

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 94020 / January 21, 2022

WHISTLEBLOWER AWARD PROCEEDING
File No. 2022-32

In the Matter of the Claim for an Award

in connection with

"Redacted"

Notice of Covered Action "Redacted"

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIM

The Claims Review Staff ("CRS") issued a Preliminary Determination recommending that "Redacted" ("Claimant") receive a whistleblower award of thirty percent (30%) of the monetary sanctions collected, or to be collected, in the above-referenced Covered Action (the "Covered Action").

The recommendation of the CRS is adopted. The record demonstrates that Claimant voluntarily provided original information to the Commission that led to the successful enforcement of the Covered Action.¹

Rule 21F-6(c) establishes a presumption of a statutory maximum award of 30% where (1) the maximum award would be \$5 million or less; (2) none of the negative award factors under Rule 21F-6(b)—*i.e.*, culpability, unreasonable reporting delay, or interference with an internal compliance and reporting system—are present; and (3) the award claim does not trigger Rule 21F-16.² The Commission may depart from the presumption if (1) the assistance provided by

¹ See Securities Exchange Act of 1934 ("Exchange Act") Section 21F(b)(1), 15 U.S.C. § 78u-6(b)(1); Exchange Act Rule 21F-3(a), 17 C.F.R. § 240.21F-3(a).

² Rule 21F-16 concerns whistleblowers who engage in culpable conduct. See 17 C.F.R. § 240.21F-16.

the whistleblower was, “under the relevant facts and circumstances, limited,” or (2) a maximum award “would be inconsistent with the public interest, the promotion of investor protection, or the objectives of the whistleblower program.”³

The presumption applies here because a maximum award would not exceed \$5 million, no negative factors under Rule 21F-6(b) are present with respect to the award application, and the award claim does not trigger Rule 21F-16. In addition, the Commission finds that the presumption is not overcome, as Claimant provided more than limited assistance. The Commission also finds that application of the presumption would not be inconsistent with the public interest, the promotion of investor protection, or the objectives of the whistleblower program.⁴

In reaching this determination, the Commission considered that Claimant expeditiously alerted the Commission to the ongoing fraud, prompting the opening of an investigation into the alleged misconduct. Claimant also provided testimony, documents and additional information that assisted the staff in its investigation, saving significant Commission time and resources. Finally, all of the charges brought by the Commission were based, in part, on information provided by Claimant. Because of the lack of collections in this matter, a 30% award would result in no current payment to Claimant.

Accordingly, it is hereby ORDERED that Claimant shall receive an award of thirty percent (30%) of the monetary sanctions collected or to be collected in the Covered Action.

By the Commission.

Vanessa A. Countryman
Secretary

³ Rule 21F-6(c)(1)(iv); 17 C.F.R. § 240.21F-6(c)(1)(iv).

⁴ *Id.*