



# News

R E L E A S E

## FOR IMMEDIATE RELEASE

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*(Kindly Text or Email First)*

### “WHO GAVE THE ORDER – WHAT ARE THEY HIDING?”

FEDERAL WHISTLEBLOWER RELEASES COGENT LEGAL  
OFFICER’S RETALIATORY EMAIL—DEMANDS BOARD  
ACCOUNTABILITY FOR OBSTRUCTION AND CONCEALMENT

WASHINGTON, D.C. — May 27, 2025 — Federal whistleblower David J. Koch, co-founder and former CEO of Fiber Network Solutions, Inc. (FNSI), has released critical new documents implicating Cogent Communications Holdings, Inc. (NASDAQ: CCOI) in what he now calls a coordinated cover-up tied to its 2003 acquisition of FNSI while he was medically incapacitated.

At the center of the storm is Cogent’s refusal to produce omitted Schedules to [Exhibit 2.5](#), a document legally referenced in federal securities filings and whistleblower submissions.

In a May 16, 2025 [legal notice to Cogent](#), Koch, in his capacity as a federal whistleblower, demanded access to the missing schedules omitted from [Exhibit 2.5](#). Cogent did not reply.

In a second May 23, 2025 [legal notice to Cogent](#), Koch, in his capacity as President, CEO, Chairman of FNSI, and in his capacity as a federal whistleblower again demanded access to the missing schedules.

Koch’s May 23, 2025 [notice](#) was met with a [retaliatory reply](#) from Cogent’s Vice President and Chief Legal Officer, John Chang, describing Koch’s request as “unwarranted harassment” and stating, “You are not entitled to those materials.” [John Chang’s reply](#) is in clear violation of federal whistleblower protections and amounts to corporate and personal criminal violations that may extend to Cogent Board Members.

Koch followed up to Mr. Chang’s obviously unlawful reply, issuing a [cease-and-desist warning](#) to Chang and Cogent’s board and legal team.

John Chang’s statements, directed to a federally recognized whistleblower, is now being reviewed by federal authorities as a possible criminal violation under 18 U.S.C. § 1513(e), which prohibits retaliation and intimidation of whistleblowers.

Koch commented, “Most of the Board Members, and myself are old enough to remember the Watergate hearings, and the famous quote from Senate Minority Leader, Howard Baker, Jr., *‘It is almost always the cover-up rather than the event that causes trouble.’*”

This quote now defines Cogent’s dilemma. As read receipts and forensic tracking confirm widespread board-level and

regulatory access to [Koch’s reply](#) to [John Chang’s dismissive response](#) to a legitimate document production request, which was copied to Cogent’s Board of Directors, the company must now answer four central questions:

- “Who gave the order to withhold the Exhibit 2.5 Schedules?”
- “Why were they omitted from the SEC filing?”
- “Why are the schedules being hidden from anyone, let alone Mr. Koch who was the President, CEO, Chairman and majority shareholder in FNSI, and now a federally recognized whistleblower with active cases with the IRS-CI, SEC, FBI, FAA and the U.S. Attorney for the Southern District of Ohio?”
- When Cogent was contacted in December 2023 regarding Koch’s inquiries into the 2003 FNSI acquisition and [Exhibit 2.5](#), who referred that [whistleblower-turned co-conspirator](#) to members of [the original criminal enterprise](#), thereby committing a new predicate act under 18 U.S.C. § 1962(d) – RICO conspiracy?

#### TIMELINE OF ESCALATION AND CORPORATE EXPOSURE

- March 14, 2025: David J. Koch sends a [formal notice](#) to Cogent Communications and its legal team, informing them of the fraudulent 2003 acquisition of Fiber Network Solutions, Inc. and warning of criminal exposure. The email is distributed to officers, directors, and legal counsel.
- March 17, 2025: Koch follows up with a [detailed legal demand](#) outlining violations of 18 U.S.C. §§ 1503, 1512, 1519, and 1962. However, Koch emphasizes his

willingness to engage in productive communication and provides Cogent numerous off-ramps.

- March 18, 2025: Koch follows up with [another detailed demand](#) outlining potential serious felony violations of 18 U.S.C. §§ 1503, 1512, 1519, and 1962. Diplomacy and willingness to resolve were again provided.
- March 19, 2025: Koch follows up a [third demand letter](#) outlining potential criminal exposure for Cogent, its executives and members of its Board of Directors under:
  - 18 U.S.C. § 371 – Conspiracy to Defraud the United States
  - 18 U.S.C. § 1503 – Obstruction of Justice
  - 18 U.S.C. § 1512 – Witness Tampering
  - 18 U.S.C. § 1519 – Destruction or Concealment of Records
  - 18 U.S.C. § 1343 – Wire Fraud - 18 U.S.C. § 1956 – Money Laundering
- March 19, 2025: Cogent Chief Legal Officer John Chang, reply’s with a [terse and dismissive message](#):

*“You should not expect responses to your future correspondence. We will reply if and when we believe a reply is warranted.”*
- April 5, 2025: Koch sends a [Memorandum to Cogent’s Board of Directors](#) outlining potential violations that if not corrected, could result in criminal exposure and denial of D&O insurance coverage. [The Memorandum](#) is ignored.

