

**FINAL ORDER - THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON FEBRUARY 13, 2015 PURSUANT TO RULE 21F-10(f) OF THE EXCHANGE ACT**

Notice of Covered Action 2012-66

*SEC v. James Roland Dial, Evan Nicolas Jarvis, and Alexander W. Ellerman*, 4:12-CV-01654 (S.D. Tex. 2012)

**PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF**

In response to the above-referenced Notice of Covered Action, the Securities and Exchange Commission (the “Commission”) received a timely whistleblower award claim from Claimant (“Claimant”). 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 claim in accordance with the criteria set forth in Rules 21F-1 through 21F-17. The Claims Review Staff has recommended that the Commission deny an award to Claimant. The basis for this determination is as follows:

1. The information provided by Claimant prior to July 21, 2010 is not “original information” within the meaning of Section 21F(a)(1) of the Exchange Act and Rule 21F-4(b)(1)(iv) thereunder because it was not provided to the Commission for the first time after July 21, 2010.
2. The information provided by Claimant after July 21, 2010 did not lead to successful enforcement of a covered judicial or administrative action within the meaning of Section 21F(b)(1) of the Exchange Act and Rules 21F-3(a) and 21F-4(c) thereunder because it did not:
  - a. cause 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
  - b. significantly contribute to the success of a Commission judicial or administrative enforcement action under Rule 21F-4(c)(2) of the Exchange Act.
3. Claimant is not a “whistleblower” within the meaning of Section 21F(a)(6) of the Exchange Act and Rule 21F-2 thereunder because Claimant did not provide the Commission with information relating to a possible violation of the federal securities laws in accordance with the procedures set forth in Rule 21F-9(a) under the Exchange Act.

By: Claims Review Staff  
Date: December 15, 2014