earliest convenience.

Yours faithfully,


Jonathan Mullane

² See, e.g., <http://www.naag.org/publications/nagri-newsletters/corruption-news/cepi-newsletter-may-2018.php>.

EXHIBIT H



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

Office of FOIA Services

October 17, 2018

Mr. Jonathan Mullane
60 Clyde Street
Unit #1
Somerville, MA 02145

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **19-00009-FOPA**

Dear Mr. Mullane:

This letter is in reference to your request, dated and received in this office on October 15, 2018, for any and all records pertaining to yourself, Jonathan Mullane, from September 1, 2017 to the present.

You asked for expedited processing of your request. Under the SEC's FOIA Rule 17 C.F.R. § 200.80(d)(7), this Office shall grant a request for expedited processing if the requester demonstrates a compelling need for the records. "Compelling need" means that a failure to obtain the requested records on an expedited basis could reasonably be expected to pose an imminent threat to an individual's life or physical safety or, if the requester is primarily engaged in disseminating information, by demonstrating the urgency to inform the public of actual or alleged Federal government activity exists. A compelling need shall be demonstrated by a statement, certified to be true and correct to the best of the requester's knowledge and belief. In my view, a compelling need has not been demonstrated. Therefore, we are processing your request under our normal guidelines.

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

Mr. Jonathan Mullane
October 17, 2018
Page 2

19-00009-FOPA

We will determine whether disclosure is likely to contribute significantly to the public's understanding of the operations or activities of the government based upon four factors:

- Whether the subject matter of the requested records concerns the operations or activities of the Federal government;
- Whether the requested records are meaningfully informative on those operations or activities so that their disclosure would likely contribute to increased understanding of specific operations or activities of the government;
- Whether disclosure will contribute to the understanding of the public at large, rather than the understanding of the requester or a narrow segment of interested persons; and
- Whether disclosure would contribute significantly to public understanding of government operations and activities.

We will determine whether disclosure of the requested records is not primarily in the commercial interest of the requester based on these two factors:

- Whether disclosure would further any commercial interests of the requester; and
- Whether the public interest in disclosure is greater than the requester's commercial interest under 17 C.F.R. § 200.80(g)(12).

While the SEC grants waivers of FOIA fees where appropriate, we are also obligated to safeguard the public treasury by not granting waivers except as provided by the FOIA. As a requester, you bear the burden under the FOIA of showing that the fee waiver requirements have been met. Based on my review of your request, I determined that your fee waiver request is deficient because it does not provide substantive information relating to any of the six factors. Therefore, I am denying your request for a fee waiver.

Mr. Jonathan Mullane
October 17, 2018
Page 3

19-00009-FOPA

Based on the information you provided, we classified you as an "Other Use" requester. As such, all review time is free, and you will receive the first two (2) hours of search time free as well. All search time beyond the first two (2) hours that are free of charge to you will be charged in quarter hour increments at a rate of \$29/hour (SK-8 or below), \$61/hour (SK-9 to SK-13), and \$89/hour (SK-14 or above). The standard per hour cost for search time is \$61.00.

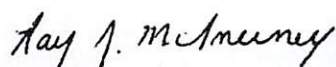
I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 C.F.R. § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request_appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

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

In the interim, if you have any questions, please contact Clarissa Anderson of my staff at andersonc@sec.gov or (202) 551-8315. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,



Ray J. McInerney
FOIA Branch Chief

ADDENDUM

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

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

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

EXHIBIT I

Jonathan Mullane

VIA ELECTRONIC CORRESPONDENCE
AND FIRST CLASS MAIL

October 18, 2018

Office of FOIA Services
Attn.: General Counsel, SEC
Station Place
100 F Street, NE
Mail Stop 2465
Washington, DC 20549
foiapa@sec.gov

**CONFIDENTIAL COMMUNICATION - REQUEST NO. 19-00009-FOPA
FREEDOM OF INFORMATION ACT AND PRIVACY ACT APPEAL
PURSUANT TO 5 U.S.C. § 552(A)(6); 17 C.F.R. § 200.80(F)(1); *inter alia***

Dear Madam/Sir:

In accordance with 17 CFR 200.80(f)(1), the instant appeal is in connection with the adverse determination of the United States Securities and Exchange Commission (hereinafter, "SEC"), dated October 17, 2018.

Pursuant to 5 U.S.C. § 552 and 5 U.S.C. § 552a, I respectfully request any and all records and information in the possession of the United States Securities and Exchange Commission (hereinafter, "SEC") pertaining to Jonathan Mullane, the undersigned.

I further request any and all information in connection with my offer of employment for an internship in the SEC's Miami, Florida office, together with the subsequent rescission thereof¹. This includes, but is in no way limited to, any human resources, recruitment, employee, and/or personnel file.

I. Agency subject to the Expedited Privacy Act and FOIA Request.

This expedited Privacy Act and FOIA request applies to the SEC, to wit, the SEC headquarters in Washington, DC, as well as the SEC's Miami, Florida office.

¹ "If after receiving a request a component determines that [the FOIA request] does not reasonably describe the records sought, the component shall inform the requester what additional information is needed or why the request is otherwise insufficient." 28 C.F.R. § 16.3(b).

Jonathan Mullane

Office of FOIA Services
October 18, 2018
Page 2 of 4

II. Requested Time Period of Records.

The instant Privacy Act and FOIA request is *solely* for the time period from September 1, 2017 up until the present (i.e., the time and date when the requested records and information will be retrieved by you or your agents).

III. Identity Verification.

Pursuant to 28 C.F.R. § 16.3(a)(3), “[a] requester who is making a request for records about himself or herself must comply with the verification of identity provision set forth in subpart D [thereof][.]” Accordingly, because the undersigned is requesting information about himself, please find the attached passport copy as proof of identity. [See, **EXHIBIT “A”**].

IV. Expedited Request.

Pursuant to 17 C.F.R. § 200.80(d)(7), *inter alia*, because there is a “compelling need” for the subject request, the SEC and its agents are required to treat the said request as an “expedited request” as a matter of law. The instant Privacy Act and FOIA request qualifies for expedited processing because it pertains to the undersigned’s “loss of substantial due process rights,” as expressly set forth in his administrative complaint filed with the U.S. Department of Justice on or around September 4, 2018, *and* because this request pertains to “[a] matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity that affect public confidence.”² The requisite verification is annexed hereto. [**EXHIBIT “B”**].

V. Fee Waiver Request.

In the event the United States or an agency thereof intends to charge a fee for the instant Privacy Act and FOIA request, a waiver therefor is hereby requested.

5 U.S.C. § 552(a)(4)(A)(iii) expressly states as follows:

“(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public

² See, e.g., <http://www.naag.org/publications/nagri-newsletters/corruption-news/cepi-newsletter-may-2018.php>.

Jonathan Mullane

Office of FOIA Services

October 18, 2018

Page 3 of 4

understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” (Emphasis supplied).

In the case at bar, as a matter of law, a “fee waiver” is required as: (1) the subject request is **not** for any “commercial interest,” as it merely pertains to the undersigned’s September 4, 2018 administrative complaint which is currently before the U.S. Department of Justice; and (2) the subject request unquestionably and irrefutably contributes to the public’s understanding “of the operations or activities of the government[,]” as the records requested pertain directly to the employment practices³ of the federal government, together with potential Constitutional violations⁴ and violations of substantive rights.

Please take notice that 5 U.S.C. § 552 expressly provides for a private cause of action⁵ for enforcement hereof after the apposite administrative procedures have been exhausted. The said statute provides, in pertinent part:

“(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to **order the production of any agency records improperly withheld from the complainant.** In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and **the burden is on the agency to sustain its action.**” (Emphasis supplied).

³ The undersigned expressly reserves the right to introduce the October 17, 2018 “adverse determination” of the SEC in support of any retaliation claim, as permitted under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2671-80, in connection with the subject offer of employment.

⁴ See, e.g., 42 U.S.C. § 1983.

⁵ The instant appeal notwithstanding, in the event of litigation in the district court in connection herewith, the subject records will be requested by the undersigned in discovery at the SEC’s expense. Accordingly, it is respectfully submitted that any objection to the requested “fee waiver” on financial grounds is moot.



Jonathan Mullane



Office of FOIA Services
October 18, 2018
Page 4 of 4

With a view to avoid unnecessary and costly litigation in connection herewith, it is respectfully requested that the instant appeal be allowed. Many thanks in advance for your courtesy and consideration as to the foregoing. Should you have any questions, please do not hesitate to contact me via email correspondence at your earliest convenience.

