UNITED STATES OF AMERICA

before the

SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 82214 / December 5, 2017

WHISTLEBLOWER AWARD PROCEEDING

File No. 2018-3

In the Matter of the Claim for Award

in connection with

Redacted

Notice of Covered Action Redacted

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIM

The Claims Review Staff ("CRS") issued a Preliminary Determination recommending that Claimant Redacted receive a whistleblower award in the amount of Redacted percent (***%) of the monetary sanctions collected, or to be collected, in the Covered Action. This proposed award would yield a likely payout to the Claimant of more than $4.1 million. Claimant subsequently provided written notice of Claimant's decision not to contest the Preliminary Determination.

The recommendation of the CRS is adopted. The record demonstrates that the Claimant 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).

Moreover, applying the award criteria specified in Rule 21F-6 of the Exchange Act to the specific facts and circumstances here, we find that the proposed award amount is appropriate.[1] In reaching that determination, we positively assessed the facts that the

---

[1] In assessing the appropriate award amount, Rule 21F-6 provides that the Commission consider: (1) the significance of information provided to the Commission; (2) the assistance provided in the Commission action; (3) law enforcement interest in deterring violations by granting awards; (4) participation in internal compliance systems; (5) culpability; (6)

Claimant was a former company insider who both alerted the Commission to a widespread, multi-year securities-law violation, and continued to provide important information and assistance throughout the Commission's investigation. Nonetheless, we have determined that these positive award considerations are somewhat offset by the Claimant's unreasonable delay in reporting the misconduct to the Commission. On balance, we believe that these competing considerations support the CRS's award determination.[2]

Accordingly, it is hereby ORDERED that Claimant shall receive an award of Redacted percent (***%) of the monetary sanctions collected in this Covered Action, including any monetary sanctions collected after the date of this Order.

By the Commission.

Brent J. Fields
Secretary

---

unreasonable reporting delay; and (7) interference with internal compliance and reporting systems.

[2] We have not weighed the Claimant's delay as severely as we might otherwise have done due to the existence of several mitigating factors that we find relevant given the particular facts and circumstances of this matter. We set forth two of those mitigating factors herein. *First*, much of the Claimant's reporting delay occurred prior to the establishment of the whistleblower award program in July 2010, and we have generally not penalized whistleblowers as severely for such delays due to the absence of the substantial inducements that Section 21F of the Exchange Act provides. *See, e.g.*, Exchange Act §§ 21F(a)-(c) (award program); *id.* § 21F(d) (anonymity); *id.* § 21F(heightened confidentiality protections). *Second*, the Claimant was a foreign national working outside the United States, and as such, it is unclear whether the employment anti-retaliation protections afforded by Section 21F(h)(1) of the Exchange Act would apply to the Claimant. *See Liu v. Siemens AG*, 763 F.3d 175 (2d Cir. 2014) (holding that "the whistleblower antiretaliation provision of the [Exchange] Act, 15 U.S.C. § 78u-6(h), does not apply extraterritorially").