

Xavier Calvez, ICANN Chief Financial Officer

Dear Mr. Calvez:

Assuming *arguendo*, that what you have revealed and asserted (for the first time), in your [correspondence of 09 October 2017](#), is true and correct, ICANN should have answered “Yes” to Form 990 Part IV 28(a), 28(b), and/or 28(c), instead of “No” as indicated in the screen shot below from ICANN’s actual Form 990 as filed with the IRS:

INTERNET CORPORATION FOR ASSIGNED 95-4712218

Form 990 (2015) Page 4

**Part IV Checklist of Required Schedules** (continued)

	Yes	No
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV</i> . . . . .	28a	X
b A family member of a current or former officer, director, trustee, or key employee? <i>If "Yes," complete Schedule L, Part IV</i> . . . . .	28b	X
c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? <i>If "Yes," complete Schedule L, Part IV.</i> . . . . .	28c	X

And therefore ICANN should have completed and attached Schedule L (Part IV) to the Form 990 (screenshot below):

Schedule L (Form 990 or 990-EZ) 2015 Page 2

**Part IV Business Transactions Involving Interested Persons.**  
Complete if the organization answered “Yes” on Form 990, Part IV, line 28a, 28b, or 28c.

(a) Name of interested person	(b) Relationship between interested person and the organization	(c) Amount of transaction	(d) Description of transaction	(e) Sharing of organization's revenues?	
				Yes	No
(1)					

For your edification, below are screenshots of [information taken from public records](#) on “Sally Costerton Advisory Limited” indicating the sole controlling interests of Sally, and her husband Richard, in the corporation “Sally Costerton Advisory Limited”—

**SALLY COSTERTON ADVISORY LIMITED**

Company number 08168521

Registered office address  
2 Annandale Road, Guildford, Surrey, GU2 4LR

Company status  
Active

Company type  
Private limited Company

Incorporated on  
6 August 2012

# SALLY COSTERTON ADVISORY LIMITED

Company number **08168521**

Overview

Filing history

People

Officers

Persons with significant control

## Filter officers

Current officers

**2 officers / 0 resignations**

### [COSTERTON, Richard Michael](#)

Correspondence address

**2 Annandale Road, Guildford, Surrey, England, GU2 4LR**

Role **ACTIVE**

**Director**

Date of birth

**January 1963**

Appointed on

**6 August 2012**

Nationality

**British**

Country of residence

**England**

Occupation

**Business Consultancy**

### [COSTERTON, Sally Patricia Anne](#)

Correspondence address

**2 Annandale Road, Guildford, Surrey, England, GU2 4LR**

Role **ACTIVE**

**Director**

Date of birth

**March 1964**

Appointed on

**6 August 2012**

Nationality

**British**

Country of residence

**England**

Occupation

**Business Consultancy**

## 2 active persons with significant control / 0 active statements

### Mrs Sally Patricia Anne Costerton **ACTIVE**

Correspondence address

**2 Annandale Road, Guildford, Surrey, GU2 4LR**

Notified on	Date of birth	Nationality
<b>6 August 2016</b>	<b>March 1964</b>	<b>British</b>

Nature of control	Country of residence
<b>Ownership of shares – More than 25% but not more than 50%</b>	<b>England</b>

### Mr Richard Michael Costerton **ACTIVE**

Correspondence address

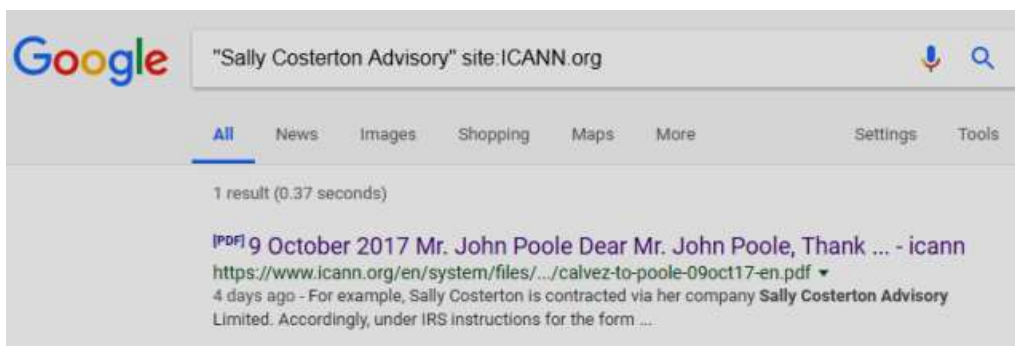
**2 Annandale Road, Guildford, Surrey, GU2 4LR**

Notified on	Date of birth	Nationality
<b>6 August 2016</b>	<b>January 1963</b>	<b>British</b>

Nature of control	Country of residence
<b>Ownership of shares – More than 25% but not more than 50%</b>	<b>England</b>

As you should know, there is no reference whatsoever in the Form 990 as filed, or on the public [ICANN.org website](https://www.icann.org), indicating the heretofore undisclosed “arrangement” between ICANN and its “Senior Vice President of Global Stakeholder Engagement” who is also “Senior Advisor To the President of ICANN” and an “ICANN Executive Team Member,” according to the [ICANN Management Organization Chart](#) (pdf).

