

FINAL ORDER - THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON JANUARY 18, 2020 PURSUANT TO RULE 21F-10(f) OF THE EXCHANGE ACT

Notice of Covered Action [REDACTED]

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the U.S. Securities and Exchange Commission received a whistleblower award claim from [REDACTED] (“Claimant”).

Pursuant to Section 21F of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 21F-10 promulgated thereunder, the Claims Review Staff has evaluated the above claim in accordance with the criteria set forth in Rules 21F-1 through 21F-17. The Claims Review Staff has preliminarily determined to recommend that the Commission deny the above award claim. The basis for this determination is as follows:

Claimant did not provide information that led to the successful enforcement of the above-referenced Covered Action within the meaning of Section 21F(b)(1) of the Exchange Act and Rules 21F-3(a)(3) and 21F-4(c) thereunder because the information provided did not:

1. cause the Commission to (i) commence an examination, (ii) open or reopen an investigation, or (iii) inquire into different conduct as part of a current Commission examination or investigation under Rule 21F-4(c)(1) of the Exchange Act; or
2. significantly contribute to the success of a Commission judicial or administrative enforcement action under Rule 21F-4(c)(2) of the Exchange Act.

In reaching this preliminary recommendation, we note that the record reflects that the Enforcement staff responsible for the Covered Action investigation received Claimant’s information approximately sixteen months after the investigation had opened, and approximately three months after staff had reached an agreement in principle regarding its settlement with [REDACTED]. The Commission’s Order in the Covered Action did not incorporate or use any information provided by the Claimant. Rather, staff in the Commission’s Office of Compliance Investigations and Examinations opened an exam based on Claimant’s information which, in part, related to a separate Covered Action, for which Claimant has applied for an award.

By: Claims Review Staff

Date: November 19, 2019