

Confirmation Number: (b)(6); (b)(7)(C)
Submission Received:

**UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, D.C. 20581**

Filed Complaint with the CFTC Division of Enforcement

1. WHICH CATEGORY(IES) BEST DESCRIBE YOUR COMPLAINT

A. Fraudulent representations that persuaded you to trade futures, options, swaps, forex, or leveraged transactions.

If a rate of return was promised to you, what was the rate of return?

Annual, Monthly Other periodic basis

Were promised that the risk of loss trading futures was limited? Yes, No

Were you offered a money back guarantee? Yes, No

Were you told something about the experience of the person(s) trading your funds that you later found out was untrue? Yes, No

If yes, what were you told?

If none of the above, describe what you were told that you now believe to be untrue.

Are there other potential victims that you know of? Please identify.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

B. Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Have you asked for the return of your funds? Yes, No

To your knowledge, are there any funds remaining? Yes, No

If so, how much?

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Do you know the name of the futures commission merchant that processed the trades? Yes, No

If yes, please identify.

(b)(6); (b)(7)(C)

Are there other potential victims that you know of? Yes, No

Please identify

(b)(6); [REDACTED] INFORMED ME THAT SHE FOUND OTHER COMPLAINTS ABOUT KRAKEN BITCOIN EXCHANGE WHILE LOOKING ONLINE.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

C. Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Describe the conduct that you believe requires the person or firm to be registered under the CEA.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

D. Disruptive or manipulative trading activity in the futures, options or swaps markets

What is the source of your belief that someone or some entity has engaged in either a disruptive trading practice or manipulative activity?

On what days, and if you know, what time of day, did the alleged conduct occur?

On what exchange or market did the activity occur?

What prices, if any, were affected by the alleged conduct?

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

E. The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information

Was the confidential information held or created by the Federal Government? Yes, No

If yes, which of the following apply:

Did the Federal Government generally disseminate the information prior to the alleged trading activity? Yes, No

Did a Federal employee or agent use the information to trade a futures contract, an options contract, or a swap? Yes, No

Did a Federal employee or agent provide the confidential information to someone else that this other person could trade a futures contract, an options contract, or a swap? Yes, No

Did someone steal the confidential information and use it to trade a futures contract, an options contract or a swap?

Yes, No

Did the confidential information belong to a person or a firm? Yes, No

If yes, identify that person or firm with contact information.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

If your complaint does not fit into any of the above-described categories please describe below.

2. Have you suffered a monetary loss? Yes, No

If yes, describe how much.

(b)(6);
(b)(7)(C)

3. When did the alleged conduct occur?

MAY 19, 2017, AND JUNE 23, 2017

4. Is the conduct on-going? Yes, No

5. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes, No

6. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes, No

If yes, select the appropriate category:

Prior complaint to the CFTC

Complaint to another regulator

A state or federal criminal law enforcement entity.

A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court)

7. Provide a brief description about what you are complaining about.

A (b)(6); (b)(7)(C) TRANSFER FROM MY BANK ACCOUNT AND A (b)(6); (b)(7)(C) TRANSACTION FROM MY KRAKE ACCOUNT WERE NOT CREDITED. IT'S AS IF THE MONEY JUST DISAPPEARED.

2. TELL US ABOUT THE INDIVIDUAL AND/OR FIRM YOU ARE COMPLAINING ABOUT
INDIVIDUAL/FIRM 1:

1. Type: Individual Firm Individual/Firm Name
KRAKEN BITCOIN EXCHANGE

Title that best describes what you are complaining about
Other

If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes, No, Unknown

2. Individual/Firm Street Address: Suite/Apartment/Unit #
548 MARKET ST # 39656

3. City: State/Province ZIP/Postal Code Country
SAN FRANCISCO CALIFORNIA 94104 UNITED STATES

4. Home Phone: Work Phone: Mobile Phone: Other Number:
+1 800-276-6048

5. E-mail Address: Website Address:
SUPPORT@KRAKEN.COM HTTPS://WWW.KRAKEN.COM/

6. Are you or were you associated with the individual or firm when the alleged conduct occurred? Yes, No, Unknown

7. How are you or were you associated with the individual or firm you are complaining about? Describe
N/A

What was the initial form of contact between you and the person against whom you are filing this complaint?
Other

If Other, please explain
Investment Newsletter recommendation

3. TELL US ABOUT YOU

Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful Yes, No

Are you represented by an attorney in connection with your submission? Yes, No

COMPLAINANT INFORMATION

Title Mr., Mrs., Ms.

(b)(6); (b)(7)(C)

4. TELL US ABOUT THE INSTRUMENTS INVOLVED IN YOUR COMPLAINT

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (*i.e.*, nine or less) index of securities.

A foreign currency transaction

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis? Yes, No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability? Yes, No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis? Yes, No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability? Yes, No

A cash (or physical) contract traded in interstate commerce.

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Act Statement and the privacy policy for www.cftc.gov.

U.S. COMMODITY FUTURES TRADING COMMISSION
WASHINGTON, D.C. 20581

Statement to Persons Providing Information about Themselves to
the Commodity Futures Trading Commission

This document sets forth your legal rights and responsibilities as a person requested to supply information about yourself voluntarily, as a person with recordkeeping obligations under the Commodity Exchange Act or CFTC regulations or as a person directed to provide sworn testimony or produce documents pursuant to a subpoena of the Commodity Futures Trading Commission. When applicable, this statement also provides important information about the deposition process for persons providing testimony. Unless stated otherwise, the information below applies whether you are providing information voluntarily, pursuant to the recordkeeping obligations of a registrant, or pursuant to subpoena.

FALSE STATEMENTS AND DOCUMENTS

Any person who knowingly and willfully makes false or fraudulent statements, whether under oath or otherwise, or who falsifies, conceals or covers up a material fact, or submits any false writing or document, knowing it to contain false, fictitious or fraudulent information, is subject to the criminal penalties set forth in 18 U.S.C. § 1001 which include imprisonment of not more than five years, imposition of a substantial fine under the Federal Sentencing Guidelines, or both.

It shall also be unlawful for any person to make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading, as set forth in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §753, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 9, 15.

PRIVACY ACT

To restrict unauthorized dissemination of personal information, the Privacy Act of 1974, 5 U.S.C. § 552a, limits an agency's ability to disclose such information.¹ Under the Privacy Act, the Commission may

¹ Individuals should refer to the full text of the Privacy Act, 5 U.S.C. § 552a(b), to the Commission's rules, 17 C.F.R. 146, and the CFTC's compilation of System of Record Notices, 76 Fed. Reg. 5974 (Feb. 2, 2011) for a complete list of authorized disclosures and coverage of the Act. Only those disclosures arising most frequently are mentioned in this document.

disclose protected information as follows: when the individual to whom the record pertains consents in writing; when officers and employees of the Commission need the record to perform their duties; when required by the terms of the Freedom of Information Act, 5 U.S.C. § 552; or when disclosure is for a "routine use" (i.e., one compatible with the purpose for which the information was collected).

The Privacy Act also requires that, in certain situations, individuals requested to provide information about themselves receive notice of the following:

1. AUTHORITY FOR SOLICITATION OF INFORMATION.

- a. Recordkeeping for Registered Persons. Sections 4f, 4g, and 4n of the Commodity Exchange Act, 7 U.S.C. § 6f, 6g, 6n, and Commission Rules 1.12, 1.18, 1.31, 1.33, 1.34, 1.35, 1.37, 1.55, 3.12, 4.23, 4.32, 32.7, and 33.7, 17 C.F.R. §§ 1.12, 1.18, 1.31, 1.33, 1.34, 1.35, 1.37, 1.55, 3.12, 4.23, 4.32, 32.7, 33.7, require Registered Persons to keep records and reports of transactions and positions in commodities for future delivery on any board of trade in the United States or elsewhere. Registered Persons must also keep books and records pertaining to such transactions (including daily trading records, customer records, and information concerning volume of trading) in the form and manner and for such period of time required by the Commission. All such books and records must be made available for inspection by any representative of the Commission or Department of Justice.
- b. Recordkeeping for Members of a Registered Entity. Commission Rules 1.31, 1.35 and 1.37, 17 C.F.R. §§ 1.31, 1.35, 1.37, require Members of a Registered Entity to keep records and reports of transactions and positions in commodities for future delivery and options on any board of trade in the United States or elsewhere, as well as cash commodities. Members of a Registered Entity must also keep books and records pertaining to such transactions (including daily trading records, customer records, and information concerning volume of trading) in the form and manner and for such period of time required by the Commission. All such books and records must be made available for inspection upon request by any representative of the Commission or the Department of Justice. Commission Rule 1.40, 17 C.F.R. § 1.40 requires each Member of a Registered Entity to furnish to the Commission certain reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity.
- c. Recordkeeping for Large Traders. Section 4i of the Commodity Exchange Act, 7 U.S.C. § 6i, and Commission Rules 1.31 and 18.05, 17 C.F.R. §§ 1.31, 18.05, require Large Traders to keep books and records showing, among other things, all details concerning all positions and transactions in the commodity, and in its products and by-products, whether executed through a contract for future delivery, an option contract or a cash contract, and whether such contract is executed through a board of trade, an exempt commercial market, an exempt board of trade, a foreign board of trade or an over-the-counter transaction. All such books and records, and pertinent information concerning the underlying positions, transactions or activities, must be made available for inspection in a form acceptable to the Commission upon request by any representative of the Commission.
- d. Investigations. Sections 6(c) and 8(a) of the Commodity Exchange Act, 7 U. S. C. §§ 15, 12(a), and Commission Rule 11.2, 17 C.F. .R. § 11.2, authorize the Commission to conduct investigations. In the course of any investigation or proceeding, the Commission or an officer designated by the Commission may administer oaths and affirmations, subpoena witnesses,

compel their attendance, take evidence, require production of documents, and secure voluntary statements or submissions.

2. PURPOSE OF SOLICITATION OF INFORMATION. The Commission's principal purpose in soliciting information from you is to determine whether any person has violated, is violating, or is about to violate the Commodity Exchange Act or the rules and regulations thereunder. In certain circumstances, the Commission may be obtaining information at the behest of a foreign futures authority under § 12(f) of the Commodity Exchange Act, 7 U.S.C. § 16(f).

3. EFFECT OF NOT SUPPLYING INFORMATION.

- a. Persons Directed to Provide Testimony or Produce Documents Pursuant to Subpoena. Disclosure of information to the Commission is mandatory, subject to the valid assertion of any legal right or privilege you might have. If you fail to comply with the subpoena, the Commission may seek a court order requiring you to do so. If the Commission obtains such an order and you thereafter fail to supply the information, you may be subject to civil and/or criminal sanctions for contempt.
- b. Persons Requested to Provide Information Voluntarily. There are no direct effects or sanctions for failing to provide any or all of the requested information. If you do provide information, however, you should note the sanctions for false statements and documents described above.
- c. Registered Persons. Disclosure of requested books or records is mandatory pursuant to the provisions listed in paragraph I.a. Failure to submit or make available for inspection the requested information constitutes a violation of the Commodity Exchange Act and Commission Regulations and may result in any or all of the following under Sections 6c or 6(c) of the Commodity Exchange Act, 7 U.S.C. §§ 13a-I, 9:
 - 1) Institution of an action by the Commission to enjoin such a violation or enforce compliance;
 - 2) Upon proper showing, granting of a temporary or permanent injunction or restraining order without bond;
 - 3) Upon application by the Commission, issuance of writs of mandamus or orders offering like relief commanding compliance with the Commodity Exchange Act;
 - 4) Imposition of a civil penalty of not more than \$110,000 for each violation or such higher inflation adjusted amount as provided by Regulation 143.8, 17 C.P.R. §143.8;
 - 5) At the request of Commission, institution of an action by the Attorney General;
 - 6) Prohibition of trading on or subject to the rules of a contract market;
 - 7) Suspension or revocation of registration with the Commission;
 - 8) Required payment of restitution to customers for damages proximately caused by violations;

- 9) Entry of a cease and desist order;
 - 10) Imposition of a restraining order prohibiting you from destroying, altering or disposing of, or refusing to allow authorized representatives of the Commission to inspect, when and as requested, such books, records or other documents; and
 - 11) Imposition of a restraining order prohibiting you from withdrawing, transferring, removing, dissipating or disposing of any funds, assets or other property.
4. **ROUTINE USES OF INFORMATION.** The Commission often makes its files available to other governmental agencies, particularly United States Attorneys and state prosecutors. There is a likelihood that information supplied by you will be made available to such agencies where appropriate. Whether or not the Commission makes its files available to other governmental agencies is, in general, a confidential matter between the Commission and such other government agencies. Information which you provide may be used in the routine operation of the Commission, which includes law enforcement; review of legislative and regulatory proposals, regulation of the commodity futures markets, and review of reports and documents filed with the Commission.

Specific routine uses include the following:²

- a. Information may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or its staff participates as a party or the Commission participates as amicus curiae.
- b. Information may be disclosed to the Department of Justice, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other Federal, state, local, territorial or tribal law enforcement or regulatory agencies for use in meeting their statutory and regulatory requirements.
- c. Information may be given to any "registered entity," as defined in section 1a of the Commodity Exchange Act, 7 U.S.C. 1, et seq. ("the Act"), if the Commission has reason to believe that such information will assist the registered entity in carrying out its responsibilities under the Act. Information may also be given to any registered futures association registered under section 17 of the Act (e.g., the National Futures Association) to assist it in carrying out its self-regulatory responsibilities under the Act, and to any national securities exchange or national securities association registered with the Securities and Exchange Commission to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.
- d. At the discretion of the Commission staff, information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.
- e. Information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under section 8 of the Commodity Exchange Act, 7 U.S.C. 12. Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts, some of this information might be considered personal in nature.

² See CFTC compilation of System of Record Notices, including routine uses, at 76 Fed. Reg. 5974 (Feb. 2, 2011),.

- f. Information may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, or a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.
- g. Information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.
- h. Information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."
- i. Where information, either alone or in conjunction with other information indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant information may be disclosed to the appropriate Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.
- j. Information may be disclosed to the General Services Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.
- k. Information may be disclosed to the National Archives and Records Administration for the purpose of records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.
- l. Information may be disclosed to foreign law enforcement, investigatory, or administrative authorities in order to comply with requirements set forth in international arrangements, such as memoranda of understanding.
- m. Information may be disclosed to contractors, grantees, volunteers, experts, students, and others performing or working on a contract, service, grant, cooperative agreement, or job for the Federal government when necessary to accomplish an agency function.
- n. Information may be disclosed to the Merit Systems Protection Board, including the Office of Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems.
- o. Information may be disclosed to the Department of Justice or in a proceeding before a court, adjudicative body, or other administrative body which the agency is authorized to appear, when:
 - i. the agency, or any component thereof; or
 - ii. any employee of the agency in his or her official capacity; or
 - iii. any employee of the agency in his or her official capacity where the Department of Justice or the agency has agreed to represent the employee; or
 - iv. the United States, when the agency determines that litigation is likely to affect the agency or any of its components;is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.
- p. Information may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, or at the request of, the individual who is the subject of the record.

- q. Information related to any traders or the amount or quantity of any commodity purchased or sold by such traders may be disclosed to any committee of either House of Congress upon its request, acting within the scope of its jurisdiction, pursuant to the Commodity Exchange Act, 7 U.S.C. 1 et seq., including Section 8(e) of such Act at 7 U.S.C. 12, and the rules and regulations promulgated thereunder.
- r. Information may be disclosed to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.
- s. Information may be disclosed to appropriate agencies, entities, and individuals when:
 - i. the Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
 - ii. the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Commission or another agency or entity) that rely upon the compromised information; and
 - iii. the disclosure made to such agencies, entities, and individuals is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

FREEDOM OF INFORMATION ACT

The Freedom of Information Act, 5 U.S.C. § 552, ("FOIA") and the Commission's rules pursuant thereto, 17 C.F.R. Part 145, generally provide for disclosure of information to the public, unless information falls within a specified exemption. Commission Rule 145.9, 17 C.F.R. § 145.9, establishes the procedure by which you may request that certain sensitive information not be disclosed pursuant to a FOIA request.

INFORMAL PROCEDURE RELATING TO THE RECOMMENDATION OF ENFORCEMENT PROCEEDINGS

As a result of facts gathered in an investigation, the Division of Enforcement may decide to propose an enforcement action against one or more individuals. Under the Informal Procedure Relating to the Recommendation of Enforcement Proceedings,³ the Division of Enforcement, in its discretion, may inform persons to be named in such actions of the nature of the allegations pertaining to them. The Division may also, in its discretion, advise such persons that they may submit a written statement before the consideration by the Commission of any staff recommendation for the commencement of the proceeding. Unless otherwise provided, such written statements must be submitted within 14 days after persons are informed by the Division of Enforcement of the nature of the allegations pertaining to them.

SMALL BUSINESS REGULATORY AND ENFORCEMENT FAIRNESS ACT

Your comments are important. If you wish to comment on the enforcement or regulatory actions of the Commodity Futures Trading Commission, please call the Small Business Liaison in the Office of General Counsel at (202) 418-5120. You may also wish to contact the Small Business and Agriculture Regulatory Enforcement Ombudsman, or one of the 10 Regional Fairness Boards, which were established by the

³ The Informal Procedure has been adopted as Appendix A to Part 11 of the Commission's Regulations, 17 C.F.R. Part 11, Appendix A. Appendix A more fully sets forth the substantive and procedural provisions of the Informal Procedure.

Small Business Regulatory and Enforcement Fairness Act. The Ombudsman and Boards receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to contact the Ombudsman to comment on the enforcement actions of the CFTC, please call 1-888-REG-FAIR (1-888-7343247).

Files Uploaded

You have successfully uploaded the following 1 file:

Kraken Complaint .pdf

In October 2016, I opened an online cryptocurrency account with Kraken Bitcoin Exchange. I've been buying cryptocurrencies ever now and then up until June 2017. I had no issues or concerns when I transferred money to the account in the past.

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

On July 3, I contacted Kraken customer support and reported that the (b)(6); (b)(7)(C) had not been transferred to my bank account. The request number for this trouble ticket was (b)(6); (b)(7)(C). On July 5, a person name (b)(6); (b)(7)(C) emailed me (b)(6); (b)(7)(C) is with Kraken's Client Engagement Team.

(b)(6); (b)(7)(C) told me in her email that Kraken was unable to verify my bank account number, so the (b)(6); (b)(7)(C) was credited back to my Kraken account. I checked my Kraken account balance to see if the (b)(6); (b)(7)(C) had been credited back to my Kraken account, and it hadn't.

On July 7, I emailed Kraken customer support to ask them about the status of the (b)(6); (b)(7)(C) from the June 2017 wire transfer and the (b)(6); (b)(7)(C) from the May 2017 wire transfer. No one responded to my request as of July 14, 2017, so I contacted Kraken again on July 14, 2017. I also checked the balance of my Kraken and personal bank accounts on July 14, 2017. The (b)(6); (b)(7)(C) hasn't been credited back to my Kraken account.

On July 5, 2017, (b)(6); (b)(7)(C) from the Kraken Client Engagement Team contacted me and stated the (b)(6); (b)(7)(C) was returned due to Kraken inability to verify my bank account information. In the same email, (b)(6); (b)(7)(C) asked me to check my bank account information associated with my Kraken account.

I attempted to verify my bank account information linked to my Kraken account, but I was unable to do so on the Kraken website. I asked (b)(6); (b)(7)(C) to provide me with information on how to verify the bank information. As of October 14, 2017, no one has contacted me to assist me with the verification.

On July 28, 2017 (b)(6); (b)(7)(C) from the Kraken Client Engagement Team contacted and advised that the (b)(6); (b)(7)(C) would be credited back to my Kraken account no later than the beginning of the week of July 30 thru August 5. As of October 2017, Kraken has not credited the (b)(6); (b)(7)(C) back to my Kraken account nor has Kraken moved the money to my bank account.

I also have (b)(6); (b)(7)(C) cash balance in the Kraken account that I want to transfer out of the Kraken account, but I'm afraid to because of the unresolved issue involving the (b)(6); (b)(7)(C)

On May 19, 2017, I wired (b)(6); (b)(7)(C) from my bank account to my Kraken account so that I could purchase some cryptocurrency. I got concerned when the transaction was still pending on June 1, 2017, because the (b)(6); (b)(7)(C) had been debited from my personal bank account.

At that time, I contacted Kraken customer support. I told customer support that the transaction was pending according to my Kraken account. I said that I might have made a mistake or something.

On June 7, 2017, Charla from the Kraken Client Engagement Team contacted me via email. She asked me to send proof that I wired (b)(6); (b)(7)(C) from my personal bank account to my Kraken account. I had to contact

my bank to obtain the details of the (b)(6); (b)(7)(C) wire transfer because I was unable to do so by logging into my bank account.

On June 23, I emailed Kraken Customer Support a screenshot of the (b)(6); (b)(7)(C) wire transfer made from my personal bank account to my Kraken account.

The (b)(6); (b)(7)(C) has not been deposited into my Kraken account as of October 14, 2017. The (b)(6); (b)(7)(C) has not been credited back to my personal bank account as of October 14, 2017. No one has answered to my request since (b)(6); (b)(7)(C) responded on June 7, 2017.

On August 4, 2017, I filed a complaint with the Better Business Bureau in the San Francisco, California area. On August 24, 2017, the agency contacted me and advised that Kraken didn't respond to the complaint.

The Better Business Bureau suggested I contact the attorney general's office. Sometime during August 2017, I filed a complaint with the California Attorney General's Office.

On September 1, 2017, (b)(6); (b)(7)(C) contacted me via email to inform me that the attorney general's office advised filing a complaint with your agency.

548 Market St # 39656
San Francisco, CA 94104
US
+1-800-276-6048
<https://www.kraken.com/>

support@kraken.com



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection

October 25, 2017

(b)(6); (b)(7)(C)

RE: File (b)(6); (b)(7)(C) (Refer to this number when contacting our agency)
Kraken Bitcoin Exchange
548 Market St Ste 39656
San Francisco CA 94104-5401

Dear (b)(6); (b)(7)(C):

Thank you for submitting your complaint about Kraken Bitcoin Exchange.

The laws dealing with this issue are enforced by the agency listed below, so we are forwarding your complaint directly to them:

Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Phone: 202-418-5000

You may contact them directly for information about your complaint.

Sincerely,

Chris Olsen
Consumer Protection Investigator
Mediation Unit
Bureau of Consumer Protection
Email: Christopher.Olsen@wisconsin.gov

C. Commodity Futures Trade Commission

Agriculture generates \$88 billion for Wisconsin

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • Wisconsin.gov

An equal opportunity employer

General Consumer Complaint

Your Information

Salutation
First Name
Last Name
Address Line 1
City
State
Zip
Home Phone

(b)(6); (b)(7)(C)

Phone me between 8-4 at
Best time to call

Home
any

Information about the person or business your complaint is against:

Business Name Kraken Bitcoin Exchange
Address Line 1 548 Market St Ste 39656
City San Francisco
State CA
Zip 94104-5401
San Francisco
Business Phone (650)434-2889
Email support@kraken.com
Website www.kraken.com

Name of the person you talked to
Title of the person you talked to

(b)(6); (b)(7)(C)

Kraken Client Engagement

Your Complaint

Beginning August 17, 2017, because I switched ISPs, I found that the e-mail address with which I had signed at kraken.com was no longer functional. In order to change the e-mail address associated with my Kraken account, their system requires entering two different codes, one sent to the 'current' address and one sent to the address to which you would like to switch. The 'current' address associated with my Kraken account cannot receive e-mails, and Kraken knows this. Yet after almost two dozen back-and-forth e-mail exchanges (using one of my alternative, functional addresses) over more than two months, they have done nothing. Of the original Kraken Support Requests concerning this matter (b)(6); (b)(7)(C) only Support Request (b)(6); (b)(7)(C) remains open. Kraken appears to have 'consolidated' my Support Requests, but nothing substantive has been done about the underlying issue. The unpublished phone number I found for Kraken is a very sketchy Google Voice account with no live response, only an outgoing message. I have not yet tried snail-mailing the physical address I found in my Web search. Kraken has effectively frozen my account. I cannot move my funds currently held hostage at Kraken without e-mail verification. (Public Account ID: (b)(6); (b)(7)(C)) I cannot verify via e-mail if they persist in trying to send to a non-existent address. A Web search reveals that Kraken customer service has a very poor reputation:

https://www.reddit.com/r/BitcoinMarkets/comments/64c610/how_to_get_kraken_customer_service_to_respo
That reddit thread leads to what sounds like a potentially promising solution:
<https://www.reddit.com/r/KrakenSupport/submit?selftext=true> But this is what the text there says: "We will be filtering (and not responding to) all posts and comments in the r/krakensupport subreddit until further notice."
They instead urge customers to go to: <https://goo.gl/forms/2VolutBY6HBGJRA3> I did so (see attached screenshot).

Information About Your Complaint

Details about the Incident

Which of the following best describes your first contact with the business?*

Internet

If other, describe the other method of contact.

If printed ad, when was it printed?

If printed ad, where was it printed?

When did the first contact occur?

07/23/2017

How old is the person who had contact with the business?

(b)(6);
(b)(7)(C)

What product or service did you buy?

cryptocurrency exchange services

Was it advertised?

No

Date advertised?

Where advertised?

Did you sign a contract / agreement?

Yes

Date Contract Signed

07/23/2017

Number on Contract, Policy or Receipt

Public Account ID (b)(6); (b)(7)(C)

Where were you when you signed the contract?

home

Payment Information

Amount Paid

(b)(6);
(b)(7)(C)

Payment Method

Money Transfer (wired/online)

Description of Payment Method (if "Other")

Where did you pay the business?

Other

Description of Payment Location

bank wire transfer

Interactions with the Business

Did you contact the business about your complaint?

Yes

When did you contact the business?

08/17/2017

I received more than a dozen automated or human-generated-yet-scripted e-mail replies to my Support Requests, either threatening to close (automated threatened this) or asking me to retrace all the details of my issue. Because Kraken's 'responses' to original Support Request (b)(6); (b)(7)(C) were to my dead e-mail address, I wasn't able to read what they were saying. Eventually, I thought to search their Support site after logging in and discovered on Sept. 4 they had been 'responding' to # (b)(6); (b)(7)(C)

What happened when you contacted the business?

Resolution Information

Have you filed this complaint with another agency? No

Agency name

What happened when you contacted the other agency?

Have you contacted a private attorney? No

Have you started court action? No

How do you feel this complaint should be resolved?*

Kraken needs to make my funds available to me, and the easiest way for them to do this is to change my 'current' e-mail address from (b)(6); (b)(7)(C) to (b)(6); (b)(7)(C) I have asked them countless times to do this, and in Andy's final response on Sept. 11 to Support Request (b)(6); (b)(7)(C) he wrote: "We requested to initiate email delivery change in your Kraken account in order to have documented it in our system." "Now I am passing this case to our email change team. Email address for this account (b)(6); (b)(7)(C) will be changed to (b)(6); (b)(7)(C) But nothing has happened, a month and a half later.

Request (b)(6);
(b)(7)(C)

never received your e-mail confirming my entry of cryptocurrency withdrawal address

Kraken User August 17, 2017 21:40

Because my Ledger Nano S will not work on this Linux machine, I had to become specially equipped on a new Windows machine. This entails much switching back and forth between machines for me to try to get anything done with your withdrawal address confirmation process. Regardless of all of that, your promised confirmation e-mail never arrived. I see it listed at the top of the history log for (b)(6); (b)(7)(C)

Date Description

- 08/17/2017 19:33 -0500 Received Message from noreply@kraken.com
- 08/04/2017 18:02 -0500 Received Message from noreply@kraken.com
- 08/02/2017 23:21 -0500 Received Message from noreply@kraken.com
- 08/01/2017 08:19 -0500 Received Message from noreply@email.kraken.com
- 07/28/2017 15:15 -0500 Received Message from noreply@email.kraken.com
- 07/24/2017 14:38 -0500 Received Message from noreply@kraken.com
- 07/23/2017 14:33 -0500 Received Message from noreply@kraken.com
- 07/23/2017 14:01 -0500 Received Message from noreply@kraken.com
- 07/23/2017 13:59 -0500 Received Message from noreply@kraken.com

I have since sent a test message to myself to verify that the e-mail address is working and valid.

What am I supposed to do if I don't have your e-mail?

(b)(6);
(b)(7)(C) August 18, 2017 09:51

Hi there,

I'm going to send this to a specialist to diagnose any potential issues on our end. We'll be in touch with an update as soon as possible.

Best,

(b)(6);
(b)(7)(C)

Kraken Client Engagement

Remember to secure your account with two-factor authentication.



(b)(6);
(b)(7)(C) August 22, 2017 09:09

Hi,

I'm (b)(6);
(b)(7)(C) from Kraken Client Engagement team. Thank you for reaching out!

Email delivery works fine from our side and we receive successful confirmation from your email server. Please address the issue to your email provider and check your SPAM folder.

Please, let us know if there's anything else we can assist you with. And have a good day!

Regards,

(b)(6);
(b)(7)(C)

Kraken Client Engagement

Remember to secure your account with two-factor for login.

Kraken User September 04, 2017 21:27

I cannot "address the issue to [my] email provider" because Gmail has no customer service, whatsoever, and att.net has only a sham standing in for phone-based customer service that never resolves anything (believe me, I tried, wasting hours on the phone with them regarding just this sort of issue), and there's nothing in any SPAM folder anywhere. I never received your Aug. 22 response or any sort of automated confirmation of my Request (b)(6);
(b)(7)(C) e-mailed to (b)(6);
(b)(7)(C) (b)(6); (b)(7)(C) and only today did I think to bang around Kraken's support system to see if any record of my original complaint existed.

In other words, do NOT send anything to (b)(6); (b)(7)(C) if you expect me to be able to read what you are writing. Stop it!

Instead, send to (b)(6); (b)(7)(C) (I prefer the latter.) Those are your options. The address (b)(6); (b)(7)(C) is a dead end.

So, no, e-mail delivery does NOT work fine from your side...especially not as I see bounces were recorded in the Spamex.com log for many of your 'send' attempts to (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) That does not constitute "working fine" from anybody's realistic, informed perspective.

What I'd like to know is, how can you assume I received your response? It never came through to me via (b)(6); (b)(7)(C) the address originally associated with my Kraken account at time of sign-up. I had to search like crazy to find what you wrote here.

This is just nuts...your system's two-address confirmation method for changing the address is tantamount to killing my account. I can't do anything at Kraken without the ability to receive confirmation e-mails.

FIX THIS.



(b)(6); (b)(7)(C) September 07, 2017 05:06

Hi (b)(6); (b)(7)(C)

Please choose one email address and initiate an email change in your Kraken account. In case you do not receive a confirmation email, please write us back.

Thank you for your patience. And have a good day!

Regards,

(b)(6); (b)(7)(C)

Kraken Client Engagement

Remember to secure your account with two-factor for login.

• **Kraken User** September 09, 2017 02:0

I did. And I didn't.

As has been the case the entire time (since Aug. 17, the date of this support request) during which I've been trying to get Kraken to address the problem, I initiated an e-mail change and I didn't receive the message that goes to the old address. BECAUSE THE OLD ADDRESS EFFECTIVELY NO LONGER EXISTS. I don't know how many ways to say what should be perfectly obvious, by this point, because I have said it countless times in countless support

requests.

I did what you said. Again. As I've done before, many times. Nothing is the result as regards the two-address confirmation process, because the "current e-mail address" simply does not exist anywhere but in Kraken's frickin' imagination.

The codes sent to (b)(6); (b)(7)(C) (below) are useless to me, because you also require the impossible...that the "current e-mail address" (b)(6); (b)(7)(C) rise from the dead and be able to receive the other code.

----- Original Message -----

Subject: Kraken Alert: E-mail update request

Local Time: September 9, 2017 1:50 AM

UTC Time: September 9, 2017 6:50 AM

From: (b)(6); (b)(7)(C)

To: (b)(6); (b)(7)(C)

Hi,

A request has been made to change the email addresss associated with your Kraken account.

If this is what you want to do, please log into your account and enter this confirmation code:

(b)(6); (b)(7)(C)

You must also enter the authorization code sent to your old e-mail address.

The IP recorded for this action was (b)(6); (b)(7)(C)

If you didn't request this action, your account may be compromised and you should do the following:

- 1) log into <https://www.kraken.com> immediately and change your account password;
- 2) create a new set of two-factor authentications;
- 3) create a support ticket letting our support staff know about the incident:

<https://support.kraken.com>

Thanks,

The Kraken Team

----- Original Message -----

Subject: Kraken Alert: E-mail update request

Local Time: August 28, 2017 3:11 PM

UTC Time: August 28, 2017 8:11 PM

From: noreply@kraken.com

To: (b)(6); (b)(7)(C)

Hi,

A request has been made to change the email addresss associated with your Kraken account.
If this is what you want to do, please log into your account and enter this confirmation code:

(b)(6); (b)(7)(C)

You must also enter the authorization code sent to your old e-mail address.

The IP recorded for this action was (b)(6); (b)(7)(C)

If you didn't request this action, your account may be compromised and you should do the following:

- 1) log into <https://www.kraken.com> immediately and change your account password;
- 2) create a new set of two-factor authentications;
- 3) create a support ticket letting our support staff know about the incident:

<https://support.kraken.com>

Thanks,

The Kraken Team

----- Original Message -----

Subject: Kraken Alert: E-mail update request

Local Time: August 23, 2017 8:47 PM

UTC Time: August 24, 2017 1:47 AM

From: noreply@kraken.com

To: (b)(6); (b)(7)(C)

Hi,

A request has been made to change the email addresss associated with your Kraken account.
If this is what you want to do, please log into your account and enter this confirmation code:

(b)(6); (b)(7)(C)

You must also enter the authorization code sent to your old e-mail address.

The IP recorded for this action was (b)(6); (b)(7)(C)

If you didn't request this action, your account may be compromised and you should do the following:

- 1) log into <https://www.kraken.com> immediately and change your account password;
- 2) create a new set of two-factor authentications;
- 3) create a support ticket letting our support staff know about the incident:

<https://support.kraken.com>

Thanks,

The Kraken Team

----- Original Message -----

Subject: Kraken Alert: E-mail update request

Local Time: August 23, 2017 8:22 PM

UTC Time: August 24, 2017 1:22 AM

From: noreply@kraken.com

To: (b)(6); (b)(7)(C)

Hi,

A request has been made to change the email addresss associated with your Kraken account.

If this is what you want to do, please log into your account and enter this confirmation code:

(b)(6); (b)(7)(C)

You must also enter the authorization code sent to your old e-mail address.

The IP recorded for this action was (b)(6); (b)(7)(C)

If you didn't request this action, your account may be compromised and you should do the following:

- 1) log into <https://www.kraken.com> immediately and change your account password;
- 2) create a new set of two-factor authentications;
- 3) create a support ticket letting our support staff know about the incident:
<https://support.kraken.com>

Thanks,

The Kraken Team



(b)(6); (b)(7)(C) September 11, 2017 09:14

Hi (b)(6); (b)(7)(C)

Thank you for the message. We requested to initiate email delivery change in your Kraken account in order to have documented it in our system.

Now I am passing this case to our email change team. Email address for this account (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) will be changed to (b)(6); (b)(7)(C)

Thank you for your patience. And have a good day!

Regards,

(b)(6); (b)(7)(C)

Kraken Client Engagement

Remember to secure your account with two-factor for login.

(b)(6); (b)(7)(C) September 11, 2017 13:12

Thank you!

(And when this fix actually goes through, we can consider Request (b)(6); (b)(7)(C) and related Request #s (b)(6); (b)(7)(C) as closed...not yet, though.)