Yours faithfully,

/s/ Jonathan Mullane

EXHIBIT J



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

Office of FOIA Services

November 20, 2018

Mr. Jonathan Mullane
60 Clyde Street, Unit #1
Somerville, MA 02145

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **19-00009-FOPA**

Dear Mr. Mullane:

This letter responds to your request, dated and received in this office on October 15, 2018, for any and all records and information in the possession of the SEC pertaining to yourself, Jonathan Mullane, from September 1, 2017 to the present. Reference is also made to our letter to you dated October 17, 2018, in which we denied your requests for expedited processing and a fee waiver.

The search for responsive records has resulted in the retrieval of 81 pages of records that may be responsive to your request. The enclosed 33 pages of records are being released to you, in part. Portions of some of the records are exempt from release under 5 U.S.C. § 552(b)(2), (5) and/or (6), for the following reasons:

- The information that has been withheld under Exemption 2 of the FOIA is strictly internal and relates solely to the internal personnel rules and practices of the SEC.
- The information that has been withheld under Exemption 5 forms an integral part of the pre-decisional process and/or contains advice given to the Commission or senior staff by the Commission's attorneys. Therefore, it is protected from release by the deliberative process and/or attorney-client privileges embodied in Exemption 5.
- Under Exemption 6, an SEC staff email address and SEC staff telephone numbers have been withheld. Release of this information would constitute a clearly unwarranted invasion of personal privacy. Further, the release of this information could conceivably subject the Commission staff to harassment and annoyance in the conduct of their official duties and in their private lives.

Mr. Jonathan Mullane
November 20, 2018
Page 2

19-00009-FOPA

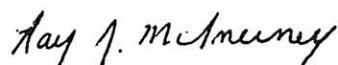
The remaining 48 pages of records are being withheld in their entirety pursuant to the deliberative process privilege embodied in 5 U.S.C. § 552(b)(5). These records form an integral part of the pre-decisional process, and protecting them from release will encourage open and frank discussions on matters of policy between subordinates and superiors; protect against premature disclosure of proposed policies before they are finally adopted; and/or protect against public confusion that might result from disclosure of reasons and rationales that were not in fact ultimately the grounds for the Commission's action.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 C.F.R. § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request_appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

If you have any questions, please contact Clarissa Anderson of my staff at andersonc@sec.gov or (202) 551-8315. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,



Ray J. McInerney
FOIA Branch Chief

Enclosures

ADDENDUM

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

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From: [Jonathan Mullane](#)
To: [Students](#)
Subject: Re: SEC Student Honors Program 2018 Summer Invitation - Mullane (MIRO)
Date: Wednesday, March 21, 2018 8:37:36 PM
Attachments: SEC-Pdf1.pdf
SEC-Pdf2.pdf
SEC-Pdf3.pdf

Dear Madam/Sir:

Please find the attached files.

Kind regards,

Jonathan Mullane

Tel.: +1 (617) 800-6925 | j.mullane@icloud.com

This e-mail message and any attachments are confidential and may be privileged. Emails transmitted or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written agreement.

On Feb 28, 2018, at 12:04, Students <Students@SEC.GOV> wrote:

<image001.jpg>

Dear Jonathan Mullane,

We are pleased to inform you that you have been recommended for the Securities and Exchange Commission (SEC) Student Honors Program within the **Division of Enforcement, Miami Regional Office**. The hiring committee was impressed with your credentials, and we look forward to the opportunity to work with you this summer. Our program will tentatively begin on Monday, May 21, 2018, and tentatively conclude on Friday, August 3, 2018.

Please note that final acceptance to the Program is contingent upon a favorable background check through the SEC Office of Security.

Because of the high interest in our program and the need for a favorable background clearance, please submit the attached documents no later than **12:00 pm EST on Wednesday, March 7, 2018**. You will need to submit your written confirmation of acceptance or declination via the attached documents to students@sec.gov.

Should you have any questions you may direct them to students@sec.gov.

Respectfully,
Student Honors Recruitment Team

<Jonathan Mullane (MIRO).pdf><FAQs - SHP (rev Feb2017).pdf>

From: [Nedd, Lindsey](#)
To: [Personnel Security Mailbox](#)
Cc: [Bethune, Tonya](#); [Bickel, Daniel P.](#); [Ledezma, Alexandria](#); [Roberts, Lisa T.](#)
Subject: 2018 Summer SHP - Student PERSEC Form - Mullane (MIRO)
Date: Tuesday, March 27, 2018 11:51:00 AM
Attachments: [Mullane, Jonathan \(ENF MIRO\).pdf](#)
[image001.png](#)

Good morning,

Please find attached file with the following Summer 2018 volunteer intern PERSEC package:

- Mullane, Jonathan (ENF MIRO)

Please let us know if there are any questions or concerns.

Thanks,

Lindsey M. Nedd, MS

Program Manager

Chair's Attorney

Student Honors Program

Upward Mobility Program

Office of Human Resources

U.S. Securities & Exchange Commission

100 F Street NE

Mailstop 3494

Washington, DC 20549

P: (b)(6)

C: (b)(6)

F: 202-517-1006

E: (b)(6)@sec.gov





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

REQUEST FOR PERSEC DETERMINATION (Interns)

Section A: To Be Completed By the Applicant

1. Name (Last/Family) MULLANE		2. First (Given) JONATHAN		3. Middle (or NMN) NMN		4. Other Names Used		5. Suffix	
6. Social Security Number		7. Date of Birth MM/DD/YYYY		8. Place of Birth (City and State)		9. Country USA		10. Gender <input checked="" type="checkbox"/> M <input type="checkbox"/> F	
15. Home Street Address 1100 S MIAMI AVE. UNIT 2806 1100 S MIAMI AVE. UNIT 2806				11. E-Mail Address (work) J.MULLANE@ICLOUD.COM		12. E-Mail Address (personal) "			
				13. Daytime Phone Number (617) 800-6925		14. Cell Phone Number "			
16. City MIAMI		17. State FL		18. Zip Code 33136		19. Position (Job) Title STUDENT			
20. US Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		21. Naturalized Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<i>Non-US Born Citizens Only: Complete 22-24 as applicable</i>					
				22. Naturalization Certificate Number		23. Alien Registration Number		24. Country of Citizenship	

Section B: To Be Completed By OHR Representative

1. Division Supporting		3. Term of Internship (dates)		4. Previous Intern, Employee or Contractor? <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Physical Office Location (select one) <input type="checkbox"/> ARO <input type="checkbox"/> BRO <input type="checkbox"/> CHRO <input type="checkbox"/> DRO <input type="checkbox"/> FWRO <input type="checkbox"/> LARO <input type="checkbox"/> MIRO <input type="checkbox"/> NYRO <input type="checkbox"/> PLRO <input type="checkbox"/> SLRO <input type="checkbox"/> SFRO <input type="checkbox"/> HQ/OPC		5. SEC Specialist AO POC Name: Phone:		7. SEC Specialist/AO POC Name: Phone:	
		6. SEC Specialist AO POC Name: Phone:		8. SEC Specialist/AO POC Name: Phone:	

Section C: Notes

Declaration for Federal Employment*

Form Approved
CMB No. 3206-0182

(*This form may also be used to assess fitness for federal contract employment)

GENERAL INFORMATION

1. FULL NAME (Provide your full name. If you have only initials in your name, provide them and indicate "Initial only". If you do not have a middle name, indicate "No Middle Name". If you are a "Jr.," "Sr.," etc. enter this under Suffix. First, Middle, Last, Suffix)

◆ JONATHAN MULLANE

2. SOCIAL SECURITY NUMBER

3a. PLACE OF BIRTH (Include city and state or country)

3b. ARE YOU A U.S. CITIZEN?
 YES NO (If "NO", provide country of citizenship) ◆

4. DATE OF BIRTH (MM/DD/YYYY)

5. OTHER NAMES EVER USED (For example, maiden name, nickname, etc.)
 ◆

6. PHONE NUMBERS (Include area codes)

Day ◆ (617) 800-6925

Night ◆

Selective Service Registration

If you are a male born after December 31, 1959, and are at least 18 years of age, civil service employment law (5 U.S.C. 3328) requires that you must register with the Selective Service System, unless you meet certain exemptions.

- 7a. Are you a male born after December 31, 1959? YES NO (If "NO", proceed to 8.)
- 7b. Have you registered with the Selective Service System? YES (If "YES", proceed to 8.) NO (If "NO", proceed to 7c.)
- 7c. If "NO," describe your reason(s) in item 16.

Military Service

8. Have you ever served in the United States military? YES (If "YES", provide information below) NO

If you answered "YES," list the branch, dates, and type of discharge for all active duty.

If your only active duty was training in the Reserves or National Guard, answer "NO."

