

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 70775 / October 30, 2013

WHISTLEBLOWER AWARD PROCEEDING
File No. 2014-2

In the Matter of the Claim for Award

in connection with

Redacted

Redacted

Redacted

Notice of Covered Action Redacted

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIM

On August 12, 2013, the Claims Review Staff issued a Preliminary Determination related to Notice of Covered Action Redacted (the “Covered Action”). The Preliminary Determination recommended that Claimant #1 receive a whistleblower award because ** voluntarily provided original information to the Commission that led to the successful enforcement of the Covered Action pursuant to Section 21F(b)(1) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-6(b)(1), and Rule 21F-3(a) thereunder, 17 C.F.R. § 240.21F-3(a). Further, the Claims Review Staff recommended that such award be set in the amount of thirty percent (30%), in total, of the monetary sanctions collected or to be collected in the Covered Action. In arriving at this recommendation, the Claims Review Staff considered the factors set forth in Rule 21F-6, 17 C.F.R. § 240.21F-6, in relation to the facts and circumstances of Claimant #1 application.¹

¹ The Preliminary Determination of the Claims Review Staff also denied an award to Claimant #2 Claimant #2. However, Claimant #2 subsequently withdrew ** application for an award and is, therefore, no longer a claimant in this matter. Notably, this claimant subsequently sought to revoke ** withdrawal, but that request was denied because: (i) ** withdrawal was voluntary and unconditional, a fact which ** did not dispute; (ii) ** failed to provide a “good cause” explanation for seeking reinstatement of ** application, *see, generally, Aeronautical Radio, Inc. v. F.C.C.*, 983 F.2d 275, 282 (D.C. Cir. 1993); and (iii) ** did not identify any factual or legal basis to suggest that the Claims Review Staff’s preliminary determination with respect to ** award application was incorrect and, thus, reinstating ** application would have needlessly tied up the processes and limited resources of the Commission’s whistleblower program.

On September 6, 2013, Claimant #1 provided written notice to the Commission of its decision not to contest the Preliminary Determination within the 60-day deadline set out in Rule 21F-10(e) promulgated under the Exchange Act, 17 C.F.R. § 240.21F-10(e), and, pursuant to Rule 21F-10(f) thereunder, 17 C.F.R. § 240.21F-10(f), the Preliminary Determination became the Proposed Final Determination of the Claims Review Staff.

Upon due consideration under Rule 21F-10(f) and (h), 17 C.F.R. § 240.21F-10(f) and (h), and for the reasons set forth in the Proposed Final Determination, it is hereby ORDERED that Claimant #1 shall receive an award of thirty percent (30%) of the monetary sanctions collected in this Covered Action, including any monetary sanctions collected after the date of this Order.

By the Commission.

Elizabeth M. Murphy
Secretary