Sent from (b)(6); (b)(7)(C)

> ----- Original Message -----

> Subject: [Kraken Support] Update: never received your e-mail confirming my entry of cryptocurrency withdrawal address

> Local Time: September 11, 2017 2:14 PM

> UTC Time: September 11, 2017 2:14 PM

> From: support@kraken.com

> To: Brek Renzelman (b)(6); (b)(7)(C)

Kraken User September 24, 2017 21:27

It's been two weeks since "requested to initiate email delivery change in your Kraken account" and "passing this case to our email change team." How much longer is this process going to take? Nothing that I can see has changed.

Kraken User October 06, 2017 22:02

It's been nearly two months since I alerted you folks to the problem. You still have not removed the dead e-mail address originally associated with my account. I am done. You will be hearing from my lawyer.



(b)(6);
(b)(7)(C) Today at 15:12

Hi,

I realize this seems to be an incredibly long wait and you're anxious to get back to trading but whenever there is an email change request in which the account holder is unable to complete on his/her own, the process can be lengthy.

You have completed the requirements and now please exercise patience while our Program manager reviews and exchanges your information to your new email. You are in the queue and this may take a considerable amount of time. Since you have access to your account I recommend securing your account with a (b)(6);
(b)(7)(C) for trading so no funds can be removed without your consent. As soon as it is complete you will be notified of the change. Thank you for understanding.

Best regards,

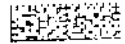
(b)(6);
(b)(7)(C)

Kraken Client Engagement



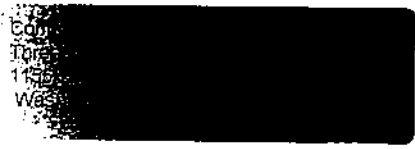
Department of Agriculture,
 Trade and Consumer Protection
 2811 Agriculture Drive
 PO Box 5911
 Madison WI 53708-8911

US POSTAGE \$000.65-

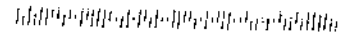
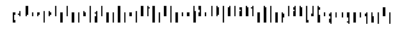


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*C. Ruzi
 ENF*



313653496 1A02-85 20581





U.S. Securities and Exchange Commission
TCR Summary - TC-680313

(b)(6); (b)(7)(C)

Submitted By: GENERAL PUBLIC
Subject Type: Firm
Product Type: Other
Allegation Category: Other
Nature of Complaint: Manipulation
TCR Source ID:
TCR Source:
Allegation Information:

Kraken bitcoin exchange, kraken.com , kraken San Francisco .They manipulate the exchange prices of online currency called bitcoin to usd. They also do insider trading activities to change and manipulate of the price. they call them exchange but they also do margin trading and leverage by using USD. They block customers to access their website by closing their server access to specific users when users are shorting or going long with their margin account. Since customers can not access their accounts to close their positions, they loose money and Kraken exchange makes money by blocking customer access and liquidate customer positions.

Questionnaire:

Tell us about your complaint

Please select the option that best describes your complaint

Manipulation of a security

Please select the specific category that best describes your complaint

Other

Please provide more information:

Kraken Bitcoin Exchange

Provide additional details about your complaint:

Kraken bitcoin exchange, kraken.com , kraken San Francisco .They manipulate the exchange prices of online currency called bitcoin to usd. They also do insider trading activities to change and manipulate of the price. they call them exchange but they also do margin trading and leverage by using USD. They block customers to access their website by closing their server access to specific users when users are shorting or going long with their margin account. Since customers can not access their accounts to close their positions, they loose money and Kraken exchange makes money by blocking customer access and liquidate customer positions.



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

Are you having or have you had difficulty in getting access to your funds or securities?

Yes

Did you suffer a loss?

Yes

Enter amount of loss to nearest dollar without characters (e.g., 15000, not \$15,000.00):

(b)(6);
(b)(7)(C)

When did you become aware of the alleged conduct? (mm/dd/yyyy)

11/18/2017

When did the alleged conduct begin? (mm/dd/yyyy)

09/10/2017

Is the alleged conduct ongoing?

Yes

Has the individual or firm acknowledged the alleged conduct?

Unknown

What is the source of your information? You may select more than one

Account Statements

Conversations

Social media (e.g., Facebook, Twitter, blogs, chat rooms, and electronic communities of interest)

Have you taken any action regarding your complaint? You may select more than one

None

Resolution checklist

Who are you complaining about?

Are you complaining about an individual or a firm?

Firm

Select the title that best describes the individual or firm that you are complaining about:

Exchange

If you are complaining about an entity or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual?

Yes

Firm Name:



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

Kraken

Telephone:

Website:

<https://www.kraken.com/>

Identifier Type:

Unknown

Are you or were you associated with the individual or firm when the alleged conduct occurred?

Unknown

How are you or were you associated with the individual or firm you are complaining about?

I was a customer and I lost money. My friends and other people online had the same experience with this company Kraken exchange. They do not share their business address with their customers.

Resolution checklist

Products involved

Select the type of product involved in your complaint:

Other

Please select the category that best describes your security product:

Other

For other, please provide more information:

Bitcoin and cryptocurrency

Enter the security/ticker symbol if known:

XBT

Enter the product name(s):

Bitcoin

About you

***Are you submitting this tip, complaint or referral pursuant to the SEC's whistleblower program?**

No

***Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful.**

Yes



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

****Are you represented by an attorney in connection with your submission?**

No

Submitter Information

****Last Name:**

Anonymous User1

Attorney Information

(required if submitting information anonymously and seeking to be eligible for an award under the whistleblower program)

Resolution checklist

Whistleblower Declarations



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

800 Fifth Avenue, Suite 2000 • Seattle, WA 98104-3188 • (206) 464-6684

July 10, 2020

US Commodity Futures Trading Commission/CFTC
Three Lafayette Centre
1155 21st St NW
Washington, DC 20581

RE: Payward Ventures Inc dba Kraken

File #: (b)(6)
[REDACTED]

Dear US Commodity Futures Trading Commission/CFTC:

Enclosed, please find information our office received as a consumer complaint. We are processing it through our Informal Complaint Resolution (ICR) service. We are forwarding you a copy for your information because it may include information of interest to your agency.

If you have questions about this complaint, please contact the Consumer Resource Center by email at CRC@ATG.WA.GOV. Please include the complaint number given above on any correspondence to our office.

Sincerely,

CHRISTOPHER KIEFER
Consumer Protection Specialist
Consumer Protection Division
1-800-551-4636 for in-state callers
1-206-464-6684 for out-of-state callers

Enclosure(s)

COMPLAINT SUMMARY

Consumer Information

Name:

(b)(6); (b)(7)(C)

Address:

(b)(6); (b)(7)(C)

Day Phone:

(b)(6); (b)(7)(C)

Evening Phone:

E-mail Address:

(b)(6); (b)(7)(C)

Age Group (optional):

Not Specified

Are you a member or former member of the U.S. Armed Forces, Guard, Reserves or a dependent? (optional):

No

If English is not your first language, what is your first language?

Do you want the Attorney General's Office to send this business a copy of your complaint?

Yes

Business Information

Name of business that I am complaining about:

Payward Ventures Inc dba Kraken

Address:

237 Kearny St #102

San Francisco, CA 94108

Phone:

Email:

Names and contact information of any other businesses involved in your complaint:

About Your Complaint

Amount in Dispute:

Transaction Date:

Explain your complaint in detail:

Company is soliciting and collecting user details even though they do not offer service my area (Washington state).

I was misled into providing my name and contact information, social security number, bank balance and account numbers, and high resolution scans of my drivers license.

Company has refused my request to delete the user details provided.

SIGNATURE

I acknowledge that my complaint and attachments, once submitted, become public records and may be disclosed to others in response to a Public Records Request. Complaint information received by this office will be exported into the FTC's database, Consumer Sentinel, a secure online database. This data is then made available to thousands of civil and criminal law enforcement authorities worldwide.

I declare, under penalty of perjury under the laws of the State of Washington, that the information contained in this complaint is true and accurate, and that any documents attached are true and accurate copies of the originals.

I authorize the Washington State Attorney General's Office to contact the party(ies) against which I have filed this complaint in an effort to reach an amicable resolution. I authorize the party(ies) against which I have filed this complaint to communicate with and provide information related to my complaint to the Washington State Attorney General's Office. By selecting NO below, I acknowledge that the Attorney General's Office will not contact the party(ies) named in my complaint and will not attempt to facilitate resolution of my complaint with the party(ies). My complaint will be kept by the Attorney General's Office for informational purposes.

Signature (b)(6); (b)(7)(C) **Date** 6/30/20

Received via the Internet

City and State where signed Seattle, WA



COMPLAINT FORM

UNITED STATES COMMODITY FUTURES TRADING COMMISSION

SUBMISSION INFORMATION	
Confirmation Number (b)(6); (b)(7)(C)	Submission Received (b)(6); (b)(7)(C)
1. WHICH CATEGORY(IES) BEST DESCRIBE YOUR COMPLAINT	
<input type="checkbox"/> A. Fraudulent representations that persuaded you to trade futures, options, swaps, forex, or leveraged transactions.	
If a rate of return was promised to you, what was the rate of return? <input type="checkbox"/> Annual <input type="checkbox"/> Monthly <input type="checkbox"/> Other periodic basis	
Were promised that the risk of loss trading futures was limited? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Were you offered a money back guarantee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Were you told something about the experience of the person(s) trading your funds that you later found out was untrue? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, what were you told?	
If none of the above, describe what you were told that you now believe to be untrue.	
Are there other potential victims that you know of? Please identify.	
Did the conduct occur within the United States? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If not, where did it occur?	
<input checked="" type="checkbox"/> B. Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).	
Have you asked for the return of your funds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
To your knowledge, are there any funds remaining? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If so, how much?	
Do you know the name of the futures commission merchant that processed the trades? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please identify.	

Confirmation Number
(b)(6); (b)(7)(C)

Submitted
(b)(6); (b)(7)(C)

PAYWARD LTD KRAKEN

Are there other potential victims that you know of?

Yes No

Please identify.

Did the conduct occur within the United States?

Yes No

If not, where did it occur?

(b)(6); (b)(7)(C)

C. Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Describe the conduct that you believe requires the person or firm to be registered under the CEA.

Did the conduct occur within the United States?

Yes No

If not, where did it occur?

D. Disruptive or manipulative trading activity in the futures, options or swaps markets.

What is the source of your belief that someone or some entity has engaged in either a disruptive trading practice or manipulative activity?

On what days, and if you know, what time of day, did the alleged conduct occur?

On what exchange or market did the activity occur?

What prices, if any, were affected by the alleged conduct?

Did the conduct occur within the United States?

Yes No

If not, where did it occur?

E. The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Was the confidential information held or created by the Federal Government?

Yes No

If yes, which of the following apply:

Did the Federal Government generally disseminate the information prior to the alleged trading activity?

Yes No

Did a Federal employee or agent use the information to trade a futures contract, an options contract, or a swap?

Yes No

Did a Federal employee or agent provide the confidential information to someone else that this other person could trade a futures contract, an options contract, or a swap?

Yes No

Did someone steal the confidential information and use it to trade a futures contract, an options contract or a swap?

Yes No

Did the confidential information belong to a person or a firm?

Yes No

If yes, identify that person or firm with contact information.

Did the conduct occur within the United States?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If not, where did it occur?			
<input checked="" type="checkbox"/> F. Complaint does not fit into any of the above-described categories.			
Please describe.			
Account opened at PAYWARD LTD KRAKEN by scammers to divert money to tax havens			
2. Have you suffered a monetary loss?			
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, describe how much.			
(b)(6); (b)(7)(C) that existed in the PAYWARD LTD KRAKEN account.			
3. When did the alleged conduct occur?			
Between May and September 2020			
4. Is the conduct on-going?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Has the individual or firm who engaged in the conduct acknowledged their fault?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, select the appropriate category:			
<input type="checkbox"/> Prior complaint to the CFTC			
<input type="checkbox"/> Complaint to another regulator			
<input type="checkbox"/> A state or federal criminal law enforcement entity.			
<input type="checkbox"/> A legal action filed against the person or firm in a court of law.			
Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court)			
7. Provide a brief description about what you are complaining about.			
Kraken allowed scammers to open an account to facilitate shipping to tax havens			
2. TELL US ABOUT THE INDIVIDUAL AND/OR FIRM YOU ARE COMPLAINING ABOUT			
INDIVIDUAL/FIRM 1			
1. Type		Individual/Firm Name	
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Firm		(b)(6); (b)(7)(C)	
Title that best describes what you are complaining about			
Other			
If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown			
2. Individual/Firm Street Address		Suite/Apartment/Unit #	
3. City	State/Province	ZIP/Postal Code	Country
(b)(6); (b)(7)(C)			
4. Home Phone	Work Phone	Mobile Phone	Other Number
5. E-mail Address		Website Address	

6. Are you or were you associated with the individual or firm when the alleged conduct occurred? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown			
7. How are you or were you associated with the individual or form you are complaining about? Describe What was the initial form of contact between you and the person against whom you are filing this complaint? Other			
If Other, please explain I was not aware of PAYWARD LTD KRAKEN. Some scammers opened an account, pretending it was me, to make deposits in the KRAKEN account and then divert them to tax havens. Kraken does not have any international financial control and facilitates money, currency or cryptocurrency laundering			
INDIVIDUAL/FIRM 2			
1. Type <input type="checkbox"/> Individual <input type="checkbox"/> Firm		Individual/Firm Name	
Title that best describes what you are complaining about			
If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
2. Individual/Firm Street Address Payward Ventures, Inc. 237 Kearny Street #102 San Francisco, CA 94108		Suite/Apartment/Unit #	
3. City San Francisco	State/Province California	ZIP/Postal Code 94108	Country
4. Home Phone	Work Phone	Mobile Phone	Other Number
5. E-mail Address support@kraken.com		Website Address www.kraken.com	
6. Are you or were you associated with the individual or firm when the alleged conduct occurred? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown			
7. How are you or were you associated with the individual or form you are complaining about? Describe I was not aware of PAYWARD LTD KRAKEN. Some scammers opened an account, pretending it was me, to make deposits in the KRAKEN account and then divert them to tax havens. Kraken does not have any international financial control and facilitates money, currency or cryptocurrency laundering			
What was the initial form of contact between you and the person against whom you are filing this complaint? Other			
If Other, please explain I was not aware of PAYWARD LTD KRAKEN. Some scammers opened an account, pretending it was me, to make deposits in the KRAKEN account and then divert them to tax havens. Kraken does not have any international financial control and facilitates money, currency or cryptocurrency laundering			
3. TELL US ABOUT YOU			
Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
SUBMITTER SECTION 1			
Title <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.			
First Name	Middle Initial	Last Name	

(b)(6); (b)(7)(C)

Are you represented by an attorney in connection with your submission?

Yes No

SECTION 4. TELL US ABOUT THE INSTRUMENTS INVOLVED IN YOUR COMPLAINT

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A foreign currency transaction.

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

Yes No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

Yes No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

Yes No

A cash (or physical) contract traded in interstate commerce?

Files Uploaded

No Files Uploaded

U.S. COMMODITY FUTURES TRADING COMMISSION
WASHINGTON, D.C. 20581

Statement to Persons Providing Information about Themselves to
the Commodity Futures Trading Commission

This document sets forth your legal rights and responsibilities as a person requested to supply information about yourself voluntarily, as a person with recordkeeping obligations under the Commodity Exchange Act or CFTC regulations or as a person directed to provide sworn testimony or produce documents pursuant to a subpoena of the Commodity Futures Trading Commission. When applicable, this statement also provides important information about the deposition process for persons providing testimony. Unless stated otherwise, the information below applies whether you are providing information voluntarily, pursuant to the recordkeeping obligations of a registrant, or pursuant to subpoena.

FALSE STATEMENTS AND DOCUMENTS

Any person who knowingly and willfully makes false or fraudulent statements, whether under oath or otherwise, or who falsifies, conceals or covers up a material fact, or submits any false writing or document, knowing it to contain false, fictitious or fraudulent information, is subject to the criminal penalties set forth in 18 U.S.C. § 1001 which include imprisonment of not more than five years, imposition of a substantial fine under the Federal Sentencing Guidelines, or both.

It shall also be unlawful for any person to make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading, as set forth in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §753, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 9, 15.

PRIVACY ACT STATEMENT

The collection, maintenance, and disclosure of this information is governed by the Privacy Act of 1974 (5 U.S.C. § 552a).

1. **PURPOSE**

The information provided will assist the Commodity Future Trading Commission (“CFTC” or “Commission”) with determining whether any person has violated, is violating, or is about to violate the Commodity Exchange Act (the “Act”) or the regulations promulgated thereunder (the “Regulations”).

2. **AUTHORITY**

The Commission has authority to collect this information pursuant to one or more sections of the Act and the Regulations, including 7 U.S.C. §§ 9, 12, 13a-1, 16(f) and 17 C.F.R. §§ 11, 12.

3. **ROUTINE USES**

The information will be maintained and any disclosures will be made in accordance with the Commission's Privacy Act system of records notices (SORNs) CFTC-10, *Investigatory Records* available at 76 FR 5973, and CFTC-16, *Enforcement Case Files* available at 76 FR 5973. The Commission, where appropriate, makes files available to other governmental agencies, particularly the Department of Justice, the Securities & Exchange Commission, and state prosecutors. Information you provide also may be used in the routine operation of the Commission, which includes law enforcement, review of legislative and regulatory proposals, regulation of the commodity futures and swaps markets, and review of reports and documents filed with the Commission. A complete set of blanket routine uses for Commission SORNs is published in the *Federal Register* at 76 FR 5974 (Feb. 2, 2011).

4. EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the requested information to the Commission is voluntary on your part. There are no direct effects or sanctions for failing to provide any or all of the requested information. If you do provide information, however, you should note that knowingly and willfully making false or fraudulent statements to the Commission is subject to the criminal penalties set forth in 18 U.S.C. § 1001, which include imprisonment of not more than five years, imposition of a substantial fine under the Federal Sentencing Guidelines, or both.

FREEDOM OF INFORMATION ACT

The Freedom of Information Act, 5 U.S.C. § 552, ("FOIA") and the Commission's rules pursuant thereto, 17 C.F.R. Part 145, generally provide for disclosure of information to the public, unless information falls within a specified exemption. Commission Rule 145.9, 17 C.F.R. § 145.9, establishes the procedure by which you may request that certain sensitive information not be disclosed pursuant to a FOIA request.

INFORMAL PROCEDURE RELATING TO THE RECOMMENDATION OF ENFORCEMENT PROCEEDINGS

As a result of facts gathered in an investigation, the Division of Enforcement may decide to propose an enforcement action against one or more individuals. Under the Informal Procedure Relating to the Recommendation of Enforcement Proceedings,³ the Division of Enforcement, in its discretion, may inform persons to be named in such actions of the nature of the allegations pertaining to them. The Division may also, in its discretion, advise such persons that they may submit a written statement before the consideration by the Commission of any staff recommendation for the commencement of the proceeding. Unless otherwise provided, such written statements must be submitted within 14 days after persons are informed by the Division of Enforcement of the nature of the allegations pertaining to them.

SMALL BUSINESS REGULATORY AND ENFORCEMENT FAIRNESS ACT

Your comments are important. If you wish to comment on the enforcement or regulatory actions of the Commodity Futures Trading Commission, please call the Small Business Liaison in the Office of General Counsel at (202) 418-5120. You may also wish to contact the Small Business and Agriculture Regulatory Enforcement Ombudsman, or one of the 10 Regional Fairness Boards, which were established by the

Small Business Regulatory and Enforcement Fairness Act. The Ombudsman and Boards receive comments from small businesses about federal agency enforcement actions. The Ombudsman will

annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to contact the Ombudsman to comment on the enforcement actions of the CFTC, please call 1-888-REG-FAIR (1-888-7343247).

³ The Informal Procedure has been adopted as Appendix A to Part 11 of the Commission's Regulations, 17 C.F.R. Part 11, Appendix A. Appendix A more fully sets forth the substantive and procedural provisions of the Informal Procedure.

Consumer Information:

(b)(6); (b)(7)(C)

Complaint

I am a customer of Kraken (www.kraken.com), a digital asset exchange. (Note: www.kraken.com is a Delaware registered corporation under the name Payward Ventures, Inc., 237 Kearney St #102, San Francisco, CA 94108)

On 2 April 2021, I withdrew (b)(6); (b)(7)(C) Bitcoin (Kraken Withdrawal Ref-ID: (b)(6); (b)(7)(C) (b)(6); (b)(7)(C)), equivalent to approximately (b)(6); (b)(7)(C) at the time, directly from my Kraken account to a destination Bitcoin address provided by Binance, a different digital asset exchange.

Unfortunately, the transfer to Binance failed and I was informed by Binance Support that my Bitcoin was automatically refunded to Kraken.

When, after a few days, I did not see the refunded Bitcoin appear in my Kraken account, I contacted Kraken Support on 05 April 2021. Kraken Support created a ticket (b)(6); (b)(7)(C) and forwarded the matter to a specialist Support team that handles refund issues.

Over the course of several months, I have exchanged numerous emails with the Kraken Support specialist team trying to resolve case (b)(6); (b)(7)(C) and get my refunded Bitcoin returned to my account. In addition, I have provided all the information that Kraken has requested of me so that this matter could be resolved in a timely manner, including verification from Binance of the refund as well as the Bitcoin transaction id of the refund, both of which Binance kindly provided.

It is now nearly 3 months and I have heard mostly excuses about the complexity of Kraken's internal "wallet" processes, and received only vague and indefinite information about when and if this matter will ever be resolved, and no assurance that my Bitcoin assets will be returned to my account.

Over the course of my email exchange with Kraken, I have been told the following at various times:

- "I can confirm it's currently with a batch of other clients returned deposits. We locate & credit these funds in batches."
- "Our developers are working on recovering the funds, but this will take some time."
- "But even if we decided to recover the funds, we cannot make an estimate about when your funds might be recovered."

This matter is simple and straightforward. Due to a transaction error, funds that I withdrew from Kraken to Binance were automatically refunded back to me. At Kraken's request, I provided verification from Binance that a refund to me had occurred as well as the Bitcoin transaction id of the refund.

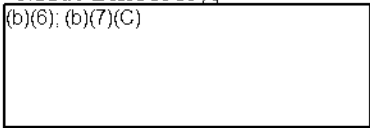
Kraken acknowledges that the refunded Bitcoin was returned to a Kraken wallet and hence Kraken is in possession of my refunded Bitcoin.

I respectfully ask this Agency to help me obtain the following from Kraken:

1. A written commitment from Kraken that Kraken will return my refunded Bitcoin to my account
2. A clear timeline and date as to when my refunded Bitcoin will be returned to my account

Most Sincerely,

(b)(6); (b)(7)(C)

A rectangular box with a black border, used to redact the signature of the sender. The text "(b)(6); (b)(7)(C)" is written in the top-left corner of the box.

History of Events

Date: 2021-04-02

I withdraw (b)(6) Bitcoin, equivalent to approximately (b)(6) at the time, directly from my Kraken account to a destination Bitcoin address provided by Binance Bridge, a service of Binance Exchange.

Date: 2021-04-02

Unfortunately, the transfer to Binance Bridge fails and I receive a message from Binance to contact Binance Support.

Date: 2021-04-04

I contact Binance Support via chat. Binance Support informs me that my Bitcoin was automatically refunded to the originating Kraken Bitcoin address on 2021-04-02.

Date: 2021-04-05

It has been a few days and I still do not see the refunded Bitcoin appear in my account. I contact Kraken Support via Kraken's support chat.

I chat with (b)(6) at Kraken Support. I inform (b)(6); (b)(7)(C) about the situation regarding the failed transaction and automatic refund from Binance and inquire about when the refund would be available in my Kraken account. Lorna tells me that the matter will need to be reviewed by a "specialist team" and creates a support ticket (b)(6); (b)(7)(C) so that the matter can be transferred to the "specialist team". (b)(6) also tells me that the "specialist team" will contact me directly via email if they need additional information from me.

Date: 2021-04-05

I receive a Kraken Support email from (b)(6) who says she works with Kraken's Crypto Deposit and Withdrawal Group. Jen requests that I get the following from Binance in order to verify and locate the refunded Bitcoin transaction:

- The Bitcoin transaction ID for the refund
- "A screenshot of any proof of the return, such as an email from Binance that says the funds were returned"

Date: 2021-04-05

I reply to the Kraken Support email with a screenshot of my 2021-04-04 chat with Binance Support, where the Binance Support person wrote:

"After checking, it seems the transaction has been refunded to you on 2021-04-02, please check it".

I also write that I will work with Binance Support on getting the requested Bitcoin transaction id for the refund.

Date: 2021-04-14

After about 10 days, I am able to obtain the Bitcoin transaction id for the refund from Binance Support. In a chat message, the Binance Support person writes:

"Hello, Your Bitcoin has been refunded to your original address via txid:

(b)(6); (b)(7)(C) *Please check your wallet."*

Date: 2021-04-14

I reply to my email chain with Kraken Support and provide the Bitcoin transaction id for the Binance refund. I also provide a screenshot of my chat with Binance Support and ask if Kraken now has the information they need to locate the refund and return the Bitcoin to my account. I write the following:

Hello Kraken Support Team,

I heard back from Binance Support just now. This is what they said:

"Hello, Your Bitcoin has been refunded to your original address via txid:

(b)(6); (b)(7)(C) *Please check your wallet."*

See bottom of attached screenshot.

Do you have what you need now to locate the refund and return to my account? Please let me know otherwise so I can relay to Binance Support now that I am in contact with them.

Many thanks and best,

(b)(6); (b)(7)(C)

I also provide a link the Bitcoin transaction id of the refund, which Binance Support provided:

Here's the link:

(b)(6); (b)(7)(C)

Date: 2021-04-15

I haven't heard anything for 24 hours so I email Kraken Support and kindly ask for an update on the refund.

Date: 2021-04-16

Still no response after 48 hours, so I contact Kraken Support directly via chat.

I chat with (b)(6); (b)(7)(C) writes:

I see we are aware of your case, it will take time. As when a crypto withdrawal is "returned" This mean's an (outgoing) withdrawal, has been returned & deposited back into one of our outgoing hot wallets. We then need to create a recovery case. Our specialist will reach back out to with updates relating to the case.

We have hot wallets which are designed for outgoing transfers which are separate to incoming transfers. Due to security protocols, they are separate. Incorrectly returned funds can result in significant delays."

I can confirm it's currently with a batch of other clients returned deposits. We locate & credit these funds in batches.

Date: 2021-04-22

7 days and no communications from Kraken. I email Kraken Support again and kindly ask for an update on the refund. I write the following:

Hello Kraken Support,

It has been 7 days since I have heard from anyone regarding this case (b)(6); (b)(7)(C). Can I please get an update regarding the refund?

Thanks much,

(b)(6);
(b)(7)(C)

Date: 2021-04-22

I receive a response from (b)(6); (b)(7)(C) from Kraken Support who explains some of the internal complications of Kraken's processes. (b)(6); (b)(7)(C) writes the following:

Hi (b)(6); (b)(7)(C)

As you may be aware, the address the refund was returned to is not associated with your Kraken account. It is a deposit address for another client. Kraken will send withdrawals for some cryptocurrencies out from deposit addresses. Your funds were sent to someone else in the return transaction, as they did not confirm where to send the funds. Of the twenty or so sending wallets, it was sent to one of them. We now have sort this out, as they really have no reason not to keep these funds themselves.

In this case, recovery of these funds is going to take some time.

Thanks for your patience.

Thanks for using Kraken,

(b)(6); (b)(7)(C)

Date: 2021-04-23

I reply to (b)(6) and ask if there was any additional information I can provide to assist with the refund. I write the following:

Hi (b)(6); (b)(7)

Thanks for your response and explanation.

Apologies. I don't really understand your email nor your comment "It is a deposit address of another client." Per below, Binance says the Bitcoin was refunded to the "original address". I assume the original address was a Kraken address since I performed a withdrawal from my Kraken account.

You requested the transaction id of the refund, Binance provided it and I forwarded it to you per below.

*From the perspective of *this client* (I am one of Kraken's clients too), a business (Binance) is simply refunding funds to me that were sent from my Kraken account, no different than, say, what would happen with a bank account.*

Is there any other information you need from me or from Binance? If so, please let me know.

I am a big believer in Kraken and I am an investor in Kraken. I have full confidence that Kraken will deal with the complications and handle the refund appropriately.

Please let me know if there is anything more I can do to assist with the refund, or if you need additional information from me.

Again, thanks for getting back to me and for your explanation.

Thanks much,

(b)(6);
(b)(7)(C)

Date: 2021-04-26

Three days later, I receive an email from (b)(6) with Kraken Support. (b)(6) explains that Kraken's developers are working on recovering the funds and that "it will take some time." (b)(6) also provided a link to a Support article about Kraken "hot wallets". This is the first time I hear that my funds are "not sent from your personal account but from other wallets that Kraken uses for withdrawals." More about Kraken complicated processes. (b)(6) writes the following:

Hi (b)(6);
(b)(7)(C)

Thank you for reaching out!

When you deposit Bitcoin, for example, to your Kraken account, we sweep those funds to our hot wallet and cold storage for safekeeping. When you withdraw your crypto to another address, the funds are not sent from your personal account but from other wallets that Kraken uses for withdrawals.

For more information, please take a moment to read: <https://support.kraken.com/hc/en-us/articles/115006441267-Kraken-is-not-a-wallet-service>

Essentially what this means is that when Binance returned the funds to the sending address, this address was not in any way associated to your Kraken account.

Our developers are working on recovering the funds, but this will take some time.

Please let us know if you have any questions.

Best,

(b)(6);
(b)(7)(C)

Kraken Client Engagement

Date: 2021-05-13

It is now over a month, and I still have not received any status of my refunded Bitcoin. I ask to speak with a Kraken Support supervisor. I write the following:

Hi (b)(6); (b)(7)(C)

Yes, please forward to your supervisor and please ask him/her to contact me.

Regarding your support excerpt, this notice should be clearly displayed on the Withdrawal page so mistakes like this do not happen. Although, your excerpt does not make any sense to me.

My assets (several thousand) were refunded to Kraken and I am expecting these assets to be returned to me. You have not yet said that you will not return my assets.

I look forward to hearing from your supervisor soon.

Best,

(b)(6); (b)(7)(C)

Date: 2021-05-17

I receive an email from (b)(6); (b)(7)(C) whom I presume is the supervisor of the Crypto Deposit and Withdrawal team. (b)(6); (b)(7)(C) says that Kraken cannot make any estimate about when my funds might be recovered. (b)(6); (b)(7)(C) email also implies that Kraken may decide not to recover the funds.

(b)(6); (b)(7)(C) wrote the following:

Hi (b)(6); (b)(7)(C)

This is (b)(6); (b)(7)(C) from the Crypto support team.

Sorry for the late reply. Due to surge of requests, the response time is longer than usual.

We will review the details of your transaction and contact you as soon as possible. But even we decided to recover the funds, the process can only be performed by a specific group of people who have access to the private keys of our wallets. Although we cannot make any estimate about when your funds might be recovered, we will update you via email for any progress.

Appreciate your patience as we work to investigate this matter.

Best regards,

(b)(6); (b)(7)(C)

Client Engagement

Date: 2021-05-20

I reply to (b)(6); (b)(7)(C) email, express my concerns, and request that (b)(6); (b)(7)(C) explain Kraken's process for "deciding whether to recover the funds" and when Kraken will make this decision. I write the following:

Hi (b)(6); (b)(7)(C)

Thank you for your email and I appreciate you getting back to me.

Can you please tell me your process for "deciding whether to recover the funds" and at least when Kraken will make this decision? I would think Kraken should be able to inform me in a timely manner whether Kraken intends to "recover" my funds (or not).

I have a few comments, if you don't mind listening:

Firstly, in case it helps, I do not believe I am at fault in this matter and I do expect my funds to be returned to me. From my customer point of view, the complications with returning my funds are strictly Kraken complications based on how Kraken has chosen to organize its processes. I do not believe the customer should have to bear the financial burden or risks related to Kraken's internal complications.

Secondly, I am mystified why there was no Warning on the Withdrawal page about potential issues regarding Kraken's "hot wallet". Even today, there is still no Warning on the Withdrawal page (see attached screenshot). Clearly this matter has become a nuisance for both the Support team and me, and no doubt other customers. I could have happily avoided this situation had I been duly warned about "hot wallet" limitations at the time of my Withdrawal.

Lastly, I did not appreciate being sent a link to some deeply buried Support documentation about the "hot wallet" situation after the fact, as if deeply buried Support documentation is sufficient notification regarding the limitations and financial risks with respect to Withdrawals from Kraken. It is Kraken's responsibility to clearly communicate the limitations and financial risks regarding the use of its application features; certainly, a warning on the Withdrawal page would be a good first step.

Generally, I consider myself a happy Kraken customer although I am disappointed in this matter. But I appreciate your time for listening.

Again, please tell me your process for "deciding whether to recover the funds" and when, at least, Kraken will make this decision.

Most sincerely,

(b)(6); (b)(7)(C)

Date: 2021-05-20

After 6 days and receiving no response, I kindly ask (b)(6); (b)(7)(C) to reply to my 2021-05-20 email.

Date: 2021-05-27

(b)(6); (b)(7)(C) replies to my email and informs me that there is no timeline for making a decision regarding returning my refunded Bitcoin to my account. (b)(6); (b)(7)(C) writes the following:

Hi (b)(6); (b)(7)(C)

Sorry for the late reply. Due to surge of requests, the response time is longer than usual.

Unfortunately, there is no accurate timeline of the decision making. We will keep you updated by email for any progress.

1. Regarding the withdrawal service I believe returning funds is not one of the default features, thus there is no such instructions or notes. If you want to move funds back, please check the deposit funding page.

2. I will of course pass on your feedback to our developers for good measure.

3. When using a product, it is for the client's benefits to go over the terms of service and support articles. We provide the link because the support center is a better media to demonstrate the information rather than a wall of text in the email.

*Hope it helps and let us know if you have other questions.
Best regards,*

(b)(6); (b)(7)(C)

Client Engagement

Date: 2021-05-29

I reply to (b)(6); (b)(7)(C) email, express my concerns, and ask to escalate this matter a second time and speak to (b)(6); (b)(7)(C) manager. I write the following:

Hi (b)(6); (b)(7)(C)

Thank you for your response. Based on what you wrote, it does not sound like Kraken is taking responsibility for causing this issue. Again, a simple warning about the limitations and financial risks of using the Kraken Withdrawal feature on the Withdrawal page would have avoided this problem altogether. I know from your Support team that I am not the only customer that has experienced this issue with Refunds to my account.

Kraken caused this issue and Kraken can prevent it. Support documentation is NOT prevention by the simple fact the Kraken system allowed this problem to occur.

This matter involves several thousand dollars so this is not a matter I will easily let go.

Kraken is in possession of my assets and I do expect Kraken to return my assets.

I would like to escalate this matter again and speak to your manager.

Please advise.

Regards,

(b)(6);
(b)(7)(C)

Date: 2021-06-04

It has now been two months since Kraken received my refund from Binance, and Kraken has provided neither a commitment nor a timeline to return my refunded Bitcoin to my account. I decide to contact consumer protection agencies and regulators. I speak with representatives from the following organizations about what recourse is available to me and how to file a consumer complaint:

- California Department of Financial Protection & Innovation
- FINRA
- SEC

Date: 2021-06-04

As a courtesy, I write (b)(6); (b)(7)(C) a final email explaining my intention to file complaints with the appropriate consumer protection agencies and regulators if Kraken does not provide me with the following within 10 business days:

1. A written commitment that Kraken will return my refunded assets to my account
2. A clear timeline and date as to when my assets will be refunded to my account

I write the following:

Hello (b)(6); (b)(7)(C)

I am sorry I did not receive a response from you regarding my last email. I have provided all the information that Kraken requested of me so that this matter could be resolved in a timely manner

(b)(6); (b)(7)(C)

Two months have now passed and my refunded assets have still not been returned to my account. In addition, I have received only vague and indefinite information about when and if my assets will be returned to my account and no assurance that this matter will ever be resolved.