Branch	From (MM/DD/YYYY)	To (MM/DD/YYYY)	Type of Discharge

Background Information

For all questions, provide all additional requested information under item 16 or on attached sheets. The circumstances of each event you list will be considered. However, in most cases you can still be considered for Federal jobs.

For questions 9, 10, and 11, your answers should include convictions resulting from a plea of *nolo contendere* (no contest), but omit (1) traffic fines of \$300 or less, (2) any violation of law committed before your 16th birthday, (3) any violation of law committed before your 18th birthday if finally decided in juvenile court or under a Youth Offender law, (4) any conviction set aside under the Federal Youth Corrections Act or similar state law, and (5) any conviction for which the record was expunged under Federal or state law.

9. During the last 7 years, have you been convicted, been imprisoned, been on probation, or been on parole? (Includes felonies, firearms or explosives violations, misdemeanors, and all other offenses.) If "YES," use item 16 to provide the date, explanation of the violation, place of occurrence, and the name and address of the police department or court involved. YES NO
10. Have you been convicted by a military court-martial in the past 7 years? (If no military service, answer "NO.") If "YES," use item 16 to provide the date, explanation of the violation, place of occurrence, and the name and address of the military authority or court involved. YES NO
11. Are you currently under charges for any violation of law? If "YES," use item 16 to provide the date, explanation of the violation, place of occurrence, and the name and address of the police department or court involved. YES NO
12. During the last 5 years, have you been fired from any job for any reason, did you quit after being told that you would be fired, did you leave any job by mutual agreement because of specific problems, or were you debarred from Federal employment by the Office of Personnel Management or any other Federal agency? If "YES," use item 16 to provide the date, an explanation of the problem, reason for leaving, and the employer's name and address. YES NO
13. Are you delinquent on any Federal debt? (Includes delinquencies arising from Federal taxes, loans, overpayment of benefits, and other debts to the U.S. Government, plus defaults of Federally guaranteed or insured loans such as student and home mortgage loans.) If "YES," use item 16 to provide the type, length, and amount of the delinquency or default, and steps that you are taking to correct the error or repay the debt. YES NO

Declaration for Federal Employment*

(*This form may also be used to assess fitness for federal contract employment)

Form Approved
OMB No. 3206-0182

Additional Questions

14. Do any of your relatives work for the agency or government organization to which you are submitting this form? (Include: father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.) If "YES," use item 16 to provide the relative's name, relationship, and the department, agency, or branch of the Armed Forces for which your relative works. YES NO
15. Do you receive, or have you ever applied for, retirement pay, pension, or other retired pay based on military, Federal civilian, or District of Columbia Government service? YES NO

Continuation Space / Agency Optional Questions

16. Provide details requested in items 7 through 15 and 18c in the space below or on attached sheets. Be sure to identify attached sheets with your name, Social Security Number, and item number, and to include ZIP Codes in all addresses. If any questions are printed below, please answer as instructed (these questions are specific to your position and your agency is authorized to ask them).

#12: MY POSITION AT KEMPEN & CO. USA WAS ELIMINATED.

Certifications / Additional Questions

APPLICANT: If you are applying for a position and have not yet been selected, carefully review your answers on this form and any attached sheets. When this form and all attached materials are accurate, read item 17, and complete 17a.

APPOINTEE: If you are being appointed, carefully review your answers on this form and any attached sheets, including any other application materials that your agency has attached to this form. If any information requires correction to be accurate as of the date you are signing, make changes on this form or the attachments and/or provide updated information on additional sheets, initialing and dating all changes and additions. When this form and all attached materials are accurate, read item 17, complete 17b, read 18, and answer 18a, 18b, and 18c as appropriate.

17. I certify that, to the best of my knowledge and belief, all of the information on and attached to this Declaration for Federal Employment, including any attached application materials, is true, correct, complete, and made in good faith. I understand that a false or fraudulent answer to any question or item on any part of this declaration or its attachments may be grounds for not hiring me, or for firing me after I begin work, and may be punishable by fine or imprisonment. I understand that any information I give may be investigated for purposes of determining eligibility for Federal employment as allowed by law or Presidential order. I consent to the release of information about my ability and fitness for Federal employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, personnel specialists, and other authorized employees or representatives of the Federal Government. I understand that for financial or lending institutions, medical institutions, hospitals, health care professionals, and some other sources of information, a separate specific release may be needed, and I may be contacted for such a release at a later date.

17a. Applicant's Signature: [Signature] Date 03/22/2018
(Sign in ink)

17b. Appointee's Signature: _____ Date _____
(Sign in ink)

Appointing Officer:
Enter Date of Appointment or Conversion
MM / DD / YYYY

18. **Appointee (Only respond if you have been employed by the Federal Government before):** Your elections of life insurance during previous Federal employment may affect your eligibility for life insurance during your new appointment. These questions are asked to help your personnel office make a correct determination.

- 18a. When did you leave your last Federal job? _____ DATE: _____ MM / DD / YYYY
- 18b. When you worked for the Federal Government the last time, did you waive Basic Life Insurance or any type of optional life insurance? YES NO DO NOT KNOW
- 18c. If you answered "YES" to item 18b, did you later cancel the waiver(s)? If your answer to item 18c is "NO," use item 16 to identify the type(s) of insurance for which waivers were not canceled. YES NO DO NOT KNOW



OFFICE OF
HUMAN RESOURCES

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 20549

February 28, 2018

Dear Jonathan Mullane,

We would like to congratulate you on being tentatively selected to participate in the U.S. Securities and Exchange Commission (SEC) Student Honors Program. The SEC's mission is compelling enough to attract the best and the brightest. We applaud you on your selection into our highly competitive program. Program information is as follows:

POSITION: Honor Student (Volunteer)
LOCATION: Miami Regional Office
PROGRAM: Student Honors Program
PROGRAM START: Monday, May 21, 2018

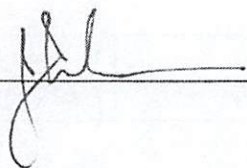
This invitation is for an unpaid student volunteer position. Acceptance into our program is contingent upon the satisfactory completion of a background investigation.

You are required to complete and return all requested documents to students@sec.gov no later than the date specified in the coinciding email. It is highly recommended that you use the enclosed *Student Volunteer Checklist* to ensure that you have completed all necessary steps to process your paperwork timely.

Please indicate your interest in our program below and return this letter and all subsequent forms (if applicable) to students@sec.gov. We look forward to working with you over the course of the semester. Please contact us if we can be of further assistance.

- I accept the invitation to participate in the Student Honors Program.
 I decline the invitation to participate in the Student Honors Program.

Signature & Date:

 _____ MARCH 21, 2018

Sincerely,

Student Honors Program Recruitment Team
Office of Human Resources



**U.S. Securities and Exchange Commission
 Personnel Security Operations Branch
 Authorization for Release of Credit Information**

Purpose

Information provided by the signee will be furnished to the consumer reporting agency in order to obtain information in connection with a background investigation pursuant to the Fair Credit Reporting Act (15 U.S.C. §1681) to determine (1) fitness for Federal employment, (2) clearance to perform contractual service for the Federal government, and/or (3) eligibility for a sensitive position or access to classified information.

Authorization

I authorize the investigative agency, any investigator, or other duly accredited representative of the US Securities and Exchange Commission (SEC) conducting my background investigation to obtain such reports from any consumer reporting agency for employment purposes described above.

In obtaining this information, the SEC is in compliance with all relevant provisions of the Fair Credit Reporting Act (15 U.S.C. §1681).

I understand that the SEC will not take adverse action against me, based in whole or in part upon the credit report, without first providing access to a copy of the credit report or a written description of my rights as described in 15 U.S.C. §1681 and amendments or use any information from the consumer report in violation of any applicable Federal or state Equal Employment Opportunity (EEO) law or regulation.

Copies of this authorization that show my signature are as valid as the original release. This authorization is valid for five (5) years from the date signed or upon the termination of my affiliation with the Federal government, whichever is sooner.

1. Name (Last/Family) MULLANE	2. First (Given) JONATHAN	3. Middle (or NMN) NMN	4. Other Names Used	5. Suffix
6. Home Street Address 1100 S MIAMI AVE., UNIT 2806				
7. City MIAMI	8. State FL	9. Zip Code 33130	10. Phone Number (617) 800-6925	

 Signature (Full name in ink)

03/22/2018
 Date Signed (mm/dd/yyyy)

Note: If you have a security freeze on your consumer or credit report file, then the SEC and its designated parties may not be able to complete your investigation, which can adversely affect your eligibility for employment or clearance to perform contractual services. To avoid such delays, you should request that the consumer reporting agencies lift the freeze in these instances.

