

**Fill in this information to identify the case:**

Debtor AgileThought, LLC

United States Bankruptcy Court for the: \_\_\_\_\_ District of Delaware  
(State)

Case number 23-11308

**Official Form 410  
Proof of Claim**

**04/22**

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

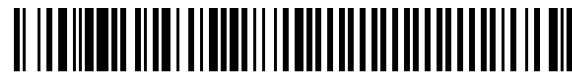
**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

**Part 1: Identify the Claim**

1. <b>Who is the current creditor?</b>	<u>Clyde Dwayne Fowler</u> <small>Name of the current creditor (the person or entity to be paid for this claim)</small>	
	Other names the creditor used with the debtor <u>Clyde Dwayne Fowler</u>	
2. <b>Has this claim been acquired from someone else?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. <b>Where should notices and payments to the creditor be sent?</b>	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<u>Clyde Dwayne Fowler</u> <u>6418 Kury Ln</u> <u>Houston, TX 77008, USA</u>	
	Contact phone <u>7136773936</u>	Contact phone _____
	Contact email <u>dwayne.fowler@hotmail.com</u>	Contact email _____
	Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	
4. <b>Does this claim amend one already filed?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ <small>MM / DD / YYYY</small>	
5. <b>Do you know if anyone else has filed a proof of claim for this claim?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 3313 \_\_\_\_

7. How much is the claim? \$ 25,000.00. Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.  
commission owed for services performed

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.  
**Nature or property:**  
 Real estate: If the claim is secured by the debtor's principle residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_  
**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)  
**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amount should match the amount in line 7.)  
**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_  
**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

<input type="checkbox"/> No		
<input checked="" type="checkbox"/> Yes. Check all that apply:		<b>Amount entitled to priority</b>
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).		\$ _____
<input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).		\$ _____
<input checked="" type="checkbox"/> Wages, salaries, or commissions (up to \$15,150* <sup>1</sup> ) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).		\$ <u>25,000.00</u>
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).		\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).		\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)( <u>    </u> ) that applies.		\$ _____

\* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

13. Is all or part of the claim pursuant to 11 U.S.C. § 503(b)(9)?

No

Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within 20 days before the date of commencement of the above case, in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business. Attach documentation supporting such claim.

\$ \_\_\_\_\_

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

*Check the appropriate box:*

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

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

Executed on date 09/14/2023  
MM / DD / YYYY

/s/Clyde Dwayne Fowler  
Signature

**Print the name of the person who is completing and signing this claim:**

Name Clyde Dwayne Fowler  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address 6418 Kury Ln, Houston , TX, 77008, USA

Contact phone 136773936 Email dwayne.fowler@hotmail.com



# KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 548-5856 | International (781) 575-2073

<b>Debtor:</b> 23-11308 - AgileThought, LLC		
<b>District:</b> District of Delaware		
<b>Creditor:</b> Clyde Dwayne Fowler 6418 Kury Ln  Houston, TX, 77008 USA <b>Phone:</b> 7136773936 <b>Phone 2:</b>  <b>Fax:</b>  <b>Email:</b> dwayne.fowler@hotmail.com	<b>Has Supporting Documentation:</b> Yes, supporting documentation successfully uploaded <b>Related Document Statement:</b>	
		<b>Has Related Claim:</b> No <b>Related Claim Filed By:</b>
		<b>Filing Party:</b> Creditor
<b>Other Names Used with Debtor:</b> Clyde Dwayne Fowler	<b>Amends Claim:</b> No <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> commission owed for services performed	<b>Last 4 Digits:</b> Yes - 3313	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 25,000.00	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> Yes	<b>Priority Under:</b> 11 U.S.C. §507(a)(4): 25,000.00	
<b>Has Secured Claim:</b> No <b>Amount of 503(b)(9):</b> No <b>Based on Lease:</b> No <b>Subject to Right of Setoff:</b> No	<b>Nature of Secured Amount:</b> <b>Value of Property:</b>  <b>Annual Interest Rate:</b>  <b>Arrearage Amount:</b>  <b>Basis for Perfection:</b>  <b>Amount Unsecured:</b>	
<b>Submitted By:</b> Clyde Dwayne Fowler on 14-Sep-2023 6:52:38 p.m. Eastern Time		
<b>Title:</b>		
<b>Company:</b>		
<b>Optional Signature Address:</b> Clyde Dwayne Fowler 6418 Kury Ln  Houston , TX, 77008 USA <b>Telephone Number:</b> 136773936 <b>Email:</b> dwayne.fowler@hotmail.com		

From: Dwayne Fowler dwayne.fowler@hotmail.com

Subject: Re: Fowler SICP Payout

Date: August 1, 2022 at 12:09 PM

To: Harrell, Debra M debra.harrell@twc.texas.gov, Diana Abril diana.abril@agilethought.com, Paul Mallabar paul.mallabar@agilethought.com, Kevin Johnston kevin.johnston@agilethought.com, Ana Cecilia Hernández ana.hernandez@agilethought.com, Jill Hammor jill.hammor@agilethought.com, Amit Singh amit.singh@agilethought.com, Gonzalo Mones Cazon gonzalo.mones@agilethought.com

Cc: Ricardo Torres De Acha ricardo.torres@agilethought.com, Labor Law labor.law@twc.texas.gov, laborlaw.claimantrebuttal@twc.texas.gov



Debra,

I received a copy from the communication from the Texas Workforce Commission regarding wage claim 22-054687-0 and the documentation that AgileThought provided as evidence of payment for commissions. The evidence that AgileThought provided shows a payment of \$4422. I do not agree and the claim is not resolved per attached documents and my comments below. I filed the claim on June 10, 2022. Please use this email and information as a claimant rebuttal.

AgileThought has not fulfilled the requirements for payment of my commissions and AgileThought has not provided written documentation to me or to the State of Texas showing how commissions were calculated using the attached AgileThought Sales incentive Compensation Plan calculation methodology. I have attached a copy of my sales incentive commission plan which shows the payout agreement and calculation methodology.

I stand by my request for full payout of commissions and true-up payments on invoiced revenue as referenced in this communication. I do not agree that I earned \$4422 in commission after closing \$4,246,048.00 in contract renewals and new business between AgileThought and their client PricewaterhouseCoopers (PWC). I do not agree with the email below dated June 30<sup>th</sup>, that only 28% of the deals were credited.