Therefore, for a final time, I respectfully request that Kraken provide the following information regarding this matter:

1. A written commitment that Kraken will return my refunded assets to my account
2. A clear timeline and date as to when my assets will be refunded to my account

This email is to inform you that I have spoken with representatives from the following consumer protection agencies and regulators:

- *California Department of Financial Protection & Innovation (formerly Department of Business Oversight, but renamed per AB-1864)*
- *FINRA*
- *SEC*

If I do not receive your answers to the information I am requesting above (items #1, #2) within 10 business days, I will file complaints with each of the above organizations.

I regret that this matter was not handled in a more responsible and trustworthy manner by Kraken.

Sincerely,

(b)(6); (b)(7)(C)

Date: 2021-06-08

I receive an email from (b)(6); (b)(7)(C) stating that he has escalated my case to his manager.

(b)(6); (b)(7)(C) writes the following

Hi (b)(6); (b)(7)(C)

Sorry for the late reply.

Unfortunately, the case is still under review and we are not able to provide the statement you required.

I have escalated the case and my manager will contact you shortly.

Appreciate your patience.

Best regards,

(b)(6); (b)(7)(C)

Client Engagement

Date: 2021-06-23

More than 10 business days have passed since my 04 June 2021 email to (b)(6); (b)(7)(C). I have received no further communications from Kraken and received no correspondence from (b)(6); (b)(7)(C) manager.

I believe I have made a good faith effort to resolve this matter directly with Kraken and wish that Kraken was handling my case (b)(6); (b)(7)(C) in a more trustworthy, transparent and responsible manner.

I decide to proceed with filing complaints with the appropriate consumer protection agencies and regulators.

Kraken User ▾

Support

How can we help?

Search



Requests ▾

Held Crypto Deposit

Ticket details ▾

This request has been rated as:

Bad, I'm unsatisfied

With the following comment:

My refunded assets have not been returned to my account. It has been 2 months, and I have received only vague and indefinite information about when my assets will returned to my account.

[Change my rating](#)



(b)(6);
(b)(7)(C)

1 month ago

Hi

(b)(6);
(b)(7)(C)

Sorry for the late reply. Due to surge of requests, the response time is longer than usual.

Unfortunately, there is no accurate time line of the decision making. We will keep you updated by email for any progress.

1. Regarding the withdrawal service I believe returning funds is not one of the default feature, thus there is no such instructions or notes. If you want to move funds back, please check the deposit funding page.

2. I will of course pass on your feedback to our developers for good measure.

3. When using a product, it is for the client's benefits to go over the terms of service and support articles. We provide the link because the support center is a better media to demonstrate the information rather than a wall of text in the email.

Hope it helps and let us know if you have other questions.

Best regards,

(b)(6);
(b)(7)(C)

Client Engagement

Secure your account with Two-Factor Authentication

Kraken User

1 month ago

Hi

(b)(6);
(b)(7)(C)

Thank you for your response. Based on what you wrote, it does not sound like Kraken is taking responsibility for causing this issue. Again, a simple warning about the limitations and financial risks of using the Kraken Withdrawal feature on the Withdrawal page would have avoided this problem altogether. I know

from your Support team that I am not the only customer that has experienced this issue with Refunds to my account.

Kraken caused this issue and Kraken can prevent it. Support documentation is NOT prevention by the simple fact the Kraken system allowed this problem to occur.

This matter involves several thousand dollars so this is not a matter I will easily let go.

Kraken is in possession of my assets and I do expect Kraken to return my assets.

I would like to escalate this matter again and speak to your manager.

Please advise.

Regards,

(b)(6); (b)(7)(C)

Kraken User

1 month ago

Hello (b)(6); (b)(7)(C)

I am sorry I did not receive a response from you regarding my last email. I have provided all the information that Kraken requested of me so that this matter could be resolved in a timely manner (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Two months have now passed and my refunded assets have still not been returned to my account. In addition, I have received only vague and indefinite information about when and if my assets will be returned to my account and no assurance that this matter will ever be resolved.

Therefore, for a final time, I respectfully request that Kraken provide the following information regarding this matter:

1. A written commitment that Kraken will return my refunded assets to my account
2. A clear timeline and date as to when my assets will be refunded to my account

This email is to inform you that I have spoken with representatives from the following consumer protection agencies and regulators:

* California Department of Financial Protection & Innovation (formerly

Department of Business Oversight, but renamed per (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

* FINRA

* SEC

If I do not receive your answers to the information I am requesting above (items #1, #2) within 10 business days, I will file complaints with each of the above organizations.

I regret that this matter was not handled in a more responsible and trustworthy manner by Kraken.

Sincerely,

(b)(6); (b)(7)(C)

Hi (b)(6); (b)(7)(C)

Thank you for your response. Based on what you wrote, it does not sound like Kraken is taking responsibility for causing this issue. Again, a simple warning about the limitations and financial risks of using the Kraken Withdrawal feature on the Withdrawal page would have avoided this problem altogether. I know from your Support team that I am not the only customer that has experienced this issue with Refunds to my account.

Kraken caused this issue and Kraken can prevent it. Support documentation is NOT prevention by the simple fact the Kraken system allowed this problem to occur.

This matter involves several thousand dollars so this is not a matter I will easily let go.

Kraken is in possession of my assets and I do expect Kraken to return my assets.

I would like to escalate this matter again and speak to your manager.

Please advise.

Regards,

(b)(6); (b)(7)(C)



(b)(6); (b)(7)(C)

23 days ago

Hi (b)(6); (b)(7)(C)

Sorry for the late reply.

Unfortunately, the case is still under review and we are not able to provide the statement you required.

I have escalated the case and my manager will contact you shortly.

Appreciate your patience.

Best regards,

(b)(6);
(b)(7)(C)

Client Engagement

Secure your account with Two-Factor Authentication



(b)(6);
(b)(7)(C)

6 days ago

Hi

(b)(6);
(b)(7)(C)

Apologies for the late reply. Let me explain the situation to you so you understand why it's taking a while.

When a client makes a deposit to Kraken those funds are then either moved to cold storage or used to payout another clients withdrawal. As such we used a clients deposit address to pay out one of your withdrawals, this is standard practice in the industry for UTXO based currencies as it saves significantly on on-chain fees for both us and our clients. Unfortunately what this means is when your funds were returned by Binance it was credited into another Kraken clients account. Legally we can't just go in and take the funds without the clients permission which is why it's taking longer to recover your funds.

We do believe there is a good chance we'll be able to recover your funds however it may take some time.

Thank you for understanding and for your patience.

Sincerely,

(b)(6);
(b)(7)(C)

Subscribe for Site and Funding Status Updates here - <https://status.kraken.com>

Have your questions answered immediately by reading through our support centre <https://support.kraken.com/>

Kraken User

2 days ago

Hi (b)(6); (b)(7)(C)

Thank you for your email. I appreciate that there are complexities with how Kraken has set up its internal processes so I thank you for explaining them.

I hope you can understand that from a client's perspective, this is a simple transfer of funds issue; Bitcoin assets that were automatically refunded to my Kraken account have been held by Kraken for nearly 3 months due to internal Kraken operations and complications.

Certainly, if Kraken hopes to go mainstream, the client experience will have to be better than this.

I have filed complaints with: FINRA, SEC, Consumer Financial Protection Bureau, the California Department of Financial Protection & Innovation, and the State of Wyoming Banking Division.

I hope this matter is resolved soon.

Respectfully,

(b)(6); (b)(7)(C)



(b)(6); (b)(7)(C)

FINRA File # (b)(6); (b)(7)(C)

1 message

Covin, Matthew <Matthew.Covin@finra.org>
(b)(6); (b)(7)(C)

Wed, Jun 30, 2021 at 12:06 PM

VIA ELECTRONIC MAIL

June 30, 2021

(b)(6); (b)(7)(C)

Re: FINRA File (b)(6); (b)(7)(C)

Dear (b)(6); (b)(7)(C)

This is to acknowledge receipt of your recent correspondence concerning Kraecken.

After a careful analysis of the information you provided, we determined that FINRA does not have jurisdiction over this matter and that your issue would be most appropriately addressed by the United States Securities and Exchange Commission (“SEC”); and the Commodity Futures Trading Commission (“CFTC”). Therefore, FINRA suggests that you continue to pursue the claims you have already filed with the SEC and CFTC.

FINRA, overseen by the Securities and Exchange Commission, is a not-for-profit organization authorized to regulate one critical part of the securities industry – brokerage firms and the people who work for them. Our mission is to protect investors and maintain the integrity of the markets. You can learn more about FINRA at www.FINRA.org. However, there are several other regulatory organizations responsible for ensuring that financial firms and the people who work for them comply with the appropriate laws and regulations.

Each organization is responsible for reviewing issues like yours based upon a number of factors, including the type and nature of the financial activities. FINRA cannot make any assurances that the above-referenced organizations can or will take any action related to the issues you raised.

Should you have questions concerning the status of your issue, we suggest you contact the above-referenced organizations directly.

Thank you for contacting us.

Sincerely,

Matthew D. Covin

Matthew D. Covin

Investigator

National Cause and Financial Crimes Detection Program

Front End Cause

Confidentiality Notice:: Information contained in or attached to this email may be non-public, privileged, or confidential. Do not use, save, or copy any of that information, and do not share it with anyone else, unless you are the intended recipient. The sender has not authorized you to save, copy, use, or share any information provided to you in error. If the sender sent you this email or any attachment by mistake, please let the sender know by replying to this email and then deleting it.



COMPLAINT FORM

UNITED STATES COMMODITY FUTURES TRADING COMMISSION

SUBMISSION INFORMATION	
Confirmation Number (b)(6); (b)(7)(C)	Submission Received (b)(6); (b)(7)(C)
1. WHICH CATEGORY(IES) BEST DESCRIBE YOUR COMPLAINT	
<input type="checkbox"/> A. Fraudulent representations that persuaded you to trade futures, options, swaps, forex, or leveraged transactions.	
If a rate of return was promised to you, what was the rate of return? <input type="checkbox"/> Annual <input type="checkbox"/> Monthly <input type="checkbox"/> Other periodic basis	
Were promised that the risk of loss trading futures was limited? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Were you offered a money back guarantee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Were you told something about the experience of the person(s) trading your funds that you later found out was untrue? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, what were you told?	
If none of the above, describe what you were told that you now believe to be untrue.	
Are there other potential victims that you know of? Please identify.	
Did the conduct occur within the United States? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If not, where did it occur?	
<input checked="" type="checkbox"/> B. Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).	
Have you asked for the return of your funds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
To your knowledge, are there any funds remaining? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If so, how much? (b)(6); (b)(7)(C)	
Do you know the name of the futures commission merchant that processed the trades?	

Confirmation Number
(b)(6); (b)(7)(C)

Submitted
(b)(6); (b)(7)(C)

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please identify.
Are there other potential victims that you know of? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please identify.
Did the conduct occur within the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If not, where did it occur?
<input type="checkbox"/> C. Someone or some firm that should be registered under the Commodity Exchange Act, but is not.
Describe the conduct that you believe requires the person or firm to be registered under the CEA.
Did the conduct occur within the United States? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If not, where did it occur?
<input type="checkbox"/> D. Disruptive or manipulative trading activity in the futures, options or swaps markets.
What is the source of your belief that someone or some entity has engaged in either a disruptive trading practice or manipulative activity?
On what days, and if you know, what time of day, did the alleged conduct occur?
On what exchange or market did the activity occur?
What prices, if any, were affected by the alleged conduct?
Did the conduct occur within the United States? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If not, where did it occur?
<input type="checkbox"/> E. The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.
Was the confidential information held or created by the Federal Government? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, which of the following apply:
Did the Federal Government generally disseminate the information prior to the alleged trading activity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did a Federal employee or agent use the information to trade a futures contract, an options contract, or a swap? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did a Federal employee or agent provide the confidential information to someone else that this other person could trade a futures contract, an options contract, or a swap? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did someone steal the confidential information and use it to trade a futures contract, an options contract or a swap? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Did the confidential information belong to a person or a firm? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, identify that person or firm with contact information.

Did the conduct occur within the United States?

Yes No

If not, where did it occur?

F. Complaint does not fit into any of the above-described categories.

Please describe.

2. Have you suffered a monetary loss?

Yes No

If yes, describe how much.

(b)(6); (b)(7)(C)

3. When did the alleged conduct occur?

April 2nd, 2021

4. Is the conduct on-going?

Yes No

5. Has the individual or firm who engaged in the conduct acknowledged their fault?

Yes No

6. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct?

Yes No

If yes, select the appropriate category:

Prior complaint to the CFTC

Complaint to another regulator

A state or federal criminal law enforcement entity.

A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court)

(b)(6); (b)(7)(C)

7. Provide a brief description about what you are complaining about.

(b)(6); (b)(7)(C)

2. TELL US ABOUT THE INDIVIDUAL AND/OR FIRM YOU ARE COMPLAINING ABOUT

INDIVIDUAL/FIRM 1

1. Type

Individual Firm

Individual/Firm Name

Payward Ventures, Inc dba Kraken

Title that best describes what you are complaining about

Other

If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual?

Yes No Unknown

2. Individual/Firm Street Address

237 Kearney St

Suite/Apartment/Unit #

102

3. City

San Francisco

State/Province

CA

ZIP/Postal Code

94108

Country

USA

Confirmation Number

(b)(6); (b)(7)(C)

Submitted

(b)(6); (b)(7)(C)

4. Home Phone	Work Phone	Mobile Phone	Other Number
5. E-mail Address (b)(6); (b)(7)(C)		Website Address www.kraken.com	
6. Are you or were you associated with the individual or firm when the alleged conduct occurred? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown			
7. How are you or were you associated with the individual or form you are complaining about? Describe			
What was the initial form of contact between you and the person against whom you are filing this complaint? Other			
If Other, please explain (b)(6); (b)(7)(C)			
3. TELL US ABOUT YOU			
Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
SUBMITTER SECTION 1			
Title <input type="checkbox"/> Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Ms.			
(b)(6); (b)(7)(C)			
Are you represented by an attorney in connection with your submission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
SECTION 4. TELL US ABOUT THE INSTRUMENTS INVOLVED IN YOUR COMPLAINT			
<input checked="" type="checkbox"/> A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.			
<input type="checkbox"/> An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.			
<input type="checkbox"/> A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.			
<input type="checkbox"/> A foreign currency transaction.			
If checked,			
Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

Yes No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

Yes No

A cash (or physical) contract traded in interstate commerce?

Files Uploaded

(b)(6); (b)(7)(C)

U.S. COMMODITY FUTURES TRADING COMMISSION
WASHINGTON, D.C. 20581

Statement to Persons Providing Information about Themselves to
the Commodity Futures Trading Commission

This document sets forth your legal rights and responsibilities as a person requested to supply information about yourself voluntarily, as a person with recordkeeping obligations under the Commodity Exchange Act or CFTC regulations or as a person directed to provide sworn testimony or produce documents pursuant to a subpoena of the Commodity Futures Trading Commission. When applicable, this statement also provides important information about the deposition process for persons providing testimony. Unless stated otherwise, the information below applies whether you are providing information voluntarily, pursuant to the recordkeeping obligations of a registrant, or pursuant to subpoena.

FALSE STATEMENTS AND DOCUMENTS

Any person who knowingly and willfully makes false or fraudulent statements, whether under oath or otherwise, or who falsifies, conceals or covers up a material fact, or submits any false writing or document, knowing it to contain false, fictitious or fraudulent information, is subject to the criminal penalties set forth in 18 U.S.C. § 1001 which include imprisonment of not more than five years, imposition of a substantial fine under the Federal Sentencing Guidelines, or both.

It shall also be unlawful for any person to make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading, as set forth in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §753, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 9, 15.

PRIVACY ACT STATEMENT

The collection, maintenance, and disclosure of this information is governed by the Privacy Act of 1974 (5 U.S.C. § 552a).

1. **PURPOSE**

The information provided will assist the Commodity Future Trading Commission (“CFTC” or “Commission”) with determining whether any person has violated, is violating, or is about to violate the Commodity Exchange Act (the “Act”) or the regulations promulgated thereunder (the “Regulations”).

2. **AUTHORITY**

The Commission has authority to collect this information pursuant to one or more sections of the Act and the Regulations, including 7 U.S.C. §§ 9, 12, 13a-1, 16(f) and 17 C.F.R. §§ 11, 12.

3. **ROUTINE USES**

The information will be maintained and any disclosures will be made in accordance with the Commission's Privacy Act system of records notices (SORNs) CFTC-10, *Investigatory Records* available at 76 FR 5973, and CFTC-16, *Enforcement Case Files* available at 76 FR 5973. The Commission, where appropriate, makes files available to other governmental agencies, particularly the Department of Justice, the Securities & Exchange Commission, and state prosecutors. Information you provide also may be used in the routine operation of the Commission, which includes law enforcement, review of legislative and regulatory proposals, regulation of the commodity futures and swaps markets, and review of reports and documents filed with the Commission. A complete set of blanket routine uses for Commission SORNs is published in the *Federal Register* at 76 FR 5974 (Feb. 2, 2011).

4. EFFECT OF NOT PROVIDING INFORMATION

Disclosure of the requested information to the Commission is voluntary on your part. There are no direct effects or sanctions for failing to provide any or all of the requested information. If you do provide information, however, you should note that knowingly and willfully making false or fraudulent statements to the Commission is subject to the criminal penalties set forth in 18 U.S.C. § 1001, which include imprisonment of not more than five years, imposition of a substantial fine under the Federal Sentencing Guidelines, or both.

FREEDOM OF INFORMATION ACT

The Freedom of Information Act, 5 U.S.C. § 552, ("FOIA") and the Commission's rules pursuant thereto, 17 C.F.R. Part 145, generally provide for disclosure of information to the public, unless information falls within a specified exemption. Commission Rule 145.9, 17 C.F.R. § 145.9, establishes the procedure by which you may request that certain sensitive information not be disclosed pursuant to a FOIA request.

INFORMAL PROCEDURE RELATING TO THE RECOMMENDATION OF ENFORCEMENT PROCEEDINGS

As a result of facts gathered in an investigation, the Division of Enforcement may decide to propose an enforcement action against one or more individuals. Under the Informal Procedure Relating to the Recommendation of Enforcement Proceedings,³ the Division of Enforcement, in its discretion, may inform persons to be named in such actions of the nature of the allegations pertaining to them. The Division may also, in its discretion, advise such persons that they may submit a written statement before the consideration by the Commission of any staff recommendation for the commencement of the proceeding. Unless otherwise provided, such written statements must be submitted within 14 days after persons are informed by the Division of Enforcement of the nature of the allegations pertaining to them.

SMALL BUSINESS REGULATORY AND ENFORCEMENT FAIRNESS ACT

Your comments are important. If you wish to comment on the enforcement or regulatory actions of the Commodity Futures Trading Commission, please call the Small Business Liaison in the Office of General Counsel at (202) 418-5120. You may also wish to contact the Small Business and Agriculture Regulatory Enforcement Ombudsman, or one of the 10 Regional Fairness Boards, which were established by the

Small Business Regulatory and Enforcement Fairness Act. The Ombudsman and Boards receive comments from small businesses about federal agency enforcement actions. The Ombudsman will

annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to contact the Ombudsman to comment on the enforcement actions of the CFTC, please call 1-888-REG-FAIR (1-888-7343247).

³ The Informal Procedure has been adopted as Appendix A to Part 11 of the Commission's Regulations, 17 C.F.R. Part 11, Appendix A. Appendix A more fully sets forth the substantive and procedural provisions of the Informal Procedure.

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

In the Matter of:

**Payward Ventures, Inc. (d/b/a
Kraken)**

Respondent.

CFTC Docket No. 21-20

RECEIVED CFTC



Office of Proceedings
Proceedings Clerk

3:21 pm, Sep 28, 2021

**ORDER INSTITUTING PROCEEDINGS PURSUANT TO SECTION 6(c) AND (d) OF
THE COMMODITY EXCHANGE ACT, MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS**

I. INTRODUCTION

The Commodity Futures Trading Commission (“Commission”) has reason to believe that from in or about June 2020 to July 21, 2021 (the “Relevant Period”), Payward Ventures, Inc., doing business as Kraken (“Kraken” or “Respondent”) violated Sections 4(a) and 4d of the Commodity Exchange Act (“Act”), 7 U.S.C. §§ 6(a) and 6d (2018). Therefore, the Commission deems it appropriate and in the public interest that public administrative proceedings be, and hereby are, instituted to determine whether Respondent engaged in the violations set forth herein and to determine whether any order should be issued imposing remedial sanctions.

In anticipation of the institution of an administrative proceeding, Respondent has submitted an Offer of Settlement (“Offer”), which the Commission has determined to accept. Without admitting or denying any of the findings or conclusions herein, Respondent consents to the entry of this Order Instituting Proceedings Pursuant to Section 6(c) and (d) of the Commodity Exchange Act, Making Findings, and Imposing Remedial Sanctions (“Order”), and acknowledges service of this Order.¹

¹ Respondent consents to the use of the findings of fact and conclusions of law in this Order in this proceeding and in any other proceeding brought by the Commission or to which the Commission is a party or claimant, and agrees that they shall be taken as true and correct and be given preclusive effect therein, without further proof. Respondent does not consent, however, to the use of this Order, or the findings or conclusions herein, as the sole basis for any other proceeding brought by the Commission or to which the Commission is a party or claimant, other than: a proceeding in bankruptcy or receivership; or a proceeding to enforce the terms of this Order. Respondent does not consent to the use of the Offer or this Order, or the findings or conclusions in this Order, by any other party in any other proceeding.

II. FINDINGS

The Commission finds the following:

A. SUMMARY

During the Relevant Period, Respondent violated Section 4(a) of the Act, 7 U.S.C. § 6(a)(2018), by illegally offering to enter into, entering into, executing, and/or confirming the execution of off-exchange retail commodity transactions with U.S. customers who were not eligible contract participants or eligible commercial entities² (collectively, “ECPs”). Respondent also operated as an unregistered futures commission merchant (“FCM”) in violation of Section 4d(a)(1) of the Act, 7 U.S.C. § 6d(a)(1) (2018).

In accepting Respondent’s offer, the Commission recognizes the cooperation of Kraken with the Division of Enforcement’s investigation of this matter. The Commission also acknowledges Respondent’s remediation efforts in connection with this matter.

B. RESPONDENT

Payward Ventures, Inc. (d/b/a Kraken) is a Delaware corporation formed in 2011 with its principal place of business in San Francisco, California. Kraken has never been registered with the Commission.³

C. FACTS

Kraken is a digital asset company whose primary business is the operation of an online digital asset exchange. The exchange enables customers to engage in retail commodity transactions—specifically, the purchase and sale of digital assets, including Bitcoin. Kraken also provides margin extensions to some of its customers, which they can use to buy or sell digital assets on the exchange on a leveraged basis.

During the Relevant Period, Kraken offered potential and existing U.S. customers the ability to enter into margined retail commodity transactions on its exchange. Margined trading was available to any U.S. person who Kraken approved for a user account. Kraken allowed customers to select from varying levels of margin if they met certain contractual prerequisites set by Kraken. These prerequisites did not involve an assessment of any customer’s status as an ECP. The margined transactions were conducted through Kraken’s central limit order book and execution facility.

When initiating a trade, a customer, whether buying or selling, had the option to settle the transaction with their own funds or to trade on margin, for which Kraken was the sole provider. Kraken offered and provided margin for either one or both sides of the transaction. Kraken maintained physical or constructive custody of all digital assets or fiat currency purchased using margin for the duration of a customer’s open margined position.

² As those terms are defined in Sections 1a(17) and (18) of the Act, 7 U.S.C. §§ 1a(17), (18) (2018), respectively.

³ Kraken is registered with FinCEN as a money services business.

The margined transactions worked as follows: The customer opened an individual account at Kraken and deposited digital assets or fiat currency into the account. The customer initiated a trade by selecting (i) the trading pair they wished to trade, (ii) a purchase or sale transaction, and (iii) a margin option. Kraken offered margin ratio options of 2 to 1, 3 to 1, or 5 to 1, depending in part, on the currency pair being traded as well as the customer's financial qualifications.

All trades were placed on Kraken's central limit order book and executed individually for each customer. For a customer who wished to make margined trades, Kraken extended margin to the customer from its own inventory of non-client assets/currencies. Specifically, where a customer purchased an asset using margin, Kraken supplied the digital asset or national currency to pay the seller for the asset. Where a customer sold an asset using margin, Kraken supplied the digital asset or national currency due to the buyer. Trading on margin allowed the customer to establish a position, but also created an obligation for the customer to repay Kraken at the time the margined position was closed. The customer's position remained open until they submitted a closing trade, they repaid the margin, or Kraken initiated a forced liquidation, based on the occurrence of certain triggering events.

Triggering events consisted of limitations on the duration of an open margin position as well as pre-set margin thresholds. Kraken required customers to exit their positions and repay the assets received to trade on margin within 28 days. Customers could not transfer assets away from Kraken until satisfying their repayment obligation. If repayment was not made within 28 days, Kraken could unilaterally force the margin position to be liquidated. Kraken could also initiate a forced liquidation if the value of the collateral dipped below a certain threshold percentage of the total outstanding margin. In this situation, Kraken sold the margined position and seized any collateral necessary to cover the customer's losses in the trade, similar to a margin call.

In engaging in these transactions with customers, Kraken never transferred possession and control of the entire quantity of the assets purchased using margin, such that Kraken did not give customers the ability to use the entire quantity of the assets freely in commerce away from the execution venue until the customer satisfied the repayment obligation. Kraken is not registered as a designated contract market or in any capacity.

* * *

Kraken cooperated with the Commission's investigation. During the course of the investigation conducted by the Division of Enforcement, Kraken voluntarily responded to requests for information in a timely fashion, both in writing and via oral presentations. In addition, Kraken was proactive in reaching out to the Commission for guidance on compliance with the Act and Commission Regulations and in taking steps to begin the process of shuttering its unlawful U.S.-based margin trading business prior to the effective date of this Order.

III. LEGAL DISCUSSION

A. Respondent Engaged in Unlawful Off-Exchange Retail Commodity Transactions in Violation of Section 4(a) of the Act

Section 2(c)(2)(D) of the Act, 7 U.S.C. § 2(c)(2)(D) (2018), applies to any agreement, contract, or transaction in any commodity that is entered into with or offered to (even if not entered into with) non-ECPs on a leveraged or margined basis or financed by the offeror, counterparty, or a person acting in concert with the offeror or counterparty on a similar basis and the contract does not result in actual delivery within 28 days.

Section 2(c)(2)(D) of the Act further provides that Section 4(a) of the Act, 7 U.S.C. § 6(a) (2018), applies to such an agreement, contract, or transaction “as if the agreement, contract, or transaction was a contract of sale of a commodity for future delivery.”

Section 4(a) of the Act makes it unlawful for any person to offer to enter into, enter into, execute, confirm the execution of, or conduct an office or business in the United States for the purpose of soliciting, or accepting any order for, or otherwise dealing in any transaction in, or in connection with, a commodity futures contract, unless such transaction is made on or subject to the rules of a board of trade that has been designated or registered by the CFTC as a contract market for the specific commodity.

Kraken offered to enter into, entered into, executed, and/or confirmed the execution of margined or leveraged retail commodity transactions with non-ECP U.S. residents that did not result in actual delivery within 28 days. These margined or leveraged retail commodity transactions were not conducted on or subject to the rules of a board of trade that has been designated or registered by the CFTC as a contract market. Kraken therefore violated Section 4(a) of the Act.

B. Respondent Operated as an Unregistered Futures Commission Merchant in Violation of Section 4d(a)(1) of the Act

Section 1a(28) of the Act, 7 U.S.C. § 1a(28) (2018), in relevant part, defines an FCM as any individual, association, partnership, corporation or trust that engages in soliciting or in accepting orders for or acting as a counterparty in “any agreement, contract, or transaction described in... section (2)(c)(2)(D)(i)” and, in connection therewith, “accepts any money... or property (or extends credit in lieu thereof) to margin... trades or contracts that result or may result therefrom.” Section 4d(a)(1) of the Act, 7 U.S.C. § 6d(a)(1) (2018), in pertinent part, makes it unlawful for any person to act as an FCM unless registered with the Commission as an FCM.

As described above, Kraken, while not registered as an FCM, acted as an FCM as defined in Section 1a(28) of the Act by accepting orders for and entering into retail commodity transactions with customers, and accepting money or property (or extending credit in lieu thereof) to margin these transactions. Therefore, Respondent violated Section 4d(a)(1) of the Act.

IV. FINDINGS OF VIOLATION

Based on the foregoing, the Commission finds that, during the Relevant Period, Respondent violated Sections 4(a) and 4d(a)(1) of the Act, 7 U.S.C. §§ 6(a), 6d(a)(1) (2018).

V. OFFER OF SETTLEMENT

Respondent has submitted the Offer in which it, without admitting or denying the findings and conclusions herein:

- A. Acknowledges service of this Order;
- B. Admits the jurisdiction of the Commission with respect to all matters set forth in this Order and for any action or proceeding brought or authorized by the Commission based on violation of or enforcement of this Order;
- C. Waives:
 - 1. The filing and service of a complaint and notice of hearing;
 - 2. A hearing;
 - 3. All post-hearing procedures;
 - 4. Judicial review by any court;
 - 5. Any and all objections to the participation by any member of the Commission's staff in the Commission's consideration of the Offer;
 - 6. Any and all claims that it may possess under the Equal Access to Justice Act, 5 U.S.C. § 504 (2018) and 28 U.S.C. § 2412 (2012), and/or the rules promulgated by the Commission in conformity therewith, Part 148 of the Commission's Regulations, 17 C.F.R. pt. 148 (2019), relating to, or arising from, this proceeding;
 - 7. Any and all claims that it may possess under the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. No. 104-121, tit. II, §§ 201-253, 110 Stat. 847, 857-74 (codified as amended at 28 U.S.C. § 2412 and in scattered sections of 5 U.S.C. and 15 U.S.C.), relating to, or arising from, this proceeding; and
 - 8. Any claims of Double Jeopardy based on the institution of this proceeding or the entry in this proceeding of any order imposing a civil monetary penalty or any other relief, including this Order;
- D. Stipulates that the record basis on which this Order is entered shall consist solely of the findings contained in this Order to which Respondent has consented in the Offer;

- E. Consents, solely on the basis of the Offer, to the Commission's entry of this Order that:
1. Makes findings by the Commission that Respondent violated Sections 4(a) and 4d(a)(1) of the Act, 7 U.S.C. §§ 6(a), 6d(a)(1) (2018);
 2. Orders Respondent to cease and desist from violating Sections 4(a) and 4d(a)(1) of the Act;
 3. Orders Respondent to pay a civil monetary penalty of \$1,250,000 (one million two hundred and fifty thousand dollars) within thirty days of the date of entry of this Order, plus post-judgment interest if applicable;
 4. Orders Respondent and its successors and assigns to comply with the conditions and undertakings consented to in the Offer and set forth below in Part VI of this Order.

Upon consideration, the Commission has determined to accept the Offer.

VI. ORDER

Accordingly, IT IS HEREBY ORDERED THAT:

- A. Respondent shall cease and desist from violating Sections 4(a) and 4d(a)(1) of the Act, 7 U.S.C. §§ 6(a), 6d(a)(1) (2018).
- B. Respondent shall pay a civil monetary penalty in the amount of \$1,250,000 (one million two hundred and fifty thousand dollars) (the "CMP Obligation"), within ten days of the date of entry of this Order. If the CMP Obligation is not paid in full within ten days of the date of entry of this Order, then post-judgment interest shall accrue on the CMP Obligation beginning on the date of entry of this Order and shall be determined by using the Treasury Bill rate prevailing on the date of entry of this Order pursuant to 28 U.S.C. § 1961 (2012).

Respondent shall pay the CMP Obligation and any post-judgment interest by electronic funds transfer, U.S. Postal money order, certified check, bank cashier's check, or bank money order. If payment is to be made other than by electronic funds transfer, then the payment shall be made payable to the Commodity Futures Trading Commission and sent to the address below:

MMAC/ESC/AMK326
Commodity Futures Trading Commission
Division of Enforcement
6500 S. MacArthur Blvd.
HQ Room 181
Oklahoma City, OK 73169
(405) 954-6569 office
(405) 954-1620 fax
9-AMC-AR-CFTC@faa.gov

If payment is to be made by electronic funds transfer, Respondent shall contact Marie Thorne or her successor at the above address to receive payment instructions and shall fully comply with those instructions. Respondent shall accompany payment of the CMP Obligation with a cover letter that identifies the Respondent and the name and docket number of this proceeding. Respondent shall simultaneously transmit copies of the cover letter and the form of payment to the Chief Financial Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- C. Respondent shall comply with the following conditions and undertakings set forth in the Offer:
1. **Public Statements:** Respondent agrees that neither it nor any of its successors and assigns, agents or employees under its authority or control shall take any action or make any public statement denying, directly or indirectly, any findings or conclusions in the Order or creating, or tending to create, the impression that the Order is without a factual basis; provided, however, that nothing in this provision shall affect Respondent's: (i) testimonial obligations; or (ii) right to take legal positions in other proceedings to which the Commission is not a party. Respondent and its successors and assigns shall comply with this agreement, and shall undertake all steps necessary to ensure that all of its agents and/or employees under its authority or control understand and comply with this agreement.
 2. **Prevention of Unlawful Trading:** Respondent shall implement and maintain systems and procedures reasonably designed to prevent margined or leveraged trading on Respondent's trading platform by U.S. residents who are not eligible ECPs. Such systems and procedures shall be implemented on or before June 23, 2021, and all existing open margined or leveraged positions held by U.S. residents who are not ECPs shall be closed on or before July 21, 2021.
 3. **Partial Satisfaction:** Respondent understands and agrees that any acceptance by the Commission of any partial payment of Respondent's CMP Obligation shall not be deemed a waiver of its obligation to make further payments pursuant to this Order, or a waiver of the Commission's right to seek to compel payment of any remaining balance.
 4. **Change of Address/Phone:** Until such time as Respondent satisfies in full its CMP Obligation as set forth in this Order, Respondent shall provide written notice to the Commission by certified mail of any change to its telephone number and mailing address within ten calendar days of the change.
 5. Until such time as Respondent satisfies in full its CMP Obligation, upon the commencement by or against Respondent of insolvency, receivership or bankruptcy proceedings or any other proceedings for the settlement of Respondent's debts, all notices to creditors required to be furnished to the

Commission under Title 11 of the United States Code or other applicable law with respect to such insolvency, receivership, bankruptcy or other proceedings, shall be sent to the address below:

Secretary of the Commission
Legal Division
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street N.W.
Washington, DC 20581

The provisions of this Order shall be effective as of this date.

By the Commission.



Robert N. Sidman
Deputy Secretary of the Commission
Commodity Futures Trading Commission

Dated: September 28, 2021



Financial Industry Regulatory Authority

Your form was submitted to FINRA successfully. Please print this form now if you wish to retain a copy for your records.

Filing ID: (b)(6); (b)(7)(C) (Please retain this number for further inquiries regarding this form)

Submitted Date: (b)(6); (b)(7)(C)

FINRA is responsible for determining whether brokerage firms and associated persons are in compliance with the federal securities regulations and FINRA Rules. If a determination is made to initiate an investigation, a FINRA examiner may contact you to obtain further information or documentation about your complaint.

FINRA investigations are conducted for the purpose of protecting all public investors. Information about our investor complaint program and FINRA's role in investigating investor complaints is available online in our Investor Complaint Program brochure at http://www.finra.org/complaint/InvestorBrochure .

Please understand that we are not representing you individually in this matter. There is no assurance that any action will result in the return of funds or securities to you. If you feel you are entitled to monetary relief, you may wish to initiate an individual action, such as mediation or arbitration. FINRA provides a forum for resolving individual disputes through FINRA Dispute Resolution.