Jonathan Mullane

+1 (617) 800-6925

1100 S Miami Ave., Apt. 2806, Miami, FL 33130 U.S.A.

j.mullane@icloud.com

Education

- **University of Miami School of Law**, Coral Gables, FL
Juris Doctor, expected May 2019
 - **Suffolk University Law School**, Boston, MA
Completed first year of law school, 2016-2017
Honors: Trustee Scholarship for academic achievement
 - **Cornell University**, Ithaca, NY
Prelaw Program, June 2016
 - **Imperial College Business School**, London, UK
MSc (Master of Science) in Innovation, Entrepreneurship & Management, November 2013
 - **Université de Lausanne**, Lausanne, Switzerland
Faculté de Lettres, Bachelor of Arts in French & English, January 2012
-

Work & Project Experience

- **U.S. Department of Justice, U.S. Attorney's Office (USAO)**, Miami, FL
Legal Intern, January 2018 – May 2018 (expected)
 - **Philippe & Partners**, Brussels, Belgium & Luxembourg
Summer Associate, June 2017 – July 2017
Conducted research on U.S. bankruptcy law pertaining to the Chapter 11 filing of the U.S. partner of a Belgian nuclear power plant operator and EU double taxation agreements. Drafted memorandums for, and attended, international arbitration in Luxembourg. Harmonized and drafted contracts for international gas pipelines and infrastructure. Translated from French to English, and helped prepare presentations on: (1) EU anti-money laundering administrative and criminal statutes, and KYC requirements; (2) EU privacy law & data collection.
 - **Van Lanschot Kempen NV**, New York, NY
Institutional Equity Sales, June 2014 – July 2015
Supported accounts of the largest U.S. real money and hedge funds from New York and Amsterdam for the market-leading investment bank in listed European real estate, covering primarily REITs. Developed new trading relationships through calling portfolio managers and analysts regarding high-conviction buys/shorts, research, and roadshows; personally wrote market updates and opened new accounts. Participated in corporate finance deals by calling U.S. QIBs regarding ITFs and share allocations. Assisted in the execution of deal and non-deal roadshows in the U.S. for European corporate clients.
 - **Kendall Investments**, Cambridge, MA
Infrastructure Private Equity Intern, January – March 2014
Managed a business development project to support the firm's sustainable infrastructure fund (KSI I). Conducted market research and compiled data pertaining to the pipeline of potential institutional and HNW clients.
 - **Tata Consultancy Services Ltd. (Tata Group)**, London, UK
Consulting Project, June – July 2013
Developed solutions to increase revenue by examining the impact of digital technologies on clients' business models. Contributed to the development of a cloud-based platform that could be implemented on behalf of clients.
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Competencies

- Languages: English (native), French (fluent), Italian (conversational), German (conversational)
- Certificates: FINRA Series 7 & 63; Massachusetts Notary Public
- Skills: Bloomberg, Factset, Microsoft Office, CRM

SEC Student Honors Program

MEMORADUM OF UNDERSTANDING FOR STUDENT VOLUNTEER INTERNS

I am a current degree-seeking student at UNIVERSITY OF MIAMI. I have accepted an invitation to participate in the Student Honors Program at the U.S. Securities & Exchange Commission (SEC). I have agreed to do volunteer work on behalf of the SEC from MAY 2018 to AUGUST 2018 during the SUMMER semester. I understand and agree that I am not considered a Federal employee for any purposes other than injury compensation and law related to the Tort Claims Act. Service is not creditable for leave or any other employee benefits however, a transportation subsidy to and from my assigned duty station maybe authorized and available at the discretion of the SEC. I understand and agree that I will receive no funds for any work performed while at the SEC.

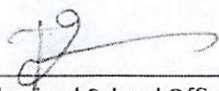


Student Intern Signature

MARCH 22, 2018

Date

I verify that JONATHAN MULLANE is a current degree-seeking, matriculating student at UNIVERSITY OF MIAMI, and is enrolled for the academic year 2017-2018, 2018-2019



Authorized School Official

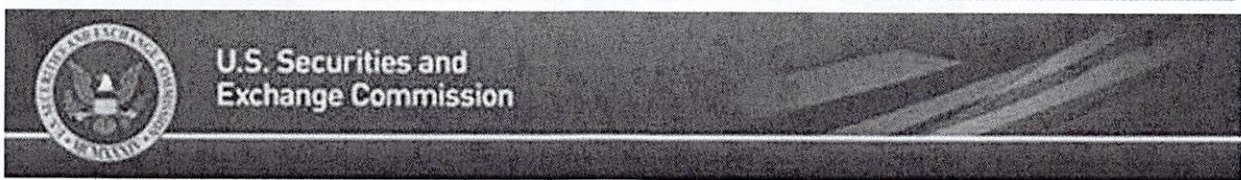
03/22/2018

Date

This unpaid internship has been established by the Office of Human Resources as part of an SEC talent acquisition program to provide real world work experience for current degree-seeking matriculating students. The student has agreed that s/he will not be compensated and does not displace any regular federal government employees.

Authorized SEC Official

From: [Students](#)
To: jmullane@icloud.com
Cc: [Roberts, Lisa T.](#); [Lodezma, Alexandria](#); [Bickel, Daniel P.](#)
Subject: SEC Student Honors Program 2018 Summer Invitation - Mullane (MIRO)
Date: Wednesday, February 28, 2018 12:04:00 PM
Attachments: Jonathan Mullane (MIRO).pdf
FAQs - SHP (rev Feb2017).pdf



Dear Jonathan Mullane,

We are pleased to inform you that you have been recommended for the Securities and Exchange Commission (SEC) Student Honors Program within the **Division of Enforcement, Miami Regional Office**. The hiring committee was impressed with your credentials, and we look forward to the opportunity to work with you this summer. Our program will tentatively begin on Monday, May 21, 2018, and tentatively conclude on Friday, August 3, 2018.

Please note that final acceptance to the Program is contingent upon a favorable background check through the SEC Office of Security.

Because of the high interest in our program and the need for a favorable background clearance, please submit the attached documents no later than **12:00 pm EST on Wednesday, March 7, 2018**. You will need to submit your written confirmation of acceptance or declination via the attached documents to students@sec.gov. Should you have any questions you may direct them to students@sec.gov.

Respectfully,
Student Honors Recruitment Team



STUDENT HONORS

PROGRAM



OFFICE OF
HUMAN RESOURCES

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC 20549

February 28, 2018

Dear Jonathan Mullane,

We would like to congratulate you on being tentatively selected to participate in the U.S. Securities and Exchange Commission (SEC) Student Honors Program. The SEC's mission is compelling enough to attract the best and the brightest. We applaud you on your selection into our highly competitive program. Program information is as follows:

POSITION: Honor Student (Volunteer)
LOCATION: Miami Regional Office
PROGRAM: Student Honors Program
PROGRAM START: Monday, May 21, 2018

This invitation is for an unpaid student volunteer position. Acceptance into our program is contingent upon the satisfactory completion of a background investigation.

You are required to complete and return all requested documents to students@sec.gov no later than the date specified in the coinciding email. It is highly recommended that you use the enclosed *Student Volunteer Checklist* to ensure that you have completed all necessary steps to process your paperwork timely.

Please indicate your interest in our program below and return this letter and all subsequent forms (if applicable) to students@sec.gov. We look forward to working with you over the course of the semester. Please contact us if we can be of further assistance.

- I accept the invitation to participate in the Student Honors Program.
- I decline the invitation to participate in the Student Honors Program.

Signature & Date: _____

Sincerely,

Student Honors Program Recruitment Team
Office of Human Resources

DISCLAIMER

Under 5 U.S.C. 3111, a student volunteer is not a Federal employee for any purposes other than injury compensation and law related to the Tort Claims Act. Service is not creditable for leave or any other employee benefits.

SECURITY CLEARANCE FORMS

**** Please follow instructions carefully to ensure the timely receipt and processing of forms.****

Please complete, sign, and email all security documents to students@sec.gov in one PDF.

1. Request for PERSEC Determination (Interns)
2. Declaration for Federal Employment (OF-306)
3. Credit Release Form

Instructions:

Request for PERSEC Determination

Please complete *Section A* of the PERSEC Determination form.

Declaration of Federal Employment (OF 306)

Please complete all applicable sections of the OF 306 and ensure that you sign *Box 17a* prior to returning your documents.

Credit Release Form

This document requires a “wet” signature. Please complete all applicable sections of this form, sign (in ink), and return with your security packet.

What to Expect:

The Office of Human Resources (OHR) will forward all complete security forms to the Office of Security Services (OSS) within 48 hours of receipt for further processing. You will receive an email from a representative of OSS with next steps. Please check your general and SPAM email frequently.

