

FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON NOVEMBER 27, 2023, AS TO CLAIMANT 2 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934

Notice of Covered Action [REDACTED]

Reference Number: 11272023

PRELIMINARY DETERMINATIONS OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the Securities and Exchange Commission (“Commission”) received two whistleblower award claims for the above-referenced SEC enforcement action (“Covered 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]

[REDACTED]

[REDACTED]

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

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[REDACTED]

[REDACTED] (“Claimant 2”)

The CRS has preliminarily determined to recommend that the Commission deny an award to Claimant 2. No information submitted by Claimant 2 led to the successful enforcement of the 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 Claimant 2’s information:

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 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.

In making the determination, the CRS notes that the record reflects that Claimants 2’s information was submitted approximately a year after the Covered Action was filed. Claimant 2’s information did not cause the opening of the Covered Action investigation, which was opened based on information submitted by Claimant 1. Additionally, none of Claimants 2’s information contributed to the success of the Covered Action. Enforcement staff responsible for the Covered Action did not receive or review Claimant 2’s information or communicate with

⁴ [REDACTED]

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Claimant 2. Therefore, Claimants 2’s information had no impact on the staff’s investigation or the Covered Action.⁵

By: Claims Review Staff

Date: September 26, 2023

⁵ Claimant 2 also applied for a related action award in connection with an action brought by the [REDACTED] [REDACTED]. Because Claimant 2 is not eligible for an award in an SEC Covered Action, Claimant 2 is not eligible for an award in a related action. *See* Rules 21F-3(b)(1); 21F-11(a). *See also Order Determining Whistleblower Award Claims*, Exchange Act Release No. 86902 (Sept. 9, 2019).