

UNITED STATES OF AMERICA

before the

SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 83037 / April 12, 2018

WHISTLEBLOWER AWARD PROCEEDING

File No. 2018-9

In the Matter of the Claim for Award

in connection with

Redacted

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Redacted

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIM

The Claims Review Staff (“CRS”) issued a Preliminary Determination recommending that ^{Redacted} (“Claimant”) receive a whistleblower award in the amount of ^{Redacted} percent (%) of the monetary sanctions collected, or to be collected, in the above-referenced Covered Actions. This proposed award would yield a likely payout to the Claimant of more than \$2.1 million.¹ Claimant subsequently provided written notice of Claimant’s decision not to contest the Preliminary Determination.

The recommendation of the CRS with respect to the Covered Actions is adopted. We find that the record demonstrates that the Claimant voluntarily provided original information to the Commission that led to the successful enforcement of the Covered Actions pursuant to Section 21F(b)(1) of the Securities Exchange Act of 1934 (the

¹ We note that one of the Covered Actions included ^{Redacted}. Exchange Act Rule 21F-4(e) defines “monetary sanctions” to mean “any money, including penalties, disgorgement, and interest, ordered to be paid . . . as a result of a Commission action or a related action.” (emphasis added). As such, in our view, ^{Redacted} is not a “monetary sanction,” ^{Redacted}, and cannot be included for purposes of calculating a whistleblower award.

“Exchange Act”), 15 U.S.C. § 78u-6(b)(1), and Rule 21F-3(a) thereunder, 17 C.F.R. § 240.21F-3(a).

Turning to the award amount, we have applied the award criteria identified in Rule 21F-6 of the Exchange Act to the specific facts and circumstances here.² In doing so, we find that the CRS’s proposed award determination is appropriate. We positively assessed the facts that the Claimant was a former company insider whose information strongly supported the findings in the Covered Actions and who thereafter continued to provide ongoing helpful assistance to the staff during the Commission’s investigation. We also negatively assessed the fact that Claimant unreasonably delayed in reporting the information to the Commission for approximately ten months.

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

By the Commission.

Brent J. Fields
Secretary

² In assessing the appropriate award amount, Exchange Act 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) unreasonable reporting delay; and (7) interference with internal compliance and reporting systems.