

Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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<https://coronavirus.house.gov>

May 27, 2021

Mr. Reese Howell, Jr.
Chief Executive Officer and Chairman of the Board
Celtic Bank
268 South State Street, Suite 300
Salt Lake City, Utah 84111

Dear Mr. Howell:

As the Select Subcommittee on the Coronavirus Crisis continues investigating potential waste, fraud, and abuse in the Paycheck Protection Program (PPP), I am deeply troubled by recent reports alleging that financial technology (FinTech) lenders and their bank partners failed to adequately screen PPP loan applications for fraud. This failure may have led to millions of dollars in FinTech-facilitated PPP loans being made to fraudulent, non-existent, or otherwise ineligible businesses.¹ Recent reporting indicates that Celtic Bank, an industrial bank that partners with FinTechs on PPP loans, has issued a large number of loans connected to ineligible companies and fraudulent applications.² I am writing today to request documents and information necessary for the Select Subcommittee to understand whether Celtic Bank and other FinTech lenders and their bank partners implemented and utilized necessary fraud controls in reviewing PPP loan applications.

According to analysis by Bloomberg, while FinTechs processed just 15 percent of PPP loans overall, they are associated with 75 percent of the approved PPP loans that the Department of Justice (DOJ) connected with fraud.³ A separate investigation by the nonpartisan Project on Government Oversight (POGO) found that nearly half of approved loans cited in criminal court

¹ See, e.g., *Hundreds of PPP Loans Went to Fake Farms in Absurd Places*, ProPublica (May 18, 2021) (online at www.propublica.org/article/ppp-farms).

² See, e.g., *Lamborghinis, Strip Clubs, Bogus Companies, and Lies: The First 56 Paycheck Protection Program Fraud Cases*, Project on Government Oversight (Oct. 8, 2020) (online at www.pogo.org/investigation/2020/10/lamborghinis-strip-clubs-bogus-companies-and-lies/); *The Banks Behind the Fintechs*, The Balance (Dec. 2, 2020) (online at www.thebalance.com/the-banks-behind-the-fintechs-5089728); *PPP Scammers Used Fintech Companies to Carry Out Fraud*, Bloomberg (Oct. 7, 2020) (online at www.bloomberg.com/news/articles/2020-10-07/ppp-loans-scammers-used-fintech-companies-to-carry-out-fraud); Celtic Bank, *Credit Sponsorship* (online at www.celticbank.com/partner/credit-sponsorship (accessed on May 25, 2021)).

³ *PPP Scammers Used Fintech Companies to Carry Out Fraud*, Bloomberg (Oct. 7, 2020) (online at www.bloomberg.com/news/articles/2020-10-07/ppp-loans-scammers-used-fintech-companies-to-carry-out-fraud).

documents involved seven FinTech companies and their bank partners.⁴ This failure to detect fraud occurred while FinTechs made hundreds of millions of dollars in fees by issuing publicly funded PPP loans.⁵

This analysis lends credence to reports that criminal actors sought out FinTechs for fraudulent PPP loans because of the speed with which the FinTech companies processed the loans—which in some cases could be approved in “as little as an hour”—and the fact that the FinTech loan application process appeared to include very little scrutiny of its applicants.⁶ One FinTech official reportedly said that their company handled PPP loans “at a blistering rate and with less due diligence than it would normally exercise if its own funds, rather than taxpayer dollars, were on the line.”⁷ This indifference to the proper disbursement of public funds is unacceptable.

Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act on March 27, 2020, to provide relief to millions of Americans struggling due to the pandemic. The CARES Act empowered Treasury and SBA to develop PPP to provide millions of small businesses with vital assistance.⁸ Treasury and SBA were also charged with identifying suitable lenders to administer the program. On April 8, 2020, SBA began allowing non-bank and non-insured depository institution lenders, including FinTechs, to provide PPP loans to eligible recipients.⁹ In many instances, FinTechs partnered with a handful of regulated banks to process loans. FinTechs “onboard, verify and approve small businesses,” and then submit the loans to

⁴ *Lamborghinis, Strip Clubs, Bogus Companies, and Lies: The First 56 Paycheck Protection Program Fraud Cases*, Project on Government Oversight (Oct. 8, 2020) (online at www.pogo.org/investigation/2020/10/lamborghinis-strip-clubs-bogus-companies-and-lies/).

