

FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION WITH RESPECT TO CLAIMANT #2 ON MAY 24, 2015 PURSUANT TO RULE 21F-10(f) OF THE EXCHANGE ACT

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PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the Securities and Exchange Commission received two timely whistleblower award claims. Pursuant to Section 21F of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 21F-10 promulgated thereunder, the Claims Review Staff has evaluated each of these claims in accordance with the criteria set forth in Rules 21F-1 through 21F-17. The Claims Review Staff sets forth its Preliminary Determination for each award claimant as follows.

Claimant #1

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Page 2

Claimant #2

Claimant

The Claims Review Staff has preliminarily determined to recommend that the Commission deny an award to Claimant #2. Claimant #2 did not provide information that led to the successful enforcement of the Covered Action within the meaning of Section 21F(b)(1) of the Exchange Act and Rules 21F-3(a)(3) and 21F-4(c) thereunder because Claimant #2 did not:

1. cause the Commission to (i) commence an examination, (ii) open or reopen an investigation, or (iii) inquire into different conduct as part of a current Commission examination or investigation under Rule 21F-4(c)(1) of the Exchange Act; or
2. significantly contribute to the success of a Commission judicial or administrative enforcement action under Rule 21F-4(c)(2) of the Exchange Act.³

By: Claims Review Staff

Date: March 25, 2015

³ It should be noted that Claimant #2 signed a declaration under penalty of perjury that information provided on the Form WB-APP was "true, correct and complete." Claimant #2 made a clear false and fictitious statement on the Form WB-APP by claiming to be entitled to an award notwithstanding the lack of even a superficial factual nexus between any information Claimant #2 provided to the Commission and the Covered Action. If Claimant #2 continues to pursue any pending claims based upon similar false or fictitious statements, or makes any more false and fictitious statements in any filing with the Commission, the Claims Review Staff will consider recommending that the Commission, pursuant to Rule 21F-8(c)(7) under the Exchange Act, determine that Claimant is ineligible for any pending or future whistleblower awards. See Final Order of the Commission Denying Whistleblower Award (May 12, 2014).