

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF
THE COMMISSION ON AUGUST 4, 2025 PURSUANT TO RULE 21F-10(f) OF
THE SECURITIES EXCHANGE ACT OF 1934**

Notice of Covered Action: [REDACTED]
[REDACTED]

OWB Reference No. 08042025

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action (the “Action”), the Securities and Exchange Commission (“Commission”) received a whistleblower award claim from [REDACTED] (“Claimant”).

The Claims Review Staff has preliminarily determined to recommend that the Commission deny Claimant’s claim. To qualify for an award under Section 21F of the Exchange Act, a whistleblower must voluntarily provide the Commission with original information that leads to the successful enforcement of a covered action.¹ Pursuant to Rule 21F-3(a)(3), “the Commission will pay an award or awards to one or more whistleblowers who: (1) Voluntarily provide the Commission (2) With original information (3) That leads to the successful enforcement by the Commission of a Federal court or administrative action.”

Claimant submitted his/her information to the Commission almost five years *after* the entry of the [REDACTED] final judgment (“[REDACTED] Judgment”) in the Action. Thus, Claimant’s information did not help the Commission establish the elements of the securities-law violations charged in the underlying Action. While the record reflects that information derived from Claimant’s information was used in the Commission’s post-judgment supplemental briefing preceding the court’s [REDACTED] amended final judgment (“[REDACTED] Amended Judgment”), the [REDACTED] Amended Judgment did not resolve any new charges or award any new relief for the charges already asserted. The [REDACTED] Amended Judgment reinstated payment of the disgorgement and interest the court had waived in the [REDACTED] Judgment and imposed a civil penalty it had declined to impose based on the defendant’s purported financial condition. In other words, Claimant’s information had no bearing at all on the Commission’s entitlement to relief in its own right. Instead, Claimant’s information related to the falsity of the defendant’s representations and thus to the collectability of relief that had been contemplated but waived in the [REDACTED] Judgment. As made clear by the language in the court’s [REDACTED] Amended Judgment, “Defendant is liable for reinstated disgorgement of [REDACTED] . . . [and] is further liable for a reinstated civil penalty in the amount of [REDACTED]”

The [REDACTED] Judgment itself expressly stated that “the Court is not ordering Defendant to pay a civil penalty,” not because the Commission had failed to demonstrate that a penalty was warranted, but rather “[b]ased on Defendant’s sworn representations in [REDACTED] financial

¹ See Exchange Act Section 21F(b)(1), 15 U.S.C. § 78u-6(b)(1).

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Declaration.” Similarly, the [REDACTED] Judgment reiterated that “[t]he determination not to impose a civil penalty . . . is contingent upon the accuracy and completeness of Defendant’s financial Declaration.” Accordingly, Claimant’s information concerned only the collectability of relief that was waived in the [REDACTED] Judgment based on the defendant’s purported inability to pay—and had no bearing on whether that relief was warranted in its own right.

By: Claims Review Staff

Date: April 29, 2025