The sales commission incentive plan states the following:

Paid when signed: 40% of the OTI earned will be paid within sixty (60) calendar days of the opportunity being certified by sales finance and closed as won. Payment should have been made to me 2/28/2022. However, due to AgileThought's inability to calculate commissions, and lack of cash to pay commissions, I did not receive payment until July 2022. The payment of \$4422 is not correct and AgileThought has not provide evidence to support their claim of my deals not being credited. See attached file reported and uploaded from the AgileThought sales management system:

(Account)	(Adiab Region)	(Account)	(Accountname)	(Account)	Project Name	TCV Dynamics LCL Crncy	TCV Dynamics USD	Opportunity Type (Moved to Product)
US & CA		Professional Services	PwC	CO#4 to SoW14 Global Confirmation Services Dev Team Q4 Extension (Oct-Dec		630,960.00	630,960.00	Renewal
US & CA		Professional Services	PwC	CO 8 to SOW 12 CheckPoint Renew R3 Extension Dec 2021-Jan 2022		525,086.00	525,086.00	Renewal
US & CA		Professional Services	PwC	Global Confirm Svc Test QA Jan - June 2022		488,136.00	488,136.00	Renewal
US & CA		Professional Services	PwC	FY2021 Aura Suite Dev Team Extension 2021 Q4		345,840.00	345,840.00	Renewal
US & CA		Professional Services	PwC	Connect Test Jan - June 2022		309,504.00	309,504.00	Renewal
US & CA		Professional Services	PwC	CO 5 to SOW 15 Global Confirmation Services TEST QA Team Extension (Oct-Dec		288,288.00	288,288.00	Renewal
US & CA		Professional Services	PwC	Tax EC Amend 13 to SOW 6 Jan - March 2022		276,480.00	276,480.00	Renewal
US & CA		Professional Services	PwC	CO1 to SOW 85 Future of Work Jan 2022 to June 2022		227,040.00	227,040.00	Renewal
US & CA		Professional Services	PwC	Change Order No. 6 to Statement of Work No.16 Connect QA Test Team Extensi		205,920.00	205,920.00	Renewal
US & CA		Professional Services	PwC	Consult Jan - June 2022		160,992.00	160,992.00	Renewal
US & CA		Professional Services	PwC	CO 12 to SOW 6 TAX EC & xLOS project		95,200.00	95,200.00	Renewal
US & CA		Professional Services	PwC	SOW 25 Tax EC IFS Q4 2021		82,368.00	82,368.00	Expand-Sell
US & CA		Professional Services	PwC	Third Party Access Letter CO1 to Sow 81 Aug 2021		63,974.00	63,974.00	Expand-Sell

US & CA	Professional Services	PwC	Datamart Replatform Orian Project Amendment No. 01 To Statement of Work	28,800.00	28,800.00	Renewal
US & CA	Professional Services	PwC	CO4 to SOW No 15 Global Confirm NS Test Team Oct 2021	8,960.00	8,960.00	Expand-Sell
US & CA	Professional Services	PwC*	Change Order No 3 to SOW 22 Global Polaris	280,080.00	280,080.00	Renewal
US & CA	Professional Services	PwC*	CO2 to SOW 81 Third Party Access Letter Nov 2021 -Feb 2022	228,420.00	228,420.00	Renewal
				4,246,048.00		

I would direct you to ask AgileThought for all approval emails from their legal department which will show legal approval and signature on every contract that I closed in Q4. AgileThought legal and finance department also have copies of approved pricing agreements. Every contract is fully executed with signatures by AgileThought and PwC. Each contract is also used for setting up billing codes and project ID's by the AgileThought invoice team so that invoices can be sent to PwC using rates that are approved in the executed contracts between AgileThought and PwC. Copies of the fully executed contracts and pricing approvals are also attached to the CRM Dynamics system for record retention. There is also documentation between AgileThought and PwC's third party labor management department that has each employee working for AgileThought, billing rate and budgeted hours that align with the contract values on each signed contract and pricing record.

Paid as invoiced:

The remaining 60% of the OTI earned will be paid within sixty (60) calendar days from the financial close of each fiscal quarter based on cumulative invoice ed amount throughout the duration of each signed contract corresponding to its respective certified and close as won opportunity.

AgileThought bills PwC using signed certified contracts and amendments which I closed on behalf of AgileThought while managing the PwC account. The invoices amounts are calculated using approved billing rates and hours per employee. Each AgileThought employee billing time to PwC is authorized to access PwC systems and bill approved hourly rates ONLY if the AgileThought employee is listed on a signed fully executed contract between AgileThought and PwC. The signed contract, employee name, billing rate and hours are also aligned with pricing records. The pricing record, signed contract, opportunity showing closed won, is used for billing purposes each month.

If only 28% of my closed contracts were credited and certified, how is it that AgileThought was authorized to bill 100% of employees hours worked each month in Q1 2022 to PwC? PwC will not allow AgileThought employees to work on their projects without a valid approved signed contract and PwC will not pay invoices without a fully executed, approved contract. How is it that only 28% of my deals were certified while AgileThought billed 100% of hours worked to PwC?

AgileThought reports this revenue to investors and the SEC as part of their 10K. If only 28% of the deals closed on PwC in Q4 were credited, how is it that AgileThought reported 100% of this revenue as income to the SEC as part of their quarterly financial reporting? Here is a copy of the revenue forecast for Q4 that was used for internal reporting on the PwC account. Revenue is only reported in forecast if there is a signed contact. Please ask AgileThought for a copy of their revenue forecast for Q1 and Q2 2022 for PwC. In order for AgileThought to forecast revenue, they have to have a signed contract, approved pricing record, CRM Dynamic opportunity and hourly

billing rate and hours forecast in their billing systems. This is only forecasted and reported if there is a signed contract. How is it that AgileThought can state that 28% of the contracts were credited and certified for PWC but report and forecast 100% of the revenue? Here is Q4 forecast on PWC. Ask AgileThought for Q1 and Q2 revenue forecast for PWC.

