FINAL ORDER-THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON SEPTEMBER 11, 2017 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934

Notice of Covered Action 2012-24
SEC v. Daniel E. Ruettiger, et al., 11-cv-02011 (D. Nev.)

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Covered Action, the Securities and Exchange Commission (the "Commission") received one timely whistleblower award claim from Redacted Redacted ("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 preliminarily determined to recommend that the Commission deny an award to Claimant. The basis for this determination is as follows:

First, to the extent that the Claimant's award application is based on information provided to the Commission on or before July 21, 2010, that information does not constitute "original information," as that term is defined under Rule 21F-4(b)(1) of the Exchange Act and, thus, cannot serve as the basis for an award.[1]

Second, Claimant did not provide information that led to the successful enforcement by the Commission of a federal court or administrative action with respect to the above referenced Covered Action, as required by Rules 21F-3(a)(3) and 21F-4(c) of the Exchange Act because Claimant did not:

a. 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

b. significantly contribute 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: July 11, 2017

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[1] Only new information provided to the Commission for the first time after the enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act may qualify as "original information." *See Stryker v. SEC*, 780 F.3d 163 (2d Cir. 2015).

[2] We note that, to the extent that Claimant's Redacted email to Enforcement staff included an Redacted promotions mailer, we preliminarily find that this information does not qualify as "original information" so as to support an award. *See* Exchange Act Rule 21F-(b)(1). The staff had already received a copy of this mailer several years earlier and, in any event, it was not derived from Claimant's "independent knowledge" because it was publicly available on the internet, *see* Exchange Act Rule 21F-4(b)(2).