

FINAL ORDER — THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION WITH RESPECT TO CLAIMANT #5 ON MAY 27, 2016 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT

Notice of Covered Action <sup>Redacted</sup>  
<sub>Redacted</sub>

**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 whistleblower award claims from <sup>Redacted</sup> <sub>Redacted</sub> (“Claimant 1”), <sup>Redacted</sup> <sub>Redacted</sub> (“Claimant 2”), <sup>Redacted</sup> <sub>Redacted</sub> (“Claimant 3”), <sup>Redacted</sup> <sub>Redacted</sub> (“Claimant 4”), <sup>Redacted</sup> <sub>Redacted</sub> (“Claimant 5”) and <sup>Redacted</sup> <sub>Redacted</sub> (“Claimant 6”) (collectively, the “Claimants”). 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-17. The Claims Review Staff has preliminarily recommended that the Commission deny<sup>2</sup> an award to the Claimants. The bases for this determination are as follows:

1. The information provided by the Claimants 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.
2. Claimant 5 is not an “original source” under Rule 21F-4(b)(5) for the information <sup>Redacted</sup> provided to the Commission because such information does not meet the definition of “original information”, a prerequisite for the application of Rule 21F-4(b)(5). <sup>Redacted</sup> did not provide the information at issue to the

<sup>1</sup> Based on the record, Claimant 4 and Claimant 5 appear to be the same individual. If that is so, the individual claimant must explain in any response to this preliminary determination why <sup>Redacted</sup> has submitted separate award applications under different names using different attorneys, including why <sup>Redacted</sup> failed to disclose that to us. If that is not the case, both individuals must include with any response that they each submit to this preliminary determination, information that would allow us to confirm that they are separate individuals. Either the failure to submit the requested information, or the submission of false, fictitious, or fraudulent information, could be the basis for an award denial. *See* Exchange Act Rule 21F-8(c); *see also id.* 21F-8(b) & 21F-10(d).

<sup>2</sup> Claimants 1 through 5 also claim an award in connection with an action brought by <sup>Redacted</sup> <sub>Redacted</sub> <sup>Redacted</sup> captioned <sup>Redacted</sup> as a “related action”. These claimants are not eligible for an award under the Commission’s whistleblower program in connection with <sup>Redacted</sup> because none is eligible, for the reasons stated herein, for an award in connection with this Covered Action. *See* Exchange Act Rule 21F-3(b) (defining a “related action” as one “based on the same original information that the whistleblower voluntarily provided to the Commission and that led the Commission to obtain monetary sanctions totaling more than \$1,000,000.”).

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Commission for the first time after July 21, 2010, as required by Rule 21F-4(b)(1)(iv) to be considered “original information.”

3. Claimant 6 did not submit a Form WB-APP for the Notice of Covered Action to the Office of the Whistleblower within ninety (90) calendar days of the date of the Notice of Covered Action as required by Rule 21F-10(b) of the Exchange Act in order to be considered for an award.

By: Claims Review Staff  
Date: February 1, 2016