⁵ See, e.g., *How Newbie Firms Got PPP Loans Through Quickie Lender Kabbage*, Miami Herald (Sep. 10, 2020) (online at www.miamiherald.com/news/state/florida/article245599035.html); *Big Banks Generated Billions in PPP Fees*, Miami Herald (Dec. 3, 2020) (online at www.miamiherald.com/news/coronavirus/article247562870.html).

⁶ *Why PPP Fraud Hit Fintechs Harder than Banks*, American Banker (Nov. 11, 2020) (online at www.americanbanker.com/news/why-ppp-fraud-hit-fintechs-harder-than-banks).

⁷ *Lamborghinis, Strip Clubs, Bogus Companies, and Lies: The First 56 Paycheck Protection Program Fraud Cases*, Project on Government Oversight (Oct. 8, 2020) (online at www.pogo.org/investigation/2020/10/lamborghinis-strip-clubs-bogus-companies-and-lies/).

⁸ Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, § 1102 (2020).

⁹ Department of the Treasury, *Paycheck Protection Program* (online at <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-small-businesses/paycheck-protection-program>) (accessed May 20, 2021); Small Business Administration, *SBA Form 3507: CARES Act Section 1102 Lender Agreement – Non-Bank and Non-Insured Depository Institutions Lenders* (posted on Apr. 8, 2020) (online at <https://home.treasury.gov/system/files/136/PPP--Agreement-for-New-Lenders-Non-Bank-Non-Insured-Depository-Institution-Lenders-w-seal-fillable-4-8-2020.pdf>). For definitional consistency, the Select Subcommittee is relying on the Small Business Administration’s identification of FinTech lenders. Small Business Administration, *FinTech Companies Participating in Paycheck Protection Program (as of May 8, 2020)* (online at www.sba.gov/sites/default/files/2020-05/FinTech_Companies_Participating_in_PPP_05.08.20_0.pdf).

SBA through the bank partners.¹⁰ Some banks would then keep the PPP loans on their balance sheets while others would sell the loans back to the FinTech or third parties.¹¹

PPP requires lenders that are federally regulated financial institutions to certify under penalty of criminal prosecution that they have applied the anti-money laundering requirements under the Bank Secrecy Act; PPP lenders that are not federally regulated financial institutions are required to certify that they have followed such requirements applicable to an equivalent regulated institution.¹² Yet many FinTechs reportedly lacked compliance management systems necessary to satisfy this requirement. One FinTech lender associated with multiple prosecutions of PPP fraud boasted that “over 75% of all approved applications, and more than 90% of self-employed applications, were processed without human intervention or manual review.”¹³ Individuals involved in the manual reviews of potentially fraudulent applications at FinTechs have described the process as “perfunctory.”¹⁴ This lack of rigor was reflected in their failures to deny applications showing clear markers of fraud. Rather than something to boast of, the rates of fraud associated with these loans strongly suggest that FinTech companies’ loan screening processes were woefully inadequate. A Bloomberg report points to multiple instances of fraud that could have been prevented had FinTechs simply conducted web searches for the company name of inactive, nonexistent, or otherwise clearly ineligible applicants.¹⁵

Celtic Bank is a small Utah-based industrial bank that specializes in small business finance, SBA loans, and FinTech partnerships.¹⁶ The bank has funded over 99,000 PPP loans,

¹⁰ Kabbage, *Kabbage PPP Results: A Historic Feat for FinTech* (updated as of Aug. 8, 2020) (online at <https://newsroom.kabbage.com/wp-content/uploads/2020/07/Kabbage-Paycheck-Protection-Program-PPP-Report.pdf>); *Why FinTechs Are Declaring Victory in PPP Loans*, Forbes (Aug. 13, 2020) (online at www.forbes.com/sites/megangorman/2020/08/13/why-fintechs-are-declaring-victory-in-ppp-loans/?sh=7031ed202205).