I even did a Google search to verify this and only your October 9, 2017, correspondence, contains such a reference to the contractual arrangement between ICANN and “Sally Costerton Advisory Limited”--



Neither does the website for “Sally Costerton Advisory” –[www.sallycosterton.com](http://www.sallycosterton.com)—indicate such an arrangement with ICANN, which raises all kinds of **questions** about **conflicts of interest, appearances of impropriety, organizational loyalty, etc.**, since Costerton has, apparently, since 2012, with the blessing of ICANN’s Board of Directors and top management, been simultaneously serving as ICANN Senior Vice President while also actively soliciting and servicing unknown clients and customers of her corporation “Sally Costerton Advisory Limited.” I know this paragraph is beyond the scope of ICANN’s Form 990, and I do not expect you to respond to it, it’s just that your recent revelation indicates how much ICANN is still run like a “chummy private club” instead of a non-profit public benefit corporation with international scope and responsibilities.

I previously inquired, but you did not answer, whether there are other officers with arrangements similar to Mr. Crocker, or Ms. Costerton. Please advise. If there are none, then I look forward to your reply and response to the above concerning Sally Costerton and “Sally Costerton Advisory Limited.”

Below is a chronology timeline of correspondence, etc., and references to IRS instructions and Schedule L, and the California Code. If you have any questions or need clarification before responding further, feel free to contact me.

Sincerely,

John Poole, domain name registrant, and editor, *DomainMondo.com*

#### **Timeline:**

May 15, 2017: [ICANN FY16 Form 990 Announcement | ICANN.org](#) and [ICANN FY16 Form 990](#) (pdf)

May 28, 2017. [Letter from John Poole to ICANN Controller and Ombudsman](#) [Published 5 June 2017] ICANN FY16 Form 990

[Letter from Xavier Calvez to John Poole](#) [Published 13 July 2017]

[Letter from John Poole to Xavier Calvez](#) [Published 21 July 2017]

Aug 23, 2017, email:

Dear Mr. Poole,

As a follow up to my earlier communication, we are working on producing the answer to your request but are late in sending it to you as per our Correspondence process. I apologize for this delay but want to assure you that we are actively working on addressing in detail the requests contained in your latest communication, among many other activities.

I am expecting that we should be able to finalize an answer and sending it to you within the next 2 weeks.

Thank you. Best, Xavier

Xavier Calvez, ICANN – SVP & CFO

Aug 23, 2017, reply email from John Poole: Xavier, thanks for the update--Best, John

Oct 2, 2017, email from John Poole to Xavier Calvez, ICANN CFO, ICANN Ombudsman, ICANN Correspondence--Dear Mr. Calvez: Aug 23 - Oct 2 = 40 days or almost 6 weeks--Any update??--John

Oct 2, 2017, reply email from Xavier Calvez, ICANN SVP & CFO

Dear M. Poole, You are correct and producing a full answer has taken longer than I hoped for. I am confident that we will be able to publish a response in the next few days. I have made a note to follow up directly with you to provide a status by the end of this week.--Thank you. Best, Xavier

09 October 2017 [Letter from Xavier Calvez to John Poole](#) [Published 09 October 2017] Chief Financial Officer | ICANN ICANN FY16 Form 990

**IRS:** [Instructions for Form 990 Return of Organization Exempt From Income Tax](#)

**IRS:** [Schedule L Transactions With Interested Persons](#) and [Schedule L Instructions](#)

[California Corporations Code - Nonprofit Public Benefit Corporations](#): "6813 ... (b) **Every director, officer, agent or member of any corporation who, with intent to defraud, destroys, alters, mutilates or falsifies any of the books, papers, writings or securities belonging to the corporation or makes or concurs in omitting to make any material entry in any book of accounts or other record or document kept by the corporation is guilty of a crime.** (c) Each crime specified in this section is punishable by imprisonment in state prison ..." (emphasis added)