

**From:** Chip Filson <[REDACTED]>  
**Sent:** Tuesday, March 27, 2018 5:58 PM  
**To:** Alan Rush <[REDACTED]>  
**Cc:** Randy Karnes <[REDACTED]>; Jim Blaine <[REDACTED]>  
**Subject:** FW: Final TCCUSF form

Here is the full analysis Alan of all the “certifications” received from my FOIA request. Also below, NCUA is saying these are all they can find and ignore the question whether these were sent to Congress. I may go back and ask for any documents showing they were sent.

**The bottom line:** According to the latest, September 30, 2017, consolidated report of Corporate Asset Mgm Estates Recoveries and Claims, the five AME’s were charged: **\$2.387 billion** in liquidation expenses which is both administrative and legal. Legal component is \$1.258 bn.

Total certified expenses according to these **certs is \$215 million plus another \$10 million** to merge SE Corp into CorpONE. Never any reference to legal at all.

The act is specific: **Prior to authorizing each payment the Board shall . . . (B)report each such certification to the Committee on Banking, Housing and Urban affairs and the committee on Financial services of the House of Representatives.** NO evidence yet any certs were sent to Congress, and I doubt none were sent prior to authorizing each payment . . .

The certification total for administrative expenses alone is over two billion dollars short. There are no certifications for 2009, 2010 when the corps were conserved—instead the first is dated starting Jan 12, 2011. The first TCCUSF audit by KPMG was as of December 31, 2009 which showed a TCCUSF deficit of \$6.2 billion. The certifications are for the most part generalizations and would not give a committee any information as to whether they were proper—although 2 of the first 3 contain explicit reference as to purpose and invoices.

“Billions unaccounted for” in NCUA mgm of TCCUSF would seem to be an appropriate headline. No congressional oversight. And it all started in 2008 when they fired their auditor to get a more compliant one in return. So the latest sequester of the \$3.1 billion in initial TCCUSF fund surpluses is just a continuation of unaccountable behavior that began in 2008/2009 and continues to the present day. And of course this ignores the facts that s of September 30,2017 there was over \$3.0 billion in unused OTTI reserves, ie four of the five corporates were never insolvent.

Question: what should I do with this record? Who to talk to about it?

Here is what NCUA wrote back when I asked if these were all the certs and were there any forwarding documents:

*Dear Mr. Filson:*

*On Friday, March 23, you asked for two clarifications of the full release in response to your FOIA request for records: “of all the certifications submitted to the Congress ... for each of the years the TCCUSF was in operation.” Thank you for your inquiry, addressed below as follows:*

*Your first question was, “Are these all the certifications prepared to comply with this authority?” Procedurally, under the FOIA and NCUA regulations at 12 CFR Part 792, agency staff conducted a reasonable search for the records, located those records which are responsive to your request, and provided you a full release of these. Based on this reasonable search, the records provided to you are all of those that were identified as responsive to the request.*

*Your second question was, “Were there any communication documents showing when these were forwarded to the two committees?” The agency conducted a reasonable search for the records specifically referenced in the request. Since the search was conducted for the certifications, written communications with congressional committees, if any, were not part of the agency search or review for this FOIA request.*