Professional Services		Starting Forecast				Updated Forecast			
Client	Project	Oct-21	Nov-21	Dec-21	4Q	Oct-21	Nov-21	Dec-21	
Pwc	COH4 to SoW 18 (Aura Suite) Oct-Dec2021	111,200	113,277	113,400	337,877	105,824	101,690	107,460	3
Pwc	CO3 to SoW19 (AET QA Oct-Dec 2021)	9,600	12,000	12,600	34,200	2,640	(3,000)	-	
Pwc	FY2021 AET Extension Q3	600	-	-	600	1,560	(600)	-	
Pwc	FY2021 Polaris API	100	-	-	100	(740)	-	-	
Pwc	Polaris Program Lead	5,520	-	-	5,520	18,400	-	-	
Pwc	Polaris QA Team CO1 to SOW 22	9,615	-	-	9,615	5,545	21,160	4,920	
Pwc	CO 2 to SOW 81 Third Party Access Letter	54,489	57,351	57,351	169,192	60,854	55,662	47,830	1
Pwc	SOW 84 Azure Data Factor	21,045	21,045	21,045	63,135	-	-	-	
Pwc	SOW 85 Future of Work	37,400	35,200	66,960	139,560	36,190	30,690	25,520	
Pwc	SOW SAP Basis	26,760	25,320	27,720	79,800	24,780	23,292	24,180	
Pwc	CO 4 SOW 15 Global Confirm QA Team Q4 Extension	111,056	116,959	121,128	349,143	108,464	61,008	48,320	2
Pwc	CO 5 SOW 15 Global Confirm Dev Team Q4 Extension	192,086	178,356	192,277	562,720	169,231	158,850	134,239	4
Pwc	CO 5 SOW 16 Connect Dev&QA Team Q4 Extension Q4 2021	193,368	186,078	191,720	571,166	182,394	153,942	131,130	4
Pwc	CO 5 SOW 16 Connect Dev&QA Team Q4 Extension Q4 2021	-	-	-	-	-	-	-	
Pwc	FY2021 Global Assurance Dev Ops Support July-Sept 2021	37,620	35,200	38,720	111,540	71,913	29,095	19,360	1
Pwc	SOW 12 CO7 CheckPoint Renew R3 Aug-Dec Extension	327,167	327,891	80,517	735,575	336,871	304,688	79,701	7
Pwc	SOW FY2021 Aura Suite Dev Q3 Extension	-	-	-	-	3,560	-	-	
Pwc	SOW14 CO3 Global Conf Svcs Dev Aug-Sept 2021	-	-	-	-	11,082	-	-	
Pwc	US E&C - Data mart Replatform (ORION) SEPT_December 2021	-	-	-	-	1,800	-	-	
Pwc	Checkpoint R4	-	-	120,000	120,000	-	-	-	
Pwc	Confirm	-	10,000	10,000	20,000	-	-	-	
Pwc	Third Party (Nov-Feb)	-	2,469	2,469	4,938	-	-	-	
Pwc	Change Order No 3 to SOW 22 Global Polaris	49,110	60,800	66,880	176,790	38,670	38,530	53,280	1
Pwc	SOW 25 Tax EC IFS Q4 2021	-	-	53,997	53,997	-	23,088	19,966	
Pwc	CO 8 to SOW 12 CheckPoint Renew R3 Extension Dec 2021-Jan 2022	-	-	-	-	-	-	205,297	2
Pwc	Change Order No. 12 to Statement of Work No. 6 Tax EC & XLOS project Oct -Dec 2021	-	-	-	-	9,800	7,480	37,560	
Pwc	SOW 12 CO 6 Checkpoint Renew Dev Ext-Rlse 3 (Mar-Aug2021)	-	-	-	-	-	3,640	-	
Pwc	CO12 to SoW6 Tax EC IFS	-	-	-	-	15,600	-	-	
Pwc	FY2021 Assurance QA Q3	-	-	-	-	1,344	-	-	
Pwc	FY2021 Checkpoint SEC 201	-	-	-	-	(320)	-	-	
Pwc	FY2021 Connect Dev & QA Q3 Extension	-	-	-	-	6,001	-	-	
Pwc	SOW14 CO2 Global Conf Svcs Dev May-July 2021	-	-	-	-	(2,388)	-	-	
Pwc	SOW15 CO3 Global Conf Svcs Test Team Q3	-	-	-	-	1,632	-	-	
PwC JBR	SOW 68 CO 1 TOM Support	9,316	9,180	8,100	26,596	5,130	6,615	8,640	
PwC JBR	PwC JBR:TOM Support FY 20	68	-	-	68	(945)	(135)	-	
		1,196,120	1,191,127	1,184,885	3,572,132	1,214,891	1,015,694	947,403	3,1

While employed at AgileThought, I was told repeatedly, as were other employees, that due to cashflow problems, and debt owed to creditors, commissions could not be paid in accordance to the sales incentive commission plans and payment schedule. AgileThought also reports in their 10K that the company has significant cash flow challenges and debt that needs to be paid vendors.

Payment for Q2 2021 commissions were due on 2/28. Partial payment was made on 7/30/22. Also, I have not received payment for cumulative invoiced amounts that are to be paid within 60 days from the financial close of each fiscal quarter. During my time at AgileThought, the company was unable to calculate the "true-up" for invoices from Q1 2021 to Q2 2022. I expect to be paid my "True-up" as well and request written documentation on how the "true-up" was calculated aligned with the sales incentive commission plan.

As stated - I do not agree with the payment amount and I have no evidence supporting how the \$4422 payout was calculated in accordance with the commission payment agreement on \$4,246,048.00 in contracts I closed as renewal and/or new business. Also, please pull HR records and you will see that there is no record of AgileThought providing me with an annual performance review stating performance targets.

Thank you and I look forward to our assistance.

Dwayne Fowler

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**From:** Harrell, Debra M <debra.harrell@twc.texas.gov>

**Date:** Friday, July 29, 2022 at 8:34 AM

**To:** Diana Abril <diana.abril@agilethought.com>, Dwayne Fowler <dwayne.fowler@hotmail.com>, Paul Mallabar

<paul.mallabar@agilethought.com>, Kevin Johnston

<kevin.johnston@agilethought.com>, Ana Cecilia Hernández

<ana.hernandez@agilethought.com>, Jill Hammor

<jill.hammor@agilethought.com>, Amit Singh <amit.singh@agilethought.com>,

Gonzalo Mones Cazon <gonzalo.mones@agilethought.com>

**Cc:** Ricardo Torres De Acha <ricardo.torres@agilethought.com>, Labor Law <labor.law@twc.texas.gov>

**Subject:** RE: Fowler SICIP Payout

Information has been received by this office indicating that you wished to add additional information to your wage claim. However, there is no record of a claim for unpaid wages filed by you. If you receive an acknowledgement letter concerning this claim, please call and let us know the claim number. Otherwise, it is our assumption that the claim has not been filed.

In your message, you indicate that you filed a claim at the Texas Workforce Commission. Wage Claims, to be processed in accordance with the law, must be filed with the Labor Law Section at the address below and may not be filed at a local TWC or Workforce Office. While many local offices forward claims to the correct address, it may be that your claim, if left at a local office, has not been sent to us.

**FILING A WAGE CLAIM ONLINE:** We have an online wage claim at <http://apps.twc.state.tx.us/WAGECLAIM>. The Texas Payday Law states that the employee who files a wage claim must do so within 180 days after the date the contested wages were due for payment.