Filing a complaint through the Investor Complaint Center is not the same as submitting an arbitration claim online. For additional information about FINRA's Dispute Resolutions programs, or to start an arbitration or mediation, please visit the Arbitration & Mediation section of the FINRA Web site at: http://www.finra.org/ArbitrationMediation/index.htm .

My complaint

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about your Investment

Security Name Ripple

Security Symbol XRP

Security Type * Other Security Type

Date and/or Period of Activity

From Date * (MM/DD/YYYY) 12/06/2017

To Date * (MM/DD/YYYY) 01/19/2018

Tell us about your Complaint

What type of problem(s) are you Reporting?

Primary Problem * Other

Secondary Problem Other

Amount in Dispute

If your complaint involves a retirement account, please select the type of account:

Defined Contribution Plan

An employer sponsored retirement plan wherein a certain amount or percentage of money is set aside by the employer and/or the employee for the benefit of the employee (e.g. 401(k), 403(b)).

Defined Benefit Plan

An employer sponsored retirement plan such as a pension plan that offers a specific monthly benefit upon retirement. The amount is determined based on the plan's formula which would consider employee salary and tenure.

Individual Retirement Account (IRA)

A self-directed retirement plan established by an individual; includes Traditional IRAs and Roth IRAs.

Keogh Plan

A retirement plan established by self-employed individuals for themselves and their employees. It can be a defined-benefit or a defined-contribution plan.

Simplified Employee Pension (SEP)

A SEP plan is a type of IRA account that is established by an employer or self-employed individual.

SIMPLE Plan

A SIMPLE plan (Savings Incentive Match Plan for Employees of Small Employers) is another type of retirement plan that is offered by small employers to their employees or used by self-employed individuals.

Complaint Summary

Please provide a summary of your complaint. Summary is limited to 3800 characters. *

Do not provide personal confidential information such as financial account numbers, Social Security numbers, or driver's license information. Such information will be requested by FINRA staff only when and if needed, and at the appropriate time.

Hello, I am using a crypto currency exchange, Kraken (owned by Payward, Inc a San Francisco based business). I have registered with the exchange and have been purchasing Ripple crypto currency with no issues, however, the company has not been responding to any of my support tickets with respect to the issue of being verified @ Tier 3. Tier 3 verification is needed to purchase crypto through your bank account and more importantly, it is required so that I can sell and cash out my money. I have sent more than 5/6 tickets asking for updates for over 6 weeks and no one is responding. This company doesn't care obviously. I need some help getting them to complete the verification process so that I can cash out my money.

Documentation

What documentation are you able to provide?

Trade Confirmation

Monthly Account Statement

Canceled Checks

Correspondence to and from Firm

Advertising or Marketing Materials

Notes of Conversations with Firm

Subscription Agreement

Other

Please explain. * Emails of them acknowledging the submitted trouble tickets.

[Click here to attach your document](#)

**Please describe any other documentation you may have but cannot upload (for example: documents in hard copy).
The document description is limited to 250 characters.**

Tell us about the firm

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about the firm or entity about which you have a complaint

Click on "Add New", then type part of the firm name to see a list of FINRA registered firms. *

1. **1. Brokerage Firm**

Type the firm CRD number or part of the firm name to list the firm. If the firm is registered with FINRA, you will be able to select it from the drop down. If you do not see the firm in the list, please type the firm name in the boxes below.

Enter Firm Name or CRD Number:

Kraken

Firm Name: *

Kraken (operated by Payward, Inc.)

CRD Number:

Tell us about the individual about whom you have a complaint

Was your salesperson or another individual involved in the conduct that is the subject of your complaint? *

Yes

No

I did not use a salesperson

Contacts and actions taken

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Firm Contact

Have you complained to the firm? *

Yes No

Please enter reference number (if available), date of contact, name of contact, and status or resolution within the space available below. Further details will be gathered later in the complaint process, if needed.

Your input is limited to 250 characters. *

(b)(6); (b)(7)(C)

Other Regulatory Contact

Have you contacted any other regulators? *

Yes No

Arbitration

Have you filed an arbitration claim? *

Yes No

Legal Action Taken

Have you taken legal action? *

Yes No

May we contact you?

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about yourself

All complaint information will be treated in confidence to the fullest extent possible. However, FINRA cannot guarantee that during the course of a related investigation or possible prosecution of the matter the source of the complaint will not become known. Unless you provide an email address or a mailing address or a telephone number, checking 'Yes' will prevent us from following up with you to gather additional details.

Do you wish to make an anonymous complaint? *

No

Yes - I wish to make an anonymous complaint.

Are you submitting this complaint for yourself or on behalf of someone else? *

Self

Other

Your Contact Information

What is the best way to contact you should we have additional questions to better understand your complaint or gather more information?

(b)(6); (b)(7)(C)

Click on "Add New", then enter a phone number.

Are you active, or have recently been active, in the United States Military? *

(b)(6); (b)(7)(C)

Please select the age range that corresponds to you: *

(b)(6); (b)(7)(C)

Confirmation Number: (b)(6); (b)(7)(C)
Submission Received:

**UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, D.C. 20581**

Filed Complaint with the CFTC Division of Enforcement

1. WHICH CATEGORY(IES) BEST DESCRIBE YOUR COMPLAINT

A. Fraudulent representations that persuaded you to trade futures, options, swaps, forex, or leveraged transactions.

If a rate of return was promised to you, what was the rate of return?

Annual, Monthly Other periodic basis

Were promised that the risk of loss trading futures was limited? Yes, No

Were you offered a money back guarantee? Yes, No

Were you told something about the experience of the person(s) trading your funds that you later found out was untrue? Yes, No

If yes, what were you told?

If none of the above, describe what you were told that you now believe to be untrue.

Are there other potential victims that you know of? Please identify.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

B. Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Have you asked for the return of your funds? Yes, No

To your knowledge, are there any funds remaining? Yes, No

If so, how much?

Do you know the name of the futures commission merchant that processed the trades? Yes, No

If yes, please identify.

Are there other potential victims that you know of? Yes, No

Please identify

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

C. Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Describe the conduct that you believe requires the person or firm to be registered under the CEA.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

D. Disruptive or manipulative trading activity in the futures, options or swaps markets

What is the source of your belief that someone or some entity has engaged in either a disruptive trading practice or manipulative activity?

On what days, and if you know, what time of day, did the alleged conduct occur?

On what exchange or market did the activity occur?

What prices, if any, were affected by the alleged conduct?

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

E. The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information

Was the confidential information held or created by the Federal Government? Yes, No

If yes, which of the following apply:

Did the Federal Government generally disseminate the information prior to the alleged trading activity? Yes, No

Did a Federal employee or agent use the information to trade a futures contract, an options contract, or a swap? Yes, No

Did a Federal employee or agent provide the confidential information to someone else that this other person could trade a futures contract, an options contract, or a swap? Yes, No

Did someone steal the confidential information and use it to trade a futures contract, an options contract or a swap?

Yes, No

Did the confidential information belong to a person or a firm? Yes, No

If yes, identify that person or firm with contact information.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

If your complaint does not fit into any of the above-described categories please describe below.

COMPLAINT CLOSEST TO OPTION A. WE DO NOT TRADE USING LEVERAGE, BUT KRAKEN OFFERS THIS TYPE OF TRADING TO ITS CUSTOMERS.

2. Have you suffered a monetary loss? Yes, No

If yes, describe how much.

ROUGHLY (b)(6); (b)(7)(C) DIFFICULT TO ESTIMATE DUE TO HIGH VOLATILITY MARKETS

3. When did the alleged conduct occur?

JUNE 19TH, 2018 MAY 24TH, 2018 APRIL 3RD, 2018 JANUARY 29TH, 2018 SEVERAL OTHER OCCURRENCES IN 2017

4. Is the conduct on-going? Yes, No

5. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes, No

6. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes, No

If yes, select the appropriate category:

Prior complaint to the CFTC

Complaint to another regulator

A state or federal criminal law enforcement entity.

A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court)

INFORMATION BASED ON ARTICLE FROM "THE WALL STREET JOURNAL", TRADING DATA OF KRAKEN DEMANDED BY CFTC&DOJ IN INVESTIGATION IN ILLICIT TRADING PRACTICES

7. Provide a brief description about what you are complaining about.

PRESENTATION OF FALSE AND/OR MANIPULATION OF OHLC DATA OF SEVERAL MARKETS ON KRAKEN'S PLATFORM. SAME FALSE DATA IS SUPPLIED TO 3RD PARTIES TOO.

2. TELL US ABOUT THE INDIVIDUAL AND/OR FIRM YOU ARE COMPLAINING ABOUT

INDIVIDUAL/FIRM 1:

1. Type: Individual Firm Individual/Firm Name
KRAKEN (PAYWARD, INC.)

Title that best describes what you are complaining about
Other

If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes, No, Unknown

2. Individual/Firm Street Address: 548 MARKET STREET	Suite/Apartment/Unit # SUITE 39656		
3. City: SAN FRANCISCO	State/Province CALIFORNIA	ZIP/Postal Code CA 94104-5401	Country UNITED STATES OF AMERICA

4. Home Phone: Work Phone: Mobile Phone: Other Number:
+1 650-434-2889

5. E-mail Address: Website Address:
LEGAL@KRAKEN.COM WWW.KRAKEN.COM

6. Are you or were you associated with the individual or firm when the alleged conduct occurred? Yes, No, Unknown

7. How are you or were you associated with the individual or firm you are complaining about? Describe
WE ARE CUSTOMERS. AFTER INITIAL CONTACT ABOUT THE COMPLAINT, KRAKEN IS NOT ANSWERING TO
FOLLOW-UP EMAILS ABOUT THE PROBLEM.

What was the initial form of contact between you and the person against whom you are filing this complaint?
Email

If Other, please explain

3. TELL US ABOUT YOU

Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful Yes, No

Are you represented by an attorney in connection with your submission? Yes, No

COMPLAINANT INFORMATION

Title Mr., Mrs., Ms.

(b)(6); (b)(7)(C)

4. TELL US ABOUT THE INSTRUMENTS INVOLVED IN YOUR COMPLAINT

- A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.
- An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (*i.e.*, nine or less) index of securities.

A foreign currency transaction

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis? Yes, No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability? Yes, No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis? Yes, No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability? Yes, No

A cash (or physical) contract traded in interstate commerce.

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Act Statement and the privacy policy for www.cftc.gov.

U.S. COMMODITY FUTURES TRADING COMMISSION
WASHINGTON, D.C. 20581

Statement to Persons Providing Information about Themselves to
the Commodity Futures Trading Commission

This document sets forth your legal rights and responsibilities as a person requested to supply information about yourself voluntarily, as a person with recordkeeping obligations under the Commodity Exchange Act or CFTC regulations or as a person directed to provide sworn testimony or produce documents pursuant to a subpoena of the Commodity Futures Trading Commission. When applicable, this statement also provides important information about the deposition process for persons providing testimony. Unless stated otherwise, the information below applies whether you are providing information voluntarily, pursuant to the recordkeeping obligations of a registrant, or pursuant to subpoena.

FALSE STATEMENTS AND DOCUMENTS

Any person who knowingly and willfully makes false or fraudulent statements, whether under oath or otherwise, or who falsifies, conceals or covers up a material fact, or submits any false writing or document, knowing it to contain false, fictitious or fraudulent information, is subject to the criminal penalties set forth in 18 U.S.C. § 1001 which include imprisonment of not more than five years, imposition of a substantial fine under the Federal Sentencing Guidelines, or both.

It shall also be unlawful for any person to make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading, as set forth in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §753, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 9, 15.

PRIVACY ACT

To restrict unauthorized dissemination of personal information, the Privacy Act of 1974, 5 U.S.C. § 552a, limits an agency's ability to disclose such information.¹ Under the Privacy Act, the Commission may

¹ Individuals should refer to the full text of the Privacy Act, 5 U.S.C. § 552a(b), to the Commission's rules, 17 C.F.R. 146, and the CFTC's compilation of System of Record Notices, 76 Fed. Reg. 5974 (Feb. 2, 2011) for a complete list of authorized disclosures and coverage of the Act. Only those disclosures arising most frequently are mentioned in this document.

disclose protected information as follows: when the individual to whom the record pertains consents in writing; when officers and employees of the Commission need the record to perform their duties; when required by the terms of the Freedom of Information Act, 5 U.S.C. § 552; or when disclosure is for a "routine use" (i.e., one compatible with the purpose for which the information was collected).

The Privacy Act also requires that, in certain situations, individuals requested to provide information about themselves receive notice of the following:

1. AUTHORITY FOR SOLICITATION OF INFORMATION.

- a. Recordkeeping for Registered Persons. Sections 4f, 4g, and 4n of the Commodity Exchange Act, 7 U.S.C. § 6f, 6g, 6n, and Commission Rules 1.12, 1.18, 1.31, 1.33, 1.34, 1.35, 1.37, 1.55, 3.12, 4.23, 4.32, 32.7, and 33.7, 17 C.F.R. §§ 1.12, 1.18, 1.31, 1.33, 1.34, 1.35, 1.37, 1.55, 3.12, 4.23, 4.32, 32.7, 33.7, require Registered Persons to keep records and reports of transactions and positions in commodities for future delivery on any board of trade in the United States or elsewhere. Registered Persons must also keep books and records pertaining to such transactions (including daily trading records, customer records, and information concerning volume of trading) in the form and manner and for such period of time required by the Commission. All such books and records must be made available for inspection by any representative of the Commission or Department of Justice.
- b. Recordkeeping for Members of a Registered Entity. Commission Rules 1.31, 1.35 and 1.37, 17 C.F.R. §§ 1.31, 1.35, 1.37, require Members of a Registered Entity to keep records and reports of transactions and positions in commodities for future delivery and options on any board of trade in the United States or elsewhere, as well as cash commodities. Members of a Registered Entity must also keep books and records pertaining to such transactions (including daily trading records, customer records, and information concerning volume of trading) in the form and manner and for such period of time required by the Commission. All such books and records must be made available for inspection upon request by any representative of the Commission or the Department of Justice. Commission Rule 1.40, 17 C.F.R. § 1.40 requires each Member of a Registered Entity to furnish to the Commission certain reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity.
- c. Recordkeeping for Large Traders. Section 4i of the Commodity Exchange Act, 7 U.S.C. § 6i, and Commission Rules 1.31 and 18.05, 17 C.F.R. §§ 1.31, 18.05, require Large Traders to keep books and records showing, among other things, all details concerning all positions and transactions in the commodity, and in its products and by-products, whether executed through a contract for future delivery, an option contract or a cash contract, and whether such contract is executed through a board of trade, an exempt commercial market, an exempt board of trade, a foreign board of trade or an over-the-counter transaction. All such books and records, and pertinent information concerning the underlying positions, transactions or activities, must be made available for inspection in a form acceptable to the Commission upon request by any representative of the Commission.
- d. Investigations. Sections 6(c) and 8(a) of the Commodity Exchange Act, 7 U. S. C. §§ 15, 12(a), and Commission Rule 11.2, 17 C.F. .R. § 11.2, authorize the Commission to conduct investigations. In the course of any investigation or proceeding, the Commission or an officer designated by the Commission may administer oaths and affirmations, subpoena witnesses,

compel their attendance, take evidence, require production of documents, and secure voluntary statements or submissions.

2. PURPOSE OF SOLICITATION OF INFORMATION. The Commission's principal purpose in soliciting information from you is to determine whether any person has violated, is violating, or is about to violate the Commodity Exchange Act or the rules and regulations thereunder. In certain circumstances, the Commission may be obtaining information at the behest of a foreign futures authority under § 12(f) of the Commodity Exchange Act, 7 U.S.C. § 16(f).

3. EFFECT OF NOT SUPPLYING INFORMATION.

- a. Persons Directed to Provide Testimony or Produce Documents Pursuant to Subpoena. Disclosure of information to the Commission is mandatory, subject to the valid assertion of any legal right or privilege you might have. If you fail to comply with the subpoena, the Commission may seek a court order requiring you to do so. If the Commission obtains such an order and you thereafter fail to supply the information, you may be subject to civil and/or criminal sanctions for contempt.
- b. Persons Requested to Provide Information Voluntarily. There are no direct effects or sanctions for failing to provide any or all of the requested information. If you do provide information, however, you should note the sanctions for false statements and documents described above.
- c. Registered Persons. Disclosure of requested books or records is mandatory pursuant to the provisions listed in paragraph I.a. Failure to submit or make available for inspection the requested information constitutes a violation of the Commodity Exchange Act and Commission Regulations and may result in any or all of the following under Sections 6c or 6(c) of the Commodity Exchange Act, 7 U.S.C. §§ 13a-I, 9:
 - 1) Institution of an action by the Commission to enjoin such a violation or enforce compliance;
 - 2) Upon proper showing, granting of a temporary or permanent injunction or restraining order without bond;
 - 3) Upon application by the Commission, issuance of writs of mandamus or orders offering like relief commanding compliance with the Commodity Exchange Act;
 - 4) Imposition of a civil penalty of not more than \$110,000 for each violation or such higher inflation adjusted amount as provided by Regulation 143.8, 17 C.P.R. §143.8;
 - 5) At the request of Commission, institution of an action by the Attorney General;
 - 6) Prohibition of trading on or subject to the rules of a contract market;
 - 7) Suspension or revocation of registration with the Commission;
 - 8) Required payment of restitution to customers for damages proximately caused by violations;

- 9) Entry of a cease and desist order;
 - 10) Imposition of a restraining order prohibiting you from destroying, altering or disposing of, or refusing to allow authorized representatives of the Commission to inspect, when and as requested, such books, records or other documents; and
 - 11) Imposition of a restraining order prohibiting you from withdrawing, transferring, removing, dissipating or disposing of any funds, assets or other property.
4. ROUTINE USES OF INFORMATION. The Commission often makes its files available to other governmental agencies, particularly United States Attorneys and state prosecutors. There is a likelihood that information supplied by you will be made available to such agencies where appropriate. Whether or not the Commission makes its files available to other governmental agencies is, in general, a confidential matter between the Commission and such other government agencies. Information which you provide may be used in the routine operation of the Commission, which includes law enforcement; review of legislative and regulatory proposals, regulation of the commodity futures markets, and review of reports and documents filed with the Commission.

Specific routine uses include the following:²

- a. Information may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or its staff participates as a party or the Commission participates as amicus curiae.
- b. Information may be disclosed to the Department of Justice, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other Federal, state, local, territorial or tribal law enforcement or regulatory agencies for use in meeting their statutory and regulatory requirements.
- c. Information may be given to any "registered entity," as defined in section 1a of the Commodity Exchange Act, 7 U.S.C. 1, et seq. ("the Act"), if the Commission has reason to believe that such information will assist the registered entity in carrying out its responsibilities under the Act. Information may also be given to any registered futures association registered under section 17 of the Act (e.g., the National Futures Association) to assist it in carrying out its self-regulatory responsibilities under the Act, and to any national securities exchange or national securities association registered with the Securities and Exchange Commission to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.
- d. At the discretion of the Commission staff, information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.
- e. Information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under section 8 of the Commodity Exchange Act, 7 U.S.C. 12. Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts, some of this information might be considered personal in nature.

² See CFTC compilation of System of Record Notices, including routine uses, at 76 Fed. Reg. 5974 (Feb. 2, 2011),.

- f. Information may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, or a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.
- g. Information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.
- h. Information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."
- i. Where information, either alone or in conjunction with other information indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant information may be disclosed to the appropriate Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.
- j. Information may be disclosed to the General Services Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.
- k. Information may be disclosed to the National Archives and Records Administration for the purpose of records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.
- l. Information may be disclosed to foreign law enforcement, investigatory, or administrative authorities in order to comply with requirements set forth in international arrangements, such as memoranda of understanding.
- m. Information may be disclosed to contractors, grantees, volunteers, experts, students, and others performing or working on a contract, service, grant, cooperative agreement, or job for the Federal government when necessary to accomplish an agency function.
- n. Information may be disclosed to the Merit Systems Protection Board, including the Office of Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems.
- o. Information may be disclosed to the Department of Justice or in a proceeding before a court, adjudicative body, or other administrative body which the agency is authorized to appear, when:
 - i. the agency, or any component thereof; or
 - ii. any employee of the agency in his or her official capacity; or
 - iii. any employee of the agency in his or her official capacity where the Department of Justice or the agency has agreed to represent the employee; or
 - iv. the United States, when the agency determines that litigation is likely to affect the agency or any of its components;is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.
- p. Information may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, or at the request of, the individual who is the subject of the record.

- q. Information related to any traders or the amount or quantity of any commodity purchased or sold by such traders may be disclosed to any committee of either House of Congress upon its request, acting within the scope of its jurisdiction, pursuant to the Commodity Exchange Act, 7 U.S.C. 1 et seq., including Section 8(e) of such Act at 7 U.S.C. 12, and the rules and regulations promulgated thereunder.
- r. Information may be disclosed to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.
- s. Information may be disclosed to appropriate agencies, entities, and individuals when:
 - i. the Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
 - ii. the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Commission or another agency or entity) that rely upon the compromised information; and
 - iii. the disclosure made to such agencies, entities, and individuals is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

FREEDOM OF INFORMATION ACT

The Freedom of Information Act, 5 U.S.C. § 552, ("FOIA") and the Commission's rules pursuant thereto, 17 C.F.R. Part 145, generally provide for disclosure of information to the public, unless information falls within a specified exemption. Commission Rule 145.9, 17 C.F.R. § 145.9, establishes the procedure by which you may request that certain sensitive information not be disclosed pursuant to a FOIA request.

INFORMAL PROCEDURE RELATING TO THE RECOMMENDATION OF ENFORCEMENT PROCEEDINGS

As a result of facts gathered in an investigation, the Division of Enforcement may decide to propose an enforcement action against one or more individuals. Under the Informal Procedure Relating to the Recommendation of Enforcement Proceedings,³ the Division of Enforcement, in its discretion, may inform persons to be named in such actions of the nature of the allegations pertaining to them. The Division may also, in its discretion, advise such persons that they may submit a written statement before the consideration by the Commission of any staff recommendation for the commencement of the proceeding. Unless otherwise provided, such written statements must be submitted within 14 days after persons are informed by the Division of Enforcement of the nature of the allegations pertaining to them.

SMALL BUSINESS REGULATORY AND ENFORCEMENT FAIRNESS ACT

Your comments are important. If you wish to comment on the enforcement or regulatory actions of the Commodity Futures Trading Commission, please call the Small Business Liaison in the Office of General Counsel at (202) 418-5120. You may also wish to contact the Small Business and Agriculture Regulatory Enforcement Ombudsman, or one of the 10 Regional Fairness Boards, which were established by the

³ The Informal Procedure has been adopted as Appendix A to Part 11 of the Commission's Regulations, 17 C.F.R. Part 11, Appendix A. Appendix A more fully sets forth the substantive and procedural provisions of the Informal Procedure.

Small Business Regulatory and Enforcement Fairness Act. The Ombudsman and Boards receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to contact the Ombudsman to comment on the enforcement actions of the CFTC, please call 1-888-REG-FAIR (1-888-7343247).

Files Uploaded

No files were uploaded with this submission.



Tips, Complaints, and Referrals

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(b)(6); (b)(7)(C)

This PDF was generated on Tuesday, July 31, 2018 at 04:25:16 PM EDT

The Complaint Form questions that were responded to during the initial submission, the answers entered for those questions during the initial submission, and the documents that were uploaded to this TCR during the initial submission are listed below.

What is your complaint about?

Q: Please select the option that best describes your complaint.

A: General trading practices or pricing issues

Q: Please select the specific category that best describes your complaint.

A: Pricing information: inaccurate quotes/pricing information

Q: In your own words, describe the conduct or situation you are complaining about.

A: Honored SEC, (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C) on the cryptocurrency exchange "Kraken(www.kraken.com)" which is operated by Payward Inc. from San Francisco, USA. Over the past year I encountered a certain problem multiple times of which I think that it is a type of market manipulation. Currently, I am not sure which authority I need to contact to file a complaint about the following problem. The problem is that Kraken is displaying false OHLC data on its trade platform. The reason for this claim is based on the following situation. While trading I noticed that dozens of limit orders were not closed even though the OHLC data shows that the limit was clearly passed, and therefore these orders should have been closed. This occurred in several markets on different dates over the past year, and usually the OHLC data shows a relative large peak at these occurrences. (note: Relative large peaks are encountered regularly, and usually trades take place.) On each occurrence I contacted Kraken's support to notify them of the problem, and to ask them to close these positions because the OHLC data shows that their limit was passed. Each time Kraken denied to take any kind of action using the argument: "The trade data is not correct. No trades actually took place in those peaks, therefore we cannot close these orders." Seeing this argument, Kraken admits that the OHLC data is false. Therefore, I would think that the OHLC data should be corrected then by Kraken, to display the correct trade history and that Kraken should warn customers about these irregularities in their markets, thereby preventing misleading trend indicators and their impacts on trading decisions. Nonetheless, Kraken never issued a warning customers, nor did they correct the OHLC data after they were informed about the problem. Therefore I think it is possible that Kraken might manipulate the markets with false OHLC data. If needed I can supply documentation about these occurrences, including Order IDs to provide evidence of open and closing times of relevant orders, email communication as well as screenshots of the OHLC data on the occurrences.

Sincerely, (b)(6); (b)(7)(C)



Tips, Complaints, and Referrals

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Q: Are you having or have you had difficulty getting access to your funds or securities?

A: No

Q: Did you suffer a loss?

A: Yes

Q: Enter amount of loss to nearest dollar without characters (e.g., 15000, not \$15,000.00).

A: (b)(6)

Q: When did you become aware of the conduct? (mm/dd/yyyy)

A: 05/23/2017

Q: When did the conduct begin? (mm/dd/yyyy)

A: 05/23/2017

Q: Is the conduct ongoing?

A: Yes

Q: Has the individual or firm acknowledged the conduct?

A: Yes

Q: How did you learn about the conduct? You may select more than one answer.

A: Internal business documents

Q: Have you taken any action regarding your complaint? You may select more than one answer.

A: Complained to firm; Complained to other regulator; Complained to other



Tips, Complaints, and Referrals

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Q: Provide details.

A: Complaints filed at: Kraken - The exchange CFTC - other regulator. No reply yet. FINRA - other regulator. FINRA advised to contact the SEC CME Group - Derivatives market place which uses Kraken among others exchanges for pricing

Who are you complaining about?

Subject # 1

Q: Are you complaining about a person or a firm?

A: Firm

Q: Select the title that best describes the person or firm that you are complaining about.

A: Exchange

Q: Are you or were you associated with the person or firm when the alleged conduct occurred?

A: No

Q: Identifier Type

A: Unknown

Q: Are you a current or former Employee, Officer, Partner, or Employee Director of any entity you are complaining about?

A: No

Q: Are you a current or former Non-Employee Director, Consultant, Contractor or Trustee of any entity you are complaining about?

A: No



Tips, Complaints, and Referrals

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Q: Firm Name

A: Kraken (Payward Inc.)

Q: Street Address

A: 548 Market Street

Q: Address (Continued)

A: Suite 39656

Q: Zip / Postal Code

A: CA 94104-5401

Q: State / Province

A: California

Q: Country

A: United States

Q: Work Phone

A: 650-434-2889

Q: Email Address

A: legal@kraken.com

Q: Website

A: www.kraken.com



Tips, Complaints, and Referrals

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Q: If the complaint is about an entity or person that has custody or control of your investments, have you had difficulty contacting that entity or person?

A: Yes

Q: Is Primary Subject

A: Yes

Which investment products are involved?

Q: Select the type of product involved in your complaint.

A: Funds (e.g., ETFs, mutual funds, private equity funds, hedge funds)

Q: Please select the category that best describes the security product.

A: Exchange-traded funds

Q: Enter the ticker symbol, if known.

A: Several cryptocurrencies

Q: Enter the product name(s)

A: BTC, BCH, DASH, ETC, ETH, and more

About you

Submitter # 1

Q: Are you filing this tip under the SEC's whistleblower program?

A: No



Tips, Complaints, and Referrals

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Q: Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful.

A: No

Q: First Name

A: (b)(6);
(b)(7)(F)

Q: Last Name

A: (b)(6);

Q: Street Address

A: (b)(6); (b)(7)(C)

Q: Zip / Postal Code

A: (b)(6);
(b)(7)(C)

Q: City

A: (b)(6);
(b)(7)(C)

Q: Country

A: (b)(6); (b)(7)(C)

Q: Mobile Telephone

A: (b)(6); (b)(7)(C)

Q: Email Address

A: (b)(6); (b)(7)(C)



Tips, Complaints, and Referrals

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Q: What is the best way to reach you?

A: Email

Q: Are you represented by an attorney in connection with this matter, or would you like to provide your attorney's contact information?

A: No

Q: Select the profession that best represents you.

A: Other

Q: For Other, please specify.

A:

Confirmation Number: (b)(6); (b)(7)(C)
Submission Received:

**UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, D.C. 20581**

Filed Complaint with the CFTC Division of Enforcement

1. WHICH CATEGORY(IES) BEST DESCRIBE YOUR COMPLAINT

A. Fraudulent representations that persuaded you to trade futures, options, swaps, forex, or leveraged transactions.

If a rate of return was promised to you, what was the rate of return?

Annual, Monthly Other periodic basis

Were promised that the risk of loss trading futures was limited? Yes, No

Were you offered a money back guarantee? Yes, No

Were you told something about the experience of the person(s) trading your funds that you later found out was untrue? Yes, No

If yes, what were you told?

If none of the above, describe what you were told that you now believe to be untrue.

Are there other potential victims that you know of? Please identify.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

B. Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Have you asked for the return of your funds? Yes, No

To your knowledge, are there any funds remaining? Yes, No

If so, how much?

WE'VE BEEN LOCKED OUT FROM OUR ACCOUNT, THUS UNFORTUNATELY WE CAN NOT CHECK THE EXACT AMOUNT. WE ASSUME THAT THERE ARE APPROX. CAD (b)(6) LEFT.

Do you know the name of the futures commission merchant that processed the trades? Yes, No

If yes, please identify.

Are there other potential victims that you know of? Yes, No

Please identify

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

C. Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Describe the conduct that you believe requires the person or firm to be registered under the CEA.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

D. Disruptive or manipulative trading activity in the futures, options or swaps markets

What is the source of your belief that someone or some entity has engaged in either a disruptive trading practice or manipulative activity?

On what days, and if you know, what time of day, did the alleged conduct occur?

On what exchange or market did the activity occur?

What prices, if any, were affected by the alleged conduct?

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

E. The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information

Was the confidential information held or created by the Federal Government? Yes, No

If yes, which of the following apply:

Did the Federal Government generally disseminate the information prior to the alleged trading activity? Yes, No

Did a Federal employee or agent use the information to trade a futures contract, an options contract, or a swap? Yes, No

Did a Federal employee or agent provide the confidential information to someone else that this other person could trade a futures contract, an options contract, or a swap? Yes, No

Did someone steal the confidential information and use it to trade a futures contract, an options contract or a swap?

Yes, No

Did the confidential information belong to a person or a firm? Yes, No

If yes, identify that person or firm with contact information.

Did the conduct occur within the United States? Yes, No

If not, where did it occur?

If your complaint does not fit into any of the above-described categories please describe below.

2. Have you suffered a monetary loss? Yes, No

If yes, describe how much.

(b)(6); (b)(7)(C)

3. When did the alleged conduct occur?

FROM 21ST NOV 2018 APPROX 2:50 A.M. UNTIL APPROX. 14:00 P.M. CET.

4. Is the conduct on-going? Yes, No

5. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes, No

6. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes, No

If yes, select the appropriate category:

Prior complaint to the CFTC

Complaint to another regulator

A state or federal criminal law enforcement entity.

A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court)

7. Provide a brief description about what you are complaining about.

APPROX. 260 TRANSACTIONS IN 9 HOURS BY UNKNOWN TRADER VIA OUR ACCOUNT(BETWEEN QTUM AND CAD). SUFFERED MONETARY LOSS ON EACH TRANSACTION.

2. TELL US ABOUT THE INDIVIDUAL AND/OR FIRM YOU ARE COMPLAINING ABOUT INDIVIDUAL/FIRM 1:

1. Type: Individual Firm Individual/Firm Name
PAYWARD, INC.

Title that best describes what you are complaining about
Other

If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes, No, Unknown

2. Individual/Firm Street Address: Suite/Apartment/Unit #
237 KEARNY STREET SUITE 102

3. City: State/Province ZIP/Postal Code Country
SAN FRANCISCO CALIFORNIA CA 94108 UNITED STATES

4. Home Phone: Work Phone: Mobile Phone: Other Number:

5. E-mail Address: Website Address:
LEGAL@KRAKEN.COM HTTPS://WWW.KRAKEN.COM

6. Are you or were you associated with the individual or firm when the alleged conduct occurred? Yes, No, Unknown

7. How are you or were you associated with the individual or firm you are complaining about? Describe
WE ARE A REGISTERED USER FOR THE SERVICES OF KRAKEN LLC. OUR PUBLIC ID ON

(b)(6); (b)(7)(C)

What was the initial form of contact between you and the person against whom you are filing this complaint?
Email

If Other, please explain

3. TELL US ABOUT YOU

Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful Yes, No

Are you represented by an attorney in connection with your submission? Yes, No

COMPLAINANT INFORMATION

Title Mr., Mrs., Ms.

(b)(6); (b)(7)(C)

ATTORNEY INFORMATION

Title Mr., Mrs., Ms.

(b)(6); (b)(7)(C)

4. TELL US ABOUT THE INSTRUMENTS INVOLVED IN YOUR COMPLAINT

- A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.
- An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.
- A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (*i.e.*, nine or less) index of securities.
- A foreign currency transaction

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis? Yes, No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability? Yes, No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty

If checked,

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis? Yes, No

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability? Yes, No

A cash (or physical) contract traded in interstate commerce.

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Act Statement and the privacy policy for www.cftc.gov.

U.S. COMMODITY FUTURES TRADING COMMISSION
WASHINGTON, D.C. 20581

Statement to Persons Providing Information about Themselves to
the Commodity Futures Trading Commission

This document sets forth your legal rights and responsibilities as a person requested to supply information about yourself voluntarily, as a person with recordkeeping obligations under the Commodity Exchange Act or CFTC regulations or as a person directed to provide sworn testimony or produce documents pursuant to a subpoena of the Commodity Futures Trading Commission. When applicable, this statement also provides important information about the deposition process for persons providing testimony. Unless stated otherwise, the information below applies whether you are providing information voluntarily, pursuant to the recordkeeping obligations of a registrant, or pursuant to subpoena.

FALSE STATEMENTS AND DOCUMENTS

Any person who knowingly and willfully makes false or fraudulent statements, whether under oath or otherwise, or who falsifies, conceals or covers up a material fact, or submits any false writing or document, knowing it to contain false, fictitious or fraudulent information, is subject to the criminal penalties set forth in 18 U.S.C. § 1001 which include imprisonment of not more than five years, imposition of a substantial fine under the Federal Sentencing Guidelines, or both.

It shall also be unlawful for any person to make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading, as set forth in the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §753, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 9, 15.

PRIVACY ACT

To restrict unauthorized dissemination of personal information, the Privacy Act of 1974, 5 U.S.C. § 552a, limits an agency's ability to disclose such information.¹ Under the Privacy Act, the Commission may

¹ Individuals should refer to the full text of the Privacy Act, 5 U.S.C. § 552a(b), to the Commission's rules, 17 C.F.R. 146, and the CFTC's compilation of System of Record Notices, 76 Fed. Reg. 5974 (Feb. 2, 2011) for a complete list of authorized disclosures and coverage of the Act. Only those disclosures arising most frequently are mentioned in this document.

disclose protected information as follows: when the individual to whom the record pertains consents in writing; when officers and employees of the Commission need the record to perform their duties; when required by the terms of the Freedom of Information Act, 5 U.S.C. § 552; or when disclosure is for a "routine use" (i.e., one compatible with the purpose for which the information was collected).