- April 17, 2025: Koch sends a second and detailed [Memorandum](#) to Cogent’s Board of Directors outlining potential violations that if not corrected, could result in criminal exposure and denial of D&O insurance coverage. [The Memorandum](#) is ignored.
- May 16, 2025: Koch delivers a [renewed whistleblower notice](#)—including a legal demand for the missing Schedules to [Exhibit 2.5](#). The email is read by multiple Cogent email servers and routed internally. No reply is received.
- May 23, 2025: Koch sends a second, [escalated legal demand](#) from two Gmail accounts using both MailSuite and MixMax. More than 30 Cogent recipients are included, including board members, legal, and investor relations.
- No opens are recorded. No confirmations are returned. Forensic analysis will discover if there was deliberate filtering of email from Koch, and if such systems were subsequently modified.
- May 23, 2:36 PM ET: John Chang [provides a reply](#), dismissing the protected request as “harassment” and stating: “You are not entitled to those materials.”
- Evening of May 23–Early May 24, 2025:  
Koch distributes his [legal reply to Chang](#), invoking federal retaliation and obstruction statutes. Within hours, confirmed views are logged by:
  - Multiple Cogent board members
  - Cogent Investor Relations
  - The SEC Office of the Whistleblower
  - Nasdaq MarketWatch

- IRS-CI Intake
- FAA Whistleblower Division
- And senior legal or compliance staff at FINRA
- May 24–25, 2025: Read volume spikes to dozens of internal opens, revealing broad awareness inside Cogent. This includes secondary document views, forwarded read receipts, and federal agency access during a federal holiday weekend.

[Koch’s legal reply](#), which outlines “Whistleblower Rights, Document Entitlement, and Cease-and-Desist Demand,” was subsequently accessed by executives and regulators—triggering what appears to be a coordinated review across multiple federal bodies.

#### WHAT ARE THEY HIDING?

“Cogent knows exactly what’s in the schedules to Exhibit 2.5,” said Koch. “They’ve been seen. And now someone at Cogent is asking: ‘Why is this being withheld from the whistleblower? Who gave that order?’

“...you are not entitled to *those materials*, and we are not obligated to provide *those* to you,” constitutes an acknowledgment that the Schedules to Exhibit 2.5 do in fact exist and are within Cogent’s possession or control. The phrasing “those materials” and “not obligated to provide those to you” clearly and specifically references the schedules requested in the whistleblower demand—meaning Mr. Chang has either personally reviewed them or confirmed their contents.

- This response further constitutes an affirmative act of concealment. It indicates that John Chang, Cogent Communications, and its officers and directors are

consciously and deliberately participating in the ongoing cover-up of a 22-year criminal conspiracy surrounding the fraudulent acquisition of Fiber Network Solutions, Inc.—a conspiracy now under federal investigation. Mr. Chang’s May 23, 2025 reply to a federal whistleblower is likely a new predicate act under 18 U.S.C. § 1962(d) – RICO conspiracy, thereby resetting the statute of limitations, (*again*) to May 23, 2025.

Koch provided no less than eight separate legal notices to Cogent’s legal team, investor relations, executive staff and individual Board of Directors members. Koch has been ignored, intimidated, and threatened with allegations of harassment from Cogent’s Chief Legal Officer.

These are precisely the elements that constitute a criminal enterprise under 18 U.S.C. § 1962(d) – RICO conspiracy – Participation in a pattern of racketeering activity. By legal statutory definition, and based upon the documented record, Cogent Communications and its officers and directors are a Racketeer Influenced and Corrupt Organization.

Mr. [Chang’s statement](#) serves as an affirmative acknowledgment by Cogent legal leadership that:

- The Schedules to Exhibit 2.5 exist and remain under Cogent’s custody or control;
- Mr. Chang, acting as General Counsel, has reviewed or possesses direct knowledge of the withheld materials;
- The company made a conscious decision to deny access, despite ongoing federal investigations and whistleblower protections under 18 U.S.C. § 1513(e);

No assertion was made that the schedules were lost, destroyed, or misfiled—instead, they were affirmatively withheld.

POTENTIAL LEGAL VIOLATIONS FOR CHANG’S REPLY AND WITHHOLDING THE OMITTED SCHEDULES TO EXHIBIT 2.5 INCLUDE:

- 18 U.S.C. §§ 1505, 1512, 1513(e) – Obstruction and retaliation against a whistleblower
- 18 U.S.C. § 1962(d) – RICO conspiracy
- 17 C.F.R. §§ 240.12b-20, 240.13b2-1 – Material omission in SEC filings
- Delaware fiduciary law – Board failure to act (Caremark doctrine)
- 18 U.S.C. § 4 – Misprision of felony

FINAL WARNING TO THE BOARD

“This board is old enough to remember Watergate. If you learned anything from it, you know this:

It’s not the acquisition. It’s the cover-up.”

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