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March 25, 2020

Internet Corporation for Assigned Names and Numbers (ICANN)
12025 Waterfront Drive
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Los Angeles, CA 90094-2536

VIA EMAIL: didp@icann.org

I write to you in my personal capacity and in my likely time-limited capacity as the Chair of the 2020 Nominating Committee (“NomCom”).¹

Prior to my service as Chair of the NomCom, as authorized by Article 8 of the ICANN Bylaws (“Bylaws”) and a formal resolution of the ICANN Board, I always faced confusion about the less than transparent nature of the NomCom budget. Unfortunately, this mystery of the NomCom budget remains unsolved and ICANN Org appears to be interfering with our processes. Specifically, I note that the ICANN FY20 Adopted Budget By Portfolio and Project² indicates “Support to Nominating Committee” with 3 FTEs, a personnel budget of \$600,000 and a total budget of \$900,000. I have the following concerns with respect to ICANN Org, its lack of budgetary transparency, and its interference of NomCom activities.

The substance of my DIDP request is based upon the following concerns:

1. Nowhere near 3 FTEs are allocated to NomCom. Where is this money going?
2. The ICANN Board has been instructed (evidently by ICANN Org) to cease any and all communications with the NomCom leadership this year. Why?
3. ICANN Org is obstructing reimbursement of very reasonable expenses due to “policies” during this NomCom cycle. (To be clear, the NomCom is working extremely expeditiously and diligently to revise our assessment and selection processes to be remote only and ICANN org is blocking trivial expenses as little as \$47.)

¹ <https://www.icann.org/resources/board-material/resolutions-2019-09-08-en>

² <https://www.icann.org/en/system/files/files/adopted-opplan-budget-portfolio-project-fy20-03may19-en.pdf>

4. ICANN Org has installed a senior NomCom staff support that also reports to the Chairman of the Board and other senior ICANN Org members.
5. In recent years, ICANN Org has secretly recorded and transcribed confidential deliberations of the NomCom.
6. ICANN Org potentially allowed the NomCom to violate ICANN Bylaws by allowing non-voting members of the NomCom to participate in outcome determinate components of the assessment and selection process that may have fundamentally alerted the outcome of the 2017 NomCom process.

For the benefit of the doubt, the definition of a record shall include: e-mails, voicemails, text messages, meeting minutes (including hand written records), memos, slide decks, spreadsheets, presentations, resolutions, briefing packets, recordings, transcriptions, rules, regulations, and any other types of documents or records that can reasonably be deemed to be responsive to my requests as set forth below, irrespective of their original form or format.

Considering the above, I request the following:

1. Detailed budgetary and actual expenses for the NomCom for the previous 5 years, including staff allocations, travel expenses, meeting expenses, catering expenses, per diems, reimbursements, professional services, and any other type of expense incurred by and in support of the NomCom.
2. Any records related to the costs incurred by ICANN, via internal chargeback or any other mechanism, for the recording and transcription of the deliberations of the NomCom for the past 5 years.
3. Any and all the recordings and transcriptions of NomCom meetings in the past 5 years.
4. Any and all records related to voting vs. non-voting members of the NomCom and their impacts on the outcomes, specifically as related to the outcome of the NomCom 2017 processes.
5. Any and all records related to the NomCom intercessional in 2018, including the initial request, denial, escalation to the Board, and then ultimate approval.
6. Any and all policies (or other records) related to to the interaction (or restriction of interaction) between ICANN Board members and members of the NomCom, within the past 5 years.
7. Any and all records to the nature of the “administrative and operational support” that ICANN provides to the NomCom, as required in Section 8.6 of the Bylaws, including any records that discuss the inclusions, boundaries, limitations, exclusions, or denials of such

necessary “administrative and operational support.”

8. Any and all records related to the internal policies of ICANN Org which apply to the NomCom, financial or otherwise, including revisions of such records going back 5 years. To be clear, I am not seeking the NomCom’s own documents. Rather, I am only seeking ICANN Org documents related to Org’s administration and oversight of NomCom.
9. Any and all records related to Bylaw Section 7.8(c) and the potential outcome, risk, or consequences if the NomCom is unable to deliver such notification of its nomination of Directors at least two months prior to the Annual General Meeting, since the adoption of such or similar Bylaws.

I look forward to your timely and substantive response to my inquiry. It’s unfortunate that I am forced to make this request in such a public manner, but when there is controversy over a \$47 expense to support a NomCom member, I can only come to the conclusion that ICANN Org is unable and unwilling to provide necessary “administrative and *operational* support” for the NomCom.

I also note that nothing in the NomCom Operating Procedures or Committee Participation agreement precludes me from submitting this DIDP request.

I also expect that the Board, which has been instructed to not communicate with me, will remove me from my role as Chair of the NomCom, given the nature of the concerns noted in this letter. Frankly, if this comes to pass, my removal is a clear and direct attack on the autonomy and authority of the entire NomCom. That being said, until I receive such formal notice of my removal, I am ready, willing, and able to continue out my duties as Chair of the NomCom, irrespective of ICANN Org’s lack of support or deliberate interference.

Sincerely,



Jay Sudowski

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