

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER  
OF THE COMMISSION ON FEBRUARY 13, 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 claims 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 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.<sup>2</sup>

Claimant 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

---

<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 Covered Action investigation was opened based upon allegations contained in TCRs submitted by other individuals prior to the submission of Claimant’s [REDACTED] TCR. While Commission staff interviewed Claimant in [REDACTED] along with other investors, Claimant’s information was duplicative of information the staff had already received from other sources. Claimant’s [REDACTED] TCR also did not contribute to the Covered Action. Although the staff interviewed Claimant again in [REDACTED] in connection with potential litigation, the staff did not use Claimant’s information because the matter settled shortly thereafter. Accordingly, Claimant’s information also did not cause the staff to open the investigation or contribute to the success of an existing investigation.

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER  
OF THE COMMISSION ON FEBRUARY 13, 2023  
PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934**

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

violation to the Commission in the form and manner that is required by Exchange Act Rule 21F-9(a), which Claimant did not do.<sup>3</sup>

-  
By: Claims Review Staff

Date: December 12, 2022

---

<sup>3</sup> With regard to Claimant's TCR submitted on or about [REDACTED] Claimant did not sign the whistleblower declaration as required under Exchange Act Rule 21F-9(b). Claimant retained counsel in [REDACTED] and submitted a second TCR less than 30 days later on or about [REDACTED] Claimant signed the whistleblower declaration in the [REDACTED] TCR. However, the record does not unambiguously demonstrate that Claimant otherwise qualifies for an award, thus Claimant does not qualify for the Rule 21F-9(e) waiver.