The Privacy Act also requires that, in certain situations, individuals requested to provide information about themselves receive notice of the following:

1. AUTHORITY FOR SOLICITATION OF INFORMATION.

- a. Recordkeeping for Registered Persons. Sections 4f, 4g, and 4n of the Commodity Exchange Act, 7 U.S.C. § 6f, 6g, 6n, and Commission Rules 1.12, 1.18, 1.31, 1.33, 1.34, 1.35, 1.37, 1.55, 3.12, 4.23, 4.32, 32.7, and 33.7, 17 C.F.R. §§ 1.12, 1.18, 1.31, 1.33, 1.34, 1.35, 1.37, 1.55, 3.12, 4.23, 4.32, 32.7, 33.7, require Registered Persons to keep records and reports of transactions and positions in commodities for future delivery on any board of trade in the United States or elsewhere. Registered Persons must also keep books and records pertaining to such transactions (including daily trading records, customer records, and information concerning volume of trading) in the form and manner and for such period of time required by the Commission. All such books and records must be made available for inspection by any representative of the Commission or Department of Justice.
- b. Recordkeeping for Members of a Registered Entity. Commission Rules 1.31, 1.35 and 1.37, 17 C.F.R. §§ 1.31, 1.35, 1.37, require Members of a Registered Entity to keep records and reports of transactions and positions in commodities for future delivery and options on any board of trade in the United States or elsewhere, as well as cash commodities. Members of a Registered Entity must also keep books and records pertaining to such transactions (including daily trading records, customer records, and information concerning volume of trading) in the form and manner and for such period of time required by the Commission. All such books and records must be made available for inspection upon request by any representative of the Commission or the Department of Justice. Commission Rule 1.40, 17 C.F.R. § 1.40 requires each Member of a Registered Entity to furnish to the Commission certain reports concerning crop or market information or conditions that affect or tend to affect the price of any commodity.
- c. Recordkeeping for Large Traders. Section 4i of the Commodity Exchange Act, 7 U.S.C. § 6i, and Commission Rules 1.31 and 18.05, 17 C.F.R. §§ 1.31, 18.05, require Large Traders to keep books and records showing, among other things, all details concerning all positions and transactions in the commodity, and in its products and by-products, whether executed through a contract for future delivery, an option contract or a cash contract, and whether such contract is executed through a board of trade, an exempt commercial market, an exempt board of trade, a foreign board of trade or an over-the-counter transaction. All such books and records, and pertinent information concerning the underlying positions, transactions or activities, must be made available for inspection in a form acceptable to the Commission upon request by any representative of the Commission.
- d. Investigations. Sections 6(c) and 8(a) of the Commodity Exchange Act, 7 U. S. C. §§ 15, 12(a), and Commission Rule 11.2, 17 C.F. .R. § 11.2, authorize the Commission to conduct investigations. In the course of any investigation or proceeding, the Commission or an officer designated by the Commission may administer oaths and affirmations, subpoena witnesses,

compel their attendance, take evidence, require production of documents, and secure voluntary statements or submissions.

2. PURPOSE OF SOLICITATION OF INFORMATION. The Commission's principal purpose in soliciting information from you is to determine whether any person has violated, is violating, or is about to violate the Commodity Exchange Act or the rules and regulations thereunder. In certain circumstances, the Commission may be obtaining information at the behest of a foreign futures authority under § 12(f) of the Commodity Exchange Act, 7 U.S.C. § 16(f).

3. EFFECT OF NOT SUPPLYING INFORMATION.

- a. Persons Directed to Provide Testimony or Produce Documents Pursuant to Subpoena. Disclosure of information to the Commission is mandatory, subject to the valid assertion of any legal right or privilege you might have. If you fail to comply with the subpoena, the Commission may seek a court order requiring you to do so. If the Commission obtains such an order and you thereafter fail to supply the information, you may be subject to civil and/or criminal sanctions for contempt.
- b. Persons Requested to Provide Information Voluntarily. There are no direct effects or sanctions for failing to provide any or all of the requested information. If you do provide information, however, you should note the sanctions for false statements and documents described above.
- c. Registered Persons. Disclosure of requested books or records is mandatory pursuant to the provisions listed in paragraph I.a. Failure to submit or make available for inspection the requested information constitutes a violation of the Commodity Exchange Act and Commission Regulations and may result in any or all of the following under Sections 6c or 6(c) of the Commodity Exchange Act, 7 U.S.C. §§ 13a-I, 9:
 - 1) Institution of an action by the Commission to enjoin such a violation or enforce compliance;
 - 2) Upon proper showing, granting of a temporary or permanent injunction or restraining order without bond;
 - 3) Upon application by the Commission, issuance of writs of mandamus or orders offering like relief commanding compliance with the Commodity Exchange Act;
 - 4) Imposition of a civil penalty of not more than \$110,000 for each violation or such higher inflation adjusted amount as provided by Regulation 143.8, 17 C.P.R. §143.8;
 - 5) At the request of Commission, institution of an action by the Attorney General;
 - 6) Prohibition of trading on or subject to the rules of a contract market;
 - 7) Suspension or revocation of registration with the Commission;
 - 8) Required payment of restitution to customers for damages proximately caused by violations;

- 9) Entry of a cease and desist order;
 - 10) Imposition of a restraining order prohibiting you from destroying, altering or disposing of, or refusing to allow authorized representatives of the Commission to inspect, when and as requested, such books, records or other documents; and
 - 11) Imposition of a restraining order prohibiting you from withdrawing, transferring, removing, dissipating or disposing of any funds, assets or other property.
4. **ROUTINE USES OF INFORMATION.** The Commission often makes its files available to other governmental agencies, particularly United States Attorneys and state prosecutors. There is a likelihood that information supplied by you will be made available to such agencies where appropriate. Whether or not the Commission makes its files available to other governmental agencies is, in general, a confidential matter between the Commission and such other government agencies. Information which you provide may be used in the routine operation of the Commission, which includes law enforcement; review of legislative and regulatory proposals, regulation of the commodity futures markets, and review of reports and documents filed with the Commission.

Specific routine uses include the following:²

- a. Information may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or its staff participates as a party or the Commission participates as *amicus curiae*.
- b. Information may be disclosed to the Department of Justice, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other Federal, state, local, territorial or tribal law enforcement or regulatory agencies for use in meeting their statutory and regulatory requirements.
- c. Information may be given to any "registered entity," as defined in section 1a of the Commodity Exchange Act, 7 U.S.C. 1, et seq. ("the Act"), if the Commission has reason to believe that such information will assist the registered entity in carrying out its responsibilities under the Act. Information may also be given to any registered futures association registered under section 17 of the Act (e.g., the National Futures Association) to assist it in carrying out its self-regulatory responsibilities under the Act, and to any national securities exchange or national securities association registered with the Securities and Exchange Commission to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.
- d. At the discretion of the Commission staff, information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.
- e. Information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under section 8 of the Commodity Exchange Act, 7 U.S.C. 12. Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts, some of this information might be considered personal in nature.

² See CFTC compilation of System of Record Notices, including routine uses, at 76 Fed. Reg. 5974 (Feb. 2, 2011).

- f. Information may be disclosed to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, or a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.
- g. Information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.
- h. Information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."
- i. Where information, either alone or in conjunction with other information indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant information may be disclosed to the appropriate Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.
- j. Information may be disclosed to the General Services Administration for the purpose of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.
- k. Information may be disclosed to the National Archives and Records Administration for the purpose of records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.
- l. Information may be disclosed to foreign law enforcement, investigatory, or administrative authorities in order to comply with requirements set forth in international arrangements, such as memoranda of understanding.
- m. Information may be disclosed to contractors, grantees, volunteers, experts, students, and others performing or working on a contract, service, grant, cooperative agreement, or job for the Federal government when necessary to accomplish an agency function.
- n. Information may be disclosed to the Merit Systems Protection Board, including the Office of Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems.
- o. Information may be disclosed to the Department of Justice or in a proceeding before a court, adjudicative body, or other administrative body which the agency is authorized to appear, when:
 - i. the agency, or any component thereof; or
 - ii. any employee of the agency in his or her official capacity; or
 - iii. any employee of the agency in his or her official capacity where the Department of Justice or the agency has agreed to represent the employee; or
 - iv. the United States, when the agency determines that litigation is likely to affect the agency or any of its components;is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the agency is deemed by the agency to be relevant and necessary to the litigation provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected.
- p. Information may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, or at the request of, the individual who is the subject of the record.

- q. Information related to any traders or the amount or quantity of any commodity purchased or sold by such traders may be disclosed to any committee of either House of Congress upon its request, acting within the scope of its jurisdiction, pursuant to the Commodity Exchange Act, 7 U.S.C. 1 et seq., including Section 8(e) of such Act at 7 U.S.C. 12, and the rules and regulations promulgated thereunder.
- r. Information may be disclosed to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding.
- s. Information may be disclosed to appropriate agencies, entities, and individuals when:
 - i. the Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;
 - ii. the Commission has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Commission or another agency or entity) that rely upon the compromised information; and
 - iii. the disclosure made to such agencies, entities, and individuals is reasonably necessary to assist in connection with the Commission's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

FREEDOM OF INFORMATION ACT

The Freedom of Information Act, 5 U.S.C. § 552, ("FOIA") and the Commission's rules pursuant thereto, 17 C.F.R. Part 145, generally provide for disclosure of information to the public, unless information falls within a specified exemption. Commission Rule 145.9, 17 C.F.R. § 145.9, establishes the procedure by which you may request that certain sensitive information not be disclosed pursuant to a FOIA request.

INFORMAL PROCEDURE RELATING TO THE RECOMMENDATION OF ENFORCEMENT PROCEEDINGS

As a result of facts gathered in an investigation, the Division of Enforcement may decide to propose an enforcement action against one or more individuals. Under the Informal Procedure Relating to the Recommendation of Enforcement Proceedings,³ the Division of Enforcement, in its discretion, may inform persons to be named in such actions of the nature of the allegations pertaining to them. The Division may also, in its discretion, advise such persons that they may submit a written statement before the consideration by the Commission of any staff recommendation for the commencement of the proceeding. Unless otherwise provided, such written statements must be submitted within 14 days after persons are informed by the Division of Enforcement of the nature of the allegations pertaining to them.

SMALL BUSINESS REGULATORY AND ENFORCEMENT FAIRNESS ACT

Your comments are important. If you wish to comment on the enforcement or regulatory actions of the Commodity Futures Trading Commission, please call the Small Business Liaison in the Office of General Counsel at (202) 418-5120. You may also wish to contact the Small Business and Agriculture Regulatory Enforcement Ombudsman, or one of the 10 Regional Fairness Boards, which were established by the

³ The Informal Procedure has been adopted as Appendix A to Part 11 of the Commission's Regulations, 17 C.F.R. Part 11, Appendix A. Appendix A more fully sets forth the substantive and procedural provisions of the Informal Procedure.

Small Business Regulatory and Enforcement Fairness Act. The Ombudsman and Boards receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to contact the Ombudsman to comment on the enforcement actions of the CFTC, please call 1-888-REG-FAIR (1-888-7343247).



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

Subject Type: Firm

Product Type: Commodities

Allegation Category: Trade execution

Nature of Complaint: Trading and Pricing

TCR Source ID: [REDACTED]

TCR Source: [REDACTED]

Allegation Information:

[REDACTED] Dear sir/madam, I was trading Ether (A cryptocurrency similar to Bitcoin) on Kraken, I was doing this process automatically via a trading bot, the bot follows dips with stop-loss orders in case of a sudden price rise to lock in its profits from the short positions it opens. A week ago (10/07/2017) I had an issue where the stop-loss price was reached but the exchange did not fulfil my order, instead the price just went higher and I was left without my order filled. I wrote to their support describing what happened and also telling them that I had problems placing market orders; both buys and sells would give "Error 820: Unknown error" or time out or some other problem when placing them. They did not respond at all, this is after recently responding quickly to a request of mine involving access to my account. Today (17/07/2017), I opened a short position on Ether at (b)(6); (b)(7)(C) euros, the price dropped to below (b)(6) and my bot placed a stop-loss at (b)(6); (b)(7)(C) euros, which once again failed to trigger. The price rose to (b)(6); (b)(7)(C) and then a second dip came, bot placed a stop-loss at (b)(6); (b)(7)(C) euros which again failed to trigger. The price then rose to (b)(6) euros where my bot placed a limit buy which returned "Error: Time out" but triggered anyway. Understandably I was furious, a problem I had told them to fix a week earlier had caused a profit to turn into a loss due to the exchange failures on Kraken's side. I only lost about (b)(6); (b)(7)(C) from this failure but I was concerned about this business practice and worried it might be happening to other people especially after they had ignored my support e-mails As a (b)(6); (b)(7)(C) I contacted the FCA who told me Kraken are not registered with them (Interesting since they offer financial services to (b)(6); (b)(7)(C)). They also said there was nothing they could do and I should take my request up with you guys, the SEC. As far as I understand it Kraken are making absolutely insane money while barely passing / flagrantly violating regulations simply because Crypto isn't as heavily watched as other assets. In contrast there is GDAX which are refunding the people who got margin called when it wasn't even their fault. Unfortunately Kraken is my only option for high volume Eth/Euro trades, I feel exploited knowing that I HAVE to use Kraken even though their services are incredibly bad. It's 2017, Crypto has daily trade volumes to equal some of the most popular stocks, I just wish it had the same regulation. Yours sincerely, (b)(6); (b)(7)(C)

Documents:



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Questionnaire:

Tell us about your complaint

Please select the option that best describes your complaint



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

General trading practices or pricing issues?

Please select the specific category that best describes your complaint

Trade execution

Provide additional details about your complaint:

Dear sir/madam, I was trading Ether (A cryptocurrency similar to Bitcoin) on Kraken, I was doing this process automatically via a trading bot, the bot follows dips with stop-loss orders in case of a sudden price rise to lock in its profits from the short positions it opens. A week ago (10/07/2017) I had an issue where the stop-loss price was reached but the exchange did not fulfil my order, instead the price just went higher and I was left without my order filled. I wrote to their support describing what happened and also telling them that I had problems placing market orders; both buys and sells would give "Error 820: Unknown error" or time out or some other problem when placing them. They did not respond at all, this is after recently responding quickly to a request of mine involving access to my account. Today (17/07/2017), I opened a short position on Ether at (b)(6); (b)(7)(C) euros, the price dropped to below (b)(6); (b)(7)(C) and my bot placed a stop-loss at (b)(6); (b)(7)(C) euros, which once again failed to trigger. The price rose to (b)(6); (b)(7)(C) and then a second dip came, bot placed a stop-loss at (b)(6); (b)(7)(C) euros which again failed to trigger. The price then rose to (b)(6); (b)(7)(C) euros where my bot placed a limit buy which returned "Error: Time out" but triggered anyway. Understandably I was furious, a problem I had told them to fix a week earlier had caused a profit to turn into a loss due to the exchange failures on Kraken's side. I only lost about (b)(6); (b)(7)(C) from this failure but I was concerned about this business practice and worried it might be happening to other people especially after they had ignored my support e-mails As a (b)(6); (b)(7)(C) I contacted the FCA who told me Kraken are not registered with them (Interesting since they offer financial services to (b)(6); (b)(7)(C) They also said there was nothing they could do and I should take my request up with you guys, the SEC. As far as I understand it Kraken are making absolutely insane money while barely passing / flagrantly violating regulations simply because Crypto isn't as heavily watched as other assets. In contrast there is GDAX which are refunding the people who got margin called when it wasn't even their fault. Unfortunately Kraken is my only option for high volume Eth/Euro trades, I feel exploited knowing that I HAVE to use Kraken even though their services are incredibly bad. It's 2017, Crypto has daily trade volumes to equal some of the most popular stocks, I just wish it had the same regulation.

Yours sincerely, (b)(6); (b)(7)(C)

Resolution checklist

Who are you complaining about?

Are you complaining about an individual or a firm?

Firm

Select the title that best describes the individual or firm that you are complaining about:



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

Other

For Other Firm, please specify:

Cryptocurrency exchange

Firm Name:

Kraken

Telephone:

Resolution checklist

Products involved

Select the type of product involved in your complaint:

Commodities

Please select the category that best describes your security product:

Currency transactions

Enter the product name(s):

Ether

About you

***Are you submitting this tip, complaint or referral pursuant to the SEC's whistleblower program?**

No

***Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful.**

No

****Are you represented by an attorney in connection with your submission?**

No

Submitter Information

Title:

Mr.

****First Name:**

(b)(6); (b)(7)(C)

****Last Name:**

(b)(6); (b)(7)(C)



U.S. Securities and Exchange Commission

TCR Summary (b)(6); (b)(7)(C)

Street Address:

(b)(6); (b)(7)(C)

City:

(b)(6);
(b)(7)(C)

Zip / Postal Code:

(b)(6); (b)(7)(C)

Country:

(b)(6); (b)(7)(C)

Email Address:

(b)(6); (b)(7)(C)

Select the profession that best represents you:

Other

For Other, please specify:

Individual Correspondent

Attorney Information

(required if submitting information anonymously and seeking to be eligible for an award under the whistleblower program)

Resolution checklist

Whistleblower Declarations



(b)(6); (b)(7)(C)

Subject Type: Firm
Product Type: Commodities
Allegation Category:
Nature of Complaint: Other
TCR Source ID:
TCR Source:
Allegation Information:

FINRA File# (b)(6); (b)(7)(C) The attached matter is a complaint received by FINRA from an investor named (b)(6); (b)(7)(C) opened an account with Kraken.com for purposes of investing in specific crypto-currencies. After studying the market, he decided that he wanted to invest in the Ripple (XRP) digital currency. Despite claims on its website that Kracken can verify users for Tier 3 trading access within 48 hours, it took the firm three weeks to complete the Tier 3 verification for (b)(6); (b)(7)(C). This delay resulted in (b)(6); (b)(7)(C) missing the opportunity to invest in Ripple (XRP) prior to the price spiking as he predicted it would. As the complaint does not involve a FINRA firm or Registered Representative, we are referring the matter to the SEC for your review and whatever further action is deemed appropriate. The investor has been notified of this referral. Please contact me if you have any questions. Thank you, Keith Howes Associate Director Central Review Group Office of Fraud Detection and Market Intelligence (240) 386-6438 keith.howes@finra.org

[REDACTED]

Questionnaire:

Tell us about your complaint

Please select the option that best describes your complaint

If your complaint does not fit in any of the categories above, please describe below

Provide additional details about your complaint:

FINRA File# (b)(6); (b)(7)(C) The attached matter is a complaint received by FINRA from an investor named (b)(6); (b)(7)(C) opened an account with Kraken.com for purposes of investing in specific crypto-currencies. After studying the market, he decided that he wanted to invest in the Ripple (XRP) digital currency. Despite claims on its website that



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

Kraken can verify users for Tier 3 trading access within 48 hours, it took the firm three weeks to complete the Tier 3 verification for (b)(6); (b)(7)(C). This delay resulted in (b)(6); (b)(7)(C) missing the opportunity to invest in Ripple (XRP) prior to the price spiking as he predicted it would. As the complaint does not involve a FINRA firm or Registered Representative, we are referring the matter to the SEC for your review and whatever further action is deemed appropriate. The investor has been notified of this referral. Please contact me if you have any questions. Thank you, Keith Howes Associate Director Central Review Group Office of Fraud Detection and Market Intelligence (240) 386-6438 keith.howes@finra.org

Resolution checklist

Who are you complaining about?

Are you complaining about an individual or a firm?

Firm

Select the title that best describes the individual or firm that you are complaining about:

Other

For Other Firm, please specify:

Digital Currency Exchange

Firm Name:

Kraken

Street Address:

548 Market Street

Address (Continued):

Suite 39656

City:

San Francisco

State / Province:

CALIFORNIA

Zip / Postal Code:

94104

Country:

UNITED STATES

Telephone:

Work:



650-434-2889

Website:

https://www.kraken.com/en-us

Resolution checklist

Products involved

Select the type of product involved in your complaint:

Commodities

Please select the category that best describes your security product:

Other commodities

For other commodities, please provide more information:

cryptocurrency

Enter the product name(s):

Ripple

About you

*Are you submitting this tip, complaint or referral pursuant to the SEC's whistleblower program?

No

*Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful.

No

**Are you represented by an attorney in connection with your submission?

No

Submitter Information

Title:

Mr.

**First Name:

(b)(6); (b)(7)(C)

**Last Name:

(b)(6); (b)(7)(C)

Street Address:



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

City:

(b)(6); (b)(7)(C)

State / Province:

(b)(6); (b)(7)(C)

Zip / Postal Code:

(b)(6); (b)(7)(C)

Country:

(b)(6); (b)(7)(C)

Email Address:

(b)(6); (b)(7)(C)

Attorney Information

(required if submitting information anonymously and seeking to be eligible for an award under the whistleblower program)

Resolution checklist

***Are you submitting this tip, complaint or referral pursuant to the SEC's whistleblower program?**

No

***Are you submitting this tip, complaint or referral anonymously? Being able to contact you for further information or clarification may be helpful.**

No

****Are you represented by an attorney in connection with your submission?**

No

Submitter Information

****First Name:**

FINRA

****Last Name:**

Keith Howes

Street Address:

FINRA File# (b)(6); (b)(7)(C)

Work Telephone:



U.S. Securities and Exchange Commission

TCR Summary - (b)(6); (b)(7)(C)

240-386-6438

Email Address:

keith.howes@finra.org

Attorney Information

(required if submitting information anonymously and seeking to be eligible for an award under the whistleblower program)

Resolution checklist

Whistleblower Declarations

Filing ID: (b)(6); (b)(7)(C) Please retain this number for further inquiries regarding this form)

Submitted Date: (b)(6); (b)(7)(C)

Your form was submitted to FINRA successfully. Please print this form now if you wish to retain a copy for your records.

My complaint

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about your Investment

(b)(6); (b)(7)(C)

Tell us about your Complaint

What type of problem(s) are you Reporting?

Primary Problem * Unauthorized transactions

Secondary Problem Fail to execute

Amount in Dispute (b)(6); (b)(7)(C)

If your complaint involves a retirement account, please select the type of account:

Defined Contribution Plan

An employer sponsored retirement plan where a certain amount or percentage of money is set aside by the employer and/or the employee for the benefit of the employee (e.g., 401(k), 403(a)).

Defined Benefit Plan

An employer sponsored retirement plan such as a pension plan that offers a specific monthly benefit upon retirement. The amount is determined based on the plan's formula which would consider employee salary and tenure.

Individual Retirement Account (IRA)

A self-directed retirement plan established by an individual; includes Traditional IRAs and Roth IRAs.

Keogh Plan

A retirement plan established by self-employed individuals for themselves and their employees. It can be a defined-benefit or a defined-contribution plan.

Simplified Employee Pension (SEP)

A SEP plan is a type of IRA account that is established by an employer or self-employed individual.

SIMPLE Plan

A SIMPLE plan (Savings Incentive Match Plan for Employees of Small Employers) is another type of retirement plan that is offered by small employers to their employees or used by self-employed individuals.

Complaint Summary

Please provide a summary of your complaint. Summary is limited to 3800 characters. *

Do not provide personal confidential information such as financial account numbers, Social Security numbers, or driver's license information. Such information will be requested by FINRA staff only when and if needed, and at the appropriate time.

I made a wire transfer from my brokerage account at kraken.com - I put the wrong account number to transfer - the wire transfer came back to kraken.com on Thursday 04.22.21 around 2 pm. As of today 04.26 pm 10.35 pm I did not get my money back from kraken.com. I emailed them multiple times - no concrete response when I get my money back

Documentation

What documentation are you able to provide?

- Trade Confirmation
- Monthly Account Statement
- Canceled Checks
- Correspondence to and from Firm
- Advertising or Marketing Materials
- Notes of Conversations with Firm
- Subscription Agreement
- Other

[Click here to attach your document](#)

Please describe any other documentation you may have but cannot upload (for example: documents in hard copy).
The document description is limited to 250 characters.

Tell us about the firm

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about the firm or entity about which you have a complaint

Click on "Add New", then type the firm name and CRD number(if any). Click a row to edit it.

1. [1. Brokerage Firm](#)

Type the firm CRD number or part of the firm name to list the firm. If the firm is registered with FINRA, you can look up the firm details from brokercheck.finra.org. If you do not see the firm in brokercheck.finra.org, please type the firm name in the boxes below.

Enter Firm Name or CRD Number:

Firm Name: *

Kraken.com

CRD Number:

Tell us about the individual about whom you have a complaint

Was your salesperson or another individual involved in the conduct that is the subject of your complaint? *

- Yes
- No
- I did not use a salesperson

Contacts and actions taken

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Firm Contact

Have you complained to the firm? *

Yes No

Please enter reference number (if available), date of contact, name of contact, and status or resolution within the space available below. Further details will be gathered later in the complaint process, if needed.

Your input is limited to 250 characters. *

Do not tell me exactly when I get my money back

Other Regulatory Contact

Have you contacted any other regulators? *

Yes No

Arbitration

Have you filed an arbitration claim? *

Yes No

Legal Action Taken

Have you taken legal action? *

Yes No

May we contact you?

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about yourself

All complaint information will be treated in confidence to the fullest extent possible. However, FINRA cannot guarantee that during the course of a related investigation or possible prosecution of the matter the source of the complaint will not become known, unless you provide an email address or a mailing address or a telephone number. Checking "Yes" will prevent us from following up with you to gather additional details.

Do you wish to make an anonymous complaint? *

No

Yes - I wish to make an anonymous complaint.

Are you submitting this complaint for yourself or on behalf of someone else? *

Self

Other

Your Contact Information

What is the best way to contact you should we have additional questions to better understand your complaint or gather more information?

(b)(6); (b)(7)(C)

Click on "Add New", then enter a phone number.

Are you active, or have recently been active, in the United States Military? *

(b)(6); (b)(7)(C)

Please select the age range that corresponds to you: *

(b)(6);
(b)(7)(C)



✓ Your form was submitted to FINRA successfully. Please print this form now if you wish to retain a copy for your records.

Filing ID: (b)(6); Please retain this number for further inquiries regarding this form)

Submitted Date: (b)(6); (b)(7)(C)

FINRA is responsible for determining whether brokerage firms and associated persons are in compliance with the federal securities regulations and FINRA Rules. If a determination is made to initiate an investigation, a FINRA examiner may contact you to obtain further information or documentation about your complaint.

FINRA investigations are conducted for the purpose of protecting all public investors. Information about our investor complaint program and FINRA's role in investigating investor complaints is available online in our Investor Complaint Program brochure at <http://www.finra.org/complaint/InvestorBrochure>.

Please understand that we are not representing you individually in this matter. There is no assurance that any action will result in the return of funds or securities to you. If you feel you are entitled to monetary relief, you may wish to initiate an individual action, such as mediation or arbitration. FINRA provides a forum for resolving individual disputes through FINRA Dispute Resolution.

Filing a complaint through the Investor Complaint Center is not the same as submitting an arbitration claim online. For additional information about FINRA's Dispute Resolutions programs, or to start an arbitration or mediation, please visit the Arbitration & Mediation section of the FINRA Web site at: <http://www.finra.org/ArbitrationMediation/index.htm>.

My complaint

FINRA Investor Complaint Form

All fields marked with * are mandatory.

(b)(6); (b)(7)(C)

Tell us about your Investment

Security Name EOS

Security Symbol EOS

Security Type * Other Security Type

Date and/or Period of Activity

From Date * (MM/DD/YYYY) 01/02/2018

To Date * (MM/DD/YYYY) 05/20/2018

Tell us about your Complaint

What type of problem(s) are you Reporting?

Primary Problem * Lost or stolen funds/securities

Secondary Problem Misrepresentation or misleading information

Amount in Dispute (b)(6); (b)(7)(C)

If your complaint involves a retirement account, please select the type of account:

Defined Contribution Plan

An employer sponsored retirement plan wherein a certain amount or percentage of money is set aside by the employer and/or the employee for the benefit of the employee (e.g., 401(k), 403(b)).

Defined Benefit Plan

An employer sponsored retirement plan such as a pension plan that offers a specific monthly benefit upon retirement. The amount is determined based on the plan's formula which would consider employee salary and tenure.

Individual Retirement Account (IRA)

A self-directed retirement plan established by an individual; includes Traditional IRAs and Roth IRAs.

Keogh Plan

A retirement plan established by self-employed individuals for themselves and their employees. It can be a defined-benefit or a defined-contribution plan.

Simplified Employee Pension (SEP)

A SEP plan is a type of IRA account that is established by an employer or self-employed individual.

SIMPLE Plan

A SIMPLE plan (Savings Incentive Match Plan for Employees of Small Employers) is another type of retirement plan that is offered by small employers to their employees or used by self-employed individuals.

(b)(6); (b)(7)(C)

Complaint Summary

Please provide a summary of your complaint. Summary is limited to 3800 characters. *

Do not provide personal confidential information such as financial account numbers, Social Security numbers, or driver's license information. Such information will be requested by FINRA staff only when and if needed, and at the appropriate time.

Crypto currency exchange known as Payward Venture, dba Kraken. Kraken is stole (b)(6) of my EOS crypto currency, worth (b)(6); (b)(7)(C) (5/19/2018) and have not responded to my demands to return my funds. In addition, I have discovered that Kraken is also stealing the crypto currency from their customers by keeping the free airdrops tokens issued to their customers. Specifically, on 4/25/2018, I received (b)(6) free EOSDAC tokens because I stored (b)(6) EOS tokens in my Kraken account. Kraken received my (b)(6) EOSDAC free airdropped tokens, which is currently worth approximately 21 cents each, or about (b)(6) dollars. Kraken did not disclose to me that they received my free airdrop coins, nor did they disclose that by keeping my currency on the exchange, the exchange would retain my free airdrop coins -not me. By keeping their customers free airdrop coins, Kraken is discretely gaining millions of dollars of undisclosed new revenue from their clients. I have also discovered that Kraken has received at least \$6 million dollars of Funfair (FUN) tokens and at least \$2 million dollars of OmisoGO (OMG) free airdrop tokens issued to their customers, not Kraken, Kraken does not offer either EOSDAC, FUN or OMG as trading coins on their exchange. Kraken is essentially stealing their clients dividends for keeping their currency on the exchange.

Documentation

What documentation are you able to provide?

- Trade Confirmation
- Monthly Account Statement
- Canceled Checks
- Correspondence to and from Firm
- Advertising or Marketing Materials
- Notes of Conversations with Firm
- Subscription Agreement
- Other

Click here to attach your document

[eosDAC Community Exhibit 4.pdf 242804 bytes](#)

[2 Jan 18 Etherscan Exhibit 3\).pdf 271040 bytes](#)

[Payward, Inc. \(DE\).pdf 130173 bytes](#)

[Filing For PAYWARD VENTURES, INC 030717.pdf 95392 bytes](#)

[Kraken Exhibit 1.png 166784 bytes](#)

(b)(6); (b)(7)(C)

[Kraken Exhibit 2.png_198170 bytes](#)

[OmisoGO Airdrop Exhibit .png_167263 bytes](#)

[Candy Airdrop Exhibit.png_163114 bytes](#)

[Kraken Funfair Airdrops .png_191789 bytes](#)

**Please describe any other documentation you may have but cannot upload (for example: documents in hard copy).
The document description is limited to 250 characters.**

Tell us about the firm

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about the firm or entity about which you have a complaint

Click on "Add New", then type part of the firm name to see a list of FINRA registered firms. *

1. **1. Brokerage Firm**

Type the firm CRD number or part of the firm name to list the firm. If the firm is registered with FINRA, you will be able to select it from the drop down. If you do not see the firm in the list, please type the firm name in the boxes below.

Enter Firm Name or CRD Number:

Firm Name: *

payward ventures dba Kraken

CRD Number:

(b)(6); (b)(7)(C)

Tell us about the individual about whom you have a complaint**Was your salesperson or another individual involved in the conduct that is the subject of your complaint? ***

- Yes
- No
- I did not use a salesperson

Contacts and actions taken**FINRA Investor Complaint Form**

All fields marked with * are mandatory.

Firm Contact**Have you complained to the firm? ***

- Yes No

Please enter reference number (if available), date of contact, name of contact, and status or resolution within the space available below. Further details will be gathered later in the complaint process, if needed.

Your input is limited to 250 characters. * multiple times from January 2018 through May 2018.

Other Regulatory Contact**Have you contacted any other regulators? ***

- Yes No

If yes, who?

- Securities and Exchange Commission (SEC)
- Commodity Futures Trading Commission (CFTC)

New York Stock Exchange

Securities Investor Protection Corporation (SIPC)

State Regulator(s)

Click on "Add New", then scroll down to pick the State contacted. After you select the State click "Add Row" to add the State to your list. *

1. 1. State Regulators Contacted

State * California

Other

Arbitration

Have you filed an arbitration claim? *

Yes No

Legal Action Taken

Have you taken legal action? *

Yes No

May we contact you?

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about yourself

(b)(6); (b)(7)(C)

All complaint information will be treated in confidence to the fullest extent possible. However, FINRA cannot guarantee that during the course of a related investigation or possible prosecution of the matter the source of the complaint will not become known. Unless you provide an email address or a mailing address or a telephone number, checking 'Yes' will prevent us from following up with you to gather additional details.

Do you wish to make an anonymous complaint? *

- No
- Yes - I wish to make an anonymous complaint.

Are you submitting this complaint for yourself or on behalf of someone else? *

- Self
- Other

Your Contact Information

What is the best way to contact you should we have additional questions to better understand your complaint or gather more information?

(b)(6); (b)(7)(C)

Click on "Add New", then enter a phone number.

Are you active, or have recently been active, in the United States Military? *

(b)(6); (b)(7)(C)

Please select the age range that corresponds to you: *

(b)(6); (b)(7)(C)

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[Sitemap](#) [Privacy](#) [Legal](#)

(b)(6); (b)(7)(C)

(b)(6); (b)(7)(C)

S&DC-S/N Statement and Designation by Foreign Corporation

To qualify a corporation from another state or country to transact intrastate business in California, fill out this form, and submit for filing along with:

- A \$100 filing fee (for a foreign stock corporation) or \$30 filing fee (for a foreign nonprofit corporation), and
- A certificate of good standing, issued within the last six (6) months by the agency where the corporation was formed. **Note:** If the corporation is a nonprofit, the certificate of good standing also must indicate the corporation is a nonprofit or nonstock corporation.
- A separate, non-refundable \$15 service fee also must be included, if you drop off the completed form.

Important! Corporations in California may have to pay a minimum \$800 yearly tax to the California Franchise Tax Board. For more information, go to <https://www.ftb.ca.gov>.

Emil / RMR

FILED
Secretary of State
State of California
SEP 03 2013

CC This Space For Office Use Only

For questions about this form, go to www.sos.ca.gov/business/be/filing-tips.htm.

Corporate Name (List the exact name of the corporation, as shown in the certificate of good standing. If the name of the corporation is not available for use in the State of California, the corporation must qualify under an assumed name. E.g., "[list the exact name] which will do business in California as [list the proposed assumed name]." For general corporate name requirements and restrictions in California, go to www.sos.ca.gov/business/be/name-availability.htm.)

① Payward, Inc.

Corporate History

② State or foreign country where this corporation was formed: Delaware

Service of Process (List a California resident or an active 1505 corporation in California that agrees to be your agent to accept service of process in case your corporation is sued. You may list any adult who lives in California. You may not list your own corporation as the agent. Do not list an address if the agent is a 1505 corporation as the address for service of process is already on file.)

③ a. GKL Corporate/Search, Inc.

Agent's Name

b.

Agent's Street Address (if agent is not a corporation) - Do not list a P.O. Box City (no abbreviations) State Zip

CA

The corporation named in item 1 above irrevocably consents to service of process directed to it upon the agent designated above, and to service of process on the California Secretary of State if that agent or that agent's successor is no longer authorized to act or cannot be found at the address given.