**FILING A PAPER WAGE CLAIM:** Our web page at <http://www.texasworkforce.org/ui/lablaw/lablaw.html> offers detailed information about the Texas Payday Law, there is a downloadable claim form at <http://www.twc.state.tx.us/ui/lablaw/ll1.pdf>. Wage claim forms are also available at most full-service Texas Workforce Centers.

**MAILING ADDRESS:** You must submit the wage claim form by regular mail or by fax to: TWC Labor Law Section, 101 East 15th Street, Austin, Texas 78778 or (fax) 512-



524-6211. We regret that currently we do not accept wage claims or status information requests by e-mail.

QUESTIONS: If you have questions, please call our Labor Law Section's Public Information line toll-free at 1-800-832-9243/TDD 800-735-2989 or call the main number 1-512-475-2670. Office hours are 8:00 a.m.- 5:00 p.m., Monday through Friday



Debra Harrell, Investigator IV  
Fraud Deterrence and Compliance Monitoring Division-Labor Law  
Texas Workforce Commission  
101 E. 15th Street, Room 514  
Austin, Texas 78778  
( 512) 475-3012 ÊFax #: 512-524-6211

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Confidentiality Notice: This communication, including any attachments thereto, is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that you may have received this communication in error and that any review, dissemination distribution or copying of this message is strictly prohibited.

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**From:** Diana Abril <diana.abril@agilethought.com>  
**Sent:** Friday, July 29, 2022 8:29 AM  
**To:** Dwayne Fowler <dwayne.fowler@hotmail.com>; Paul Mallabar <paul.mallabar@agilethought.com>; Kevin Johnston <kevin.johnston@agilethought.com>; Ana Cecilia Hernández <ana.hernandez@agilethought.com>; Jill Hammor <jill.hammor@agilethought.com>; Amit Singh <amit.singh@agilethought.com>; Gonzalo Mones Cazon <gonzalo.mones@agilethought.com>  
**Cc:** Ricardo Torres De Acha <ricardo.torres@agilethought.com>; Labor Law <labor.law@twc.texas.gov>  
**Subject:** RE: Fowler SICP Payout

You don't often get email from [diana.abril@agilethought.com](mailto:diana.abril@agilethought.com). [Learn why this is important](#)

**CAUTION: Email not from TWC System. Use care when clicking links and opening attachments.**

Dwayne, we have sent you what you requested and we have offered to sit down and review it with you, which you have time and again refused to do.

In light of this we will wait for the TWC determination since you refuse to sit down and

In light of this, we will wait for the TWC determination since you refuse to sit down and discuss this amicably.

Regards,



Diana P. Abril | Chief Legal Officer  
United States  
Cell: (954) 270-5494  
[www.agilethought.com](http://www.agilethought.com)



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---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Thursday, July 28, 2022 7:51 PM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Jill Hammor <[jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com)>; Amit Singh <[amit.singh@agilethought.com](mailto:amit.singh@agilethought.com)>; Gonzalo Mones Cazon <[gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com)>; Diana Abril <[diana.abril@agilethought.com](mailto:diana.abril@agilethought.com)>  
**Cc:** Ricardo Torres De Acha <[ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com)>; [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)  
**Subject:** Re: Fowler SICIP Payout

**\*\*\* WARNING: This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected emails. \*\*\***

Hello.

Reaching out to you again- where is my Q4 SICIP payment and Q1 payment?

The \$4000 you paid me is not acceptable and is not in line with my SICIP agreement. I closed \$4m in deals and the commission is not \$4k.

I've asked you repeatedly to send me the payment along with documentation to support the calculation that is aligned with the calculation methodology in my SICIP agreement.

Kevin- you made a commitment to me that has not been honored.  
Gonzales- you're the new head of HR - isn't this of your concern?

Best Regards  
Dwayne Fowler

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Thursday, July 21, 2022 10:18:46 AM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Ana Cecilia Hernández

[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com); Jill Hammor  
[jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com); Amit Singh [amit.singh@agilethought.com](mailto:amit.singh@agilethought.com);  
[gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com) [gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com);  
[diana.abril@agilethought.com](mailto:diana.abril@agilethought.com) [diana.abril@agilethought.com](mailto:diana.abril@agilethought.com)  
**Cc:** Ricardo Torres De Acha [ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com);  
[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us) [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)  
**Subject:** Re: Fowler SICIP Payout

Paul

If you're going to tell me how you all calculated my payout of \$4k against \$4m in renewals that's I closed then we don't need to discuss anything. If you are going to tell me that on 28% of the deals closed are certified then we don't need to discuss the issue. There are signed contracts with supporting documents for every deal I closed. If you're going to tell me that the comp plan changed then we don't need to discuss. I was never given a revised comp plan. I was never given targets. I closed \$4m in renewals and nothing justifies a \$4k payout. Payout should have occurred in February. But due to cash flow problems no one was paid out. I was promised by Kevin that I would be paid 4/29. Again I was told cash flow problems. June 30 I received \$4k.

After all of this I must have everything in writing.

Best Regards  
Dwayne Fowler

---

**From:** Dwayne Fowler [dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)  
**Sent:** Thursday, July 21, 2022 10:01:16 AM  
**To:** Paul Mallabar [paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com); Kevin Johnston [kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com); Ana Cecilia Hernández [ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com); Jill Hammor [jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com); Amit Singh [amit.singh@agilethought.com](mailto:amit.singh@agilethought.com);  
[gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com) [gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com);  
[diana.abril@agilethought.com](mailto:diana.abril@agilethought.com) [diana.abril@agilethought.com](mailto:diana.abril@agilethought.com)  
**Cc:** Ricardo Torres De Acha [ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com);  
[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us) [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)  
**Subject:** Re: Fowler SICIP Payout

Calculation is as follows per my comp plan:

## EXHIBIT 1

### BASE SALARY AND ASSIGNED RATES AND PAYOUTS

Pay Mix	Rate
---------	------

Base Salary	\$170,000
OTI	\$42,500

OTI Targets (Quotas)	Rate
Total Contract Value (TCV)	\$11,775,000
Revenue (Rev)	\$7,850,000
Gross Profit (GP)	\$2,648,661
Leads Converted	N/A
Leads Won	N/A

### CALCULATION VARIABLES

OTI TCV Factoring	Rate
Renewal	50%
New Business	150%

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Date:** Thursday, July 21, 2022 at 9:53 AM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>, Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>, Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>, Jill Hammor <[jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com)>, Amit Singh <[amit.singh@agilethought.com](mailto:amit.singh@agilethought.com)>, [gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com) <[gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com)>, [diana.abril@agilethought.com](mailto:diana.abril@agilethought.com) <[diana.abril@agilethought.com](mailto:diana.abril@agilethought.com)>  
**Cc:** Ricardo Torres De Acha <[ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com)>, [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us) <[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)>  
**Subject:** Re: Fowler SICP Payout

Gonzalo –  
 Certainly do not appreciate the lack of response to my query.  
 No payment received as of today. No data showing calculation of my payout. j  
 Unacceptable.