¹¹ *FinTechs Are Making Inroads in Small-Business Loans*, Barrons (July 15, 2020) (online at www.barrons.com/articles/fintechs-are-making-inroads-in-small-business-loans-51594839654).

¹² Small Business Administration, *SBA Form 3507: CARES Act Section 1102 Lender Agreement – Non-Bank and Non-Insured Depository Institutions Lenders* (Apr. 8, 2020) (online at <https://home.treasury.gov/system/files/136/PPP--Agreement-for-New-Lenders-Non-Bank-Non-Insured-Depository-Institution-Lenders-w-seal-fillable-4-8-2020.pdf>) (emphasis added); *see also*, Small Business Administration, *Business Loan Program Temporary Changes; Paycheck Protection Program*, 85 Fed. Reg. 20811 (Apr. 15, 2020) (interim final rule) (“Entities that are not presently subject to the requirements of the [Bank Secrecy Act], should, prior to engaging in PPP lending activities, including making PPP loans to either new or existing customers who are eligible borrowers under the PPP, establish an anti-money laundering (AML) compliance program equivalent to that of a comparable federally regulated institution.”).

¹³ Kabbage, *Kabbage PPP Results: A Historic Feat for FinTech* (updated as of Aug. 8, 2020) (online at <https://newsroom.kabbage.com/wp-content/uploads/2020/07/Kabbage-Paycheck-Protection-Program-PPP-Report.pdf>).

¹⁴ *Hundreds of PPP Loans Went to Fake Farms in Absurd Places*, ProPublica (May 18, 2021) (online at www.propublica.org/article/ppp-farms).

¹⁵ *PPP Scammers Used Fintech Companies to Carry Out Fraud*, Bloomberg (Oct. 7, 2020) (online at www.bloomberg.com/news/articles/2020-10-07/ppp-loans-scammers-used-fintech-companies-to-carry-out-fraud).

¹⁶ Celtic Bank, *About Us* (online at www.celticbank.com/about-us) (accessed on May 25, 2021); Celtic Bank, *Credit Sponsorship* (online at www.celticbank.com/partner/credit-sponsorship) (accessed on May 25, 2021).

totaling over \$2.5 billion, and works closely with multiple FinTechs firms.¹⁷ According to an analysis of PPP fraud cases by POGO, supported by a review of active DOJ prosecutions, Celtic Bank was involved in nearly 30 percent of the approved loans issued by FinTechs or their bank partners that were subject to DOJ prosecutions.¹⁸

Celtic Bank has made loans to fraudulent applicants both directly and as part of its partnership with FinTechs.¹⁹ In one notable prosecution, Celtic Bank issued a PPP loan to an individual in Texas that was rejected by another lender weeks earlier. On April 14, 2020, a non-bank lender received a PPP application in the amount of \$5,203,400 from a sole proprietorship claiming to have 412 employees. The non-bank lender denied the PPP loan after pointing out inconsistencies in the applicant's loan documents. After being turned down by the non-bank lender, the applicant used nearly identical fraudulent documents to successfully apply for a PPP loan that was disbursed by Celtic Bank. There is no indication that either Celtic Bank or its FinTech partner noted inconsistencies in the provided documents, flagged the application for fraud review, or asked additional questions of the applicant.²⁰

In another instance recently prosecuted by DOJ, Celtic Bank, on behalf of a FinTech partner, issued \$1,903,157 in PPP funds to a Florida man falsely claiming to operate a scrap metal company that employed 69 individuals in his home. This "company" had no internet presence and did not report paying wages to state authorities in 2019 or 2020. As part of the PPP loan application, the applicant uploaded four IRS Forms 941, each containing clearly fraudulent information. Additionally, the information on the IRS forms were identical for each quarter and each form listed the same number of employees, the same exact figures for "Wages, tips, and other compensation," and the same amount of "Federal income tax withheld" over a period of four quarters.²¹ Neither Celtic Bank, nor its FinTech partner, identified these clear indicators of fraud.

