

**FINAL ORDER- THIS PRELIMINARY DETERMINATION BECAME
THE FINAL ORDER OF
THE COMMISSION ON NOVEMBER 17, 2023 PURSUANT TO RULE 21F-10(f) OF
THE SECURITIES EXCHANGE ACT OF 1934**

Notice of Covered Action: [REDACTED]

Reference Number: 11172023

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”) for the above-referenced matter. 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-18.

The Claims Review Staff has preliminarily determined to recommend that the Commission deny the above award claim.¹ The basis for this determination is marked below 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 any information provided did not, under Rule 21F-4(c)(1) of the Exchange Act: (1) cause the Commission to (a) commence an examination, open or reopen an investigation, or inquire into different conduct as part of a current Commission examination or investigation, and (b) thereafter bring an action based, in whole or in part, on conduct that was the subject of claimant’s information; 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.²

¹ 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, [REDACTED] 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).

² Claimant did not provide any information that was used in, or otherwise had any impact on, the investigation or resulting Covered Action. The investigation was opened in [REDACTED] based on information provided by other individuals. While Enforcement staff responsible for the Covered Action received Claimant’s [REDACTED] tip and thereafter communicated with Claimant, the information was submitted approximately 21 months after the investigation was opened and substantial investigative work conducted. Claimant’s information was not used in the investigation and did not lead to the success of the Covered Action because it was either publicly available or duplicative of information that the staff had previously obtained over the course of its investigation.

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By: Claims Review Staff

Date: September 18, 2023