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Date:** Thursday, July 14, 2022 at 7:58 AM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>, Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>, Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>, Jill Hammor <[jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com)>, Amit Singh <[amit.singh@agilethought.com](mailto:amit.singh@agilethought.com)>, [gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com) <[gonzalo.mones@agilethought.com](mailto:gonzalo.mones@agilethought.com)>  
**Cc:** Ricardo Torres De Acha <[ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com)>, [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us) <[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)>  
**Subject:** Re: Fowler SICP Payout

+ Gonzalo Mones

Gonzalo,  
I saw the press release of you as the new head of HR for AgileThought.

Please look into this matter of payment for my Q4 SICP. Below you will see all the information and history along with support documentation. As the new head of HR I wanted to provided you with the opportunity resolve the issue of non payment for Q4 2021 and Q1 2022 SICP payment. Happy to provide any information you need. I expect this to be resolved by 7/15/22. Meaning I want full documentation of Q4 calculation compared to Q2 and Q3 2021 showing how I could close more in Q4 and get paid \$4K. PWC granted system access to AgileThought employees with signed fully executed contracts - so how is it that my deals are not certified?

Please look into this and resolve this issue.

\$4m in TCV closed in Q4 2021 earn me \$4k in SICP?

Best Regards,

Dwayne Fowler

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Wednesday, July 13, 2022 7:42 AM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Jill Hammor <[jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com)>; Amit Singh <[amit.singh@agilethought.com](mailto:amit.singh@agilethought.com)>  
**Cc:** Ricardo Torres De Acha <[ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com)>; [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us) <[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)>  
**Subject:** Re: Fowler SICP Payout

All

I closed more deals in Q4 than in any other quarter in 2021 and I was paid \$4422?  
How is that possible ?

Every deal was certified. Every contract was signed. Every POR approved. How can \$4m in TCV earn me \$4k in SICP? Did the company plan change? If so, I don't recall signing a copy. 100% of the deals were closed as won, booked. The TCV was recorded and reported at 100% to the street - so how is it that I was only credited 28%?

What change was made in the comp plan from Q2 to Q4 ?  
What evidence do you have that I agreed to the change?  
How is it that I closed less in Q2 but was paid more than the payout of \$4k for Q4 where I closed more?

\$4m in revenue for AgileThought!  
\$4k in commission to me?

Everything needs to be in writing at this point.  
I expect full payout for the remaining commission due in Q4 on 7/15.

Re: State of Texas Wage Claim:  
22 054687-0

Best Regards  
Dwayne Fowler

---

**From:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>  
**Sent:** Wednesday, July 13, 2022 6:38:36 AM  
**To:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Jill Hammor <[jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com)>; Amit Singh <[amit.singh@agilethought.com](mailto:amit.singh@agilethought.com)>  
**Cc:** Ricardo Torres De Acha <[ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com)>; [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us) <[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)>  
**Subject:** RE: Fowler SICP Payout

Morning Dwayne – as offered 2 weeks back more than happy to set up 30 mins before the end of the week in order to walk through the deal calculations and you're your Q4 award pay out was what has been received.

Let me know and Ric and myself will walk you through this. Again feel free to call me – you have my cell!

Paul

**AgileThought**

Paul Mallabar | Commercial Operations  
Managing Director

Mobile: 1-513-633-8666 | United States



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---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Tuesday, July 12, 2022 5:49 PM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Jill Hammor <[jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com)>; Amit Singh <[amit.singh@agilethought.com](mailto:amit.singh@agilethought.com)>  
**Cc:** Ricardo Torres De Acha <[ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com)>; [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)  
**Subject:** Re: Fowler SICIP Payout

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Amit

I am adding you to the email exchange and asking for your assistance. Frankly, I am disappointed with the lack of communication and missed payment commitments from AgileThought regarding my SICIP payout.

I have provided information to AgileThought to support payment of my Q4 2021 SICIP payment. The claim made by Paul that my deals were not certified is ridiculous.

I followed the process for every contract renewal - one CRM opportunity, one POR, one signed SOW and one billing project code in OpenAir. Also, if these contract renewals were not signed by both PWC and AgileThought legal, PWC would have cut off all system access as part of their third party contract contingent worker process.

This did not happen resulting in AgileThought billing an average of \$1.5m in invoices in Q1 2022 to PWC.

Therefore, how can AgileThought claim that my deals were not credited and certified?

My payout should exceed the payout that I received in Q2 2021 as I surpassed the TCV renewal amounts in Q4. I also should receive payment for the invoiced amounts due to me from Q1 2022.

For AgileThought to pay me \$4422 for Q4 is unacceptable, unprofessional and unethical. I am reaching out to you as a last resort.

Please send a commitment of full payout in email stating the full payment on 7/15/22, evidence of the payout calculation followed by payment on 7/15/22

evidence of the payout calculation followed by payment on 7/15/22.

I am prepared to turn this over to my employment law attorney Gregg Rosenberg whom I have already contacted and secured a client attorney contract agreement to represent me. I will also reopen my case filed with the State of Texas unpaid wages department.

Best Regards  
Dwayne Fowler

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Thursday, June 30, 2022 5:32 PM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; [jill.hammoor@agilethought.com](mailto:jill.hammoor@agilethought.com) <[jill.hammoor@agilethought.com](mailto:jill.hammoor@agilethought.com)>  
**Cc:** Ricardo Torres De Acha <[ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com)>; [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us) <[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)>  
**Subject:** Re: Fowler SICIP Payout

All -

Why were only 28% of the deals credited ?

I certified every deal before the end of December and all signed contracts and POR approvals were sent to the legal share point site and uploaded to CRM.

If I closed \$4M in TCV in Q4 then I expect to be paid more than \$4k.

Yes Paul, I'm aware of the 40%. I have a copy of my comp plan - which also states that earnings will be paid within 60 days of signing. All \$4M in deals for PWC were closed by 12/31. Payment should have been made to me 2/28. 40% of \$4M is not \$4k regardless of how you do the math.

The remaining 60% should have been paid to me by end of April for amounts invoiced. 60% of \$4M invoiced to PWC - and if my memory is correct the average amount of invoice per month on PWC was \$1.5M.

So how is it that I'm getting paid \$4000?