¹⁷ Celtic Bank, *Utah-Based SBA Lender Celtic Bank Punches Above Its Weight with \$2.5 Billion in PPP Funding* (online at www.celticbank.com/press-releases/utah-based-sba-lender-celtic-bank-punches-above-its-weight-with-2-5-billion-in-ppp-funding) (accessed on May 25, 2021); *The Banks Behind the Fintechs*, The Balance (Dec. 2, 2020) (online at www.thebalance.com/the-banks-behind-the-fintechs-5089728).

¹⁸ *Lamborghini's, Strip Clubs, Bogus Companies, and Lies: The First 56 Paycheck Protection Program Fraud Cases*, Project on Government Oversight (Oct. 8, 2020) (online at www.pogo.org/investigation/2020/10/lamborghini-s-strip-clubs-bogus-companies-and-lies/); *see also*, *List of 97 Approved Allegedly Fraudulent PPP Loans - As of Sept 30, 2020*, Project on Government Oversight (Oct. 8, 2020) (online at https://docs.google.com/spreadsheets/d/1KprGhgHt23fJAsyUAW5csHorW_CVgtQCVgFLdGCYZqo/edit?usp=sharing); *see also*, Criminal Indictment, *United States of America v. Samuel Morgan Yates*, (E.D. Tex. 2020) (No. 5:20-MJ-15); Criminal Indictment, *United States of America v. Keith Nicoletta* (M.D. Fla.) (No. 20-MJ-02027-JSS); Criminal Complaint, *United States of America v. Terrence Deshun Williams*, (S.D. Fla. 2020) (No. 20-MJ-6580-AOV).

¹⁹ Criminal Indictment, *United States of America v. Samuel Morgan Yates*, (E.D. Tex. 2020) (No. 5:20-MJ-15); Criminal Indictment, *United States of America v. Keith Nicoletta* (M.D. Fla.) (No. 20-MJ-02027-JSS); Criminal Complaint, *United States of America v. Terrence Deshun Williams*, (S.D. Fla. 2020) (No. 20-MJ-6580-AOV).

²⁰ Criminal Indictment, *United States of America v. Samuel Morgan Yates*, (E.D. Tex. 2020) (No. 5:20-MJ-15).

²¹ Criminal Indictment, *United States of America v. Keith Nicoletta* (M.D. Fla.) (No. 20-MJ-02027-JSS).

In addition to its work with its FinTech partners, Celtic Bank also directly loaned PPP funds to applicants presenting clearly fraudulent information in their applications. On approximately June 18, 2020, the head basketball coach for a Florida high school applied for \$984,710.00 in PPP funds, claiming that the loan was for the purpose of paying the salaries of 67 non-existent employees. Celtic Bank issued the PPP loan four days later, despite the fact that the application contained clearly fraudulent documents, including six incomplete, unsigned, and factually incorrect tax forms.²² There is no indication that Celtic Bank performed any due diligence before issuing the PPP loan.

The Select Subcommittee has consistently advocated for increasing access to loans and capital to those in underserved markets, including businesses owned by veterans, members of the military, socially and economically disadvantaged individuals, and women.²³ In achieving this goal, both now and in the future, FinTechs and their bank partners may have an important role to play through participation in small business loan programs. However, future partnerships must be contingent on FinTechs and their bank partners' demonstrated ability to properly administer taxpayer funds and not jeopardize the integrity of the programs in which they participate.

To help the Select Subcommittee better understand the PPP fraud detection processes applied by FinTech lenders and their bank and non-bank partners, please produce the following documents and information, accounting for the activities of Celtic Bank and all of its successor and predecessor entities, by June 11, 2021.

1. All documents and policies establishing or governing the process that Celtic Bank used to review and approve PPP loan applications.
2. All documents and policies related to:
 - a. any system of preventive controls that Celtic Bank has used to deter and minimize fraud related to PPP loans; and
 - b. any system of detective controls Celtic Bank had in place to identify and respond to PPP loan fraud after it had occurred.
3. All communications concerning potential fraud or other financial crime related to PPP loans, including, but not limited to, emails, persistent chat room logs and transcripts, direct electronic messages, and minutes of senior leadership meetings.

