

**FINAL ORDER-THIS PRELIMINARY SUMMARY DISPOSITION BECAME THE FINAL ORDER OF THE COMMISSION ON JULY 28, 2023 PURSUANT TO RULE 21F-18(b)(4) OF THE SECURITIES EXCHANGE ACT OF 1934**

**Notice of Covered Action:** [REDACTED]

**PRELIMINARY SUMMARY DISPOSITIONS  
OF THE OFFICE OF THE WHISTLEBLOWER**

In response to the above-referenced Notice of Covered Action, the U.S. Securities and Exchange Commission (“Commission”) received whistleblower award claims from [REDACTED] (“Claimant 2”) for the above referenced matter. Pursuant to Section 21F of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 21F-18 promulgated thereunder, the Office of the Whistleblower has evaluated the above claim in accordance with the criteria set forth in Rules 21F-1 through 21F-18 and has designated your award application(s) for resolution through the summary disposition process.

The Office of the Whistleblower has preliminarily determined to recommend that the Commission deny the above award claims.<sup>1</sup> The basis for this determination is marked below as follows:

The information provided by Claimants was never provided to or used by staff handling the Covered Action or underlying investigation (or examination), and those staff members otherwise had no contact with Claimants. Therefore, Claimants did not provide information that led to the successful enforcement of the above-referenced Covered Action(s) 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.<sup>2</sup>

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<sup>1</sup> To the extent Claimant has applied for an award in a related action, because Claimant is not eligible for an award in an SEC Covered Action, he/she is not eligible for an award in connection with any related action. See 15 U.S.C. § 78u-6(b); Exchange Act Rule 21F-3(b), (b)(1); Rule 21F-4(g) and (f); Rule 21F-11(a); see also Order Determining Whistleblower Award Claim, Release No. 34-86902 (Sept. 9, 2019).

<sup>2</sup> [REDACTED] Claimant 2 did not provide information that led to the successful enforcement of the Covered Action. The investigation that led to the Covered Action (the “Investigation”) was opened by the staff based upon news reports and not upon any information from [REDACTED] Claimant 2.

[REDACTED] Claimant 2 did not submit a TCR to the Commission. While Claimant

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**Notice of Covered Action:**

Claimant 2 is not a “whistleblower” under Exchange Act Rule 21F-2(a)(1) with respect to the Covered Action. To qualify as a whistleblower, an individual must (among other things) provide information regarding a potential securities law violation to the Commission in the form and manner that is required by Exchange Act Rule 21F-9, which Claimant did not do.<sup>3</sup>

By Office of the Whistleblower

Date: May 30, 2023

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**2 states that he/she provided information to other government entities, the staff did not receive any information from those entities that advanced the Investigation.**

<sup>3</sup> **Claimant 2 did not submit a TCR to the Commission. See Exchange Act Rule 21F-9(e) (“You must follow the procedures specified in paragraphs (a) and (b) of this section within 30 days of when you first provide the Commission with original information that you rely upon as a basis for claiming an award. If you fail to do so, then you will be deemed ineligible for an award in connection with that information (even if you later resubmit that information in accordance with paragraphs (a) and (b) of this section).”). While [REDACTED] (the “Agency”) submitted a copy of Claimant 2’s complaint to the Agency as a TCR, that TCR was not submitted with a signed whistleblower declaration as required under Exchange Act Rule 21F-9(b). The record also does not unambiguously demonstrate that Claimant 2 otherwise qualifies for an award, thus Claimant 2 does not qualify for the Rule 21F-9(e) waiver.**