You will not be permitted to work until all phases of the security process have been completed and a favorable suitability determination has been made by OSS.

Any questions regarding security status should be sent via email to the Personnel Security Mailbox at personnelsecurity@sec.gov.

STUDENT HONORS PROGRAM FORMS

Please complete, sign, and email all Student Honors Program forms to students@sec.gov prior to the start of your internship.

The following forms should be returned in one email as separate files:

1. Memorandum of Understanding for Student Volunteers (MOU)
2. Non-Disclosure Agreement (NDA)

Instructions:

Memorandum of Understanding (MOU)

The MOU must be signed by you and a school official. For our purpose, a school official can be the registrar, dean, assistant dean, law professor, the director, or assistant director of your school's career services office. You must include your anticipated start and departure dates (month/year) on this form. This information is required by OHR.

Non-Disclosure Agreement (NDA)

You must sign and date the NDA prior to the start of your internship. Failure to do so may result in a delay in the assignment of work.

SCHOOL FORMS

2

Credit/Stipend Forms

If your school offers public interest stipends and/or requires that you earn credit for qualified student volunteer programs, please send your approval forms to students@sec.gov for completion as soon as possible.

Contracts/Agreements

Securities and Exchange Commission (SEC) employees cannot sign contracts on behalf of the SEC and/or enter into agreements with academic institutions as it relates to the Student Honors Program. In the general course, the SEC will not complete school forms that seek detailed descriptions of the program. Instead, the Student Honors Program provides a summary in an attempt to answer common questions. The summary can be found here: [Information for Law Schools](#)

FINANCIAL OBLIGATIONS

Executive Order 12731 (October 17, 1990) requires the SEC to ensure that employees "satisfy in good faith their obligations as citizens, including all just financial obligations." Student volunteers are covered by the executive order, and at a minimum, the Commission needs to see that you are making an effort to pay off the debts on your credit report.

As part of your security check, the government will obtain your credit report. It will look for any debts that you have not paid, and our security office will contact you to discuss them. Generally, you will need to prove that you have paid the debt or that you are making a good faith effort to pay it.

Please obtain your credit report now – especially if you think you have any debt issues. You can obtain a report for free from the credit agencies. If you see a listing for something that you already paid, then collect the receipt or other document to prove that. If you see a listing for something that you have disputed, then collect the letters that you have sent the debtor disputing the charge. If you see a listing for a debt that you owe, then pay it off or be prepared to explain to the security office how you intend to show that you are acting in good faith – for example, by paying part of the debt and providing the security office with a copy of the check/letter.

These are three credit bureaus where you can request credit reports:

- Experian at www.experian.com
- TransUnion at www.transunion.com
- Equifax at www.equifax.com

EMPLOYMENT CONFLICTS

Identify Any Conflicts with Other Paid or Unpaid Employment

You cannot work for the Commission if you are working for a person or company that creates a conflict with the Commission. You also cannot be registered with the SEC (and therefore must have your employer terminate your registration and preferably give you a copy of the U-5 before you start as a Student Volunteer). Final determinations about conflicts are made by the Commission staff based on the information that you provide. For example, you cannot work for a financial institution regulated by the Commission, for a law or accounting firm with a securities practice, or for a trade association that deals with securities issues.

You need to complete the disclosure in the Statement by Student Volunteer as discussed above. If the information changes both before and during participation in the Student Volunteers program, you must provide us with updated versions of that form.

You should understand that as a general matter, you will not be able to use written assignments for the Commission as writing samples for other employment or educational programs. You should understand that most assignments relate to matters or analyses that are non-public. It sometimes is possible to obtain assignments of a sufficiently general nature that they may be used as writing samples; if you would like to write such a document during the program, please discuss the possibility with your supervisor. Any writing sample resulting from SEC work (even if the supervisor assigned it as one that could be used as a writing sample) would first need to be reviewed and cleared through the SEC's clearance process. Any of your writing (prepared for publication or for use as a writing sample) that addresses the work of the SEC may not be provided to outside the agencies while you are participating in the program. This also includes writing projects prepared outside of work. All such assignments must be reviewed through the clearance process.

ETHICS OFFICE

The Commission has rules that limit the ability of employees to invest in securities, and you will need to comply with those ethical regulations. An SEC Ethics attorney will discuss those rules and procedures at your orientation.

**Short Summary of
SEC SUPPLEMENTAL ETHICS RULE
(5 CFR Part 4401 & 17 CFR Part 200)**

SEC rule 4401.102 prohibits certain holdings and transactions for Commission members and employees. The rule's requirements extend to all holdings and transactions made by, or on behalf of, a Commission member or employee, or the member's or employee's spouse or unemancipated child, or any person for whom the member or employee serves as legal guardian.

A. *Prohibitions.* Members and employees are prohibited from:

1. Purchasing or selling a security while in possession of material nonpublic information;
2. Recommending or suggesting the purchase or sale of a security based on material nonpublic information about the security or which the member or employee could not purchase or sell because of the rule's restrictions;
3. Knowingly purchasing or holding a security or other financial interest in an entity "directly regulated by the Commission." This includes, *e.g.*,
 - a. national securities exchanges;
 - b. registered securities associations (e.g., FINRA);
 - c. broker-dealers (including banks that have registered broker-dealer subsidiaries and offer broker-dealer services);
 - d. nationally-recognized Statistical Rating Organizations (i.e., credit rating agencies);
 - e. clearing agents;
 - f. transfer agents;
 - g. securities information processors;
 - h. registered investment advisers (including banks that have registered Investment Advisor subsidiaries and offer investment advisory services);
4. Purchasing a security in an initial public offering ("IPO") for seven calendar days after the IPO is effective (IPOs of shares in a registered investment company or other publicly-traded or publicly-available collective investment fund are ok);
5. Purchasing or carrying securities on margin;
6. Selling securities short;
7. Entering into a financial relationship or obtaining a loan from an entity or person directly regulated by the commission and receiving terms more favorable than would be available to the public;
8. Engaging in any transactions involving derivatives (mutual funds are ok);
9. Purchasing or selling any security of an entity that is under investigation by the Commission, a party to a proceeding before the Commission, or a party to a proceeding in which the Commission is a party.

B. *Holding Periods.* As a general rule, members and employees must hold a security purchased after joining the Commission for a period of six months. The six-month holding period does not apply if the security loses 10% or more of its value; the security has an initial term of less than 6 months and it is held to term; or to shares in money market funds. In addition, shares in registered investment companies may be sold after 30 days.

C. *Reporting & Pre-clearance.* All Commission members and employees are required to report their securities holdings and transactions through the agency's Ethics Program System ("EPS"). New employees receive instructions on EPS shortly after joining the staff. In addition, Commission members and employees are required to pre-clear and report all proposed securities transactions through EPS.

D. *Questions & Advice.* Questions about the SEC's Supplemental Ethics Rule should be directed to the SEC's Ethics Office. Questions about EPS should be directed to the SEC's Compliance Team. Both may be reached at 202-551-5170.

Please note: This document is meant merely as a summary of the SEC's Supplemental Ethics Rule and is not intended as advice. Please review the actual rule and contact an ethics official with any questions.

GUIDELINES FOR UNPAID STUDENT VOLUNTEERS

PURPOSE

The U.S. Securities and Exchange Commission (SEC) supplemental ethics regulations (5 CFR subpart 4401) supplement the government-wide Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2635) and apply only to Commission members, employees and personnel assigned to the SEC pursuant to the Intergovernmental Personnel Act (5 U.S.C. §§ 3371-3376). The policy that follows is meant to define expected conduct of a specific group of individuals at the SEC, unpaid student volunteers (commonly referred to as 'student volunteers'), to whom the SEC-specific and government-wide ethics regulations do not apply.

DEFINITION

Unpaid Student Volunteers: students who provide voluntary uncompensated services to the SEC pursuant to the agency's authority to accept voluntary services under 5 USC §3111. Unpaid student volunteers are not considered employees under this statute and other than transit costs provided in accordance with the policy for the Transit Benefit Program, unpaid student volunteers are not eligible to receive the benefits accorded to regular Federal employees, nor do they accrue annual or sick leave.

5

SUMMARY GUIDANCE

Due to the confidential and sensitive nature of the business of the SEC, unpaid student volunteers, while not subject to the SEC-specific or government-wide ethics regulations, are expected to comply with the following policy guidelines to protect the integrity of SEC programs and operations:

- Using the Personal Trading and Compliance System (PTCS), unpaid student volunteers must pre-clear all securities transactions affected, directly or indirectly, by or on behalf of themselves, their spouse, un-emancipated minor child or any person for whom the unpaid student volunteer serves as a legal guardian.
- Unpaid student volunteers must inform their supervisors of any financial holdings that could conflict with their work at the SEC or of any situations that may give rise to concerns about their impartiality.

