

**UNITED STATES OF AMERICA  
Before the  
CONSUMER FINANCIAL PROTECTION BUREAU**

**ADMINISTRATIVE PROCEEDING  
File No. 2015-CFPB-0029**

**In the Matter of:** )  
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**INTEGRITY ADVANCE, LLC and** )  
**JAMES R. CARNES,** )  
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**Respondents.** )  
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## **DECLARATION OF ALUSHEYI J. WHEELER**

## **District of Columbia:**

1. I am counsel for the Consumer Financial Protection Bureau in the above-captioned matter.
  2. On July 5, 2016, I placed a call to Edward Foster at a number associated with him in the Thomson Reuters CLEAR database. The CLEAR database is a nationally recognized online investigative platform that collects public and proprietary records concerning individuals and companies. The home address for Mr. Foster in the CLEAR database matches the one provided by Mr. Foster during his investigational hearing.
  3. I did not reach Mr. Foster by phone on July 5.
  4. Later on July 5, 2016, I instructed a Bureau investigator, Christopher Albanese, to continue trying to reach Mr. Foster by phone or email.

5. Mr. Albanese attempted to reach Mr. Foster by phone and sent him an email, a true and correct copy of which is attached as Exhibit A to this declaration. The email address used for Mr. Foster was found in the CLEAR database.

6. In his July 5, 2016 email to Mr. Foster, Mr. Albanese mentioned that his testimony might be required at a hearing beginning on July 19. *See Ex. A.*

7. Mr. Albanese did not successfully reach Mr. Foster.

8. On July 6, 2016, I emailed Respondents' counsel, Allyson Baker, to inquire whether she represented Mr. Foster. She responded that she did not represent Mr. Foster. *See Ex. B.*

9. On Friday July 8, 2016, the Administrative Law Judge issued a subpoena for the testimony of Mr. Foster.

10. On July 11, 2016, Enforcement Counsel sent the subpoena to Mr. Foster via overnight UPS using the address that Mr. Foster provided in his investigational hearing, which also appeared in the CLEAR database.

11. UPS made three attempts to deliver the subpoena on three consecutive days.

12. On July 13, 2016, Bureau counsel Wendy Weinberg emailed the subpoena to Respondents' counsel, Allyson Baker, as she had indicated in her witness list disclosure that Mr. Foster could be reached through her. Ms. Baker indicated that she was not authorized to receive service on behalf of Mr. Foster and indicated that he was represented by Gerald Sachs. *See Ex. C.*

13. On July 13, 2016, Ms. Weinberg emailed Mr. Sachs to ask whether he could accept service of the subpoena directed to Mr. Foster. Mr. Sachs indicated that he was not authorized to accept service "at this point." *See Ex. D.*

14. On July 14, 2016, Mr. Sachs agreed to accept service and Ms. Weinberg emailed the subpoena to him. *See Ex. E.*

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on July 15, 2016

/s/Alusheyi J. Wheeler

Alusheyi J. Wheeler