

FINAL ORDER- TIJIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER  
OF THE COMMISSION WITH RESPECT TO CLAIMANTS 1 AND 3 ON SEPTEMBER 27, 2019 PURSUANT TO RULE 21F-10(f) OF  
THE SECURITIES EXCHANGE ACT OF 1934

Notice of Covered Action: Redacted  
Redacted  
Redacted

### PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Covered Action, the Securities and Exchange Commission received whistleblower award claims from the following individuals:

Redacted (“Claimant 1”)  
Redacted Redacted  
Redacted (“Claimant 3”)  
Redacted Redacted  
Redacted Redacted

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 each of these claims 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 all of claimants’ award claims. The basis for this preliminary determination is as follows.

- A. Claimant 1 failed to submit Claimant 1’s claim for award to the Office of the Whistleblower within ninety (90) days of the date of the above-referenced Notice of Covered Action, as required under Rule 21F-10(b) of the Exchange Act.<sup>1</sup>
- B. Claimant 3 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 provide the Commission with information relating to a possible securities law violation pursuant to the procedures set forth in Exchange Act Rule 21F-9(a). Claimant 3 failed to comply with those procedures because, in each of the six TCRs Claimant 3 submitted to the Commission, Claimant 3 answered “No” to the question, “Are you submitting this tip, complaint or referral pursuant to the SEC’s whistleblower program?” As a further consequence, Claimant 3 did not sign the whistleblower declaration required by Exchange Act Rule 21F-9(b) at the time that Claimant 3 submitted Claimant 3’s TCRs.
- C. None of the claimants provided information that led to the successful enforcement of the 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:

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<sup>1</sup> See *Order Determining Whistleblower Award Claim*, Exchange Act Release No. 77368 (Mar. 14, 2016), *aff’d sub nom. Cerny v. SEC*, 707 F. App’x 29 (2d Cir. 2017), *cert. denied*, 138 S. Ct. 2005 (2018), *reh’g denied*, 138 S. Ct. 2715 (2018). To the extent Claimant 1 claims that Claimant 1 qualifies for a related action, the matter Claimant 1 identified on Claimant 1’s WB-APP was not an appropriate related action brought by an enumerated entity as required by Rule 21F-3(b)(1).

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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>

By: Claims Review Staff

Date: July 29, 2019

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