

This report provides a summary of relevant data and documents we received in response to Freedom of Information Act (FOIA) requests we filed on this company.

Confirmed, Undisclosed SEC Investigation

At least once in the past, the SEC had cited the "law enforcement exemption" of the Freedom of Information Act (FOIA) as basis to block the public's access to the detailed records we sought on this company. As a matter of law, the SEC is acknowledging some sort of investigative activity with this response. We filed an appeal with the SEC Office of the General Counsel to challenge that response.

In response to our latest appeal, the date of which is shown in the table below, the SEC stated, "We have confirmed with staff that releasing the withheld information could reasonably be expected to interfere with on-going enforcement proceedings."

While the SEC as a matter of course tells the public that an ongoing investigation should not be construed as a finding of any wrongdoing, the public interest is understandably high in tracking these investigations and their outcome. In this case, our research shows these SEC proceedings are undisclosed by Bofl Holding, Inc.

Watch List Status: Maintained on Watch List of Companies with Undisclosed SEC Probes.

Undisclosed SEC probe again confirmed. With new data reflected in this report, **Bofl Holding Inc. remains on our Watch List** of companies with undisclosed SEC probes. We have been tracking undisclosed SEC investigative activity at this company since May-2016.

Since we first warned of an undisclosed SEC probe in Jun-2016, BOFI's CEO has repeatedly assured investors no enforcement action has been brought against his company. We find this a misleading talking point. Like us, BOFI's experts know that SEC enforcement actions come after investigations, not typically during. Confidently citing the absence of an enforcement action does make for good conference call theatrics, for sure, but it is not the same as ruling out the existence of an SEC or other investigation that could lead to enforcement actions, fines, or other problems for a company. Since we know there was at least one investigation in the recent history, we recommend those with an interest to ask Bofl Holding Inc. what contact it's had with the SEC's Division of Enforcement in the past two years. The CEO continues to duck that one.

From the Probes Reporter Database:

We filed our first FOIA request on this company in Mar-2015.

If we alert you to existence of an undisclosed SEC probe – or any response from the SEC – that means we filed a FOIA request on the company in question and have a response, in black-and-white, on government letterhead that supports our statement. Below is our response history for this company –

1-Apr-2015	FOIA Response	No SEC investigative records found.
4-Feb-2016	FOIA Response	No SEC investigative records found.
25-May-2016	FOIA Response	SEC denies access to records over concern that their release, "could reasonably be expected to interfere with enforcement activities."
31-May-2016	Appeal Response	Existence of on-going SEC enforcement proceedings confirmed on appeal; Access to records remains blocked.
26-Jan-2017	FOIA Response	SEC denies access to records over concern their release, "could reasonably be expected to interfere with enforcement activities."
3-Feb-2017	Appeal Response	Existence of on-going SEC enforcement proceedings confirmed on appeal; Access to records remains blocked.

When the SEC denies access to records on closed SEC probes, they are frequently blocking internal SEC documents known as, "Opening and Closing Reports, including 'Case Closing Recommendation,' 'Matter Under Inquiry Summary,' 'Investigation Summary,' and/or similar documents and/or reports." Where research history is available in our database, we present it above so you can compare it to company disclosures. Other interpretative guidance and disclosures appear below.

Notable Disclosures: Repeated searches of this company's SEC filings, back to Jun-2014, found no clear disclosures of SEC investigative activity.

Documents Acquired Under the Freedom of Information Act: No investigative records in our library at this time.

Supplemental Data: None.

Independent Investment Research Focused on Public Company Interactions With the SEC.

Notes: New SEC investigative activity could theoretically begin or end after the date covered by the latest information in this report which would not be reflected here. The SEC did not disclose the details on investigations referenced herein. All we know is that they somehow pertain to the conduct, transactions, and/or disclosures of the companies referenced above. Companies with undisclosed SEC investigations are maintained on our Watch List of companies with undisclosed SEC probes.

The SEC reminds us that its assertion of the law enforcement exemption should not be construed as an indication by the Commission or its staff that any violations of law have occurred with respect to any person, entity, or security.

To learn more about our research process, including how to best use this information in your own decision-making, [click here](#).

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