

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 91525 / April 9, 2021

WHISTLEBLOWER AWARD PROCEEDING
File No. 2021-38

In the Matter of the Claim for an Award

in connection with

Redacted

Redacted

Notice of Covered Action Redacted

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIM

The Claims Review Staff (“CRS”) issued a Preliminary Determination recommending that ^{Redacted} (“Claimant”) receive a whistleblower award equal to thirty percent (30%) of the amounts collected or to be collected in the above-referenced Covered Action (“Covered Action”). Claimant provided written notice of Claimant’s decision not to contest the Preliminary Determination.¹

The recommendation of the CRS is adopted. The record demonstrates that Claimant voluntarily provided original information to the Commission and that this information led to the successful enforcement of the Covered Action.

Rule 21F-6(c) establishes a presumption of a statutory maximum award of 30 percent where the maximum award would be \$5 million or less and none of the negative award factors under Rule 21F-6(b)—*i.e.*, culpability, unreasonable reporting delay, or interference with an internal compliance and reporting system, are present and the award claim does not trigger Rule 21F-16 (concerning whistleblowers who engage in culpable conduct). The Commission may

¹ The CRS also preliminarily determined to recommend that a second claimant’s award claim be denied. The second claimant did not request reconsideration, and as such, the preliminary denial is now deemed to be the Final Order of the Commission by operation of law.

depart from the presumption if (1) the assistance provided by the whistleblower was, “under the relevant facts and circumstances, limited,” or (2) a maximum award “would be inconsistent with the public interest, the promotion of investor protection, or the objectives of the whistleblower program.”²

The presumption applies here because a statutory maximum award would not exceed \$5 million, no negative factors under Rule 21F-6(b) are present with respect to Claimant’s award application, and the award claim does not trigger Rule 21F-16. In addition, the Commission finds that application of the presumption is not inappropriate, as Claimant provided more than limited assistance and it would not be inconsistent with the public interest, the promotion of investor protection, or the objectives of the whistleblower program to do so.

Claimant provided new, detailed and firsthand information that significantly contributed to the Commission’s ongoing investigation, including critical documents. Claimant also provided continuing assistance to Commission staff, which helped the Commission shut down an ongoing offering fraud preying on retail investors. There also have been no collections to date.

Accordingly, it is hereby ORDERED that Claimant shall receive an award equal to thirty percent (30%) of the monetary sanctions collected or to be collected in the Covered Action.

By the Commission.

Vanessa A. Countryman
Secretary

² Rule 21F-6(c)(1)(iv).