- For example, if an unpaid student volunteer owns stock in a regulated entity, the volunteer should inform his or her supervisor of this holding if the volunteer is assigned, or anticipates being assigned, to work on a matter involving that entity. The supervisor may choose to assign matters involving the entity to someone else, consult with the Office of Ethics Counsel, or the volunteer may recuse from the matter on his or her own accord.
This requirement is meant to initiate a conversation between the unpaid student volunteer and the supervisor in order to avoid conflict situations and appearance concerns.
- Unpaid student volunteers may use SEC time and resources only for SEC purposes and may not use their SEC position for their private gain.
- Unpaid student volunteers may not disclose nonpublic information and pursuant to Office of Human Resources policy, must sign a non-disclosure agreement prior to starting work at the SEC.
- Unpaid student volunteers who wish to use SEC work as writing samples must vet the samples through the SEC's publication clearance process.
- Unpaid student volunteers must advise supervisors of employment negotiations or arrangements for future employment, if that employment is related to the securities industry in any way. This includes employment at a law firm with a securities practice, even if the student's work at the firm is not securities related.
- Unpaid student volunteers must inform their supervisors of any positions held outside of the government, if the position is related to the securities industry in any way. This includes work at a law firm with a securities practice, even if the student's work at the firm is not securities related. Volunteers may not use government time or resources to perform outside work.
- Unpaid student volunteers should not engage in political activity at work. Political activity is that which is directed towards the success or failure of a political candidate.

Questions about the SEC's Guidelines for Unpaid Student Volunteers should be directed to the SEC's Office of Ethics Counsel at 202-551-5170.

STUDENT VOLUNTEER CHECKLIST

	Task
	I have read the initial invitation letter and will report on the official start date identified in the letter OR My school requires me to start on a date different than the official start date. <i>(Note: Please email the Student Mailbox at students@sec.gov to set an alternate start date.)</i>
	I have completed and signed all security forms as instructed above. <ul style="list-style-type: none"> • PERSEC Determination Form • Declaration of Federal Employment • Credit Release Form
	I have completed and signed all Student Honors Program forms as instructed above.
	I have completed credit/stipend forms (if applicable) and emailed them to students@sec.gov for review and completion.
	I have read and will adhere to the Guidelines for Student Volunteers.
	I have made a copy of my paperwork for my records.

NEXT STEPS

The review process can take a few days to a few weeks depending on any derogatory information that may be discovered. Your responsiveness helps speed along the process. You will be notified by OHR of your status once an interim suitability determination has been made.

If you are found suitable, you will receive your final invitation letter via email with reporting instructions.

PREPARING FOR YOUR INTERNSHIP

7

Experiential Learning

The Student Honors Program provides students with responsibilities and experiences that promote their careers as lawyers, accountants, economists, and the like. These experiences contribute to their future success in private practice, government agencies and other paths. Over the course of the program, students work with SEC staff on projects in the specific division or office in which they are hired. Further, students participate in seminars/workshops on various aspects of the SEC mission.

We have high expectations for our interns, often assigning them the same work we would give a newly-hired employee.

While the duties of the SEC Student Honors Program vary from office to office, it is not uncommon for students to:

- Assist with drafting regulations
- Assist with the review of filing
- Prepare for interviews and testimony ; or
- Prepare and analyze data, charts, graphs and tables to assist staff

Work Schedules

Students that participate in the spring and fall sessions may work either a full-time (40 hours per week) or part-time schedule (39 hours or less per week). There are generally no restrictions on the number of part-time hours a student may work however; work schedules are finalized by the supervisor or his/her designee.

Summer interns are expected to work a full-time schedule.

Length of Program

The Student Honors Program is a ten-week developmental student volunteer program. Students may have the opportunity to extend beyond ten weeks to satisfy academic requirements and/or gain additional experience.

Housing

The SEC does not provide housing for Student Honors Program participants. Most local colleges/universities offer on-campus housing to visiting interns for a fee. Additionally, there are several businesses that offer intern housing services in most major cities. We encourage you to research options early if you are in need of housing during your internship.

Transportation

Student Honors Program participants are eligible to participate in the SEC's Transportation Benefits Program. This program provides up to \$245.00 per month in benefits for those who commute through the public transportation system. Information on how to apply for this benefit will be provided at the beginning of the internship. Students should plan to cover their own transportation costs until the transportation benefits are activated.

8

Orientation

Orientation is held on the date specified in the tentative invitation. Orientation typically begins at 9:00am EST and ends at 12:30pm EST. Times are subject change. Details of orientation will be provided to you in the final invitation you will receive once all phases of the hiring process have been completed.

Students that intern in a regional office or students interning in DC that are unable to attend the scheduled orientation will be oriented virtually upon arrival.

Withdrawals

Although we would love to have you experience the Student Honors Program, we understand that circumstances change. Please notify us as soon as possible in the event that you are unable to participate in the program. Please send your withdrawal letter to students@sec.gov.

Please email the Student Honors Program recruitment team at students@sec.gov if you need further assistance throughout the hiring process.



SEC Student Honors Program

Frequently Asked Questions (FAQs)

1. Do I have to complete the on-boarding paperwork online or by hand?

It is highly suggested that you complete the PERSEC Suitability, Credit Release, and Declaration of Federal Employment (OF-306) online using your computer. This allows for clear and legible characters and words when they are returned to the Student Honors Recruitment Team and forwarded to Security for processing. Security makes the final determination about background clearances and building access. Hard to read materials will delay this process.

2. I am a naturalized US citizen; do I need to provide my naturalization certificate and/or passport with my PERSEC package?

It is highly suggested that you provide this information when submitting your PERSEC package to the Students mailbox. The Student Honors Recruitment Team will submit this information to Security for processing with your package. If you do not provide it at this time, a member of the Security team will request this information which can cause delays with your background clearance.

3. Which address should I use for the Request for PERSEC Determination (Intern) form?

Please use your current physical address where you are located when completing the Request for PERSEC Determination (Intern) Form. This allows our Personnel Security team to send you the closest fingerprinting locations closer for you to complete them in the timeframe outlined in your initial email from Personnel Security.

4. Do I sign the Declaration of Federal Employment (OF-306) on line 17A as the applicant or line 17B as the appointee?

You must sign the OF-306, Declaration of Federal Employment, on line 17A as the applicant as you are in the process of initiating a background clearance request and would be applying to do so (sign on line 17A as the applicant).

5. I do not have access to a scanner. How do I scan and return my documents to the Student Honors Recruitment Team?

If you have access to a smartphone (Android or iPhone), you can download for free any free scanning apps of your choosing to assist you with scanning and compiling the documents as detailed and outlined in your initial invitation. We suggest Genius Scan via iPhone to meet this need but any scanning application will do. Please make sure to lay documents flat on a table or flat surface when scanning.

6. My university/college does not certify third party documents and thus I cannot get my Memorandum of Understanding (MOU) certified. Can I provide an email and/or online enrollment verification for the semester/session I will participate in lieu of a certified MOU?

Yes, we will accept an email from your dean, registrar, or designated university official certifying your MOU. Please contact the [Students](#) mailbox for more information.

SEC Student Honors Program

- 7. I have to decline participation in the session/semester for which I have applied, can I defer acceptance and participate in the next semester/session program without re-applying via USAJobs?**

No, if you cannot accept our invitation to participate but you want to participate in the Student Honors Program at the SEC, you will need to re-apply via USAJobs for future opportunities and consideration.

- 8. I cannot start and/or end my volunteer internship with the SEC on the designated start/end dates established by program officials, can I start and/or end at an earlier/later date? Who do I contact to communicate this information?**

Please contact the Students mailbox with the specific dates of participation you have in mind. Please include your anticipated start and end date in your initial email.

- 9. My initial invitation referenced the availability of a transportation subsidy/stipend to get to and from the SEC. How can I obtain access to the transportation subsidy before my start date?**

By law, we cannot provide access to the transportation subsidy until you official start with the SEC. Further information about the process to obtain the transportation subsidy will be available to you on your first day.

- 10. How long after I submit my security package to students@sec.gov will I hear anything with regards to the status of my background check?**

Within 72 hours of receipt by the Personnel Security Office, you will receive an email from a member of the SEC Personnel Security team with instructions on how to schedule your fingerprint appointment. If you have any questions during the background clearance stage, please contact the [Students](#) mailbox.

- 11. What is the turnaround for my background clearance to be completed?**

In most instances, Personnel Security is able to complete background clearances within 30 days of receipt of the security packet. Occasionally, Personnel Security will need additional time.