Corporate Addresses

④ a. 625 S Street Sacramento CA 95811

Street Address of Principal Executive Office - Do not list a P.O. Box City (no abbreviations) State Zip

b. 625 S Street Sacramento CA 95811

Street Address of Principal Office in California, if any - Do not list a P.O. Box City (no abbreviations) State Zip

c.

Mailing Address of Principal Executive Office, if different from 4a or 4b City (no abbreviations) State Zip

Read and sign below: This form must be signed by an officer of the foreign corporation.

(b)(6); (b)(7)(C)

Sign here

Print your name here

Secretary
Your business title

Make check/money order payable to: **Secretary of State**

Upon filing, we will return one (1) uncertified copy of your filed document for free, and will certify the copy upon request and payment of a \$5 certification fee.

By Mail

Secretary of State
Business Entities, P.O. Box 944260
Sacramento, CA 94244-2600

Drop-Off

Secretary of State
1500 11th Street, 3rd Floor
Sacramento, CA 95814

7 3599291

Delaware

PAGE 1

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "PAYWARD, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRD DAY OF SEPTEMBER, A.D. 2013.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "PAYWARD, INC." WAS INCORPORATED ON THE TWENTY-EIGHTH DAY OF JULY, A.D. 2011.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.


AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE.

5017249 8300

131047716

You may verify this certificate online
at corp.delaware.gov/authver.shtml




Jeffrey W. Bullock, Secretary of State
AUTHENTICATION: 0706565

DATE: 09-03-13



**State of California
Secretary of State**

**Statement of Information
(Foreign Corporation)**

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

F

(b)(6); (b)(7)(C)

FILED

In the office of the Secretary of State
of the State of California

MAR-07 2017

1. **CORPORATE NAME**
PAYWARD VENTURES, INC.

2. **CALIFORNIA CORPORATE NUMBER** C3593001

This Space for Filing Use Only

No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. **If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.**
 If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to **Item 13.**

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
237 KEARNY STREET, #102, SAN FRANCISCO, CA 94108			
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
237 KEARNY STREET, #102, SAN FRANCISCO, CA 94108			
6. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
JESSE POWELL	237 KEARNY STREET, #102, SAN FRANCISCO, CA 94108			
8. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
JESSE POWELL	237 KEARNY STREET, #102, SAN FRANCISCO, CA 94108			
9. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
KAISER NG	237 KEARNY STREET, #102, SAN FRANCISCO, CA 94108			

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 11 must be left blank.

10. NAME OF AGENT FOR SERVICE OF PROCESS
GKL CORPORATE/SEARCH, INC.

11. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, **IF AN INDIVIDUAL** CITY STATE ZIP CODE

Type of Business

12. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
EXCHANGE

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

03/07/2017 KAISER NG CFO

DATE TYPE/PRINT NAME OF PERSON COMPLETING FORM TITLE SIGNATURE



Division of
Enforcement

U.S. COMMODITY FUTURES TRADING COMMISSION

Three Lafayette Centre
1155 21st Street, NW, Washington, DC 20581
Telephone: (202) 418-5000
Facsimile: (202) 418-5937
www.cftc.gov

ANDREW L. RIDENOUR
SENIOR TRIAL ATTORNEY
DIRECT DIAL
(202) 418-5438
ARIDENOUR@CFTC.GOV

September 22, 2015

Via Email

Howard Bernstein
Chief Compliance Officer, Associate General Counsel
Payward, Inc./Kraken
548 Market Street #39656
San Francisco, CA 94101-5401
howard@kraken.com

Re: Voluntary Request for Information Relating to Margin Trading

Dear Mr. Bernstein:

The Division of Enforcement (“Division”) of the U.S. Commodity Futures Trading Commission (“CFTC”) requests on a voluntary basis information regarding margin trading offered by Payward, Inc. and/or Kraken (collectively “Kraken”) on its Bitcoin exchange. Please respond to the questions and requests for documents in Appendix A by **October 13, 2015**.

Also enclosed is a copy of the Commission’s “Statement to Persons Providing Information about Themselves to the Commodity Futures Trading Commission,” which sets forth information explaining certain rights and obligations of persons from whom the Commission requests documents and routine uses of information submitted to the Commission.

The Division asks that the responsive documents be produced in electronic format according to the standards specified in the enclosed copy of the “CFTC Data Delivery Standards,” and that it be sent via an encrypted file transfer protocol (“FTP”) transfer; please contact me when a production is ready so that we can establish credentials for an FTP transfer. **Please do not produce any documents via the U.S. Postal Service.** All documents should be complete, legible, and arranged in chronological order.

If you have any questions, please do not hesitate to contact me at (202) 418-5438.

Sincerely,

Andrew Ridenour
Senior Trial Attorney

Kraken
September 22, 2015

Enclosures: Appendix A – Questions and Requests for Documents
CFTC Data Delivery Standards
Statement to Persons Providing Information about Themselves to the Commodity
Futures Trading Commission

APPENDIX A
QUESTIONS AND REQUESTS FOR DOCUMENTS

Participation in Margin Trading

1. Does Kraken offer margin trading to U.S. residents? If so, approximately how many U.S. residents have engaged in margin trading through Kraken since the option was introduced?
2. Are there any restrictions on who can engage in margin trading? For instance, does Kraken perform credit checks or are there minimum net worth restrictions on who can enter into such transactions?
3. Please provide a sample copy of any customer contract or terms of service provided to customers engaged in margin trading.

Execution of Margin Trading

4. What legal entity operates the Bitcoin exchange on which participants may engage in margin trading?
5. Where is the physical hardware of the exchange located?
6. Does Kraken act as the counterparty to the margin trading transactions? Or does Kraken match orders from different customers against each other in an order book?
7. Do participants in the margin trading market know who the counterparties to their transactions are?

Collection and Calculation of Margin

8. In what currency may collateral for margin be posted (Bitcoin, US Dollar, other currency)?
9. What legal entity holds posted margin?
10. What recourse does Kraken or a counterparty have if posted margin is insufficient to cover obligations on a transaction (e.g., liquidate position, require additional margin)?
11. What recourse does Kraken have if a counterparty with negative equity in an account refuses to post sufficient collateral to meet a margin call?
12. What percentage margin must be posted for a trade? Does this vary depending on volatility in the spot Bitcoin market? If so, how are such determinations made and communicated to market participants?

Terms of Margin Trading Contracts

13. Are there expiration or maturity dates on contracts available for margin trading? If so, what expiration or maturity dates are offered?
14. If contracts in margin trading have expiration or maturity dates, can open transactions roll forward into a subsequent expiration or maturity date?

Settlement of Margin Trading Contracts

15. Are contracts in margin trading settled in the same currency as the margin posted as collateral?
16. What legal entity distributes funds when a profitable margin trading contract is closed?



Financial Industry Regulatory Authority

April 29, 2019

J. Christopher Giancarlo, Chairman
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

RE: FINRA File (b)(6); (b)(7)(C)

Dear Chairman Giancarlo,

Enclosed is an investor complaint received April 4, 2019 which was received from (b)(6); (b)(7)(C) (b)(6); (b)(7)(C) against Kraken Exchange.

Because this matter involves a complaint regarding parties and products that we do not have jurisdiction over, we are forwarding this complaint to your office for investigation. The investor has been advised of this deferral.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Candi Hoskins". The signature is written in a cursive, slightly slanted style.

Candi Hoskins
Associate Principal Investigator
FINRA Central Review Group
Investor Complaint Center

Encl: [Investor Complaint Letter]

Filing ID (b)(6); (b)(7)(C) Please retain this number for further inquiries regarding this form)

Submitted Date (b)(6); (b)(7)(C)

✓ Your form was submitted to FINRA successfully. Please print this form now if you wish to retain a copy for your records.

My complaint

FINRA Investor Complaint Form

All fields marked with * are mandatory

Tell us about your Investment

Security Name Ethereum

Security Symbol ETH

Security Type * Other Security Type

Date and/or Period of Activity

From Date * (MM/DD/YYYY): 02/24/2019

To Date * (MM/DD/YYYY): 03/27/2019

Tell us about your Complaint

What type of problem(s) are you Reporting?

Primary Problem * Misrepresentation or misleading information

Secondary Problem Errors in processing orders

Amount in Dispute (b)(6); (b)(7)(C)

If your complaint involves a retirement account, please select the type of account:

Defined Contribution Plan

An employer sponsored retirement plan wherein a certain amount or percentage of money is set aside by the employer and/or the employee for the benefit of the employee (e.g. 401(k), 408(b)).

Defined Benefit Plan

An employer sponsored retirement plan such as a pension plan that offers a specific monthly benefit upon retirement. The amount is determined based on the plan's formula which would consider employee salary and tenure.

Individual Retirement Account (IRA)

A self-directed retirement plan established by an individual includes: traditional IRAs and Roth IRAs.

Keogh Plan

A retirement plan established by self-employed individuals for themselves and their employees. It can be a defined-benefit or a defined contribution plan.

Simplified Employee Pension (SEP)

A SEP plan is a type of IRA account that is established by an employer or self-employed individual.

SIMPLE Plan

A SIMPLE plan (Savings Incentive Match Plan for Employees of Small Employers) is another type of retirement plan that is offered by small employers to their employees or used by self-employed individuals.

Complaint Summary

Please provide a summary of your complaint. Summary is limited to 3800 characters. *

Do not provide personal confidential information such as financial account numbers, Social Security numbers, or driver's license information. Such information will be requested by FINRA staff only when and if needed, and at the appropriate time.

I am using the Kraken cryptocurrency exchange for (b)(6). I entered a 5x levered position and was holding my investment for a future sell date when the price was higher. Once my price hit, I logged into the Kraken platform to collect the profits. I saw that the positions instead were liquidated. Upon asking their customer service what happened, they informed me that (b)(6) can only enter a margin trade for a period of 28 days max. I have never seen this before or heard of this anywhere else. So not only did the Kraken exchange collect over (b)(6) in rollover fees from me, they caused me to lose (b)(6) via liquidations at a lower price instead of me profiting (b)(6) as would have happened if they did not liquidate me after 28 days. Nowhere does it say I am entering a 28 day position. I also did not receive any emails from them saying that I was in a position about to be liquidated nor any other form of contact. I have asked them to reverse this but they are not honoring my request. They offered me (b)(6) in future fee credits which I rejected and told them I would be filing a complaint with FINRA, SEC and DOJ.

Documentation

What documentation are you able to provide?

- Trade Confirmation
- Monthly Account Statement
- Canceled Checks
- Correspondence to and from Firm
- Advertising or Marketing Materials
- Notes of Conversations with Firm
- Subscription Agreement
- Other

[Click here to attach your document](#)

[Screen Shot 2019-04-03 at 9:49:04 PM.png](#) 1256969 bytes

[Yanase Ka - Your chat transcript with support@kraken.com \(04 Apr 2019, 24: 06: AM GMT\) .pdf](#) 58448 bytes

Please describe any other documentation you may have but cannot upload (for example: documents in hard copy). The document description is limited to 250 characters.

Tell us about the firm

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about the firm or entity about which you have a complaint

Click on "Add New", then type part of the firm name to see a list of FINRA registered firms. *

1. 1. Brokerage Firm

Type the firm CRD number or part of the firm name to list the firm. If the firm is registered with FINRA, you will be able to select it from the drop down. If you do not see the firm in the list, please type the firm name in the boxes below.

Enter Firm Name or CRD Number:

Firm Name: *

Kraken Exchange

CRD Number:

Tell us about the individual about whom you have a complaint

Was your salesperson or another individual involved in the conduct that is the subject of your complaint? *

- Yes
- No
- I did not use a salesperson

Contacts and actions taken

FINRA Investor Complaint Form

All fields marked with * are mandatory

Firm Contact

Have you complained to the firm? *

- Yes No

Please enter reference number (if available), date of contact, name of contact, and status or resolution within the space available below. Further details will be gathered later in the complaint process, if needed.

Your input is limited to 250 characters. *

I have contacted (b)(6); (b)(7)(C) and they are not helping me.

Other Regulatory Contact

Have you contacted any other regulators? *

- Yes No

Arbitration

Have you filed an arbitration claim? *

- Yes No

Legal Action Taken

Have you taken legal action? *

- Yes No

May we contact you?

FINRA Investor Complaint Form

All fields marked with * are mandatory.

Tell us about yourself

All complaint information will be treated in confidence to the fullest extent possible. However, FINRA cannot guarantee that during the course of a related investigation or possible prosecution of the matter the source of the complaint will not become known. Unless you provide an email address or a mailing address or a telephone number, checking "Yes" will prevent us from following up with you to gather additional details.

Do you wish to make an anonymous complaint? *

- No
- Yes - I wish to make an anonymous complaint.

Are you submitting this complaint for yourself or on behalf of someone else? *

(b)(6); (b)(7)(C)

- Self
- Other

Your Contact Information

What is the best way to contact you should we have additional questions to better understand your complaint or gather more information?

(b)(6); (b)(7)(C)

Click on "Add New", then enter a phone number.

1. 1. Phone and Fax Numbers

(b)(6); (b)(7)(C)

Are you active, or have recently been active, in the United States Military? *

(b)(6); (b)(7)(C)

Please select the age range that corresponds to you: *

(b)(6);
(b)(7)(C)

- Inbox
- Unread
- Starred
- Drafts
- Sent
- Archive
- Spam
- Trash
- Views
- Photos
- Documents
- Deals
- Purchases
- Groceries
- Travel
- Tutorials
- Folders
- + New Folder
- All Foods

[Redacted] (Kraken Support)

Hello [Redacted]

As stated in the margin financing term limits, we are not required to contact you prior to the expiration of the 28-day term and may liquidate your positions without warning.

We do understand that this information was not presented to you explicitly on the positions page in your Kraken account, but it is clearly written in our Terms of Service.

Margin Disclosure Statement

- Customers with accounts registered in the United States are limited to a 28-day maximum financing term for maintaining open margin positions. Margin positions held beyond 28 days will be automatically liquidated. We are not required to contact you prior to the expiration of the 28-day term and may liquidate your positions without warning. You are expected keep track of your margin positions and settle or otherwise close the positions within 28 days. The 28-day term is fixed and cannot be extended.

Please note that above you will find several links in blue text to our support pages which you may find helpful.

As a token of our appreciation for you choosing Kraken, we would like to offer you [Redacted] Kraken fee credits (KFEES). This means the next [Redacted] USD in trading and margin fees are on us.

Please note that KFEES cannot be used for deposit or withdrawal fees.

Your chat transcript with support.kraken.com (04 Apr 2019, 04:05 AM GMT)

From: Chat Transcript (noreply@zopim.com)

To: (b)(6); (b)(7)(C)

Date: Wednesday, April 3, 2019, 9:34 PM PDT

Chat Transcript with Kraken User

Chat started on 04 Apr 2019, 04:05 AM (GMT+0)

(04:05:02) *** Kraken User joined the chat ***

(04:05:02) **Kraken User:** Are some of my positions still open? I thought all m positions were liquidated. I dont understand what is going on.

(04:05:12) ***(b)(6); (b)(7)(C) joined the chat ***

(04:05:37) (b)(6); (b)(7)(C) Hi there, I'm (b)(6); (b)(7)(C) Please give me a moment to look.

(04:07:40) (b)(6); (b)(7)(C) All of your ETH/USD positions are still open and are in the green.

(04:08:05) **Kraken User:** I am not understanding Kraken. I was told my positions were liquidsted

(04:08:30) **Kraken User:** Because it was over 28 days and Im in (b)(6); (b)(7)(C)

(04:08:44) **Kraken User:** Why are some positions still open if they are from the 28 day position?

(04:09:15) (b)(6); (b)(7)(C) Yes, you have had positions that were but the positions that were not liquidated are still open.

(04:09:34) **Kraken User:** Why were some liquidated and some werent?

(04:09:39) **Kraken User:** makes no sense

(04:10:15) (b)(6); (b)(7)(C) It has to do with margin levels and the order in which the positions were executed.

(04:10:59) **Kraken User:** What day were these trades opened?

(04:11:11) (b)(6); (b)(7)(C) You have 10 open positions at the moment.

(04:11:36) **Kraken User:** I see 16 positions

(04:12:16) (b)(6); (b)(7)(C) Excuse me, you are correct. 16 open positions.

(04:12:32) **Kraken User:** What day were they opened?

(04:12:39) **Kraken User:** I cannot see from the interface

(04:13:05) (b)(6); (b)(7)(C) If you click on each of the order numbers it shows when you opened the position.

(04:13:32) **Kraken User:** Its not letting me click on them to open them

(04:14:24) (b)(6); (b)(7)(C) One moment please.

(04:16:57) (b)(6); (b)(7)(C) It is taking quite amount of time to load. I did see one position was opened on 02/24/19.

(04:17:15) **Kraken User:** so why wasnt that liquidated?

(04:17:23) **Kraken User:** if its past the 28 days?

(04:17:56) **Kraken User:** i am very confused. I also would like to know the dates of all of the positions when they were opened please

(04:20:14) *** (b)(6); (b)(7)(C) left the chat ***

(04:21:15) *** Kraken User has rated the chat Bad ***

(04:21:15) *** Kraken User has commented: Chat did not answer question ***

(04:21:28) **Kraken User:** Hello

(04:21:32) *** (b)(6); (b)(7)(C) joined the chat ***

(04:21:56) **Kraken User:** (b)(6); (b)(7)(C) can you read chat? Last person left unannounced

(04:22:27) (b)(6); (b)(7)(C) Hi there, (b)(6); (b)(7)(C) here, sorry about this, (b)(6); (b)(7)(C) must be disconnected. Let me transfer this to a specialist to help you, please stay online.

(04:24:38) **Kraken User:** ok

(04:24:38) *** (b)(6); (b)(7)(C) has transferred chat to Trading ***

(04:24:43) *** (b)(6); (b)(7)(C) joined the chat ***

(04:24:55) (b)(6); (b)(7)(C) Hi there!

(04:25:24) **Kraken User:** hi (b)(6); (b)(7)(C)

(04:25:32) *** (b)(6); (b)(7)(C) left the chat ***

(04:25:50) (b)(6); (b)(7)(C) Let me take a look at your account.

(04:25:59) **Kraken User:** ok

(04:28:15) (b)(6); (b)(7)(C) I am going to have to turn this into an email support ticket, is that OK?

(04:28:56) **Kraken User:** not really, because I dont know how much time I have left on these positions. I already got screwed by Kraken liquidating some of my positions

(04:29:07) **Kraken User:** I want to know what is going on and if I need to take action to close them now

(04:29:08) (b)(6); (b)(7)(C) Liquidations is outside the scope of our live chat support.

(04:29:27) (b)(6); (b)(7)(C) Our trading team will get back with you promptly though.

(04:30:16) **Kraken User:** This is crypto (b)(6); (b)(7)(C) It can do alot in a short time. What dates were these positons opened and why was some liquidated and some left open? There doesnt seem to be any sense to this

(04:30:29) **Kraken User:** Kraken already cost me over 10k

(04:30:37) **Kraken User:** I dont have time to wait for tickets

(04:31:09) (b)(6); (b)(7)(C) For (b)(6); (b)(7)(C) clients margin positions have 28 day term limits, however looking at your account. I can see some positions that were opened 2/24 and not closed until 4/2.

- (04:31:30) (b)(6); (b)(7)(C) That is why I'll need to turn this into an email ticket. I'm not able to go beyond that over live chat. Our trading team will.
- (04:31:56) **Kraken User:** And if they went closed until 4/2 why did I not make profits off them?
- (04:32:03) **Kraken User:** my sell price hit
- (04:32:13) **Kraken User:** yet I am in the negative?
- (04:32:27) (b)(6); (b)(7)(C) These questions are outside of what I'm able to discuss on live chat.
- (04:32:41) (b)(6); (b)(7)(C) Can I go ahead and make this an email ticket?
- (04:32:49) **Kraken User:** I need this answered asap
- (04:32:52) **Kraken User:** not tomorrow
- (04:32:57) (b)(6); (b)(7)(C) It will be today.
- (04:33:18) **Kraken User:** are my positions that are somehow open at risk of being liquidated?
- (04:33:24) **Kraken User:** risk*
- (04:33:44) (b)(6); (b)(7)(C) I will turn this into an email ticket now.
- (04:33:48) (b)(6); (b)(7)(C) Thanks for chatting with me today.
- (04:33:55) (b)(6); (b)(7)(C) Please note that we need you to close the chat on your end before we can convert and transfer your ticket to the appropriate department. To end this chat, please click the "Options" button at the bottom left of your chat window and select "End this chat". Thank you for your cooperation and have a great day!
- (04:34:02) *** Kraken User has removed the chat rating ***
- (04:34:04) *** Kraken User has rated the chat Bad ***
- (04:34:26) *** Kraken User left the chat ***

NAME Kraken User

EMAIL (b)(6); (b)(7)(C)

PHONE (b)(6); (b)(7)(C)

LOCATION (b)(6); (b)(7)(C)

URL (b)(6); (b)(7)(C)

DEPARTMENT Trading

SERVED BY (b)(6); (b)(7)(C)

RATING Bad

COMMENT Chat did not answer question

Note
Kraken B4414

FROM: questions
DATE: Wednesday 04/21/2021 08:51 AM
TO: Enforcement
SUBJECT: FW: [EXTERNAL] Fwd: [Kraken Support] [Kraken Support] Re: Re: [Kraken Support] Re: Kraken's failure to protect my account from international fraud criminals

=====
From: [REDACTED]
Sent: Friday, April 16, 2021 6:38 AM
To: Kraken Support
Cc: Help@sec.gov; questions
Subject: [EXTERNAL] Fwd: [Kraken Support] [Kraken Support] Re: Re: [Kraken Support] Re: Kraken's failure to protect my account from international fraud criminals

CAUTION: This email originated from outside of CFTC. DO NOT click links or open attachments unless you recognize and/or trust the sender. If you believe this is SPAM simply block sender and delete the email. If you suspect this to be a phishing attempt, please use the "Report Phishing" button on your Outlook menu bar.

[REDACTED]

I still await an answer to my email below.

I will advise you that I have been keeping a record of every correspondence I have had with Kraken and it is with the utmost disbelief as to why you cannot explain to me what your 'wavier' is covering.

I have copied the SEC and CFTC on this as I have been a victim of sophisticated global scammers assisted by Kraken facilitating in stealing my funds.

I would appreciate if Kraken would refrain from advising me (demanding) that I stop writing to yourselves and that I try and resolve the issue myself.

This clearly is unacceptable customer service. Kraken are aware that I have lost a significant amount to these scammers, they are also aware that I have an account with Kraken (which I was told to open by the scammers) and therefore have a contract with Kraken. I noticed that on the 13 April 2021, Kraken CEO, Jessie Powell, did an interview, with FOXBUSINESS, criticising regulation in the USA and that he is in regular contact the SEC & the CFTC on such issues. He also stated that if USA didn't start to make, what is in his opinion, more progress on crypto regulation that he would be considering moving his main operations to the UK, Tokyo and UAE.

I'm just one client of Kraken's. I am a vulnerable (b)(6); (b)(7)(C) that has been left scammed out of, what is to me but may not be to Jesse Powell, a very large amount of money.

I have been forced to beg Kraken now, over a period of 3 months, to help me and to try and understand that these criminals clearly compromised Kraken's KYC and AML systems and protocols to steal all of my money.

I believe and it is my genuine opinion that Kraken are not doing enough to prevent these criminals from getting access to Kraken's customers funds. You will see below evidence of this.

Unfortunately I have had the horrific experience of being a victim not only to the scammers but I feel also a victim to Kraken as that is what Kraken is making me feel like by not assisting and helping me through this.

I await your response.

(b)(6); (b)(7)(C)

Excerpt from European Funds Recovery Initiative (EFRI)

KayaFX, KontoFx, Libra Markets, Olympia Markets, Funds Recovery

KayaFX, Kontofx, Libra Markets, Olympia Markets, Uprofx, Proufx Trading Scam

Case Description

KayaFx, Kontofx, .. are illegal, unregistered FOREX / CFD / asset trading platforms and are operated according to our findings by the same beneficial owners (BO).

KayaFX is currently officially operated by UK-registered AlphaTec Ltd. Previously, the registered in Estonia GammaTech Services O? was specified as the operator. Although KontoFX is owned by the company NTMT Transmatic Markets from the Estonian capital Tallinn, it is allegedly operated from Hungary. Both sides are no longer accessible. Auch UproFX and Proufx have an official owner in Estonia.

There are investigations in various European countries.

The payment service providers involved in these cases are mainly crypto currency exchanges, CB Investments Ltd, KRAKEN (via an account of FIDOR Bank, Germany).

Case Procedure

The information so far suggests that all these systems are operated by the same persons (beneficial owners). Together with deceived investors and legal representatives, investigations into the background and operations are ongoing to seek recovery of claims for injured investors.

Begin forwarded message:

From: (b)(6); (b)(7)(C)

Subject: Re: [Kraken Support] [Kraken Support] Re: Re: [Kraken Support] Re: Kraken's failure to protect my account from international fraud criminals

Date: 9 April 2021 at 14:37:38 GMT+1

To: Kraken Support >

(b)(6);
(b)(7)(C)

I sent you a response on 2 April 2021. In this response I made it clear that I would like to follow your instructions however, I requested that you explain to me what the 'waiver' that you wish me to sign is for?? If you can come back to me with an explanation on what the 'waiver' is for then I will be happy to follow the instructions.

(b)(6); (b)(7)(C)

On 6 Apr 2021, at 08:57, (b)(6); (b)(7)(C) wrote:

(b)(6);
(b)(7)(C)

I would like to follow the instructions but as per my previous email can you please give me details on the 'waiver' part - responded to your email on 2 April - still awaiting a response re the 'waiver' part.

(b)(6); (b)(7)(C)

On 2 Apr 2021, at 19:49, (b)(6); (b)(7)(C) (Kraken Support) > wrote:

##- Please type your reply above this line -##

(b)(6); (b)(7)(C) (Kraken Support)

Apr 2, 2021, 11:49 PDT

Hi (b)(6); (b)(7)(C)

As per our previous replies, to provide the requested account information, we need to verify your identity. Unless and until you provide the requested materials, we are unfortunately unable to proceed with this request.

To avoid further delay, please follow the instructions we advised in our previous emails. We also advise that you refrain from opening additional tickets as they won't also be processed until we have verified your identity.

This is our final response on this matter.

Regards,

(b)(6); (b)(7)(C)

Client Engagement Team

Your request (number (b)(6); (b)(7)(C)) is currently marked in our system as 'Solved', which means we think your issue has already been resolved.

If it has not yet been resolved, let us know by replying to this email.

To protect your personal information, we ask that you delete this email thread.

This email is a service from Kraken Support. Delivered by Zendesk .

(b)(6); (b)(7)(C)



FORM TCR
TIP, COMPLAINT OR REFERRAL
OMB Approval Number: 3038-0082
UNITED STATES
COMMODITY FUTURES TRADING COMMISSION

Please be advised that pursuant to 5 C.F.R. § 1320.5(b)(2)(i), you are not required to respond to this collection of information unless it displays a currently valid OMB control number. Information provided on this Form TCR, and its related attachments and addendums, is **CONFIDENTIAL** and cannot be distributed outside of the Commission without the written approval of the CFTC Whistleblower Office and the Division of Enforcement.

SUBMISSION INFORMATION			
(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)			

B. YOUR ATTORNEY'S INFORMATION (If Applicable - See Instructions)			
1. Attorney's Name			
2. Firm Name			
3. Street Address			
4. City	5. State/Province	6. ZIP/Postal Code	7. Country
8. Telephone	9. Fax	10. E-mail Address	

C. TELL US WHO YOU ARE COMPLAINING ABOUT	
INDIVIDUAL/ENTITY 1	
1. Type	2. If an individual, specify profession. If an entity, specify

<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Entity		type Payward Limited (Kraken.com) a cryptocurrency brokerage.	
3. Name Payward Limited			
4. Street Address			5. Apartment/Unit#
6. City	7. State/Province	8. ZIP/Postal Code	9. Country
10. Telephone	11. E-mail Address		12. Internet Address
13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes			
14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred? Unknown			
If yes, describe how you are, or were, associated with the individual or firm you are complaining about			
15. What was the initial form of contact between you and the person against whom you are filing this complaint? Internet Advertisement			
If other, please describe			
D. TELL US ABOUT YOUR COMPLAINT			
1. Occurrence Date (mm/dd/yyyy) 02/22/2021		2. Is the conduct on-going? Yes	
3. Please select the option(s) that best describes your complaint			
<input type="checkbox"/> Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions			
<input checked="" type="checkbox"/> Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).			
<input type="checkbox"/> Someone or some firm that should be registered under the Commodity Exchange Act, but is not.			
<input checked="" type="checkbox"/> Disruptive or manipulative trading activity in the futures, options or swaps markets.			
<input type="checkbox"/> The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.			
<input type="checkbox"/> Complaint does not fit into any of the above-described categories			
If your complaint does not fit into any of the above-described categories please describe below.			
4. Select the type of product/instrument:			
<input type="checkbox"/> A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.			
<input type="checkbox"/> An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.			
<input type="checkbox"/> A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.			
<input type="checkbox"/> A cash (or physical) contract traded in interstate commerce.			

A foreign currency transaction.

If a foreign currency transaction:

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

YES NO

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

YES NO

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

If yes:

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

YES NO

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

YES NO

Other

If other, please describe

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

5. If applicable, what is the name of product/investment?

Cardano (ticker ADA)

6. Have you suffered a monetary loss?

YES NO

If yes, describe how much.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

7. Has the individual or firm who engaged in the conduct acknowledged their fault?

YES NO

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct?

YES NO

If yes, select the appropriate category:

Prior complaint to the CFTC.

Complaint to another regulator.

A state or federal criminal law enforcement entity.

A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

9.State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter?

YES NO

If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you?

YES NO

If "Yes," please provide details.

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor?

YES NO

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations?

YES NO

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint?

YES NO

If "Yes," please provide details.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

7. Provide any additional information that you think may be relevant.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))); a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

YES NO

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

YES NO

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

YES NO

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

YES NO

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

YES NO

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.

G. PRIVACY NOTICE AND WHISTLEBLOWER'S DECLARATION

PRIVACY ACT STATEMENT

PRIVACY ACT STATEMENT

The collection, maintenance, and disclosure of this information is governed by the Privacy Act of 1974 (5 U.S.C. § 552a).

The information provided will help the Commodity Futures Trading Commission ("CFTC" or "Commission") identify, investigate, and prosecute violations of the Commodity Exchange Act ("CEA") or the regulations promulgated thereunder. If an individual wishes to be considered for the Commission's whistleblower award program, the information provided will also be used by the Commission to determine the individual's eligibility for payment of an award.

1. AUTHORITY

The Commission's collection of this information from persons seeking to participate in the Commission's whistleblower program is authorized under 7 U.S.C. § 26 and 17 C.F.R. § 165.

2. ROUTINE USES

The Commission may disclose this information when required to a defendant or respondent in connection with a public proceeding instituted by the Commission. In addition, if the Commission determines such disclosure is necessary or appropriate to accomplish the purposes of the CEA or to protect the public, the Commission may disclose this information to the Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate department or agency of a state; a registered entity, registered futures association, or self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. § 78c(a)); or, a foreign futures authority.

The information will be maintained and any disclosures will be made in accordance with the Commission's Privacy Act system of records notices (SORNs) CFTC-49, *Whistleblower Records* available at [77 FR 41378](#), CFTC-10, *Investigatory Records* available at [76 FR 5973](#), and CFTC-16, *Enforcement Case Files* available at [76 FR 5973](#), exercised in accordance with the confidentiality provisions in the CEA and 17 C.F.R. § 165.4. A complete set of blanket routine uses for Commission SORNs is published in the *Federal Register* at [76 FR 5974](#) (Feb. 2, 2011).

3. EFFECT OF NOT PROVIDING INFORMATION

Furnishing information on or through this form is voluntary and may be done anonymously. However, failure to provide identifying information may result in ineligibility for consideration under the Commission's whistleblower award program. Award candidates must be identified to a limited number of Commission staff for a final eligibility determination, and in unusual circumstances may need to be identified publicly for trial.

WHISTLEBLOWER'S DECLARATION

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

Print Name

(b)(3):7 U.S.C.
§26(h)(2)(A) (CEA)

Check this box to agree with the declaration above.

Date

(b)(3):7 U.S.C.
§26(h)(2)(A)

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

Check this box to agree with the declaration above.

Date

FILES UPLOADED

No files uploaded

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC's whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC's *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an email address.

Instructions for Completing Form TCR

General

- All references to "you" and "your" are intended to mean the complainant.

Section A: Tell Us about Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name, and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an email address, especially if you are filing anonymously).
- your preferred method of communication; and
- your occupation

Section B: Your Attorney's Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney's name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual's profession or the type of entity to which your complaint relates:

- For **Individuals**: accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- For **Entities**: bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14: Identify if you are, or were, associated with the individual or firm you are complaining about. If yes, describe how you are, or were, associated with the individual or firm you are complaining about.

Question 15: Identify the initial form of contact between you and the person against whom you are filing this complaint.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action. If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

Section E: Whistleblower Program

Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

Question 2: Identify any documents or other information in your submission on this Form TCR that you believe could reasonably be expected to reveal your identity. Explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

Question 3: State whether you or your attorney have had any prior communication(s) with the CFTC concerning this

matter. If you answered "yes", identify the CFTC staff member(s) with whom you or your attorney communicated.

Question 4: Indicate whether you or your attorney have provided the information you are providing to the CFTC to any other agency or organization, or whether any other agency or organization has requested the information or related information from you. If you answered "yes", provide details and the name and contact information of the point of contact at the other agency or organization, if known.

Question 5: Indicate whether your complaint relates to an entity of which you are, or were in the past, an officer, director, counsel, employee, consultant or contractor. If you answered "yes", state whether you have reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations. Please provide details, including the date on which you took the action.

Question 6: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action. If you answered "yes", provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 7: Provide any additional information you think may be relevant.

Section F: Whistleblower Eligibility Requirements and Other Information

Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.

Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.

Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), or (iii) in connection with an investigation by the Congress, or any other federal or state authority.

Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been

convicted of a criminal violation, in connection with the information that you submitted to the CFTC and upon which your application for an award is based.

Question 5: State whether you acquired the information that you provided to the CFTC from any individual described in Questions 1 through 4 of this section.

Question 6: If you answered "Yes" to any of Questions 1 through 5 of this section, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.

TCR Number: (b)(3):7 U.S.C. §26(h)(2)(A) (CEA);

CONFIDENTIAL

Submission Received: (b)(3):7 U.S.C. §26(h)(2)(A) (CEA);

**UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581**

OMB APPROVAL
OMB Number: 3038-0082

**FORM TCR
TIP, COMPLAINT OR REFERRAL**

See attached Submission Procedures and Completion Instructions Below.

**A. TELL US ABOUT YOURSELF
COMPLAINANT 1:**

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

B. YOUR ATTORNEY'S INFORMATION (If Applicable – See Instructions)

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

**C. TELL US WHO YOU ARE COMPLAINING ABOUT
INDIVIDUAL / ENTITY 1:**

1. Type: Individual Entity 2. If an individual, specify profession. If an entity, specify type.
Cryptocurrency exchange

3. Name
Payward, Inc. d/b/a Kraken

4. Street Address 5. Apartment/Unit #
548 Market Street

6. City 7. State/Province 8. ZIP/Postal Code 9. Country
San Francisco California 94104 United States

10. Telephone 11. E-mail Address 12. Internet Address
+1 (916) 267-4413 <https://www.kraken.com/en-us>

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?
Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15. What was the initial form of contact between you and the person against whom you are filing this complaint?

If other, please describe:

D. TELL US ABOUT YOUR COMPLAINT

1. Occurrence Date (mm/dd/yyyy):

05/07/2017

2. Is the conduct on-going?

Yes No Don't Know

3. Please select the option(s) that best describes your complaint.

Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions

Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Disruptive or manipulative trading activity in the futures, options or swaps markets.

