

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER  
OF THE COMMISSION ON JANUARY 30, 2023  
PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934**

**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”) 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.<sup>1</sup> 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 Actions 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 claimants’ 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.<sup>2</sup>

Claimant is not a “whistleblower” under Exchange Act Rule 21F-2(a)(1) with

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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> Claimant did not provide information that led to the successful enforcement of the Covered Action. The investigation that led to the Covered Action was opened based upon a press article from [REDACTED]. While Claimant provided information to Commission staff and other government agency staff in [REDACTED], Claimant’s information was either duplicative of information the staff already had or not relevant to the staff’s investigation. In addition, the staff did not recall receiving any information from [REDACTED] enforcement agencies that related to or originated from Claimant that advanced the staff’s investigation or the charges in the Covered Action. After the [REDACTED] interview, Commission staff did not have any further contact with Claimant prior to filing the Commission’s complaint in [REDACTED]. Because Claimant’s TCR was submitted in [REDACTED], after the filing of the Commission’s complaint, Claimant’s TCR did not contribute to the investigation or the Covered Action. Claimant’s information did not advance the staff’s investigation or contribute to the charges in the Commission’s complaint.

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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: November 21, 2022

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<sup>3</sup> Claimant submitted [REDACTED] Form TCR on [REDACTED] more than three years after Claimant provided information to the staff that Claimant relies upon as a basis for Claimant's claim for award. *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).").