

FINAL ORDER - THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION WITH RESPECT TO CLAIMANT 2 ON MAY 2, 2017 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934

Notice of Covered Action Redacted

Redacted

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the Securities and Exchange Commission received two 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 both 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.

Redacted

Redacted

Redacted

Redacted

Redacted

Claimant 2 Redacted

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

Redacted

Redacted

Page 2

2. significantly contribute to the success of a Commission judicial or administrative enforcement action under Rule 21F-4(c)(2) of the Exchange Act.¹

By: Claims Review Staff

Date: March 3, 2017

¹ The following facts derived from the administrative record support this determination. First, when Claimant 2 submitted his tip, the investigation that resulted in the Covered Action had already been ongoing for nearly two years. Second, as demonstrated by both the staff declaration from a member of the Enforcement team handling the investigation and the Commission's computer system that records where tips are assigned once they are submitted, Claimant 2's tip was not provided to the investigative staff handling the ongoing investigation nor was the investigative staff made aware of the tip at any time prior to the resolution of the Covered Action. Third, although Claimant 2's tip did concern Redacted the allegations in the tip did not relate to the misconduct that was the subject of the Commission's ongoing investigation or the violations that were the basis for the resulting Covered Action.