

FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON MAY 21, 2021 WITH RESPECT TO CLAIMANT 4 PURSUANT TO RULE 21F-10(f) OF THE EXCHANGE ACT

Notice of Covered Action [REDACTED]

PRELIMINARY DETERMINATIONS OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the U.S. Securities and Exchange Commission received four whistleblower award claims. 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 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 Determinations as follows.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Notice of Covered Action

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Notice of Covered Action

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Notice of Covered Action

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Notice of Covered Action [REDACTED]

[REDACTED] (“Claimant 4”)

The Claims Review Staff has preliminarily determined to recommend that the Commission deny an award to Claimant 4. The basis for this determination is that Claimant 4 did not timely file a Form TCR pursuant to Exchange Act Rules 21F-9(a) and (b).¹⁹

By: Claims Review Staff

Date: March 22, 2021

¹⁹ Rule 21F-9(a) provides that “[t]o be considered a whistleblower . . . you must submit your information . . . online, through the Commission’s website . . . or by mailing or faxing a Form TCR.” Rule 21F-9(b) provides that “to be eligible for an award, you must declare under penalty of perjury at the time you submit your information . . . that your information is true and correct to the best of your knowledge and belief.” Under Rule 21F-9(e), a whistleblower must follow the procedures in Rules 21F-9(a) and (b) within 30 days of when he or she provides the Commission with original information upon which the award claim is based. Also under Rule 21F-9(e), the Commission shall waive a whistleblower’s noncompliance with Rules 21F-9(a) and (b) if (i) the whistleblower demonstrates that he or she complied with the TCR filing requirements within 30 days of first obtaining actual or constructive notice of the requirements or 30 days from the date the whistleblower retains counsel to represent him or her in connection with the whistleblower’s submission of original information, whichever occurs first; and (ii) the record unambiguously demonstrates that the whistleblower would otherwise qualify for an award. Based on the current record before us, Claimant 4 does not qualify for the waiver under Rule 21F-9(e) because Claimant 4 did not comply with Rules 21F-9(a) and (b) by filing a Form TCR within 30 days of retaining counsel. Claimant 4’s counsel represented Claimant 4 in connection with Claimant 4’s [REDACTED] testimony before SEC staff, but did not file a Form TCR until [REDACTED], more than 30 days later. According to a declaration provided by Claimant 4’s counsel, Claimant 4’s counsel delayed filing a Form TCR because of counsel’s concern that a submission would have to be disclosed [REDACTED]

Similarly, based on the current record before us, the CRS has preliminarily determined not to recommend that the Commission exercise its discretionary exemptive authority under Section 36(a) of the Exchange Act to waive the Form TCR filing requirements.