Notice of Covered Action: [redacted]

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the U.S. Securities and Exchange Commission received a whistleblower award claim from [redacted] ("Claimant") for the above-referenced Covered Action. 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 above claim in accordance with the criteria set forth in Rules 21F-1 through 21F-17.

The Claims Review Staff has preliminarily determined to recommend that the Commission deny the above award claim.[1] The basis for this determination is marked below as follows:

☒ **Claimant is not a "whistleblower" under Exchange Act Rule 21F-2(a)(1) with respect to the Covered Action. To qualify as a whistleblower, an individual must (among other things) provide information regarding a potential securities law violation to the Commission in the form and manner that is required by Exchange Act Rule 21F-9(a), which Claimant did not do.[2]**

By: Claims Review Staff

Date: November 23, 2020

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[1] To date, there have been no collections in the Covered Action, and none are anticipated. To the extent Claimant has applied for an award in a related action, because Claimant is not eligible for an award in an SEC Covered Action, he/she is not eligible for an award in connection with any related action. *See* 15 U.S.C. § 78u-6(b); Exchange Act Rule 21F-3(b), (b)(1); Rule 21F-4(g) and (f); Rule 21F-11(a); *see also* Order Determining Whistleblower Award Claim, Release No. 34-86902 (Sept. 9, 2019).

[2] Based on the record before the Claims Review Staff, it appears that on [redacted], Claimant communicated with Commission staff and sent a fax on behalf of [redacted] ("Company"). Claimant was therefore reporting potential violations of the securities laws on behalf of the Company rather than doing so in [redacted] individual capacity. As such, Claimant was not a "whistleblower" as defined under Exchange Act Rule 21F-2(a)(1). *See Order Determining Whistleblower Award Claim*, Rel. No. 34-85793 (May 7, 2019).