

Haydar Tuncer

From: s 22
Sent: Monday, 14 November 2022 3:19 PM
To: John Mouawad
Cc: Scott Langdon; Rahul Goyal; s 22; Paul Hewson; Chris Meehan
Subject: RE: FTX Express Pty Ltd and FTX Australia Pty Ltd (In Voluntary Administration)(the 'Companies') [SEC=OFFICIAL]

Good afternoon John

Thank you for your time this morning to update us on your work in the first days of the voluntary administration of FTX Australia Pty Ltd and FTX Express Pty Ltd.

We have considered your request this morning for additional time to consult your fellow administrators and obtain advice on ASIC's proposal (outlined below) to seek a decision to suspend the AFS licence held by FTX Australia Pty Ltd for 6 months. I wish to advise that, in the circumstances, we will proceed to make a decision to suspend the AFS licence of FTX Australia. We also propose to remove the condition in 2(c) below to address overlap between 1 and 2(c).

Shortly, we will formally communicate ASIC's decision on the proposed licence suspension. As discussed this morning, if the licence is suspended and you find that you would require a variation of the terms of the suspension in order to properly carry out your duties, please let us know and we can arrange for such variation to be considered.

Kind regards

s 22

s 22

Group Senior Manager (Market Conduct), Market Supervision

Australian Securities and Investments Commission

Level 9, 120 Collins Street, Melbourne, 3001

Tel: s 22

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ASIC

From: s 22 @asic.gov.au
Sent: Sunday, 13 November 2022 9:22 PM
To: John Mouawad <jmouawad@kordamentha.com>
Cc: s 22 @asic.gov.au; s 22 @asic.gov.au; s 22 @asic.gov.au; s 22 @asic.gov.au; s 22 @asic.gov.au; s 22 @asic.gov.au; s 22 @asic.gov.au; s 22 @asic.gov.au; s 22 @asic.gov.au; s 22 @asic.gov.au; Paul Hewson <phewson@kordamentha.com>; Chris Meehan <cmeehan@kordamentha.com>; Scott Langdon <slangdon@kordamentha.com>; Rahul Goyal <RGoyal@kordamentha.com>
Subject: RE: FTX Express Pty Ltd and FTX Australia Pty Ltd (In Voluntary Administration)(the 'Companies') [SEC=OFFICIAL]

Hi John,

Thank you for the update. As flagged by s 22 here are the details of the proposed conditions of the licence suspension:

- **Period of suspension – 6 months.**

• **s915H of the Corporations Act - specifications for the suspension:**

1. that the Licence continues in effect until Monday 19 December 2022, while suspended, as though the suspension had not happened for the purposes of Chapter 7 regarding the provision of a financial service to a person as a retail client or wholesale client if that person was a client immediately prior to the suspension taking effect and if the financial service relates to the termination of an existing arrangement with a client.
2. that ASIC specifies that the Licence continues in effect, while suspended, as though the suspension had not happened for the purposes of:
 - a. s912A(1)(g) - requires the Licensee to have a dispute resolution system complying with s912A(2)(c), which requires the Licensee to be a member of the AFCA scheme;
 - b. s912B and regulations 7.6.02AAA and 7.6.02AA of the Corporations Regulations 2001 - requires the Licensee to have arrangements for compensating retail clients including maintaining professional indemnity cover;
 - c. Chapter 7 - for the Company to provide financial services that would enable clients to effect the orderly closing out of open positions without the Company actively soliciting those clients to transfer existing open positions to, or to establish new open positions with, its related entities; and
 - d. s912C - requires the Licensee to respond to a direction from ASIC to provide a written statement.

Kind regards,

s 22

s 22

Senior Manager

Retail Complex Products and Investor Protection

Market Conduct, Market Supervision

Australian Securities and Investments Commission

Level 5, 100 Market Street, Sydney, 2000

Tel: s 22

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ASIC

I acknowledge the traditional owners of the land on which I work, the Gadigal people of the Eora nation.

From: s 22 <s 22@asic.gov.au>

Sent: Sunday, 13 November 2022 6:51 PM

To: John Mouawad <jmouawad@kordamentha.com>; s 22 <s 22@asic.gov.au>; s 22 <s 22@asic.gov.au>; s 22 <s 22@asic.gov.au>; s 22 <s 22@asic.gov.au>; s 22 <s 22@asic.gov.au>; s 22 <s 22@asic.gov.au>; s 22 <s 22@asic.gov.au>; Paul Hewson <phewson@kordamentha.com>; Chris Meehan <cmeehan@kordamentha.com>; Scott Langdon <slangdon@kordamentha.com>; Rahul Goyal <RGoyal@kordamentha.com>

Subject: Re: FTX Express Pty Ltd and FTX Australia Pty Ltd (In Voluntary Administration)(the 'Companies') [SEC=OFFICIAL]

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Good afternoon John

Thank you for sharing a copy of your correspondence with customers and for your proposed agenda. We look forward to speaking with you tomorrow.

We would also discuss our proposed suspension of the AFSL held by FTX Australia and conditions that would allow for certain limited activities to continue for a period. We will provide the text of the proposed conditions tomorrow morning ahead of meeting.

Kind regards

s 22

From: John Mouawad <jmouawad@kordamentha.com>

Sent: Sunday, November 13, 2022 4:07:34 PM

To: **s 22** <s22@asic.gov.au>; **s 22** <s22@asic.gov.au>; **s 22** <s22@asic.gov.au>; **s 22** <s22@asic.gov.au>; **s 22** <s22@asic.gov.au>; **s 22** <s22@asic.gov.au>; **s 22** <s22@asic.gov.au>; **s 22** <s22@asic.gov.au>; Paul Hewson <phewson@kordamentha.com>; Chris Meehan <cmeehan@kordamentha.com>; Scott Langdon <slangdon@kordamentha.com>; Rahul Goyal <RGoyal@kordamentha.com>

Subject: FTX Express Pty Ltd and FTX Australia Pty Ltd (In Voluntary Administration)(the 'Companies')

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Dear **s 22**

Ahead of tomorrow's call we wanted to let you know that the attached has been sent to customers of the Companies. Based on the information available to us there are approximately 29,000 customers.

In terms of agenda for tomorrow we thought the following:

1. Update on steps taken by the voluntary administrators
 - a. Accounts frozen
 - b. Notifications (APRA, ATO, Austrac, other)
 - c. KM Forensic team involvement
 - d. First creditor meeting
 - e. Director co-operation
2. Customers
3. Liaising with US Chapter 11 Bankruptcy Counterparts and potential hack in the US
4. Next steps

Hope this helps and look forward to talking to you tomorrow and no doubt during the week.

Regards

John Mouawad | Partner



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