

FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION AS TO CLAIMANT 2 AND CLAIMANT 3 ON OCTOBER 3, 2018 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 three, timely whistleblower award claims from the following individuals:

Redacted
Redacted
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(“Claimant 2”)
(“Claimant 3”)

(collectively, “Claimants”)

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 the above-listed award claims. The basis for this determination is as follows.

Claimants 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 shows that the Enforcement staff responsible for the Covered Action did not receive information from the Claimants and had no communications with any of them. As to ^{Redacted} Claimant 3, the

tips they cite in their award applications were closed with a disposition of no further action and were not referred to staff responsible for the Covered Action.¹

Additionally, we preliminarily deny Claimant 2's award claim in the Covered Action because 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 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), which Claimant 2 did not do. Specifically, Claimant 2 did not submit information on Form TCR or through the Commission's on-line system relating to this Covered Action.² Second, Claimant 2 is not eligible for an award because Claimant 2 did not sign the whistleblower declaration as required under Exchange Act Rule 21F-9(b). In reaching this preliminary determination, we note that Claimant 2 failed to identify the particular tip upon which Claimant 2 bases the award claim, and after searching the TCR system, staff could not locate a tip on Form TCR or through the on-line system submitted by Claimant 2 relating to the Covered Action.

By: Claims Review Staff

Date: August 3, 2018

¹ Claimant 3 also applied for various related action awards in connection with actions brought by other government agencies. Because Claimant 3 does not qualify for an award in the Covered Action brought by the Commission, Claimant's request for a related action award is denied. A related action award may be made only if, among other things, the claimant satisfies the eligibility criteria for an award for the applicable covered action in the first instance. *See* 15 U.S.C. § 78u-6(b) (2016); 17 C.F.R. § 240.21F-3(b) (2018); § 240.21F-4(g), (f); § 240.21F-11(a).

² Although the requirements of Rule 21F-9(a) could also be satisfied by another form of writing if submitted after the effective date of Section 21F of the Exchange Act and before August 12, 2011 (the effective date of the Commission's whistleblower rules), *see* Rule 21F-9(d), we find no evidence of any such qualifying submission from Claimant.