

Exhibit 16

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

MARK CUBAN,)	
)	
Plaintiff,)	
)	
v.)	Case: 1:09-cv-00996 (RBW)
)	Assigned: Walton, Reggie
SECURITIES AND EXCHANGE)	Description: FOIA/Privacy Act
COMMISSION,)	
)	
Defendant.)	
)	

DECLARATION OF SHIRA PAVIS MINTON

I, Shira Pavis Minton, declare as follows:

1. I am Ethics Counsel and Designated Agency Ethics Official in the Office of the General Counsel of the Securities and Exchange Commission (“Commission”). I work in the Commission’s Headquarters in Washington, D.C. My principal responsibilities include overseeing and managing the Commission’s Office of the Ethics Counsel, and drafting, commenting on, and implementing regulations concerning ethical conduct issues within the agency. I have served in this capacity since August 2010.

2. I make the following statements based upon my personal knowledge and upon information made available to me in my official capacity at the Commission and about which I have become knowledgeable.

3. I am familiar with the Commission’s Conduct Regulations governing securities transactions by Commissioners and Commission employees, including clearance procedures and reporting requirements that agency staff must follow before

and after engaging in a securities transaction.

4. I have reviewed Plaintiff's December 19, 2008, FOIA Request No. 7 seeking records of any trading history by SEC personnel in Copernic securities. I understand that "Copernic" is defined by Plaintiff as including seven different entities, including Copernic, Inc., Mamma.com Inc., Intasys Corporation, Smartel Communications Corporation, Calltech Media Inc., Health Care Products Inc. and Quartet Management Ltd. In response to the Court's September 22, 2010 memorandum and order, I caused a new search to be performed to verify that I knew what records were available and could or could not be searched as of January 30, 2009, when the original response to Plaintiff's FOIA request was provided.

5. Certain SEC personnel are required to file on an annual basis a Confidential Financial Disclosure Report ("OGE 450") or a Public Financial Disclosure Report ("SF 278"). Both the OGE 450 and the SF 278 require filers to disclose on an annual basis certain assets, including securities holdings. Each of these forms, and how they are maintained and organized by the agency, are described below.

**SEC OGE 450:
CONFIDENTIAL FINANCIAL DISCLOSURE REPORT**

6. The OGE 450 is a six-page document that contains information relating to, among other things, what, if any, holdings an employee maintains in stocks, bonds, annuities, trust holdings, partnership interests, life insurance, investment real estate, privately-held trade or business holdings, sector mutual funds, retirement plan holdings, investment life insurance, variable annuities, and defined benefit pension plans during the relevant reporting period (i.e., January 1-December 31 of the preceding calendar year).

7. The following SEC personnel are required to file an OGE 450 on an annual basis: (i) SK-16 and Sk-17 employees¹; (ii) SK-14 and SK-15 accountants, attorneys, auditors, information technology specialists, examiners and investigators; (iii) financial economists; (iv) fellows; (v) contract administration positions (i.e., contracting officers' technical representatives (COTRs), inspection and acceptance officials (IAOs), and point of contacts (POCs)); (vi) procurement and contracting employees; (vii) employees who have procurement authority; and (viii) SEC credit card holders with purchasing authority (excluding personnel who were issued an agency credit card for travel purposes).

8. OGE 450s of all current and former SEC personnel are maintained exclusively in paper form for a period of six years. Currently, the SEC's Office of the Ethics Counsel maintains paper copies of OGE 450s going back to October 2004.

9. OGE 450s are organized and maintained separately in paper files alphabetically by employee surname. These paper files are not organized, categorized, or indexed by security.

10. As such, it is not possible to perform an electronic search of OGE 450s for specific securities, such as those relating to the seven entities identified in FOIA Request No. 7. Indeed, the only way to search for OGE 450s potentially responsive to Plaintiff's request is to perform a manual page-by-page, line-by-line review of thousands of paper OGE 450s filed by every current and former SEC employee during the past six years to ascertain which, if any, of these documents list the securities named in FOIA Request No. 7. Separate employee files are maintained and organized alphabetically by

¹ SEC staff are assigned an SK Grade for, among other things, payroll and performance evaluation purposes. SK Grades range from 1 through 17.

employee surname; chronologically by reporting year; and by the employee's division or office. The files contain all of the OGE 450s filed by employees during the past six years.

11. The SEC's paper files containing OGE 450s fill approximately two lateral file cabinets with five drawers each.

**SEC SF 278:
PUBLIC FINANCIAL DISCLOSURE REPORT**

12. SEC Senior Officers ("SO") are required to file an SF 278 disclosure form. Currently, there are approximately 155 individuals who file an SF 278 on an annual basis.

13. Similar to the OGE 450, the SF 278 is a seven-page disclosure form that requires filers to report, among other things, what, if any, of the following assets they hold—securities, IRA assets, mutual fund holdings, bonds, stock options, limited partnership interests, and investment partnership interests.

14. SF 278s of current and former SEC personnel are maintained exclusively in paper form for a period of six years. Currently, the SEC's Office of the Ethics Counsel maintains paper copies of SF 278s going back to October 2004.

15. SF 278s are organized and maintained separately in paper files alphabetically by employee surname. These paper files are not organized, categorized, or indexed by security.

16. As such, it is not possible to perform an electronic search of SF 278s for specific securities, such as those relating to the seven entities identified in FOIA Request No. 7. Indeed, the only way to search for SF 278s potentially responsive to Plaintiff's request is to perform a manual page-by-page, line-by-line review of SF 278s filed by

every current and former SEC SO during the past six years to ascertain which, if any, of these documents list the securities named in FOIA Request No. 7. A separate file is maintained for each employee who has filed an SF 278 during the past six years. The files contain all of the SF 278s filed by that employee since 2004.

17. The SEC's paper files containing SF 278s fill approximately two lateral file cabinet drawers.

18. On October 12, 2010, SEC staff contacted plaintiff's counsel Lyle Roberts and inquired whether Plaintiff could narrow the scope of his request. SEC staff explained to Mr. Roberts that documents relating to SEC employees' securities holdings are organized and maintained by the SEC alphabetically by employee surname. Plaintiff, however, declined to narrow the scope of this request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2010 in Washington, D.C.



Shira Pavis Minton
Ethics Counsel
Securities and Exchange Commission