

FINAL ORDER- THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON FEBRUARY 6, 2023 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

The U.S. Securities and Exchange Commission received a whistleblower award claim from [REDACTED] (“Claimant”) in connection with a [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 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.

Under Exchange Act Rule 21F-3(b), the Commission will pay an award based on amounts collected in certain related actions. A “related action” is defined as a “judicial or administrative action that is brought by” one of the enumerated entities, which includes [REDACTED], and that is based upon the “same original information that the whistleblower voluntarily provided to the Commission” and “that is based upon information that either the whistleblower provided directly to a governmental/SRO entity or the Commission itself passed along to the governmental/SRO entity pursuant to the Commission's procedures for sharing information.” For the Commission to make an award in connection with a related action, the Commission must determine “that the same original information that the whistleblower gave to the Commission also led to the successful enforcement of the related action under the same criteria . . . for awards made in connection with Commission actions.”

Claimant did not provide information to the Commission or to [REDACTED] that led to the successful enforcement of the [REDACTED] Action. In making this preliminary assessment, the CRS notes that the Claimant admits in [REDACTED] whistleblower award application that [REDACTED] did not provide information and documents directly to [REDACTED] because of concerns that [REDACTED] confidentiality could not be guaranteed. The record further reflects that Commission staff did not relay any information or documents that they had received from Claimant to [REDACTED], and that the [REDACTED] Action was not brought using any information from Claimant.

By: Claims Review Staff

Date: November 21, 2022