²² Criminal Complaint, *United States of America v. Terrence Deshun Williams*, (S.D. Fla. 2020) (No. 20-MJ-6580-AOV).

²³ See, e.g., Select Subcommittee on the Coronavirus Crisis, *Press Release: New PPP Report Shows Trump Administration and Big Banks Left Behind Struggling Small Businesses* (Oct. 16, 2020) (online at <https://coronavirus.house.gov/news/press-releases/new-ppp-report-shows-trump-administration-and-big-banks-left-behind-struggling>); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary Steven Mnuchin, Department of the Treasury and Administrator Jovita Carranza, Small Business Administration, (June 15, 2020) (online at www.coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-06-15.Select%20Committee%20to%20Mnuchin%20Carranza-%20SBA%20re%20PPP.pdf).

4. All training materials provided to employees and contractors from January 2020 to the present related to fraud control and prevention, PPP loans, financial crime investigations, and suspicious activity reporting.
5. All documents, including audits, monthly statistics, and external reviews, containing assessments or estimates of the amount and value of improper payments that have been made to PPP applicants whose loans were processed through or facilitated by Celtic Bank.
6. The completed SBA Form 3507.

Please also provide written responses to the following information requests by June 11, 2021:

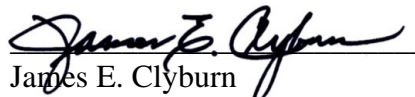
1. How much is Celtic Bank's total revenue from facilitating PPP loans to date?
2. How many PPP loan applications and loans have been approved, issued, or otherwise facilitated by Celtic Bank, broken down by week, from April 2020 to the present?
3. How many PPP loan applications have been denied or rejected by Celtic Bank, broken down by week, from April 2020 to the present, and what was the reason for denial or rejection?
4. How many Celtic Bank employees have been dedicated full time and exclusively to AML, BSA, or fraud compliance, including those employed full time to prevent, detect, or investigate potential fraud, broken down by week, from January 2019 to the present?
5. Please provide a list of all fraud checks conducted by Celtic Bank on PPP loan applications, a description of how each check serves to detect and prevent fraud, and the average time taken to approve or reject a PPP loan application.
6. Please provide a list of all fraud checks conducted by Celtic Bank on loan applications unrelated to PPP, a description of how each check serves to detect and prevent fraud, and the average time taken to approve a loan application unrelated to PPP.
7. What is Celtic Bank's assessment or estimate of the number and value of potentially fraudulent PPP loans that it has issued, approved, or otherwise facilitated to date?

8. Please provide a description of what indicators and information Celtic Bank's automated systems use to detect fraud or money laundering and how many and what percentage of applications were rejected through this system; please also describe what indicators trigger these automated systems to escalate an application for human review and what percentage of those escalations resulted in rejected applications.
9. Please provide a detailed description of Celtic Bank's relationship with any non-bank or bank partners involved in PPP loans, including the name of each entity, revenue sharing and liability sharing agreements.
10. Please provide a detailed description of how your company recruited PPP loan applicants, including marketing strategies and advertising plans.
11. Please provide a detailed description of any incentives or rewards provided to Celtic Bank employees processing PPP loan applications, including monetary bonuses and non-monetary rewards.

These requests are consistent with the House of Representatives' authorization of the Select Subcommittee on the Coronavirus Crisis "to conduct a full and complete investigation" of "issues related to the coronavirus crisis," including the "efficiency, effectiveness, equity, and transparency of the use of taxpayer funds and relief programs to address the coronavirus crisis" and "reports of waste, fraud, abuse, price gouging, profiteering, or other abusive practices related to the coronavirus crisis."²⁴

Please respond to this letter by no later than June 4, 2021, to confirm your company's cooperation. An attachment to this letter provides additional instructions for responding to the Select Subcommittee's request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,


James E. Clyburn
Chairman

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

²⁴ H.Res. 8, sec. 4(f), 117th Cong. (2021); H.Res. 935, 116th Cong. (2020).

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.