Not sure why you left Kevin , Ana and Jill off the email so I'm adding them back on for awareness. I have also added back in the state investigator for Texas unpaid wages. They are investigating on my behalf. I would appreciate it Paul if you keep everyone copied on any correspondence going forward.

I absolutely do not agree with the new math that is being used to pay my SICIP - Especially when there is presidence for how it was calculated in precious quarters and paid in the past. And, as per my records, there was no communication to inform me of any changes to the calculation in the SICIP plan.

Ricardo - since this has been put in your lap we can have a call next week. I also want to know where the payout is for Q1.



I'm OOO until Tuesday and have limited availability. Let me know your availability.

Best Regards  
Dwayne Fowler

---

**From:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>  
**Sent:** Thursday, June 30, 2022 10:44 AM  
**To:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Cc:** Ricardo Torres De Acha <[ricardo.torres@agilethought.com](mailto:ricardo.torres@agilethought.com)>  
**Subject:** RE: Fowler SICIP Payout

Dwayne – happy to sit down and walk through the numbers as outlined below (reason for sending was to give you clarity). As you can see and knowing the SICIP plan carries 40% on TCV one main reason on why your full Q4 numbers are lower is that only 28% of your deals were credited.

I am personally OOO next week on vacation but happy to set time week of the 11<sup>th</sup> when back and talk this through.

Let me know.

Paul

	Per Period	Q1	Q2	Q3	Q4	FY2021	YTD
TCV Quota	11,775,000	-	3,925,000	3,925,000	3,925,000	11,775,000	11,775,000
TCV Renewal	5,670,914	-	2,397,797	2,306,305	966,812	5,670,914	5,670,914
TCV New Business	1,285,638	-	1,166,128	-	119,510	1,285,638	1,285,638
TCV Attainment	6,956,552	-	3,563,925	2,306,305	1,086,322	6,956,552	6,956,552
Attainment %	59.1%	0.0%	90.8%	58.8%	27.7%	59.1%	59.1%
TCV Revenue	6,746,975	-	3,468,765	2,255,863	1,022,348	6,746,975	6,746,975
TCV OTI	8,500	2,125	2,125	2,125	2,125	8,500	8,500
TCV OTI Earned	2,533	-	1,571	616	346	2,533	2,533



Paul Mallabar | Commercial Operations  
Managing Director

Mobile: 1-513-633-8666 | United States  
[www.agilethought.com](http://www.agilethought.com)



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---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Thursday, June 30, 2022 9:45 AM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Jill Hammor <[jill.hammor@agilethought.com](mailto:jill.hammor@agilethought.com)>

[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)

**Subject:** Re: Fowler SICP Payout

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Paul

I received the \$4422 for catch-up payment. I am still due payment for Q4 SICP.

Per the SICP agreement the payment should have been made 2/28 for Q4. Payment commitment was made by Kevin to provide paid in full 4/29. Payment commitment was then made for 5/31. Payment commitment was made for 6/15 and the last payment commitment was made for 6/29.

AgileThought has missed all five payment commitment dates for Q4 payout. I closed over \$4m in business for the firm. I expect to be paid for my contribution. Please send the payment today.

Best Regards  
Dwayne Fowler

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>

**Sent:** Tuesday, June 28, 2022 1:28 PM

**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; jill.hammoor@agilethought.com <[jill.hammoor@agilethought.com](mailto:jill.hammoor@agilethought.com)>; [labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us) <[labor.law@twc.state.tx.us](mailto:labor.law@twc.state.tx.us)>

**Subject:** Re: Fowler SICP Payout

All

In the table below, you show the following Payment History:

- \$20,493 in Oct 2021 – Q2
- \$16,554 in Jan 2022 – Q3

Where is the SICP payment for Q4? The \$4422 payment for "balance owed" is apparently the true up amount from Q1.

In Q4 I closed \$4,246,048 deals as won. See the attached file for reference which is a copy of the data extract taken from CRM.

Also for reference, see that attached file that is a copy of the deal certification spreadsheet showing all the deals closed in Q4 for PWC in the amount of \$4,246,048.

In Q2 I closed \$3,563,925 for a SICP payout of \$20,493

In Q3 I closed \$2,306,305 for a SICP payout of \$16,554

In Q4 I closed \$4,246,048 - (NOT \$1,086,322 per the table in your email below)

Why would I ever accept a payment of \$4422 given that the dollar amount of deals closed in Q4 is \$1,939,743 higher than Q3 and \$682,123 higher than Q2? The payment of \$4422 is NOT correct.

Please recalculate the payment as I expect payment that is well above my Q2 and Q3 payout and CERTAINLY MORE THAN \$4422!

Please note that I have copied the Labor Law division of the State of Texas to include this information in the case that I have filed against AgileThought - case number NC2206065PE / wage claim 22054687-0.

I expect the payment on June 30th.

Best Regards,

Dwayne Fowler

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Tuesday, June 28, 2022 7:30 AM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>  
**Subject:** Re: Fowler SICIP Payout

This does not align with the amounts I have on record  
I am in back to back calls today but will email you my financials.

Best Regards  
Dwayne Fowler

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**From:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>  
**Sent:** Tuesday, June 28, 2022 6:43:38 AM  
**To:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Subject:** RE: Fowler SICIP Payout

Dwayne – as a follow up to our discussion the other day I wanted out outline the payment that will be made on June 30<sup>th</sup>, again if for whatever reason this does not come through please let me know.

Below is a summary of the overall attainment and the amount due this week will be \$4,422.

Thanks - Paul

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Sales Incentive Commission Plan 2021

Executive Dashboard

Date: 5/18/2022

Subregion: Prof Svcs  
 AgileThinker: Dwayne F  
 Role: DP  
 Period: FY2021  
 Currency: USD