- 12. My college/university/law school requires the completion of academic agreements/forms in order for me to receive credit or funds for my volunteer internship. How can I get these forms completed?**

Please forward your academic credit and/or funding forms to [Lindsey M. Nedd](#), Program Manager for the Student Honors Program.

- 13. Are volunteer interns eligible for telework?**

At this time, volunteer interns are ineligible to participate in the SEC Telework program.

- 14. If I have applied to and accepted a volunteer internship opportunity in one of the SEC's locations, can I request to work at a different SEC location before or after the volunteer internship opportunity starts or ends?**

No, if you have accepted an invitation to participate in one of the SEC locations, you are bound to report and work at the SEC location for which you have accepted.

From: [Roberts, Lisa T.](#)
To: [Jonathan Mullane](#)
Cc: [Students](#)
Subject: Re: Fingerprinting appointment
Date: Thursday, March 22, 2018 8:28:36 AM

You should have submitted all of the requested paperwork to DC by the deadline and then should have received an email with detailed instructions. You can make the appt at the facility in my office and I can help with that once you have paperwork from DC.

Sent from my iPhone

On Mar 21, 2018, at 8:41 PM, Jonathan Mullane <j.mullane@icloud.com> wrote:

Good Evening,

Further to my previous email, if you could please advise as to how I may schedule an appointment for fingerprinting, I would greatly appreciate it.

Many thanks,

Jonathan

Jonathan Mullane

Tel.: +1 (617) 800-6925 | j.mullane@icloud.com

This e-mail message and any attachments are confidential and may be privileged. Emails transmitted or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written agreement.

From: [Students](#)
To: [Jonathan Mullane](#)
Cc: [Roberts, Lisa T.](#)
Subject: RE: Fingerprinting appointment
Date: Tuesday, March 27, 2018 3:54:00 PM
Attachments: [image001.png](#)
Importance: High

Hi Jonathan,

Personnel Security has requested the following information via email:

Please have Mr. Mullane provide the following regarding his "yes" answer to #12 on the OF-306. I will take it in email, he does not need to complete a new form.

Address of Kempen & Co.
Dates of Employment

Please respond back with this information the soonest as it wasn't included on your resume.

Respectfully,

Lindsey M. Nedd, MS
Program Manager
Chair's Attorney
Student Honors Program
Upward Mobility Program
Office of Human Resources
U.S. Securities & Exchange Commission
100 F Street NE
Mailstop 3494
Washington, DC 20549
E: [\(b\)\(6\)@sec.gov](#)



From: Jonathan Mullane [<mailto:j.mullane@icloud.com>]
Sent: Wednesday, March 21, 2018 8:41 PM
To: Students
Cc: Roberts, Lisa T.

Subject: Fingerprinting appointment

Good Evening,

Further to my previous email, if you could please advise as to how I may schedule an appointment for fingerprinting, I would greatly appreciate it.

Many thanks,

Jonathan

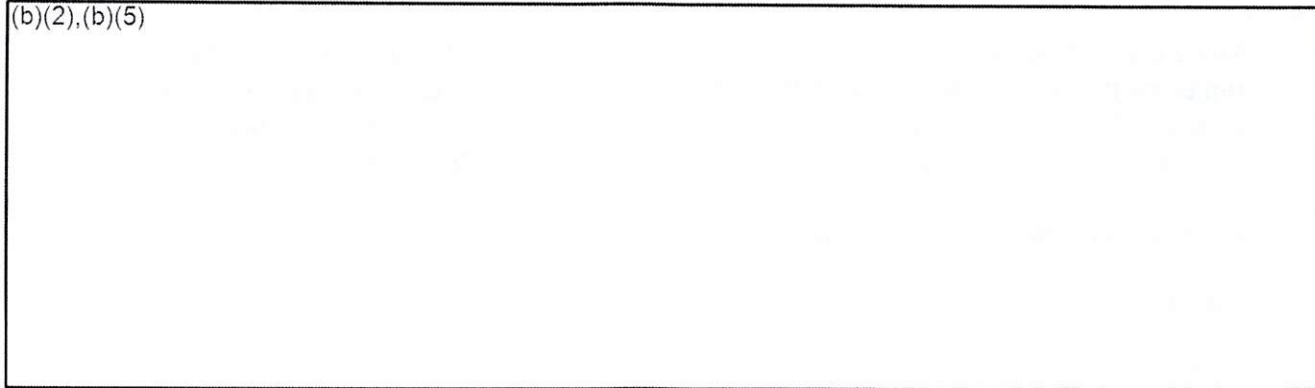
Jonathan Mullane

Tel.: +1 (617) 800-6925 | j.mullane@icloud.com

This e-mail message and any attachments are confidential and may be privileged. Emails transmitted or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written agreement.

From: [Workflow](#)
To: [#Interim Suitability](#)
Cc: [Nedd, Lindsey](#); [Bethune, Tonya](#); [Ledezma, Alexandria](#); [Bickel, Daniel P.](#); [Blue, Curtis](#)
Subject: Interim Suitability Determination – Intern
Date: Friday, April 20, 2018 11:49:48 AM

(b)(2),(b)(5)



Thanks,

Personnel Security Operations
U.S. Securities and Exchange Commission
Personnelsecurity@sec.gov

From: [Jonathan Mullane](#)
To: [Students](#)
Subject: Re: Securities and Exchange Commission - Student Honors Program
Date: Thursday, May 3, 2018 11:36:23 AM

Good Morning,

To be honest I am rather confused by your message. I was in the SEC's office for the fingerprinting appointment last month, and was told that the background check would be completed timely. I am quite disappointed that, less than three weeks before the beginning of my internship, I am now being told that the offer is being withdrawn.

If you could please call me to clarify this, I would greatly appreciate it.

Sincerely,

Jonathan Mullane

Tel.: +1 (617) 800-6925 | j.mullane@icloud.com

This e-mail message and any attachments are confidential and may be privileged. Emails transmitted or received shall neither constitute acceptance of conducting transactions via electronic means nor shall create a binding contract in the absence of a fully signed written agreement.

On May 3, 2018, at 11:20, Students <Students@SEC.GOV> wrote:

Good afternoon Mr. Mullane,

Thank you for your interest in the U.S. Securities and Exchange Commission. Please see the attached regarding the status of your application for the Summer 2018 Student Honors Program.

Best Regards,

Student Honors Recruitment Team

<Mullane, Jonathan 2018.pdf>

From: [Petty, Kai](#)
To: [Nedd, Lindsey](#)
Cc: [Wilson, Teona](#)
Subject: Re: Summer Legal Intern - Jonathan Mullane
Date: Tuesday, May 1, 2018 10:53:59 AM
Attachments: [image002.png](#)
[image003.png](#)

(b)(2),(b)(5)

Best,

Kai Petty

On May 1, 2018, at 9:51 AM, Nedd, Lindsey [\(b\)\(6\)@SEC.GOV](#)> wrote:

Good morning Kai,

(b)(2),(b)(5)

Thanks,

Lindsey M. Nedd, MS

Program Manager
Chair's Attorney
Student Honors Program
Upward Mobility Program
Office of Human Resources
U.S. Securities & Exchange Commission
100 F Street NE
Mailstop 3494
Washington, DC 20549
E: [\(b\)\(6\)@sec.gov](#)

From: Petty, Kai
Sent: Tuesday, May 01, 2018 8:10 AM
To: Nedd, Lindsey; Wilson, Teona
Subject: FW: Summer Legal Intern - Jonathan Mullane
Good morning Ladies,

(b)(2),(b)(5)

Thanks,

Kai

From: Roberts, Lisa T.
Sent: Thursday, April 26, 2018 2:33 PM
To: Petty, Kai
Cc: Nedd, Lindsey; Goizueta-Mendes, Ivette I.; Bustillo, Eric I.

Subject: Summer Legal Intern - Jonathan Mullane

Hi Kai:

(b)(2),(b)(5)

Thank you.

Lisa Roberts

Lisa T. Roberts

Chief, Attorney Advisor

U.S. Securities and Exchange Commission

Miami Regional Office

801 Brickell Avenue, Suite 1800

Miami, Florida 33131

(b)(6) (direct dial)

<http://www.sec.gov>

<2018.05.01 Rescission Letter (Mullane).docx>

From: [Students](#)
To: [Jonathan Mullane](#)
Bcc: [Petty, Kai](#); [Wilson, Teona](#); [Shepler, Michael](#)
Subject: Securities and Exchange Commission - Student Honors Program
Date: Thursday, May 3, 2018 11:20:00 AM
Attachments: [Mullane, Jonathan 2018.pdf](#)

Good afternoon Mr. Mullane,

Thank you for your interest in the U.S. Securities and Exchange Commission. Please see the attached regarding the status of your application for the Summer 2018 Student Honors Program.