The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Complaint does not fit into any of the above-described categories

If your complaint does not fit into any of the above-described categories please describe below.

4. Select the type of product/instrument:

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A cash (or physical) contract traded in interstate commerce.

A foreign currency transaction.

- If a foreign currency transaction:

o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

Yes No

o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

- If yes:

- o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No
- o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

Other

If other, please describe:
Ether coin (cryptocurrency)

5. If applicable, what is the name of product/investment?
Ether coin (cryptocurrency)

6. Have you suffered a monetary loss? Yes No

If yes, describe how much.
See attached Statement of Claim.

7. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes No

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes No

If yes, select the appropriate category:

- Prior complaint to the CFTC.
- Complaint to another regulator.
- A state or federal criminal law enforcement entity.
- A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

9. State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA);

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter? Yes No

If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you? Yes No

If "Yes," please provide details.

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor? Yes No

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations? Yes No

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint? Yes No

If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))); a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

Yes No

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

Yes No

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

Yes No

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

Yes No

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

Yes No

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.

G. PRIVACY NOTICE AND WHISTLEBLOWER'S DECLARATION

The solicitation of this information is authorized under the Commodity Exchange Act, 7 U.S.C. 1 et seq. This form may be used by anyone wishing to provide the CFTC with information concerning a violation of the Commodity Exchange Act or the CFTC's regulations. This form and related information will be processed in the United States of America, the location of the CFTC. If an individual is submitting this information for the CFTC's whistleblower award program pursuant to Section 23 of the Commodity Exchange Act, the information provided will be used to enable the CFTC to determine the individual's eligibility for payment of an award. This information will be used to investigate and prosecute violations of the Commodity Exchange Act and the CFTC's regulations. The CFTC may disclose this information when required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission. In addition, if the Commission determines such disclosure is necessary or appropriate to accomplish the purposes of the CEA and to protect customers, the Commission may provide such information to the Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate department or agency of a state; a registered entity, registered futures association, or self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or a foreign futures authority. Those entities are subject to the same confidentiality requirements as the Commission. The Commission also may disclose such information in accordance with Privacy Act of 1974 System of Records Notices CFTC-49, "Whistleblower Records" (exempted), CFTC-10, "Investigatory Records" (exempted), and CFTC-16, "Enforcement Case Files," (available on the CFTC Privacy Program web page, www.cftc.gov/Transparency/PrivacyOffice) exercised in accordance with the confidentiality provisions in the CEA and 17 CFR 165.4. Furnishing information on or through this form is voluntary. However, if an individual is providing information for the whistleblower award program, not providing required information may result in the individual not being eligible for award consideration. Also, you may choose to submit this form anonymously, but in order to receive a whistleblower award, you would need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. [See instructions for further information.] By signing this Declaration, I am agreeing to the collection, processing, use, and disclosure of my personally identifiable information as stated herein.

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

Print Name

(b)(3):7 U.S.C.

Check this box to agree to agree with the declaration above.

Date

(b)(3):7 U.S.C.

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

Check this box to agree with the declaration above.

Date

(b)(3):7 U.S.C. §26(h)(2)(A)

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Policy for www.cftc.gov.

FILES UPLOADED

You have successfully uploaded the following 1 file:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC's whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC's *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an email address.

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General

- All references to "you" and "your" are intended to mean the complainant.

Section A: Tell Us About Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an e-mail address, especially if you are filing anonymously);
- your preferred method of communication; and
- your occupation.

Section B: Your Attorney's Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney's name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
- e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual's profession or the type of entity to which your complaint relates:

- **For Individuals:** accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- **For Entities:** bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

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Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

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Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

- Question 2: Identify any documents or other information in your submission on this Form TCR that you believe could reasonably be expected to reveal your identity. Explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.
- Question 3: State whether you or your attorney have had any prior communication(s) with the CFTC concerning this matter.
- If you answered "yes", identify the CFTC staff member(s) with whom you or your attorney communicated.
- Question 4: Indicate whether you or your attorney have provided the information you are providing to the CFTC to any other agency or organization, or whether any other agency or organization has requested the information or related information from you.
- If you answered "yes", provide details and the name and contact information of the point of contact at the other agency or organization, if known.
- Question 5: Indicate whether your complaint relates to an entity of which you are, or were in the past, an officer, director, counsel, employee, consultant or contractor.
- If you answered "yes", state whether you have reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations. Please provide details, including the date on which you took the action.
- Question 6: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.
- If you answered "yes", provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.
- Question 7: Provide any additional information you think may be relevant.

Section F: Whistleblower Eligibility Requirements and Other Information

- Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.
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- Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been convicted of a criminal violation, in connection with the information you are submitting to the CFTC.
- Question 5: State whether you acquired the information you are providing to the CFTC from any individual described in Questions 1 through 4 of this section.
- Question 6: If you answered "Yes" to any Questions 1 through 5, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.

TCR Number: (b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

CONFIDENTIAL

Submission Received: (b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

**UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581**

OMB APPROVAL
OMB Number: 3038-0082

**FORM TCR
TIP, COMPLAINT OR REFERRAL**

See attached Submission Procedures and Completion Instructions Below.

**A. TELL US ABOUT YOURSELF
COMPLAINANT 1:**

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

B. YOUR ATTORNEY'S INFORMATION (If Applicable – See Instructions)

1. Attorney's Name

2. Firm Name

3. Street Address

4. City
5. State/Province
6. ZIP/Postal Code
7. Country

8. Telephone
9. Fax
10. E-mail Address

**C. TELL US WHO YOU ARE COMPLAINING ABOUT
INDIVIDUAL / ENTITY 1:**

1. Type: Individual Entity 2. If an individual, specify profession. If an entity, specify type.
Payward Ventures, Inc. DBA KRAKEN

3. Name
Payward Ventures, Inc.

4. Street Address 5. Apartment/Unit #
237 Kearny Street 102

6. City 7. State/Province 8. ZIP/Postal Code 9. Country
San Francisco CA 94108 US

10. Telephone 11. E-mail Address 12. Internet Address
+1 UNKNOWN support@kraken.com http://www.kraken.com

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?
Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15. What was the initial form of contact between you and the person against whom you are filing this complaint?
Other

If other, please describe:
N/A

D. TELL US ABOUT YOUR COMPLAINT

1. Occurrence Date (mm/dd/yyyy):
11/20/2017

2. Is the conduct on-going?
Yes No Don't Know

3. Please select the option(s) that best describes your complaint.

Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions

Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Disruptive or manipulative trading activity in the futures, options or swaps markets.

The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Complaint does not fit into any of the above-described categories

If your complaint does not fit into any of the above-described categories please describe below.

4. Select the type of product/instrument:

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A cash (or physical) contract traded in interstate commerce.

A foreign currency transaction.

- If a foreign currency transaction:

- Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

Yes No

- Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

- If yes:

- o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No
- o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

Other

If other, please describe:

5. If applicable, what is the name of product/investment?

(b)(3):7 U.S.C.

6. Have you suffered a monetary loss? Yes No

If yes, describe how much.

7. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes No

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes No

If yes, select the appropriate category:

- Prior complaint to the CFTC.
- Complaint to another regulator.
- A state or federal criminal law enforcement entity.
- A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

9. State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

No risk of exposure.

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter? Yes No

If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

(b)(3):7 U.S.C.

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you? Yes No

If "Yes," please provide details.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor? Yes No

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations? Yes No

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint? Yes No

If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.
See supporting documentation.

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))); a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

Yes No

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

Yes No

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

Yes No

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

Yes No

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

Yes No

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.

G. PRIVACY NOTICE AND WHISTLEBLOWER'S DECLARATION

The solicitation of this information is authorized under the Commodity Exchange Act, 7 U.S.C. 1 et seq. This form may be used by anyone wishing to provide the CFTC with information concerning a violation of the Commodity Exchange Act or the CFTC's regulations. This form and related information will be processed in the United States of America, the location of the CFTC. If an individual is submitting this information for the CFTC's whistleblower award program pursuant to Section 23 of the Commodity Exchange Act, the information provided will be used to enable the CFTC to determine the individual's eligibility for payment of an award. This information will be used to investigate and prosecute violations of the Commodity Exchange Act and the CFTC's regulations. The CFTC may disclose this information when required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission. In addition, if the Commission determines such disclosure is necessary or appropriate to accomplish the purposes of the CEA and to protect customers, the Commission may provide such information to the Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate department or agency of a state; a registered entity, registered futures association, or self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or a foreign futures authority. Those entities are subject to the same confidentiality requirements as the Commission. The Commission also may disclose such information in accordance with Privacy Act of 1974 System of Records Notices CFTC-49, "Whistleblower Records" (exempted), CFTC-10, "Investigatory Records" (exempted), and CFTC-16, "Enforcement Case Files," (available on the CFTC Privacy Program web page, www.cftc.gov/Transparency/PrivacyOffice) exercised in accordance with the confidentiality provisions in the CEA and 17 CFR 165.4. Furnishing information on or through this form is voluntary. However, if an individual is providing information for the whistleblower award program, not providing required information may result in the individual not being eligible for award consideration. Also, you may choose to submit this form anonymously, but in order to receive a whistleblower award, you would need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. [See instructions for further information.] By signing this Declaration, I am agreeing to the collection, processing, use, and disclosure of my personally identifiable information as stated herein.

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

Print Name

(b)(3):7 U.S.C.
826(b)(2)(A) / CEA / 46V61

Check this box to agree to agree with the declaration above.

Date

(b)(3):7 U.S.C.
826(b)(2)(A)

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

Check this box to agree with the declaration above.

Date

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Policy for www.cftc.gov.

FILES UPLOADED

You have successfully uploaded the following 1 file:

(b)(3):7 U.S.C. §26(h)(2)(A)(CEA); (b)(6); (b)(7)(C)

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC's whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC's *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an email address.

Instructions for Completing Form TCR

General

- All references to "you" and "your" are intended to mean the complainant.

Section A: Tell Us About Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an e-mail address, especially if you are filing anonymously);
- your preferred method of communication; and
- your occupation.

Section B: Your Attorney's Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney's name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
- e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual's profession or the type of entity to which your complaint relates:

- **For Individuals:** accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- **For Entities:** bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14: Identify if you are, or were, associated with the individual or firm you are complaining about. If yes, describe how you are, or were, associated with the individual or firm you are complaining about.

Question 15: Identify the initial form of contact between you and the person against whom you are filing this complaint.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

Section E: Whistleblower Program

Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

Question 2: Identify any documents or other information in your submission on this Form TCR that you believe could reasonably be expected to reveal your identity. Explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

Question 3: State whether you or your attorney have had any prior communication(s) with the CFTC concerning this matter.

If you answered "yes", identify the CFTC staff member(s) with whom you or your attorney communicated.

Question 4: Indicate whether you or your attorney have provided the information you are providing to the CFTC to any other agency or organization, or whether any other agency or organization has requested the information or related information from you.

If you answered "yes", provide details and the name and contact information of the point of contact at the other agency or organization, if known.

Question 5: Indicate whether your complaint relates to an entity of which you are, or were in the past, an officer, director, counsel, employee, consultant or contractor.

If you answered "yes", state whether you have reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations. Please provide details, including the date on which you took the action.

Question 6: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered "yes", provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 7: Provide any additional information you think may be relevant.

Section F: Whistleblower Eligibility Requirements and Other Information

- Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.
- Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.
- Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority.
- Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been convicted of a criminal violation, in connection with the information you are submitting to the CFTC.
- Question 5: State whether you acquired the information you are providing to the CFTC from any individual described in Questions 1 through 4 of this section.
- Question 6: If you answered "Yes" to any Questions 1 through 5, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.

TCR Number: (b)(3);7 U.S.C. §26(h)(2)(A) (CEA)

CONFIDENTIAL

Submission Received: (b)(3);7 U.S.C. §26(h)(2)(A) (CEA)

**UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581**

OMB APPROVAL
OMB Number: 3038-0082

**FORM TCR
TIP, COMPLAINT OR REFERRAL**

See attached Submission Procedures and Completion Instructions Below.

**A. TELL US ABOUT YOURSELF
COMPLAINANT 1:**

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

B. YOUR ATTORNEY'S INFORMATION (If Applicable – See Instructions)

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

**C. TELL US WHO YOU ARE COMPLAINING ABOUT
INDIVIDUAL / ENTITY 1:**

- 1. Type: Individual Entity 2. If an individual, specify profession. If an entity, specify type.
Unregistered FCM/RFED

- 3. Name
Payward, Inc. (dba Kraken)

- 4. Street Address 5. Apartment/Unit #
548 Market Street Suite 39656

- 6. City 7. State/Province 8. ZIP/Postal Code 9. Country
San Francisco CA 94104 USA

- 10. Telephone 11. E-mail Address 12. Internet Address
+1 650-434-2889 www.kraken.com

- 13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

- 14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?
Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

- 15. What was the initial form of contact between you and the person against whom you are filing this complaint?
Internet Advertisement

If other, please describe:

INDIVIDUAL / ENTITY 2:

- 1. Type: Individual Entity 2. If an individual, specify profession. If an entity, specify type.
Unregistered FCM/RFED

- 3. Name
Poloniex

4. Street Address

5. Apartment/Unit #

6. City
Boston

7. State/Province
Massachusetts

8. ZIP/Postal Code 9. Country

10. Telephone

11. E-mail Address

12. Internet Address
https://poloniex.com/

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?

Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15. What was the initial form of contact between you and the person against whom you are filing this complaint?
Internet Advertisement

If other, please describe:

INDIVIDUAL / ENTITY 3:

1. Type: Individual Entity

2. If an individual, specify profession. If an entity, specify type.
Unregistered FCM/RFED

3. Name
Bitstamp USA Inc.

4. Street Address
99 Hudson Street

5. Apartment/Unit #
5th Floor

6. City
New York

7. State/Province
NY

8. ZIP/Postal Code 9. Country
10013 United States

10. Telephone

11. E-mail Address

12. Internet Address
www.bitstamp.net

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?

Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15. What was the initial form of contact between you and the person against whom you are filing this complaint? Internet Advertisement

If other, please describe:

INDIVIDUAL / ENTITY 4:

1. Type: Individual Entity

2. If an individual, specify profession. If an entity, specify type. Unregistered FCM/RFED

3. Name Bittrex, Inc.

4. Street Address 6077 S Fort Apache Rd

5. Apartment/Unit #

6. City Las Vegas

7. State/Province Nevada

8. ZIP/Postal Code 89148

9. Country United States

10. Telephone

11. E-mail Address

12. Internet Address www.bittrex.com

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?

Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15. What was the initial form of contact between you and the person against whom you are filing this complaint?

(b)(3):7 U.S.C. § 2661 (CEA)

If other, please describe:

D. TELL US ABOUT YOUR COMPLAINT

1. Occurrence Date (mm/dd/yyyy):

07/24/2017

2. Is the conduct on-going?

Yes No Don't Know

3. Please select the option(s) that best describes your complaint.

Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions

Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Disruptive or manipulative trading activity in the futures, options or swaps markets.

The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Complaint does not fit into any of the above-described categories

If your complaint does not fit into any of the above-described categories please describe below.

4. Select the type of product/instrument:

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A cash (or physical) contract traded in interstate commerce.

A foreign currency transaction.

- If a foreign currency transaction:

o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

Yes No

o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

- If yes:

- o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No
- o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

Other

If other, please describe:

5. If applicable, what is the name of product/investment?

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

6. Have you suffered a monetary loss? Yes No

If yes, describe how much.

7. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes No

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes No

If yes, select the appropriate category:

- Prior complaint to the CFTC.
- Complaint to another regulator.
- A state or federal criminal law enforcement entity.
- A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

9. State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter? Yes No

If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you? Yes No

If "Yes," please provide details.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor? Yes No

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations? Yes No

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint? Yes No

If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))); a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

Yes No

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

Yes No

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

Yes No

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

Yes No

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

Yes No

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.

G. PRIVACY NOTICE AND WHISTLEBLOWER’S DECLARATION

The solicitation of this information is authorized under the Commodity Exchange Act, 7 U.S. C. 1 et seq. This form may be used by anyone wishing to provide the CFTC with information concerning a violation of the Commodity Exchange Act or the CFTC’s regulations. This form and related information will be processed in the United States of America, the location of the CFTC. If an individual is submitting this information for the CFTC’s whistleblower award program pursuant to Section 23 of the Commodity Exchange Act, the information provided will be used to enable the CFTC to determine the individual’s eligibility for payment of an award. This information will be used to investigate and prosecute violations of the Commodity Exchange Act and the CFTC’s regulations. The CFTC may disclose this information when required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission. In addition, if the Commission determines such disclosure is necessary or appropriate to accomplish the purposes of the CEA and to protect customers, the Commission may provide such information to the Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate department or agency of a state; a registered entity, registered futures association, or self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or a foreign futures authority. Those entities are subject to the same confidentiality requirements as the Commission. The Commission also may disclose such information in accordance with Privacy Act of 1974 System of Records Notices CFTC-49, "Whistleblower Records" (exempted), CFTC-10, "Investigatory Records" (exempted), and CFTC-16, "Enforcement Case Files," (available on the CFTC Privacy Program web page, www.cftc.gov/Transparency/PrivacyOffice) exercised in accordance with the confidentiality provisions in the CEA and 17 CFR 165.4. Furnishing information on or through this form is voluntary. However, if an individual is providing information for the whistleblower award program, not providing required information may result in the individual not being eligible for award consideration. Also, you may choose to submit this form anonymously, but in order to receive a whistleblower award, you would need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. [See instructions for further information.] By signing this Declaration, I am agreeing to the collection, processing, use, and disclosure of my personally identifiable information as stated herein.

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

Print Name
(b)(3):7 U.S.C. §26(h)(2)(A)(CEA)

Check this box to agree to agree with the declaration above.

Date
(b)(3):7 U.S.C. §26(h)(2)(A)(CEA)

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

Check this box to agree with the declaration above.

Date

(b)(3):7 U.S.C. §26(h)(2)(A)

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Policy for www.cftc.gov.

FILES UPLOADED

You have successfully uploaded the following 10 files:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC's whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC's *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an email address.

Instructions for Completing Form TCR

General

- All references to "you" and "your" are intended to mean the complainant.

Section A: Tell Us About Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an e-mail address, especially if you are filing anonymously);
- your preferred method of communication; and
- your occupation.

Section B: Your Attorney’s Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney’s name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
- e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual’s profession or the type of entity to which your complaint relates:

- **For Individuals:** accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- **For Entities:** bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14: Identify if you are, or were, associated with the individual or firm you are complaining about. If yes, describe how you are, or were, associated with the individual or firm you are complaining about.

Question 15: Identify the initial form of contact between you and the person against whom you are filing this complaint.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

Section E: Whistleblower Program

Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

Question 2: Identify any documents or other information in your submission on this Form TCR that you believe could reasonably be expected to reveal your identity. Explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

Question 3: State whether you or your attorney have had any prior communication(s) with the CFTC concerning this matter.

If you answered "yes", identify the CFTC staff member(s) with whom you or your attorney communicated.

Question 4: Indicate whether you or your attorney have provided the information you are providing to the CFTC to any other agency or organization, or whether any other agency or organization has requested the information or related information from you.

If you answered "yes", provide details and the name and contact information of the point of contact at the other agency or organization, if known.

Question 5: Indicate whether your complaint relates to an entity of which you are, or were in the past, an officer, director, counsel, employee, consultant or contractor.

If you answered "yes", state whether you have reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations. Please provide details, including the date on which you took the action.

Question 6: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered "yes", provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 7: Provide any additional information you think may be relevant.

Section F: Whistleblower Eligibility Requirements and Other Information

- Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.
- Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.
- Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority.
- Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been convicted of a criminal violation, in connection with the information you are submitting to the CFTC.
- Question 5: State whether you acquired the information you are providing to the CFTC from any individual described in Questions 1 through 4 of this section.
- Question 6: If you answered "Yes" to any Questions 1 through 5, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.

TCR Number (b)(3);7 U.S.C. §26(h)(2)(A) (CEA);

CONFIDENTIAL

Submission Received (b)(3);7 U.S.C. §26(h)(2)(A) (CEA);

UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581

OMB APPROVAL
OMB Number: 3038-0082

FORM TCR
TIP, COMPLAINT OR REFERRAL

See attached Submission Procedures and Completion Instructions Below.

A. TELL US ABOUT YOURSELF
COMPLAINANT 1:

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

B. YOUR ATTORNEY'S INFORMATION (If Applicable – See Instructions)

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

**C. TELL US WHO YOU ARE COMPLAINING ABOUT
INDIVIDUAL / ENTITY 1:**

1. Type: Individual Entity 2. If an individual, specify profession. If an entity, specify type.
Unregistered FCM/RFED

3. Name
Payward, Inc. (dba Kraken)

4. Street Address 5. Apartment/Unit #

6. City 7. State/Province 8. ZIP/Postal Code 9. Country

10. Telephone 11. E-mail Address 12. Internet Address

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?
Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15. What was the initial form of contact between you and the person against whom you are filing this complaint?
Internet Advertisement

If other, please describe:

D. TELL US ABOUT YOUR COMPLAINT

1. Occurrence Date (mm/dd/yyyy):

2. Is the conduct on-going?

Yes No Don't Know

3. Please select the option(s) that best describes your complaint.

Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions

Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Disruptive or manipulative trading activity in the futures, options or swaps markets.

The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Complaint does not fit into any of the above-described categories

If your complaint does not fit into any of the above-described categories please describe below.

4. Select the type of product/instrument:

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A cash (or physical) contract traded in interstate commerce.

A foreign currency transaction.

- If a foreign currency transaction:

o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

Yes No

o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

- If yes:

- o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No
- o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

Other

If other, please describe:

5. If applicable, what is the name of product/investment?

6. Have you suffered a monetary loss? Yes No

If yes, describe how much.

7. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes No

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes No

If yes, select the appropriate category:

- Prior complaint to the CFTC.
- Complaint to another regulator.
- A state or federal criminal law enforcement entity.
- A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

9. State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter? Yes No

If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you? Yes No

If "Yes," please provide details.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor? Yes No

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations? Yes No

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint? Yes No

If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))); a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

Yes No

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

Yes No

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

Yes No

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

Yes No

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

Yes No

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.

G. PRIVACY NOTICE AND WHISTLEBLOWER’S DECLARATION

The solicitation of this information is authorized under the Commodity Exchange Act, 7 U.S. C. 1 et seq. This form may be used by anyone wishing to provide the CFTC with information concerning a violation of the Commodity Exchange Act or the CFTC’s regulations. This form and related information will be processed in the United States of America, the location of the CFTC. If an individual is submitting this information for the CFTC’s whistleblower award program pursuant to Section 23 of the Commodity Exchange Act, the information provided will be used to enable the CFTC to determine the individual’s eligibility for payment of an award. This information will be used to investigate and prosecute violations of the Commodity Exchange Act and the CFTC’s regulations. The CFTC may disclose this information when required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission. In addition, if the Commission determines such disclosure is necessary or appropriate to accomplish the purposes of the CEA and to protect customers, the Commission may provide such information to the Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate department or agency of a state; a registered entity, registered futures association, or self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or a foreign futures authority. Those entities are subject to the same confidentiality requirements as the Commission. The Commission also may disclose such information in accordance with Privacy Act of 1974 System of Records Notices CFTC-49, "Whistleblower Records" (exempted), CFTC-10, "Investigatory Records" (exempted), and CFTC-16, "Enforcement Case Files," (available on the CFTC Privacy Program web page, www.cftc.gov/Transparency/PrivacyOffice) exercised in accordance with the confidentiality provisions in the CEA and 17 CFR 165.4. Furnishing information on or through this form is voluntary. However, if an individual is providing information for the whistleblower award program, not providing required information may result in the individual not being eligible for award consideration. Also, you may choose to submit this form anonymously, but in order to receive a whistleblower award, you would need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. [See instructions for further information.] By signing this Declaration, I am agreeing to the collection, processing, use, and disclosure of my personally identifiable information as stated herein.

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

Print Name

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

Check this box to agree to agree with the declaration above.

Date

(b)(3):7 U.S.C. §26(h)(2)(A)

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

Check this box to agree with the declaration above.

Date

(b)(3);7 U.S.C. §26(h)(2)(A)

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Policy for www.cftc.gov.

FILES UPLOADED

You have successfully uploaded the following 10 files:

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

[Empty box for listing uploaded files]

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC's whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC's *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an email address.

Instructions for Completing Form TCR

General

- All references to "you" and "your" are intended to mean the complainant.

Section A: Tell Us About Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an e-mail address, especially if you are filing anonymously);
- your preferred method of communication; and
- your occupation.

Section B: Your Attorney’s Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney’s name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
- e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual’s profession or the type of entity to which your complaint relates:

- **For Individuals:** accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- **For Entities:** bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14: Identify if you are, or were, associated with the individual or firm you are complaining about. If yes, describe how you are, or were, associated with the individual or firm you are complaining about.

Question 15: Identify the initial form of contact between you and the person against whom you are filing this complaint.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

Section E: Whistleblower Program

Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

Question 2: Identify any documents or other information in your submission on this Form TCR that you believe could reasonably be expected to reveal your identity. Explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

Question 3: State whether you or your attorney have had any prior communication(s) with the CFTC concerning this matter. If you answered "yes", identify the CFTC staff member(s) with whom you or your attorney communicated.

Question 4: Indicate whether you or your attorney have provided the information you are providing to the CFTC to any other agency or organization, or whether any other agency or organization has requested the information or related information from you. If you answered "yes", provide details and the name and contact information of the point of contact at the other agency or organization, if known.

Question 5: Indicate whether your complaint relates to an entity of which you are, or were in the past, an officer, director, counsel, employee, consultant or contractor. If you answered "yes", state whether you have reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations. Please provide details, including the date on which you took the action.

Question 6: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action. If you answered "yes", provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 7: Provide any additional information you think may be relevant.

Section F: Whistleblower Eligibility Requirements and Other Information

- Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.
- Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.
- Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority.
- Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been convicted of a criminal violation, in connection with the information you are submitting to the CFTC.
- Question 5: State whether you acquired the information you are providing to the CFTC from any individual described in Questions 1 through 4 of this section.
- Question 6: If you answered "Yes" to any Questions 1 through 5, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.

TCR Number: (b)(3):7 U.S.C.
§26(h)(2)(A) (CEA);

CONFIDENTIAL

Submission Received: (b)(3):7 U.S.C.
§26(h)(2)(A) (CEA);

**UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581**

OMB APPROVAL
OMB Number: 3038-0082

**FORM TCR
TIP, COMPLAINT OR REFERRAL**

See attached Submission Procedures and Completion Instructions Below.

A. TELL US ABOUT YOURSELF

COMPLAINANT 1:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

[Empty text box for Complainant 1 information]

B. YOUR ATTORNEY'S INFORMATION (If Applicable – See Instructions)

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

4. Street Address

5. Apartment/Unit #

6. City
San Francisco

7. State/Province
CA

8. ZIP/Postal Code 9. Country

10. Telephone

11. E-mail Address

12. Internet Address
kraken.com

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?

Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15. What was the initial form of contact between you and the person against whom you are filing this complaint?
Other

If other, please describe:

(b)(3):7 U.S.C.

D. TELL US ABOUT YOUR COMPLAINT

1. Occurrence Date (mm/dd/yyyy):
06/01/2018

2. Is the conduct on-going?
Yes No Don't Know

3. Please select the option(s) that best describes your complaint.

Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions

Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Disruptive or manipulative trading activity in the futures, options or swaps markets.

The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Complaint does not fit into any of the above-described categories

If your complaint does not fit into any of the above-described categories please describe below.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

4. Select the type of product/instrument:

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A cash (or physical) contract traded in interstate commerce.

A foreign currency transaction.

- If a foreign currency transaction:

o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No

o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

- If yes:

- o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No
- o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

Other

If other, please describe:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

5. If applicable, what is the name of product/investment?

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

6. Have you suffered a monetary loss? Yes No

If yes, describe how much.

7. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes No

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes No

If yes, select the appropriate category:

- Prior complaint to the CFTC.
- Complaint to another regulator.
- A state or federal criminal law enforcement entity.
- A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

9. State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession. Please see all attachments.

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter? Yes No

If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you? Yes No

If "Yes," please provide details.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor? Yes No

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations? Yes No

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint? Yes No

If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))); a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

Yes No

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

Yes No

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

Yes No

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

Yes No

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

Yes No

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.

G. PRIVACY NOTICE AND WHISTLEBLOWER'S DECLARATION

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

Print Name

(b)(3):7 U.S.C. §26(h)(2)(A)

Check this box to agree to agree with the declaration above.

Date

(b)(3):7 U.S.C.

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

Check this box to agree with the declaration above.

Date

(b)(3):7 U.S.C.

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Policy for www.cftc.gov.

FILES UPLOADED

You have successfully uploaded the following 9 files:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC's whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC's *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an email address.

Instructions for Completing Form TCR

General

- All references to "you" and "your" are intended to mean the complainant.

Section A: Tell Us About Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an e-mail address, especially if you are filing anonymously);
- your preferred method of communication; and
- your occupation.

Section B: Your Attorney’s Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney’s name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
- e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual’s profession or the type of entity to which your complaint relates:

- **For Individuals:** accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- **For Entities:** bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14: Identify if you are, or were, associated with the individual or firm you are complaining about. If yes, describe how you are, or were, associated with the individual or firm you are complaining about.

Question 15: Identify the initial form of contact between you and the person against whom you are filing this complaint.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

Section E: Whistleblower Program

Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.

Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.

Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority.

Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been convicted of a criminal violation, in connection with the information you are submitting to the CFTC.

Question 5: State whether you acquired the information you are providing to the CFTC from any individual described in Questions 1 through 4 of this section.

Question 6: If you answered "Yes" to any Questions 1 through 5, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.

TCR Number: (b)(3):7 U.S.C. §26(h)(2)(A)

CONFIDENTIAL

Submission Received: (b)(3):7 U.S.C. §26(h)(2)(A)(CEA)

UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581

OMB APPROVAL
OMB Number: 3038-0082

FORM TCR
TIP, COMPLAINT OR REFERRAL

See attached Submission Procedures and Completion Instructions Below.

A. TELL US ABOUT YOURSELF

COMPLAINANT 1:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

[Redacted area for Complainant 1 information]

This document contains information that is confidential and may be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). It is intended only for the use of the recipient named above. If you have received this document in error, please notify the sender immediately by e-mail at [redacted] or by telephone at [redacted]. Do not disseminate, distribute, or copy this document. If you are not the named addressee above, you should not disseminate, distribute, or copy this document. If you are not the named addressee above, you should not disseminate, distribute, or copy this document.

This document contains information that is confidential and may be exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). It is intended only for the use of the recipient named above. If you have received this document in error, please notify the sender immediately by e-mail at [redacted] or by telephone at [redacted]. Do not disseminate, distribute, or copy this document. If you are not the named addressee above, you should not disseminate, distribute, or copy this document. If you are not the named addressee above, you should not disseminate, distribute, or copy this document.

B. YOUR ATTORNEY'S INFORMATION (If Applicable – See Instructions)

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

D. TELL US ABOUT YOUR COMPLAINT

1. Occurrence Date (mm/dd/yyyy):
01/01/2011

2. Is the conduct on-going?
Yes No Don't Know

3. Please select the option(s) that best describes your complaint.

Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions

Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Disruptive or manipulative trading activity in the futures, options or swaps markets.

The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Complaint does not fit into any of the above-described categories

If your complaint does not fit into any of the above-described categories please describe below.

4. Select the type of product/instrument:

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A cash (or physical) contract traded in interstate commerce.

A foreign currency transaction.

- If a foreign currency transaction:

o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No

o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

- If yes:

- o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No
- o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

Other

If other, please describe:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

5. If applicable, what is the name of product/investment?

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6)

6. Have you suffered a monetary loss? Yes No

If yes, describe how much.

7. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes No

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes No

If yes, select the appropriate category:

- Prior complaint to the CFTC.
- Complaint to another regulator.
- A state or federal criminal law enforcement entity.
- A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

9. State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A)(CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3):7 U.S.C. §26(h)(2)(A)(CEA); (b)(6); (b)(7)(C)

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter? Yes No
If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you? Yes No

If "Yes," please provide details.

(b)(3):7 U.S.C. §26(h)(2)(A)(CEA); (b)(6); (b)(7)(C)

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor? Yes No

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations? Yes No

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint? Yes No

If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

G. PRIVACY NOTICE AND WHISTLEBLOWER’S DECLARATION

The solicitation of this information is authorized under the Commodity Exchange Act, 7 U.S. C. 1 et seq. This form may be used by anyone wishing to provide the CFTC with information concerning a violation of the Commodity Exchange Act or the CFTC’s regulations. This form and related information will be processed in the United States of America, the location of the CFTC. If an individual is submitting this information for the CFTC’s whistleblower award program pursuant to Section 23 of the Commodity Exchange Act, the information provided will be used to enable the CFTC to determine the individual’s eligibility for payment of an award. This information will be used to investigate and prosecute violations of the Commodity Exchange Act and the CFTC’s regulations. The CFTC may disclose this information when required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission. In addition, if the Commission determines such disclosure is necessary or appropriate to accomplish the purposes of the CEA and to protect customers, the Commission may provide such information to the Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate department or agency of a state; a registered entity, registered futures association, or self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or a foreign futures authority. Those entities are subject to the same confidentiality requirements as the Commission. The Commission also may disclose such information in accordance with Privacy Act of 1974 System of Records Notices CFTC-49, "Whistleblower Records" (exempted), CFTC-10, "Investigatory Records" (exempted), and CFTC-16, "Enforcement Case Files," (available on the CFTC Privacy Program web page, www.cftc.gov/Transparency/PrivacyOffice) exercised in accordance with the confidentiality provisions in the CEA and 17 CFR 165.4. Furnishing information on or through this form is voluntary. However, if an individual is providing information for the whistleblower award program, not providing required information may result in the individual not being eligible for award consideration. Also, you may choose to submit this form anonymously, but in order to receive a whistleblower award, you would need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. [See instructions for further information.] By signing this Declaration, I am agreeing to the collection, processing, use, and disclosure of my personally identifiable information as stated herein.

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

Print Name

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

Check this box to agree to agree with the declaration above.

Date

(b)(3):7 U.S.C. §26(h)(2)(A)

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA);
(b)(6); (b)(7)(C)

Check this box to agree with the declaration above.

Date

(b)(3):7 U.S.C. §26(b)(2)(A) (CEA)

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Policy for www.cftc.gov.

FILES UPLOADED

You have successfully uploaded the following 1 file:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC’s whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC’s *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC’s staff to contact you, such as a telephone number or an email address.

Instructions for Completing Form TCR

General

- All references to “you” and “your” are intended to mean the complainant.

Section A: Tell Us About Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an e-mail address, especially if you are filing anonymously);
- your preferred method of communication; and
- your occupation.

Section B: Your Attorney's Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney's name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
- e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual's profession or the type of entity to which your complaint relates:

- **For Individuals:** accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- **For Entities:** bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14: Identify if you are, or were, associated with the individual or firm you are complaining about. If yes, describe how you are, or were, associated with the individual or firm you are complaining about.

Question 15: Identify the initial form of contact between you and the person against whom you are filing this complaint.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

Section E: Whistleblower Program

Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

- Question 2: Identify any documents or other information in your submission on this Form TCR that you believe could reasonably be expected to reveal your identity. Explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.
- Question 3: State whether you or your attorney have had any prior communication(s) with the CFTC concerning this matter.
- If you answered "yes", identify the CFTC staff member(s) with whom you or your attorney communicated.
- Question 4: Indicate whether you or your attorney have provided the information you are providing to the CFTC to any other agency or organization, or whether any other agency or organization has requested the information or related information from you.
- If you answered "yes", provide details and the name and contact information of the point of contact at the other agency or organization, if known.
- Question 5: Indicate whether your complaint relates to an entity of which you are, or were in the past, an officer, director, counsel, employee, consultant or contractor.
- If you answered "yes", state whether you have reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations. Please provide details, including the date on which you took the action.
- Question 6: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.
- If you answered "yes", provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.
- Question 7: Provide any additional information you think may be relevant.