	Per Period	Q1	Q2	Q3	Q4	FY2021	YTD	
TCV Quota	11,775,000	-	3,925,000	3,925,000	3,925,000	11,775,000	11,775,000	
TCV Renewal	5,670,914	-	2,397,797	2,306,305	966,812	5,670,914	5,670,914	
TCV New Business	1,285,638	-	1,166,128	-	119,510	1,285,638	1,285,638	
TCV Attainment	6,956,552	-	3,563,925	2,306,305	1,086,322	6,956,552	6,956,552	
Attainment %	59.1%	0.0%	90.8%	58.8%	27.7%	59.1%	59.1%	
TCV Revenue	6,746,975	-	3,468,765	2,255,863	1,022,348	6,746,975	6,746,975	
TCV OTI	8,500	2,125	2,125	2,125	2,125	8,500	8,500	
TCV OTI Earned	2,533	-	1,571	616	346	2,533	2,533	
Revenue Quota	15,700,000	-	2,616,667	5,233,333	7,850,000	7,850,000	7,850,000	
Revenue Attainment	23,689,229	-	4,055,609	8,281,258	11,352,362	11,352,362	11,352,362	
Attainment %	150.9%	0.0%	155.0%	158.2%	144.6%	144.6%	144.6%	144.6%
Revenue OTI	12,750	-	4,250	4,250	4,250	12,750	12,750	
Revenue OTI Earned	18,439	-	6,587	6,863	4,988	18,439	18,439	
Gross Profit Quota	5,297,322	-	882,887	1,765,774	2,648,661	2,648,661	2,648,661	
Gross Profit Attainment	7,837,809	607,407	1,465,516	2,571,289	3,193,596	3,193,596	3,193,596	
Attainment %	148.0%	0.0%	166.0%	145.6%	120.6%	120.6%	120.6%	120.6%
Gross Profit OTI	17,000	4,250	4,250	4,250	4,250	17,000	17,000	
Gross Profit OTI Earned	20,498	-	14,109	4,457	1,931	20,498	20,498	
Total OTI Target	38,250	6,375	10,625	10,625	10,625	38,250	38,250	
Total OTI Earned	41,469	-	22,267	11,937	7,265	41,469	41,469	
OTI Target/Rev Target %	0.2%	0.0%	0.4%	0.2%	0.1%	0.5%	0.5%	
OTI Earned/Rev Rec %	0.2%	0.0%	0.5%	0.1%	0.1%	0.4%	0.4%	

		Q1	Q2	Q3	Q4	F
Total	OTI Target	100%	6,375	10,625	10,625	10,625
40%	TCV	OTI Target	9%	850	850	850
60%	TCV Rev	OTI Target	13%	1,275	1,275	1,275
	Rev	OTI Target	33%	-	4,250	4,250
	GP	OTI Target	44%	4,250	4,250	4,250

		Q1	Q2	Q3	Q4	F
TCV	OTI Earned	Q1	-	-	-	-
TCV	OTI Earned	Q2	638	-	-	-
TCV	OTI Earned	Q3	-	250	-	-
TCV	OTI Earned	Q4	-	-	144	-

		Q1	Q2	Q3	Q4	F
TCV	Rev / Rec	Q1	-	-	-	-
TCV	Rev / Rec	Q2	505,847	1,943,728	818,763	200,427
TCV	Rev / Rec	Q3	-	38,368	1,469,089	748,406
TCV	Rev / Rec	Q4	-	-	7,648	1,014,700
			505,847	1,982,096	2,295,500	1,963,532

		Q1	Q2	Q3	Q4	F
TCV Rev	Rev Att	Q1	0.0%	0.0%	0.0%	0.0%
TCV Rev	Rev Att	Q2	14.2%	54.5%	23.0%	5.6%
TCV Rev	Rev Att	Q3	0.0%	1.7%	63.7%	32.5%
TCV Rev	Rev Att	Q4	0.0%	0.0%	0.7%	93.4%

		Q1	Q2	Q3	Q4	F
TCV Rev	OTI Earned	Q1	-	-	-	-
TCV Rev	OTI Earned	Q2	136	522	220	54
TCV Rev	OTI Earned	Q3	-	6	239	122
TCV Rev	OTI Earned	Q4	-	-	2	201

		Q1	Q2	Q3	Q4	F
Rev	OTI Earned	Q1	-	-	-	-
Rev	OTI Earned	Q2	6,587	-	-	-
Rev	OTI Earned	Q3	-	6,863	-	-
Rev	OTI Earned	Q4	-	-	4,988	-

		Q1	Q2	Q3	Q4	F
GP	OTI Earned	Q1	-	-	-	-
GP	OTI Earned	Q2	14,109	-	-	-
GP	OTI Earned	Q3	-	4,457	-	-
GP	OTI Earned	Q4	-	-	1,931	-

	Q1	Q2	Q3	Q4	F
Total	136	21,863	12,030	7,439	
	2%	206%	113%	70%	

\* Contingent to bill 100% of the Original signed TCV

\*\* TCV and Revenue OTI for not certified TCV deals will be recognized 100% based on Revenue Reco

**\$41,469 in total for FY21 as of December 2021. With \$37,047 already paid, his pending balance is \$4,422.**

Owed	Payment	Balance
\$ 41,469	\$ 37,047	\$ 4,422

Payment History:

- \$20,493 in Oct 2021 – Q2
- \$16,554 in Jan 2022 – Q3



Paul Mallabar | Commercial Operations  
 Managing Director

Mobile: 1-513-633-8666 | United States  
[www.agilethought.com](http://www.agilethought.com)



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**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Wednesday, June 22, 2022 7:38 PM  
**To:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Shana Boring <[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>  
**Subject:** Re: Fowler SICIP Payout

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Hi Paul  
Thanks for the call and the confirmation.  
I'll confirm once I get the deposit.  
Best,  
Dwayne

Best Regards  
Dwayne Fowler

---

**From:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>  
**Sent:** Wednesday, June 22, 2022 5:33:03 PM  
**To:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>; Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Shana Boring <[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>  
**Subject:** RE: Fowler SICIP Payout

Dwayne – as just talked on the call I have confirmed that Q4 payments are being paid in the end of June pay cycle. You also confirmed that Payroll had contacted you as your bank account had changed so this has been corrected.

Let me personally know if by Monday next week this is not received. Once this has been addressed this will close out the commitment for what we had aligned and agreed that was owed as part of you leaving the company.

Keep me posted.



Paul Mallabar | Commercial Operations  
Managing Director

Mobile: 1-513-633-8666 | United States  
[www.agilethought.com](http://www.agilethought.com)



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**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Sent:** Tuesday, June 21, 2022 8:30 PM  
**To:** Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Shana Boring <[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>  
**Subject:** Re: Fowler SICIP Payout

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Dear all –

I have not received any communication from Agile thought regarding the payout and back up documentation for my SICIP payout for Q4 and Q1. Please pay me immediately.

The commission payment was due to me on February 28, 2022. It was not paid and the agreement I have with Kevin is that the payment would be made to me on 4/29. That payment has not been received. Given this, I have an appointment next week with an employment law attorney for necessary next steps.

I have followed up with you via email multiple times and received no communication with regard to when I will be paid. Given this, my intent is to file a lawsuit against AgileThought for unpaid wages plus damages. I have also filed a claim for unpaid wages with the state of Texas.

It is unfortunate that I have to take these actions for payment of commissions for services that I performed on behalf of AgileThought – especially given that I have a promise to pay in writing from Kevin for payment on 4/29/22.

Please contact me immediately regarding the payment of my SICIP commissions for Q4 and Q1 and provide backup documentation on the payment.

