

FINAL ORDER - THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON SEPTEMBER 21, 2022 AS TO CLAIMANTS 2 AND 3 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934

[REDACTED]

[REDACTED]

PRELIMINARY DETERMINATIONS OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the Securities and Exchange Commission received whistleblower award claims from three individuals for the SEC Covered Action as well as the above-referenced [REDACTED] brought by the Department of Justice ("Criminal Action"). Pursuant to Section 21F of the Securities Exchange Act of 1934 (the "Exchange Act") and Rules 21F-10 and 21F-11 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-18. The Claims Review Staff sets forth its Preliminary Determination for each award claimant as follows:

[REDACTED]

[REDACTED]

1 [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (“Claimant 2”) and [REDACTED] (“Claimant 3”)

The Claims Review Staff has preliminarily determined to recommend that the Commission deny an award to Claimant 2 and Claimant 3. No information provided by Claimant 2 or Claimant 3 led to the successful enforcement of the above-referenced Notice of Covered Action within the meaning of Section 21F(b)(1) of the Exchange Act and Rules 21F-3(a)(3) and 21F-4(c) because none of the information that these claimants submitted:

1. caused 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, and thereafter bring a successful enforcement action based in whole or in part on conduct that was the subject of the claimants’ information, under Rule 21F-4(c)(1) of the Exchange Act; or
2. significantly contributed to the success of a Commission judicial or administrative enforcement action under Rule 21F-4(c)(2) of the Exchange Act.²

² In addition, Claimant 2 and Claimant 3 also applied for a related action award in connection with the Criminal Action. Because Claimant 2 and Claimant 3 do not qualify for an award in the Covered Action, their request for a related action award is denied. A related action award may be made only if, among other things, the claimant

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[REDACTED]

[REDACTED]

In reaching this preliminary determination, we note that the record reflects that the investigation was opened based on information received from a source other than Claimant 2 and Claimant 3. By the time Enforcement staff responsible for the Covered Action received information from Claimant 2 and Claimant 3, the investigation had been ongoing for more than two years.³ The information provided by Claimant 2 and Claimant 3 related to alleged misconduct in [REDACTED], respectively, and none of the charges brought by the Commission in the Covered Action related to misconduct occurring in either country. None of the information provided by Claimant 2 or Claimant 3 was used in, or had any impact on, the charges brought by the Commission in the Covered Action. The information provided by Claimant 2 and Claimant 3 did not save Commission time or resources nor did it lead to any additional charges against the company or help advance settlement discussions with the company.⁴

By: Claims Review Staff

Date: September 19, 2022

satisfies the eligibility criteria for an award for the applicable covered action in the first instance. See 15 U.S.C. § 78u-6(b); Exchange Act Rule 21F-3(b), (b)(1); Rule 21F-4(g) and (f), and Rule 21F-11(a); *Order Determining Whistleblower Award Claims*, Release No. 34- 90247 (Oct. 22, 2020); *Order Determining Whistleblower Award Claims*, Release No. 34-84506 (Oct. 30, 2018); *Order Determining Whistleblower Award Claims*, Release No. 34-84503 (Oct. 30, 2018).

³ The record reflects that Claimant 2 also anonymously reported the alleged [REDACTED] violations in [REDACTED] to the company in [REDACTED] and Claimant 3 anonymously reported the alleged [REDACTED] violations in [REDACTED] to the company in [REDACTED], both of which were after the company self-reported to the Commission, which caused Enforcement staff to open the investigation that resulted in the Covered Action.

⁴ The record further reflects that the investigation into possible misconduct in [REDACTED] was not based on information provided by Claimant 2. The record further reflects that the investigation into possible misconduct in the [REDACTED] was not based on information provided by Claimant 3.