ORDER DETERMINING WHISTLEBLOWER AWARD CLAIM

Claimant filed a timely whistleblower award claim pursuant to section 21F of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78u-6, in connection with Notice of Covered Action. The Claims Review Staff (“CRS”) issued a Preliminary Determination recommending that Claimant’s claim should be denied. Claimant now has filed a response contesting the Preliminary Determination. For the reasons set forth below, Claimant’s claim is denied.

I. Background

A. Claimant’s Tip and the Commission’s Covered Action

In approximately April 2006, Claimant submitted information to the Securities and Exchange Commission (the “Commission”) about suspected accounting fraud at Redacted. At that time, Claimant was the company’s CEO. After May 2006, Claimant did not provide any additional information to the Commission relating to the alleged fraud.

On Redacted, the Commission filed an enforcement action against Redacted for operating a financial fraud at Redacted. The Commission’s action alleged that Redacted violated various anti-fraud provisions of the federal securities
laws, as well as registration and books and records provisions. agreed to the
entry of consent judgments that included a total of $ in disgorgement, penalties, and
prejudgment interest.

On , the district court entered in favor of the
Commission. Among other relief, the court ordered that pay in civil
penalties, $ in disgorgement, and $ in prejudgment interest.

As noted above, Claimant filed a timely whistleblower award claim based on Notice of
Covered Action , which was posted on . On , the
CRS made a Preliminary Determination recommending that Claimant’s claim should be denied. The Preliminary Determination concluded that Claimant’s information was not “original
information” because it was not submitted after July 21, 2010, the date that Section 21F was
added to the Exchange Act by the Dodd-Frank Wall Street Reform and Consumer Protection
Act.1

B. Claimant’s Response to the Preliminary Determination

On , Claimant submitted a response contesting the Preliminary
Determination pursuant to Rule 21F-10(e)(2) under the Exchange Act. Rule 21F-10(e)(2)
provides that a claimant seeking to contest a Preliminary Determination must submit a written
response within 60 days that “sets forth the grounds for your objection to either the denial of an
award or the proposed amount of an award.” 17 C.F.R. § 240.21F-10(e)(2).

Claimant’s response argues that:

In the response, Claimant does not claim that provided any information to the

II. Analysis

To be considered for an award under Section 21F, a whistleblower must voluntarily


2 Redacted
provide the Commission with “original information” that leads to the successful enforcement of a covered judicial or administrative action or related action. 15 U.S.C. § 78u-6(b)(1). Under Rule 21F-4(b)(1)(iv), information will be considered “original information” only if it was provided to the Commission for the first time after July 21, 2010. 17 C.F.R. § 240.21F-4(b)(1)(iv). Claimant has not provided the Commission with any information about this covered action since Redacted, and -- has not claimed otherwise in -- response. The information Claimant provided to the Commission therefore is not “original information” and does not provide a basis for a whistleblower award.

III. Conclusion

Accordingly, it is ORDERED that Claimant’s whistleblower award claim be, and hereby is, denied.

By the Commission.

Elizabeth M. Murphy
Secretary