Best Regards,

Student Honors Recruitment Team



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

OFFICE OF
HUMAN RESOURCES

May 3, 2018

Jonathan Mullane
1100 S. Miami Ave, Apt 2806
Miami, FL 33130

Dear Mr. Mullane:

This letter rescinds the U.S. Securities and Exchange Commission (SEC) initial invitation to participate in the Student Honors Program in the Miami Regional Office as a Student Honors Volunteer. The SEC previously sent you an invitation, dated February 28, 2018. It explained that, prior to confirming this volunteer opportunity, the SEC must perform certain clearances, including completing a satisfactory pre-appointment check and inquiry into your background, training, and suitability for the position.

Based upon our review, the SEC has decided to rescind your initial invitation, effective immediately. I regret that you will not be joining the SEC's team at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Brown", written over a horizontal line.

Stephen Brown
Assistant Director
Talent Acquisition Group
Office of Human Resources

From: [Roberts, Lisa T.](#)
To: [Petty, Kai](#)
Cc: [Nedd, Lindsey](#); [Goizueta-Mendes, Ivette I.](#); [Bustillo, Eric I.](#)
Subject: Summer Legal Intern - Jonathan Mullane
Date: Thursday, April 26, 2018 2:32:37 PM

Attachments:

(b)(5)

Hi Kai:

(b)(2),(b)(5)

Thank you.

Lisa Roberts

Lisa T. Roberts

Chief, Attorney Advisor

U.S. Securities and Exchange Commission

Miami Regional Office

801 Brickell Avenue, Suite 1800

Miami, Florida 33131

(b)(6) (direct dial)



www.sec.gov

EXHIBIT K

Jonathan Mullane

VIA ELECTRONIC CORRESPONDENCE
AND FIRST CLASS MAIL

November 26, 2018

Office of FOIA Services
Attn.: General Counsel, SEC
Station Place
100 F Street, NE
Mail Stop 2465
Washington, DC 20549
foiapa@sec.gov

REQUEST NO. 19-00009-FOPA
FREEDOM OF INFORMATION ACT AND PRIVACY ACT APPEAL
PURSUANT TO 5 U.S.C. § 552(A)(6); 17 C.F.R. § 200.80(F)(1); *inter alia*

Dear Madam/Sir:

In accordance with 17 CFR 200.80(f)(1), the instant appeal is in connection with the adverse determination of the United States Securities and Exchange Commission (hereinafter, "SEC"), dated November 20, 2018.

Pursuant to 5 U.S.C. § 552 and 5 U.S.C. § 552a, I respectfully reiterate my request for any and all records and information in the possession of the United States Securities and Exchange Commission (hereinafter, "SEC") pertaining to Jonathan Mullane, the undersigned.

I further request any and all information in connection with my offer of employment for an internship in the SEC's Miami, Florida office, together with the subsequent rescission thereof¹. This includes, but is in no way limited to, any human resources, recruitment, employee, and/or personnel file.

On or about November 20, 2018, you or your agents, via electronic correspondence, provided certain documentation in connection with the instant request. Unfortunately, the records provided are wholly insufficient as a matter of law. By way of example, in your November 20, 2018 correspondence, you invoke "attorney-client privilege" pertaining to internal emails regarding the

¹ "If after receiving a request a component determines that [the FOIA request] does not reasonably describe the records sought, the component shall inform the requester what additional information is needed or why the request is otherwise insufficient." 28 C.F.R. § 16.3(b).

✦✦✦ Jonathan Mullane ✦✦✦

Office of FOIA Services

October 18, 2018

Page 2 of 4

summer internship of a law student. Indeed, the contention that such communications are “privileged” is clearly frivolous and proffered in bad faith. As a matter of law, you are required to disclose such communications, as they are neither confidential nor privileged. By way of example only, the subject electronic communications manifestly do not contain any work-product, and do not tangentially pertain to any SEC investigation.

Furthermore, I note that, in addition to your unlawful redaction of numerous unprivileged electronic communications, you expressly refuse to disclose 48 pages of records “pursuant to the deliberative process privilege in 5 U.S.C. § 552(b)(5)[,]” at 2 ¶ 1. Notwithstanding your contention to the contrary, unless these documents pertain to any active SEC investigations or work-product in connection therewith, you are required by law to disclose the requested records.

Your refusal to comply with the subject request for documentation squarely flouts the holding of the United States Supreme Court in DOI v. Klamath Water Users Protective Ass’n, 532 U.S. 1, 121 S. Ct. 1060 (2001). As that Court explained, “[t]o qualify [as privileged], a document must thus satisfy two conditions: its source must be a government agency, and it must fall within the ambit of a privilege against discovery under judicial standards that would govern litigation against the agency that holds it.” Id. at *8. Here, under the ordinary discovery rules of the Federal Rules of Civil Procedure, all of the documents requested would be discoverable in a litigation context. Accordingly, with the exception of any documentation pertaining to an active and ongoing SEC investigation, you are required by law to produce the requested documentation and records.

I. Agency subject to the Expedited Privacy Act and FOIA Request.

This expedited Privacy Act and FOIA request applies to the SEC, to wit, the SEC headquarters in Washington, DC, as well as the SEC’s Miami, Florida office.

II. Requested Time Period of Records.

The instant Privacy Act and FOIA request is *solely* for the time period from September 1, 2017 up until the present (i.e., the time and date when the requested records and information will be retrieved by you or your agents).

III. Identity Verification.

Pursuant to 28 C.F.R. § 16.3(a)(3), “[a] requester who is making a request for records about himself or herself must comply with the verification of identity provision set forth in subpart D

Office of FOIA Services

October 18, 2018

Page 3 of 4

[thereof][.]” Proof of identity has already been provided to you as part of the initial request for documentation.

IV. Expedited Request.

Pursuant to 17 C.F.R. § 200.80(d)(7), *inter alia*, because there is a “compelling need” for the subject request, the SEC and its agents are required to treat the said request as an “expedited request” as a matter of law. The instant Privacy Act and FOIA request qualifies for expedited processing because it pertains to the undersigned’s “loss of substantial due process rights,” as expressly set forth in his administrative complaint filed with the U.S. Department of Justice on or around September 4, 2018, *and* because this request pertains to “[a] matter of widespread and exceptional media interest in which there exists possible questions about the government’s integrity that affect public confidence.”² The requisite verification was previously submitted to you as part of the initial request for documentation.

V. Fee Waiver Request.

In the event the United States or an agency thereof intends to charge a fee for the instant Privacy Act and FOIA request, a waiver therefor is hereby requested.

5 U.S.C. § 552(a)(4)(A)(iii) expressly states as follows:

“(iii) Documents shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” (Emphasis supplied).

In the case at bar, as a matter of law, a “fee waiver” is required as: (1) the subject request is **not** for any “commercial interest,” as it merely pertains to the undersigned’s September 4, 2018 administrative complaint which is currently before the U.S. Department of Justice; and (2) the subject request unquestionably and irrefutably contributes to the public’s understanding “of the operations or activities of the government[.]” as the records requested pertain directly to the

² See, e.g., <http://www.naag.org/publications/nagri-newsletters/corruption-news/cepi-newsletter-may-2018.php>.

Jonathan Mullane

Office of FOIA Services

October 18, 2018

Page 4 of 4

employment practices³ of the federal government, together with potential Constitutional violations⁴ and violations of substantive rights.

Please take notice that 5 U.S.C. § 552 expressly provides for a private cause of action⁵ for enforcement hereof after the apposite administrative procedures have been exhausted. The said statute provides, in pertinent part:

“(B) On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to **order the production of any agency records improperly withheld from the complainant.** In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and **the burden is on the agency to sustain its action.**” (Emphasis supplied).

With a view to avoid unnecessary and costly litigation in connection herewith, it is respectfully requested that the instant appeal be allowed. Many thanks in advance for your courtesy and consideration as to the foregoing. Should you have any questions, please do not hesitate to contact me via email correspondence at your earliest convenience.

Yours faithfully,

/s/ Jonathan Mullane

³ The undersigned expressly reserves the right to introduce the November 20, 2018 “adverse determination” of the SEC in support of any retaliation claim, as permitted under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2671-80, in connection with the subject offer of employment.

⁴ See, e.g., 42 U.S.C. § 1983.

⁵ The instant appeal notwithstanding, in the event of litigation in the district court in connection herewith, the subject records will be requested by the undersigned in discovery at the SEC’s expense. Accordingly, it is respectfully submitted that any objection to the requested “fee waiver” on financial grounds is moot.