Best Regards  
Dwayne

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>  
**Date:** Friday, May 27, 2022 at 7:28 AM  
**To:** Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>, Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>, Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>, Shana Boring

<[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>

**Subject:** Re: Fowler SICP Payout

Hi Kevin.

Thanks for getting back to me and for the update. I'll check in again later next week.

Have a great holiday weekend.

Dwayne

Best Regards

Dwayne Fowler

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**From:** Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>

**Sent:** Friday, May 27, 2022 6:27:18 AM

**To:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>; Paul Mallabar

<[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Ana Cecilia Hernández

<[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Shana Boring

<[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>

**Subject:** RE: Fowler SICP Payout

Hi Dwayne, trust all is well!

Thanks for checking in. This is still work in progress but looks like should be in the queue for payment next week.

Kevin Johnston | Chief Operating Officer

Mobile: +1515.554.8150 | USA

[www.agilethought.com](http://www.agilethought.com)

---

**From:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>

**Sent:** Wednesday, May 25, 2022 6:42 PM

**To:** Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>; Paul Mallabar

<[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Ana Cecilia Hernández

<[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>; Shana Boring

<[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>

**Cc:** Dwayne Fowler <[dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com)>

**Subject:** Re: Fowler SICP Payout

<p><b>*** WARNING: This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected emails. ***</b></p>
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Hello everyone!

I haven't received confirmation of SICP payout that is expected to be paid on 4/29.

Please send me confirmation of the payment per the agreement and commitment Kevin gave me prior to my last day on 5/2 and per the email below.

Thanks so much.

Dwayne

**From:** Shana Boring <[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>  
**Date:** April 28, 2022 at 12:30:43 PM CDT  
**To:** Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>, Dwayne Fowler <[Dwayne.Fowler@agilethought.com](mailto:Dwayne.Fowler@agilethought.com)>  
**Cc:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>, Hitesh Maniar <[hitesh.maniar@agilethought.com](mailto:hitesh.maniar@agilethought.com)>, Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>  
**Subject:** RE: Fowler SICP Payout

Sounds good Dwayne. I will make a note in your file and ensure Payroll is also aware and should confirm with me around that time. I wish you ALL the best in your next endeavor!

Shana

**AgileThought**

Shana Boring | Director, Global People | [LinkedIn](#)  
Mobile: 813.416.8121 | U.S.A.  
[www.agilethought.com](http://www.agilethought.com)



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**From:** Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>  
**Sent:** Thursday, April 28, 2022 1:14 PM  
**To:** Dwayne Fowler <[Dwayne.Fowler@agilethought.com](mailto:Dwayne.Fowler@agilethought.com)>  
**Cc:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Hitesh Maniar <[hitesh.maniar@agilethought.com](mailto:hitesh.maniar@agilethought.com)>; Shana Boring <[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>  
**Subject:** RE: Fowler SICP Payout

Thanks Dwayne, all the best!

---

**From:** Dwayne Fowler <[Dwayne.Fowler@agilethought.com](mailto:Dwayne.Fowler@agilethought.com)>  
**Sent:** Thursday, April 28, 2022 11:40 AM  
**To:** Kevin Johnston <[kevin.johnston@agilethought.com](mailto:kevin.johnston@agilethought.com)>  
**Cc:** Paul Mallabar <[paul.mallabar@agilethought.com](mailto:paul.mallabar@agilethought.com)>; Hitesh Maniar <[hitesh.maniar@agilethought.com](mailto:hitesh.maniar@agilethought.com)>; Shana Boring <[shana.boring@agilethought.com](mailto:shana.boring@agilethought.com)>; Ana Cecilia Hernández <[ana.hernandez@agilethought.com](mailto:ana.hernandez@agilethought.com)>  
**Subject:** Fowler SICP Payout

Kevin,

Thanks for connecting with me this morning. I appreciate you confirming that I will be paid SICP for Q4 2022. Based on our discussion, I should expect payment after the close of Blue



Torch (either May 13<sup>th</sup> or May 22<sup>nd</sup>).  
Per your direction, I will follow up with Shana directly.

Shana:  
my personal email address is: [dwayne.fowler@hotmail.com](mailto:dwayne.fowler@hotmail.com) should you  
need to contact me.

Thanks again Kevin!

All the best,  
Dwayne

**AgileThought**

Dwayne Fowler | Delivery Partner  
Mobile: 713.677.3936 | United States  
[www.agilethought.com](http://www.agilethought.com)



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(Account)	(Arame (Account))	Project Name	CV Dynamics LCL Crr	CV Dynamics U
US & CA	PwC	CO#4 to SoW14 Global Confirmation Services Dev Team Q4 Extension (O	630,960.00	630,960.00
US & CA	PwC	CO 8 to SOW 12 CheckPoint Renew R3 Extension Dec 2021-Jan 2022	525,086.00	525,086.00
US & CA	PwC	Global Confirm Svc Test QA Jan - June 2022	488,136.00	488,136.00
US & CA	PwC	FY2021 Aura Suite Dev Team Extension 2021 Q4	345,840.00	345,840.00
US & CA	PwC	Connect Test Jan - June 2022	309,504.00	309,504.00
US & CA	PwC	CO 5 to SOW 15 Global Confirmation Services TEST QA Team Extension (C	288,288.00	288,288.00
US & CA	PwC	Tax EC Amend 13 to SOW 6 Jan - March 2022	276,480.00	276,480.00
US & CA	PwC	CO1 to SOW 85 Future of Work Jan 2022 to June 2022	227,040.00	227,040.00
US & CA	PwC	Change Order No. 6 to Statement of Work No.16 Connect QA Test Team E	205,920.00	205,920.00
US & CA	PwC	Consult Jan - June 2022	160,992.00	160,992.00
US & CA	PwC	CO 12 to SOW 6 TAX EC & xLOS project	95,200.00	95,200.00
US & CA	PwC	SOW 25 Tax EC IFS Q4 2021	82,368.00	82,368.00
US & CA	PwC	Third Party Access Letter CO1 to Sow 81 Aug 2021	63,974.00	63,974.00
US & CA	PwC	Datamart Replatform Orian Project Amendment No. 01 To Statement of V	28,800.00	28,800.00
US & CA	PwC	CO4 to SOW No 15 Global Confirm NS Test Team Oct 2021	8,960.00	8,960.00
US & CA	PwC*	Change Order No 3 to SOW 22 Global Polaris	280,080.00	280,080.00
US & CA	PwC*	CO2 to SOW 81 Third Party Access Letter Nov 2021 - Feb 2022	228,420.00	228,420.00
			4,246,048.00	

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Renewal

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