

FINAL ORDER-THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON FEBRUARY 18, 2022 AS TO CLAIMANTS 6 AND 8 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934

Notice of Covered Action [REDACTED]

[REDACTED]
(the “Covered Action”)

PRELIMINARY DETERMINATIONS OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the Securities and Exchange Commission (“Commission”) received eight whistleblower award claims from the following claimants: [REDACTED]

[REDACTED] (“Claimant 6”), [REDACTED] (“Claimant 8”).

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 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]

Notice of Covered Action [REDACTED]

[REDACTED]

(the "Covered Action")

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Claimant 6

The Claims Review Staff has preliminarily determined to recommend that the Commission deny an award to Claimant 6.

Notice of Covered Action [REDACTED]

[REDACTED]
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[REDACTED]

Claimant 8

The Claims Review Staff has preliminarily determined to recommend that the Commission deny an award to Claimant 8.

Claimant 8 did not provide original information that led to a successful enforcement action pursuant to Section 21F(b)(1) of the Exchange Act and Rules 21F-3(a) and 21F-4(c) thereunder, because the information Claimant 8 provided did not: (1) under Rule 21F-4(c)(1) of the Exchange Act, 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 8’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.

[REDACTED]

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Claimant 8’s information, which was submitted after the filing of the Covered Action, was not received by Enforcement staff responsible for the Covered Action, nor did Enforcement staff responsible for the Covered Action have any communications with Claimant 8. Enforcement staff did not rely upon Claimant 8’s allegations when conducting the investigation, and Claimant 8’s information was not used in, nor had any impact on, the charges brought by the Commission in the Covered Action.

The Claims Review Staff has also preliminarily determined to recommend that the Commission deny an award to Claimant 8 for failure to comply with Rule 21F-10(b), which provides that a claimant’s WB-App must be received by OWB within 90 calendar days of the date of the Notice of Covered Action to be considered for an award. Claimant 8’s WB-App for the Covered Action was 41 days late. Nor does Claimant 8 qualify for a waiver from the timely filing requirement under Rule 21F-8 as his/her reason for failure to timely file—that Claimant 8 was busy— was not an extraordinary circumstance; nor does it justify the Commission’s use of exemptive authority under Section 36(a) of the Exchange Act.

By: Claims Review Staff

Date: December 20, 2021