

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON DECEMBER 11, 2018 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934**

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**Notice of Covered Action**

**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 one whistleblower award claim from <sup>Redacted</sup> (“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 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. The basis for this determination is as follows.

First, Claimant is not a “whistleblower” under Exchange Act Rule 21F-2(a)(1). To qualify as a whistleblower, an individual must provide the Commission with information relating to a possible securities law violation pursuant to the procedures set forth in Exchange Act Rule 21F-9(a), which Claimant did not do. Specifically, Claimant did not submit Claimant’s information on Form TCR or through the Commission’s on-line system.<sup>1</sup> Second, Claimant is not eligible for an award because Claimant did not sign the whistleblower declaration as required under Exchange Act Rule 21F-9(b).

In reaching this determination, we note that while Claimant asserts that <sup>\*\*\*</sup> provided information to various government agencies, <sup>\*\*\*</sup> does not contend that <sup>\*\*\*</sup> provided any information directly to the Commission or had any communications with Commission staff, and that the record reflects that Claimant did not provide a tip to the Commission on Form TCR or through the Commission’s on-line portal. Any information Claimant might have provided solely

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<sup>1</sup> Although the requirements of Rule 21F-9(a) could also be satisfied by another form of writing if submitted after the effective date of Section 21F of the Exchange Act and before August 12, 2011 (the effective date of the Commission’s whistleblower rules), *see* Rule 21F-9(d), we find no evidence of any such qualifying submission from Claimant.

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to these other government entities, and not directly to the Commission in accordance with the procedures set forth in Rule 9(a), could not be the basis for an award.<sup>2</sup>

By: Claims Review Staff

Date: August 3, 2018

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<sup>2</sup> See Final Order of the Commission, Exchange Act Release No. 80596 at \*6 n.9 (May 4, 2017); see generally Rule 21F-4(b)(7) (permitting an individual the benefit of having submitted information to another agency which provided the information to the Commission *only if* the individual submitted the same information directly to the Commission within 120 days). Claimant also applied for a related action award in connection with a parallel criminal action. Because Claimant does not qualify for an award in the Covered Action brought by the Commission, Claimant's request for a related action award is denied. A related action award may be made only if, among other things, the claimant satisfies the eligibility criteria for an award for the applicable covered action in the first instance. 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).