

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER
OF THE COMMISSION ON APRIL 26, 2016
PURSUANT TO RULE 21F-10(f) OF THE EXCHANGE ACT**

Notice of Covered Action Redacted
Redacted
Redacted

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the Securities and Exchange Commission (the “Commission”) received one timely whistleblower award claim from Claimant (“Claimant”). 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 the claim in accordance with the criteria set forth in Rules 21F-1 through 21F-17. The Claims Review Staff has recommended that the Commission deny an award to Claimant. The basis for this determination is as follows:

1. The information provided by Claimant prior to July 21, 2010 is not “original information” within the meaning of Section 21F(a)(1) of the Exchange Act and Rule 21F-4(b)(1)(iv) thereunder because it was not provided to the Commission for the first time after July 21, 2010, the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act.¹
2. With respect to information that Claimant provided after July 21, 2010, that information did not lead to the successful enforcement of the referenced 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 none of the information that Claimant submitted:
 - a. caused 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

¹ See *Stryker v. SEC*, 780 F.3d 163 (2d Cir. 2015); In the Matter of the Claim for Award in connection with *SEC v. Advanced Technologies Group LTD, Alexander Stelmak, and Abelis Raskas, LLC*, 10-cv-4868 (S.D.N.Y. 2011), Release No. 70772 (October 30, 2013), at 8-12.

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- b. significantly contributed to the success of a Commission judicial or administrative enforcement action under Rule 21F-4(c)(2) of the Exchange Act.²

By: Claims Review Staff

Date: February 26, 2016

² Although not a basis for our preliminary determination, we also note that Claimant is not a “whistleblower” within the meaning of Section 21F(a)(6) of the Exchange Act and Rule 21F-2(a) thereunder, and is not eligible for an award, because Claimant did not provide the Commission with information relating to a possible violation of the federal securities laws in accordance with the procedures set forth in Rule 21F-9 under the Exchange Act.