Section F: Whistleblower Eligibility Requirements and Other Information

- Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.
- Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.
- Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority.
- Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been convicted of a criminal violation, in connection with the information you are submitting to the CFTC.
- Question 5: State whether you acquired the information you are providing to the CFTC from any individual described in Questions 1 through 4 of this section.
- Question 6: If you answered "Yes" to any Questions 1 through 5, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.

TCR Number: (b)(3);7 U.S.C. §26(h)(2)(A)(CEA)

CONFIDENTIAL

Submission Received: (b)(3);7 U.S.C. §26(h)(2)(A)(CEA)

UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581

OMB APPROVAL
OMB Number: 3038-0082

FORM TCR
TIP, COMPLAINT OR REFERRAL

See attached Submission Procedures and Completion Instructions Below.

A. TELL US ABOUT YOURSELF

COMPLAINANT 1:

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

**C. TELL US WHO YOU ARE COMPLAINING ABOUT
INDIVIDUAL / ENTITY 1:**

1. Type: Individual Entity 2. If an individual, specify profession. If an entity, specify type.
Cryptocurrency exchange

3. Name
Payward Inc. DBA Kraken

4. Street Address 5. Apartment/Unit #
237 Kearny St #102, San Francisco 102

6. City 7. State/Province 8. ZIP/Postal Code 9. Country
San Francisco CA 94108 USA

10. Telephone 11. E-mail Address 12. Internet Address
+1 (916) 267-4413 Support@kraken.com Kraken.com

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?
Yes No Unknown

If yes, describe how you are, or were, associated with the individual or firm you are complaining about?
(b)(3):7

15. What was the initial form of contact between you and the person against whom you are filing this complaint?
(b)(3):7

If other, please describe:

D. TELL US ABOUT YOUR COMPLAINT

1. Occurrence Date (mm/dd/yyyy):
05/09/2020

2. Is the conduct on-going?
Yes No Don't Know

3. Please select the option(s) that best describes your complaint.

Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions

Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Disruptive or manipulative trading activity in the futures, options or swaps markets.

The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Complaint does not fit into any of the above-described categories

If your complaint does not fit into any of the above-described categories please describe below.

4. Select the type of product/instrument:

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A cash (or physical) contract traded in interstate commerce.

A foreign currency transaction.

- If a foreign currency transaction:

o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No

o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

- If yes:

- o Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No
- o Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

Other

If other, please describe:

5. If applicable, what is the name of product/investment?

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

6. Have you suffered a monetary loss? Yes No

If yes, describe how much.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

7. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes No

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes No

If yes, select the appropriate category:

- Prior complaint to the CFTC.
- Complaint to another regulator.
- A state or federal criminal law enforcement entity.
- A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

9. State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter? Yes No

If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you? Yes No

If "Yes," please provide details.

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor? Yes No

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations? Yes No

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint? Yes No

If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))); a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

Yes No

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

Yes No

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

Yes No

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

Yes No

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

Yes No

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.
I can provide excel files that I have relating to equations referenced above by email if requested.

G. PRIVACY NOTICE AND WHISTLEBLOWER'S DECLARATION

The solicitation of this information is authorized under the Commodity Exchange Act, 7 U.S. C. 1 et seq. This form may be used by anyone wishing to provide the CFTC with information concerning a violation of the Commodity Exchange Act or the CFTC's regulations. This form and related information will be processed in the United States of America, the location of the CFTC. If an individual is submitting this information for the CFTC's whistleblower award program pursuant to Section 23 of the Commodity Exchange Act, the information provided will be used to enable the CFTC to determine the individual's eligibility for payment of an award. This information will be used to investigate and prosecute violations of the Commodity Exchange Act and the CFTC's regulations. The CFTC may disclose this information when required to be disclosed to a defendant or respondent in connection with a public proceeding instituted by the Commission. In addition, if the Commission determines such disclosure is necessary or appropriate to accomplish the purposes of the CEA and to protect customers, the Commission may provide such information to the Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate department or agency of a state; a registered entity, registered futures association, or self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); or a foreign futures authority. Those entities are subject to the same confidentiality requirements as the Commission. The Commission also may disclose such information in accordance with Privacy Act of 1974 System of Records Notices CFTC-49, "Whistleblower Records" (exempted), CFTC-10, "Investigatory Records" (exempted), and CFTC-16, "Enforcement Case Files," (available on the CFTC Privacy Program web page, www.cftc.gov/Transparency/PrivacyOffice) exercised in accordance with the confidentiality provisions in the CEA and 17 CFR 165.4. Furnishing information on or through this form is voluntary. However, if an individual is providing information for the whistleblower award program, not providing required information may result in the individual not being eligible for award consideration. Also, you may choose to submit this form anonymously, but in order to receive a whistleblower award, you would need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. [See instructions for further information.] By signing this Declaration, I am agreeing to the collection, processing, use, and disclosure of my personally identifiable information as stated herein.

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

Print Name

(b)(3):7 U.S.C. §26(h)(2)(A)
(CEA) (b)(6); (b)(7)(C)

Check this box to agree to agree with the declaration above.

Date

(b)(3):7 U.S.C.
§26(h)(2)(A)**H. COUNSEL CERTIFICATION**

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

Check this box to agree with the declaration above.

Date

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Policy for www.cftc.gov.

FILES UPLOADED

N/A

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC's whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC's *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an email address.

Instructions for Completing Form TCR

General

- All references to "you" and "your" are intended to mean the complainant.

Section A: Tell Us About Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an e-mail address, especially if you are filing anonymously);
- your preferred method of communication; and
- your occupation.

Section B: Your Attorney’s Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney’s name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
- e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual’s profession or the type of entity to which your complaint relates:

- **For Individuals:** accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- **For Entities:** bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14: Identify if you are, or were, associated with the individual or firm you are complaining about. If yes, describe how you are, or were, associated with the individual or firm you are complaining about.

Question 15: Identify the initial form of contact between you and the person against whom you are filing this complaint.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action.

If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

Section E: Whistleblower Program

Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

- Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.
- Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.
- Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority.
- Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been convicted of a criminal violation, in connection with the information you are submitting to the CFTC.
- Question 5: State whether you acquired the information you are providing to the CFTC from any individual described in Questions 1 through 4 of this section.
- Question 6: If you answered "Yes" to any Questions 1 through 5, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.



COMMODITY FUTURES TRADING COMMISSION

**FORM TCR
TIP, COMPLAINT OR REFERRAL
OMB Approval Number: 3038-0082
UNITED STATES**

COMMODITY FUTURES TRADING COMMISSION

Please be advised that pursuant to 5 C.F.R. § 1320.5(b)(2)(i), you are not required to respond to this collection of information unless it displays a currently valid OMB control number. Information provided on this Form TCR, and its related attachments and addendums, is CONFIDENTIAL and cannot be distributed outside of the Commission without the written approval of the CFTC Whistleblower Office and the Division of Enforcement.

SUBMISSION INFORMATION

Confirmation Number

(b)(3):7 U.S.C. §26(h)(2)(A)
(CEA); (b)(6); (b)(7)(C)

Submission Received

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA);
(b)(6); (b)(7)(C)

A. TELL US ABOUT YOURSELF

COMPLAINANT 1

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

B. YOUR ATTORNEY'S INFORMATION (If Applicable - See Instructions)

1. Attorney's Name

2. Firm Name

3. Street Address

4. City

5. State/Province

6. ZIP/Postal Code

7. Country

8. Telephone

9. Fax

10. E-mail Address

C. TELL US WHO YOU ARE COMPLAINING ABOUT

INDIVIDUAL/ENTITY 1

Confirmation Number

(b)(3):7 U.S.C. §26(h)(2)(A)

Submitted

(b)(3):7 U.S.C. §26(h)(2)(A)

1. Type <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Entity		2. If an individual, specify profession. If an entity, specify type	
3. Name Kraken/Payward Ventures Inc.			
4. Street Address 237 Kearny Street			5. Apartment/Unit# #102
6. City San Francisco	7. State/Province CA	8. ZIP/Postal Code 94108	9. Country United States
10. Telephone +1 916 267 4413	11. E-mail Address support@kraken.com		12. Internet Address https://www.kraken.com/
13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes			
14. Are you, or were you, associated with the individual or firm when the alleged conduct occurred? Yes			
If yes, describe how you are, or were, associated with the individual or firm you are complaining about (b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)			
15. What was the initial form of contact between you and the person against whom you are filing this complaint? Internet Advertisement			
If other, please describe			
D. TELL US ABOUT YOUR COMPLAINT			
1. Occurrence Date (mm/dd/yyyy) 02/09/2021		2. Is the conduct on-going? Don't Know	
3. Please select the option(s) that best describes your complaint			
<input type="checkbox"/> Fraudulent representations that persuaded you to trade futures, options, swaps, forex, retail commodity, or leveraged transactions			
<input checked="" type="checkbox"/> Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).			
<input type="checkbox"/> Someone or some firm that should be registered under the Commodity Exchange Act, but is not.			
<input type="checkbox"/> Disruptive or manipulative trading activity in the futures, options or swaps markets.			
<input type="checkbox"/> The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.			
<input type="checkbox"/> Complaint does not fit into any of the above-described categories			
If your complaint does not fit into any of the above-described categories please describe below.			
4. Select the type of product/instrument:			
<input type="checkbox"/> A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.			
<input type="checkbox"/> An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.			
<input type="checkbox"/> A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.			

A cash (or physical) contract traded in interstate commerce.

A foreign currency transaction.

If a foreign currency transaction:

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

YES NO

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

YES NO

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty.

If yes:

Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?

YES NO

Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?

YES NO

Other

If other, please describe

(b)(3):7 U.S.C. §26(h)(2)(A)(CEA);

5. If applicable, what is the name of product/investment?

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

6. Have you suffered a monetary loss?

YES NO

If yes, describe how much.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

7. Has the individual or firm who engaged in the conduct acknowledged their fault?

YES NO

8. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct?

YES NO

If yes, select the appropriate category:

Prior complaint to the CFTC.

Complaint to another regulator.

A state or federal criminal law enforcement entity.

A legal action filed against the person or firm in a court of law.

Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court).

9.State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

3. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter?

YES NO

If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

4. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you?

YES NO

If "Yes," please provide details.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

5. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor?

YES NO

If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations?

YES NO

If "Yes," please provide details including the date you took the action(s).

6. Have you taken any other action regarding your complaint?

YES NO

If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance

Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))); a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

YES NO

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

YES NO

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C.78c(a))), or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

YES NO

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

YES NO

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

YES NO

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.

G. PRIVACY NOTICE AND WHISTLEBLOWER'S DECLARATION

PRIVACY ACT STATEMENT

PRIVACY ACT STATEMENT

The collection, maintenance, and disclosure of this information is governed by the Privacy Act of 1974 (5 U.S.C. § 552a).

The information provided will help the Commodity Futures Trading Commission ("CFTC" or "Commission") identify, investigate, and prosecute violations of the Commodity Exchange Act ("CEA") or the regulations promulgated thereunder. If an individual wishes to be considered for the Commission's whistleblower award program, the information provided will also be used by the Commission to determine the individual's eligibility for payment of an award.

1. AUTHORITY

The Commission's collection of this information from persons seeking to participate in the Commission's whistleblower program is authorized under 7 U.S.C. § 26 and 17 C.F.R. § 165.

2. ROUTINE USES

The Commission may disclose this information when required to a defendant or respondent in connection with a public proceeding instituted by the Commission. In addition, if the Commission determines such disclosure is necessary or appropriate to accomplish the purposes of the CEA or to protect the public, the Commission may disclose this information to the Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate department or agency of a state; a registered entity, registered futures association, or self-regulatory organization (as defined in Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. § 78c(a))); or, a foreign futures authority.

The information will be maintained and any disclosures will be made in accordance with the Commission's Privacy Act system of records notices (SORNs) CFTC-49, *Whistleblower Records* available at 77 FR 41378.

CFTC-10, *Investigatory Records* available at 76 FR 5973, and CFTC-16, *Enforcement Case Files* available at 76 FR 5973, exercised in accordance with the confidentiality provisions in the CEA and 17 C.F.R. § 165.4. A complete set of blanket routine uses for Commission SORNs is published in the *Federal Register* at 76 FR 5974 (Feb. 2, 2011).

3. EFFECT OF NOT PROVIDING INFORMATION

Furnishing information on or through this form is voluntary and may be done anonymously. However, failure to provide identifying information may result in ineligibility for consideration under the Commission's whistleblower award program. Award candidates must be identified to a limited number of Commission staff for a final eligibility determination, and in unusual circumstances may need to be identified publicly for trial.

WHISTLEBLOWER'S DECLARATION

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

Print Name

(b)(3):7 U.S.C. §26(h)(2)(A)

Check this box to agree with the declaration above.

Date

(b)(3):7 U.S.C. §26(h)(2)(A)

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section G signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven(7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

Check this box to agree with the declaration above.

Date

FILES UPLOADED

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA);
(b)(6); (b)(7)(C)

Submission Procedures

Questions concerning this form may be directed to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- If you are submitting information for the CFTC's whistleblower award program, you *must* submit your information using this Form TCR.
- You may submit this form electronically, through the Web portal found on the CFTC's *Web site* at <http://www.whistleblower.gov>. You may also print this form and submit it by mail to Commodity Futures Trading Commission, Whistleblower Office, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, or by facsimile to (202) 418-5975.
- You have the right to submit information anonymously. If you do not submit anonymously, please note that the CFTC is required by law to maintain the confidentiality of any information which could reasonably identify you, and will only reveal such information in limited and specifically - defined circumstances. See 7 U.S.C. 26(h)(2); 17 CFR 165.4. However, in order to receive a whistleblower award, you will need to be identified to select CFTC staff for a final eligibility determination, and in unusual circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an email address.

Instructions for Completing Form TCR

General

- All references to "you" and "your" are intended to mean the complainant.

Section A: Tell Us about Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name, and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an email address, especially if you are filing anonymously).
- your preferred method of communication; and
- your occupation

Section B: Your Attorney's Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney's name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual's profession or the type of entity to which your complaint relates:

- For **Individuals**: accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).
- For **Entities**: bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14: Identify if you are, or were, associated with the individual or firm you are complaining about. If yes, describe how you are, or were, associated with the individual or firm you are complaining about.

Question 15: Identify the initial form of contact between you and the person against whom you are filing this complaint.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Identify if the conduct is on-going.

Question 3: Choose the option that you believe best describes the nature of your complaint. If you are alleging more than one violation, please list all that you believe may apply.

Question 4: Select the type of product or instrument you are complaining about.

Question 5: If applicable, please name the product or instrument. If yes, please describe.

Question 6: Identify whether you have suffered a monetary loss. If yes, please describe.

Question 7: Identify if the individual or firm you are complaining about acknowledged their fault.

Question 8: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action. If you answered yes, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

Question 10: Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

Section E: Whistleblower Program

Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

Question 2: Identify any documents or other information in your submission on this Form TCR that you believe could reasonably be expected to reveal your identity. Explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

Question 3: State whether you or your attorney have had any prior communication(s) with the CFTC concerning this

matter. If you answered "yes", identify the CFTC staff member(s) with whom you or your attorney communicated.

Question 4: Indicate whether you or your attorney have provided the information you are providing to the CFTC to any other agency or organization, or whether any other agency or organization has requested the information or related information from you. If you answered "yes", provide details and the name and contact information of the point of contact at the other agency or organization, if known.

Question 5: Indicate whether your complaint relates to an entity of which you are, or were in the past, an officer, director, counsel, employee, consultant or contractor. If you answered "yes", state whether you have reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations. Please provide details, including the date on which you took the action.

Question 6: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization, or initiated legal action, mediation, arbitration or any other action. If you answered "yes", provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number and forum of any legal action you have taken.

Question 7: Provide any additional information you think may be relevant.

Section F: Whistleblower Eligibility Requirements and Other Information

Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: The CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); a law enforcement organization; or a foreign regulatory authority or law enforcement organization.

Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.

Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization (as defined in 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), or (iii) in connection with an investigation by the Congress, or any other federal or state authority.

Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been

convicted of a criminal violation, in connection with the information that you submitted to the CFTC and upon which your application for an award is based.

Question 5: State whether you acquired the information that you provided to the CFTC from any individual described in Questions 1 through 4 of this section.

Question 6: If you answered "Yes" to any of Questions 1 through 5 of this section, please provide details.

Section G: Privacy Notice and Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.

TCR Number: (b)(3);7 U.S.C. §26(h)(2)(A) (CEA)

CONFIDENTIAL

Submission Received: (b)(3);7 U.S.C. §26(h)(2)(A) (CEA)

**UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Washington, DC 20581**

OMB APPROVAL
OMB Number: 3038-0082

**FORM TCR
TIP, COMPLAINT OR REFERRAL**

Please refer to the attached Privacy Act Statement, Submission Procedures and Completion Instructions as needed to help you complete this form.

**A. TELL US ABOUT YOURSELF
COMPLAINANT 1:**

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

[Redacted area for Complainant 1 information]

B. YOUR ATTORNEY'S INFORMATION (If Applicable – See Instructions)

1. Attorney's Name

2. Firm Name

3. Street Address

4. City
5. State/Province
6. ZIP/Postal Code
7. Country

8. Telephone
9. Fax
10. E-mail Address

**C. TELL US WHO YOU ARE COMPLAINING ABOUT
INDIVIDUAL / ENTITY 1:**

1. Type: Individual Entity 2. If an individual, specify profession. If an entity, specify type.
Unregistered FCM/RFED

3. Name
Payward, Inc. (Kraken)

4. Street Address 5. Apartment/Unit #
548 Market Street Suite 39656

6. City 7. State/Province 8. ZIP/Postal Code 9. Country
San Francisco CA 94104 USA

10. Telephone 11. E-mail Address 12. Internet Address
+1 650-434-2889 www.kraken.com

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14a. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?
Yes No Unknown

14b. If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15a. What was the initial form of contact between you and the person against whom you are filing this complaint?
Internet Advertisement

15b. If other, please describe:

INDIVIDUAL / ENTITY 2:

1. Type: Individual Entity 2. If an individual, specify profession. If an entity, specify type.
Unregistered FCM/RFED

3. Name
Bitstamp USA Inc.

4. Street Address
99 Hudson Street

5. Apartment/Unit #
5th Floor

6. City
New York

7. State/Province
NY

8. ZIP/Postal Code
10013

9. Country
USA

10. Telephone

11. E-mail Address

12. Internet Address
www.bitstamp.net

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14a. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?

Yes No Unknown

14b. If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15a. What was the initial form of contact between you and the person against whom you are filing this complaint?

(b)(3):7 U.S.C. §26(h)(2)(A)(CEA); (b)(6); (b)(7)(C)

15b. If other, please describe:

INDIVIDUAL / ENTITY 3:

1. Type: Individual Entity

2. If an individual, specify profession. If an entity, specify type.
Unregistered FCM/RFED

3. Name
Poloniex, Inc.

4. Street Address
5 Middlesex Ave

5. Apartment/Unit #
4th Floor, Suite 400

6. City
Somerville

7. State/Province
MA

8. ZIP/Postal Code
02145

9. Country
USA

10. Telephone
+1 3025186536

11. E-mail Address
tristan@poloniex.com

12. Internet Address
www.poloniex.com

13. If you are complaining about a firm or individual that has custody or control of your investments, have you had difficulty contacting that entity or individual? Yes No Unknown

14a. Are you, or were you, associated with the individual or firm when the alleged conduct occurred?

Yes No Unknown

14b. If yes, describe how you are, or were, associated with the individual or firm you are complaining about?

15a. What was the initial form of contact between you and the person against whom you are filing this complaint?

(b)(3):7 U.S.C. §26(h)(2)(A)(CEA); (b)(6); (b)(7)(C)

15b. If other, please describe:

D. TELL US ABOUT YOUR COMPLAINT

1. Occurrence Date (mm/dd/yyyy):
07/24/2017

2. Is the conduct on-going?
Yes No Don't Know

3a. Please select the option(s) that best describes your complaint.

Fraudulent representations that persuaded you to trade futures, options, swaps, forex, or leveraged transactions

Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you deposited to pay off someone else or you have asked for the return of your funds and have been refused).

Someone or some firm that should be registered under the Commodity Exchange Act, but is not.

Disruptive or manipulative trading activity in the futures, options or swaps markets.

The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.

Complaint does not fit into any of the above-described categories

3b. If your complaint does not fit into any of the above-described categories please describe below.

4a. Select the type of product/instrument:

A futures contract, including a single stock futures contract, a narrow based or broad based security future contract.

An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities.

A swap, including a mixed swap BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities.

A cash (or physical) contract traded in interstate commerce?

A foreign currency transaction.

- If a foreign currency transaction:

o 4b. Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No

o 4c. Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty,

or someone acting in concert with the offeror or counterparty.

- If checked:

o 4d. Are you an individual that trades or invests more than \$10,000,000 on a discretionary basis?
Yes No

o 4e. Are you an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability?
Yes No

Other

4f. If other, please describe:

5. If applicable, what is the name of product/investment?
Margin trading in cryptocurrencies (financed retail commodity purchases)

6a. Have you suffered a monetary loss? Yes No

6b. If yes, describe how much.

7. Has the individual or firm who engaged in the conduct acknowledged their fault? Yes No

8a. Have you or anyone else taken any action against the firm or person who engaged in the alleged conduct? Yes No

8b. If yes, select the appropriate category:

- Prior complaint to the CFTC.
- Complaint to another regulator.
- A state or federal criminal law enforcement entity.
- A legal action filed against the person or firm in a court of law.

8c. Additional comments based on above selection (e.g., Who, When, Contact, To whom made, Case Number, Court)

9. State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

10. Describe all supporting materials in your possession and the availability and location of any additional supporting materials not in your possession.

(b)(3);7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

E. WHISTLEBLOWER PROGRAM

1. Describe how and from whom you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

2. Identify with particularity any documents or other information in your submission that you believe could reasonably be expected to reveal your identity and explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

3a. Have you or your attorney had any prior communication(s) with the CFTC concerning this matter? Yes No

3b. If "Yes," please identify the CFTC staff member(s) with whom you or your attorney communicated:

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

4a. Have you or your attorney provided the information to any other agency or organization, or has any other agency or organization requested the information or related information from you? Yes No

4b. If "Yes," please provide details.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

4c. If "Yes," please provide the name and contact information of the point of contact at the other agency or organization, if known.

(b)(3):7 U.S.C. §26(h)(2)(A) (CEA); (b)(6); (b)(7)(C)

5a. Does this complaint relate to an entity of which you are or were an officer, director, counsel, employee, consultant or contractor? Yes No

5b. If "Yes," have you reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations? Yes No

5c. If "Yes," please provide details including the date you took the action(s).

6a. Have you taken any other action regarding your complaint? Yes No

6b. If "Yes," please provide details.

7. Provide any additional information that you think may be relevant.

8. May the CFTC have your consent to share your identifying information with other governmental authorities? Yes No

Other governmental authorities may include: The Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate state department or agency; or a foreign governmental authority.

As a whistleblower, you have confidentiality protections and we may only reveal your identity under certain conditions, including with your consent, as enumerated in 17 C.F.R. § 165.4.

You may choose not to consent. If you do not consent, we will maintain your identity as confidential as required by 17 C.F.R. § 165.4.

F. WHISTLEBLOWER ELIGIBILITY REQUIREMENTS AND OTHER INFORMATION

1. Are you currently, or were you at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization; a law enforcement organization; or a foreign regulatory authority or law enforcement organization?

Yes No

2. Are you providing this information pursuant to a cooperation agreement with the CFTC or another agency or organization?

Yes No

3. Before you provided this information, did you (or anyone representing you) receive any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory organization, or (iii) in connection with an investigation by the Congress, or any other federal or state authority?

Yes No

4. Are you currently a subject or target of a criminal investigation, or have you been convicted of a criminal violation, in connection with the information that you are submitting to the CFTC?

Yes No

5. Did you acquire the information being provided to the CFTC from any person described in Questions 1 through 4 above?

Yes No

6. If you answered "Yes" to any of Questions 1 through 5 above, please provide details.

G. WHISTLEBLOWER'S DECLARATION

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

Print Name
(b)(3):7 U.S.C. §26(h)(2)(A) (CEA)

Check this box to agree to agree with the declaration above.

Date
(b)(3):7 U.S.C. §26(h)(2)(A)

H. COUNSEL CERTIFICATION

I certify that I have reviewed this form for completeness and accuracy and that the information contained herein is true, correct and complete to the best of my knowledge, information and belief.

I further certify that I have verified the identity of the whistleblower on whose behalf this form is being submitted by viewing the whistleblower's valid, unexpired government issued identification (e.g., driver's license, passport) and will retain an original, signed copy of this form, with Section F signed by the whistleblower, in my records. I further certify that I have obtained the whistleblower's non-waivable consent to provide the Commodity Futures Trading Commission with his or her original signed Form TCR upon request in the event that the Commodity Futures Trading Commission requests it due to concerns that the whistleblower may have knowingly and willfully made false, fictitious or fraudulent statements or representations, or used any false writing or document knowing that the writing or document contains any false, fictitious or fraudulent statement or entry; and that I consent to be legally obligated to do so within seven (7) calendar days of receiving such a request from the Commodity Futures Trading Commission.

Print Name of Attorney and Law Firm, if Applicable

Check this box to agree with the declaration above.

Date

I agree to the collection, processing, use and disclosure of my personal information as stated in the Privacy Act Statement and the privacy policy for www.cftc.gov.

FILES UPLOADED

N/A

circumstances, you may need to be identified publicly for trial. You should therefore provide some means for the CFTC's staff to contact you, such as a telephone number or an e-mail address.

Instructions for Completing Form TCR

General

- All references to "you" and "your" are intended to mean the whistleblower.

Section A: Tell Us About Yourself

Questions 1-14: Please provide the following information about yourself:

- last name, first name and middle initial;
- complete address, including city, state and zip code;
- telephone number and, if available, an alternate number where you can be reached;
- your e-mail address (to facilitate communications, we strongly encourage you to provide an e-mail address, especially if you are filing anonymously);
- your preferred method of communication; and
- your occupation.

Section B: Your Attorney's Information

Complete this section only if you are represented by an attorney in this matter.

Questions 1-10: Provide the following information about your attorney:

- attorney's name;
- firm name;
- complete address, including city, state and zip code;
- telephone number and fax number; and
- e-mail address.

Section C: Tell Us Who You Are Complaining About

Questions 1-2: Choose one of the following that best describes the individual's profession or the type of entity to which your complaint relates:

- **For Individuals:** accountant, analyst, associated person, attorney, auditor, broker, commodity trading advisor, commodity pool operator, compliance officer, employee, executing broker, executive officer or director, financial planner, floor broker, floor trader, trader, unknown or other (specify).

- **For Entities:** bank, commodity pool, commodity pool operator, commodity trading advisor, futures commission merchant, hedge fund, introducing broker, major swap participant, retail foreign exchange dealer, swap dealer, unknown or other (specify).

Questions 3-12: For each individual and/or entity, provide the following information, if known:

- full name
- complete address, including city, state and zip code;
- telephone number;
- e-mail address; and
- internet address, if applicable.

Question 13: If you are complaining about a firm or individual that has custody or control of your investments, indicate if you have had difficulty contacting that entity or individual.

Question 14a: Indicate if you are or were associated with the individual or firm when the alleged conduct occurred?

Question 14b: If the answer to Question 14a is yes, describe how you are or were associated with the individual or firm you are complaining about.

Question 15a: Indicate what the initial form of contact between you and the person against whom you are filing this complaint.

Question 15b: If the answer to question 15a is "Other", please provide details.

Section D: Tell Us About Your Complaint

Question 1: State the date (mm/dd/yyyy) that the alleged conduct occurred or began.

Question 2: Indicate whether this conduct is on-going

Question 3a: Choose the following option that you believe best describes your complaint. If you are alleging more than one violation, please list all that you believe may apply.

- Fraudulent representations that persuaded you to trade futures, options, swaps, forex, or leveraged transactions
- Some type of cheating or fraud that occurred after you had deposited funds to trade futures, options, swaps, forex, retail commodity, or leveraged transactions (for example, if someone used the funds you

deposited to pay off someone else or you have asked for the return of your funds and have been refused).

- Someone or some firm that should be registered under the Commodity Exchange Act, but is not.
- Disruptive or manipulative trading activity in the futures, options or swaps markets.
- The trading of futures options, or swaps based upon confidential information by someone not allowed to use such information.
- Complaint does not fit into any of the above-described categories.

Question 3b: If your complaint does not fit into any of the above-described categories please describe below.

Question 4a: Choose the following option that you believe best describes the type of financial product or investment at issue, if applicable:

- A futures contract, including a single stock futures contract, a narrow based or broad based security future contract;
- An option on a futures contract, an option on a commodity, BUT NOT an option on a security or a basket of securities;
- A swap, including a mixed swap, BUT NOT a swap based on a single security or based on a narrow (i.e., nine or less) index of securities;
- A cash (or physical) contract traded in interstate commerce;
- A foreign currency transaction;
- A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty;
- Other

Question 4b: If "A foreign currency transaction" is selected, state whether you or an individual trades or invests more than \$10,000,000 on a discretionary basis.

Question 4c: If "A foreign currency transaction" is selected, state whether you are individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability.

- Question 4d: If “A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty” is selected, state whether you are an individual that trades or invests more than \$10,000,000 on a discretionary basis.
- Question 4f: If “A commodity transaction entered into or offered on a leveraged or margined basis, or financed by the offeror, the counterparty, or someone acting in concert with the offeror or counterparty” is selected, state whether you are an individual that trades or invests more than \$5,000,000 and enters into the foreign currency agreement to manage the risk associated with some other asset or liability.
- Question 4g: If “Other” is selected, please provide details.
- Question 5: Provide the name of the financial product or investment, if applicable.
- Question 6a: State whether you suffered a monetary loss.
- Question 6b: If the answer to Question 6a is yes, state how much.
- Question 7: State whether the individual or firm who engaged in the conduct acknowledged their fault.
- Question 8a: State whether you or anyone else has taken action against the firm or person who engaged in the alleged conduct.
- Question 8b: If the answer to Question 8a is yes, indicate whether you or someone else complained to the CFTC, another regulator, a law enforcement agency, or initiated legal action in the court of law.
- Question 8c: If the answer to Question 8a is yes, provide details, including the date on which you (or someone else) took the action(s) described, the name of the person or entity to whom you (or someone else) directed any report or complaint, and contact information for the person or entity, if known, and the complete case name, case number, and forum of any legal action you have taken.
- Question 9: State in detail all facts pertinent to the alleged violation. Explain why you believe the facts described constitute a violation of the Commodity Exchange Act.
- Question 10: Describe all supporting materials in your possession, custody or control, and the availability and location of additional supporting materials not in your possession, custody or control.

Section E: Whistleblower Program

- Question 1: Describe how you obtained the information that supports your allegations. If any information was obtained from an attorney or in a communication where an attorney was present, identify such information with as much particularity as possible. In addition, if any information was obtained from a public source, identify the source with as much particularity as possible.
- Question 2: Identify any documents or other information in your submission on this Form TCR that you believe could reasonably be expected to reveal your identity. Explain the basis for your belief that your identity would be revealed if the documents or information were disclosed to a third party.
- Question 3a: State whether you or your attorney have had any prior communication(s) with the CFTC concerning this matter.
- Question 3b: If the answer to Question 3a is yes, identify the CFTC staff member(s) with whom you or your attorney communicated.
- Question 4a: Indicate whether you or your attorney have provided the information you are providing to the CFTC to any other agency or organization, or whether any agency or organization has requested the information or related information from you.
- Question 4b: If the answer to Question 4a is yes, provide details.
- Question 4c: If the answer to Question 4a is "yes", provide the name and contact information of the point of contact at the other agency or organization, if known.
- Question 5a: Indicate whether your complaint relates to an entity of which you are, or were in the past, an officer, director, counsel, employee, consultant or contractor.
- Question 5b: If the answer to Question 5a is yes, state whether you have reported this violation to your supervisor, compliance office, whistleblower hotline, ombudsman, or any other available mechanism at the entity for reporting violations.
- Question 5c: If the answer to Question 5b is yes, provide details including the date you took the action(s).
- Question 6a: Indicate whether you have taken any other action regarding your complaint, including whether you complained to the CFTC, another regulator, a law enforcement agency, or any other agency or organization; or initiated legal action, mediation, arbitration, or any other action.
- Question 6b: If you answered yes to Question 6a, provide details, including the date on which you took the action(s) described, the name of the person or entity to whom you directed any report or

complaint, and contact information for the person or entity, if known, and the complete case name, case number, and forum of any legal action you have taken.

Question 7: Provide any additional information you think may be relevant.

Question 8: State whether you chose to share your identifying information with government authorities. Other governmental authorities may include: The Department of Justice; an appropriate department or agency of the Federal Government; a state attorney general; any appropriate state department or agency; or a foreign governmental authority. As a whistleblower, you have confidentiality protections and we may only reveal your identity under certain conditions, including with your consent, as enumerated in 17 C.F.R. § 165.4. You may choose not to consent. If you do not consent, we will maintain your identity as confidential as required by 17 C.F.R. § 165.4.

Section F: Whistleblower Eligibility Requirements and Other Information

Question 1: State whether you are currently, or were at the time that you acquired the original information that you are submitting to the CFTC, a member, officer or employee of: the CFTC; the Board of Governors of the Federal Reserve System; the Office of the Comptroller of the Currency; the Board of Directors of the Federal Deposit Insurance Corporation; the Director of the Office of Thrift Supervision; the National Credit Union Administration Board; the Securities and Exchange Commission; the Department of Justice; a registered entity; a registered futures association; a self-regulatory organization; a law enforcement organization; or a foreign regulatory authority or law enforcement organization.

Question 2: State whether you are providing the information pursuant to a cooperation agreement with the CFTC or with another agency or organization.

Question 3: State whether you are providing this information before you (or anyone representing you) received any request, inquiry or demand that relates to the subject matter of this submission (i) from the CFTC, (ii) in connection with an investigation, inspection or examination by any registered entity, registered futures association or self-regulatory

organization, or (iii) in connection with an investigation by the Congress, or any other federal or state authority.

Question 4: State whether you are currently a subject or target of a criminal investigation, or whether you have been convicted of a criminal violation, in connection with the information you are submitting to the CFTC.

Question 5: State whether you acquired the information you are providing to the CFTC from any individual described in Questions 1 through 4 of this section.

Question 6: If you answered "Yes" to any Questions 1 through 5, please provide details.

Section G: Whistleblower's Declaration

You must sign this Declaration if you are submitting this information pursuant to the CFTC whistleblower program and wish to be considered for an award. If you are submitting your information using the electronic version of Form TCR through the CFTC's web portal, you must check the box to agree with the declaration. If you are submitting your information anonymously, you must still sign this Declaration (using the term "anonymous") or check the box as appropriate, and, if you are represented by an attorney, you must provide your attorney with the original of this signed form, or maintain a copy for your own records. If you are not submitting your information pursuant to the CFTC whistleblower program, you do not need to sign this Declaration or check the box.

Section H: Counsel Certification

If you are submitting this information pursuant to the CFTC whistleblower program and you are doing so anonymously through an attorney, your attorney must sign the Counsel Certification Section. If your attorney is submitting your information using the electronic version of Form TCR through the CFTC's web portal, he/she must check the box to agree with the certification. If you are represented in this matter but you are not submitting your information pursuant to the CFTC whistleblower program, your attorney does not need to sign this Certification or check the box.