



## Ebix – FOIA response confirms enforcement investigation

SEC withholds FOIA documentation as it could reasonably be expected to interfere with enforcement activities, and disclose identities of confidential sources and whistleblowers.

### Important – Disclaimer on page 3.

July 1, 2019 – On December 11, 2018, Viceroy released our preliminary report on Ebix Inc. (NASDAQ:EBIX), within which we reported on numerous historical and potential ongoing regulatory investigations into the Company and its conduct internationally. You can find our report here:

<https://viceroyresearch.org/category/ebix-nasdaqebix/>

On June 20, 2019, the SEC responded to a Freedom of Information Act document request. The SEC has withheld records pursuant to 5 U.S.C. § 552 (b) (3), (6), (7)(A), (7)(C) and/or (7)(D):

This letter responds to your request, dated March 19, 2019 and received in this office on March 20, 2019, for all consumer complaints regarding Ebix over the previous 10 years.

We are also withholding other records, in full, which may be responsive to your request, pursuant to 5 U.S.C. § 552(b) (3), (6), (7) (A), (7) (C) and/or (7) (D), for the following reasons:

- Under Exemption 3, certain information is specifically exempted from disclosure by statute. Pursuant to 15 U.S.C. § 78u-6(h) (2) (A), the Commission shall not disclose any information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower.
- Exemption 6 protects records or information when disclosure would constitute a clearly unwarranted invasion of personal privacy.
- Exemption 7(A) protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities.
- Exemption 7(C) protects records or information when disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- Exemption 7(D) provides protection for records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source which furnished information on a confidential basis.

Figures 1, 2 & 3 SEC Office of FOIA Services Response re Ebix Inc.



This document mirrors responses received from the SEC's Office of FOIA Services relating to MiMedx. Following the dissemination of the MiMedx report, the Company subsequently admitted to investigations by the SEC, DOJ and VA, amongst potentially more acronyms. You can find the relevant MiMedx report in the link below:

<https://viceroyresearch.files.wordpress.com/2017/11/19-doj-dva-investigation1.pdf>

Regarding the response to the Ebix FOIA request, Viceroy have never encountered a withheld FOIA response of such specific detail regarding the protection of whistleblowers and confidential sources.

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*Ebix have once again left it to Viceroy to disclose market sensitive information pertinent to shareholders.*

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The full FOIA response can be found in Annexure A below. Note that the mentioned 31 pages of records provided by the Office of FOIA Services are heavily censored email complaints to the SEC relating to short seller activity surrounding Gotham and Copperfield Research reports.

This finding follows ongoing suspicion, fueled by Ebix supporters Craig Hallum, that the company may also be under active investigation by the Department of Justice.

We believe an investment in EBIX involves the following risks:

The company announced an investigation from the Department of Justice. Should the DOJ investigation be active and find negatively, shareholders could be harmed. While all indications are that the investigation is not active, we have not absolute certainty in this respect.

*Figures 4 Extract from Craig Hallum Ebix note – November 8, 2018*

Viceroy will continue to report on Ebix as new information becomes available.



### **Attention: Whistleblowers**

Viceroy encourage any parties with information pertaining to misconduct within Pareteum or any other entity to file a report with the appropriate regulatory body.

We also understand first-hand the retaliation whistleblowers sometimes face for championing these issues. Where possible, Viceroy is happy act as intermediaries in providing information to regulators and reporting information in the public interest in order to protect the identities of whistleblowers.

You can contact the Viceroy team via email on [viceroy@viceroyresearch.com](mailto:viceroy@viceroyresearch.com)

### **About Viceroy**

Viceroy Research are an investigative financial research group. As global markets become increasingly opaque and complex – and traditional gatekeepers and safeguards often compromised – investors and shareholders are at greater risk than ever of being misled or uninformed by public companies and their promoters and sponsors. Our mission is to sift fact from fiction and encourage greater management accountability through transparency in reporting and disclosure by public companies and overall improve the quality of global capital markets.

### **Important Disclaimer**

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The authors may continue transacting directly and/or indirectly in the securities of issuers covered on this report for an indefinite period and may be long, short, or neutral at any time hereafter regardless of their initial recommendation.

All of Viceroy's work is in accordance with our rights to comment on market participants of US listed stocks, in this case specifically NASDAQ: EBIX

## Annexure A



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

Office of FOIA Services

June 20, 2019



Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. 19-01630-FOIA

Dear [REDACTED]

This letter responds to your request, dated March 19, 2019 and received in this office on March 20, 2019, for all consumer complaints regarding Ebix over the previous 10 years.

The search for records responsive to your request has resulted in the retrieval of the enclosed 31 pages of records, which may be responsive to your request. Pursuant to 5 U.S.C. § 552(b)(6), we are withholding the complainants' names, home addresses, telephone numbers, email address, complaint file numbers, and other personally identifiable information. An SEC staff direct telephone number has also been withheld from the records pursuant to Exemption 6. Under Exemption 6, the release of this information would constitute a clearly unwarranted invasion of personal privacy. Further, releasing the contact information of Commission staff could conceivably subject them to harassment and annoyance in the conduct of their official duties and in their private lives.

We are also withholding other records, in full, which may be responsive to your request, pursuant to 5 U.S.C. § 552(b)(3), (6), (7)(A), (7)(C) and/or (7)(D), for the following reasons:

- Under Exemption 3, certain information is specifically exempted from disclosure by statute. Pursuant to 15 U.S.C. § 78u-6(h)(2)(A), the Commission shall not disclose any information, including information provided by a whistleblower to the Commission, which could reasonably be expected to reveal the identity of a whistleblower.
- Exemption 6 protects records or information when disclosure would constitute a clearly unwarranted invasion of personal privacy.



- Exemption 7(A) protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities.
- Exemption 7(C) protects records or information when disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- Exemption 7(D) provides protection for records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source which furnished information on a confidential basis.

It is the general policy of the Commission to conduct its investigations on a non-public basis. Thus, subject to the provisions of FOIA, the Commission does not disclose the existence or non-existence of an investigation or information gathered unless made a matter of public record in proceedings brought before the Commission or in the courts. Accordingly, the assertion of this exemption should not be construed as an indication by the Commission or its staff that any violations of law have occurred with respect to any person, entity, or security.

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 CFR § 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](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.



As shown on the enclosed invoice, the review time of one hour is \$61.00 in accordance with our fee schedule. You may use our [Online Payment](#) option to pay by debit or credit card. If paying by mail, checks or money orders should be made payable to the SEC and a copy of the invoice should be mailed to our new payment address: Enterprise Services Center, HQ Bldg., Room 181, AMZ-341, 6500 South MacArthur Boulevard, Oklahoma City, OK, 73169. Please refer to the following link for detailed instructions on how to remit payments.  
<http://www.sec.gov/about/offices/ofm.htm>

If you have any questions, please contact Frank Mandic of my staff at [mandicf@sec.gov](mailto:mandicf@sec.gov). You may also contact me at [foiapa@sec.gov](mailto:foiapa@sec.gov) or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at [foiapa@sec.gov](mailto: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,

Lizzette Katilius  
FOIA Branch Chief

Enclosures