

UNITED STATES OF AMERICA

before the

SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 86431 / July 23, 2019

WHISTLEBLOWER AWARD PROCEEDING

File No. 2019-8

In the Matter of the Claim for Award

in connection with

Notice of Covered Action: ^{Redacted}

Redacted

Redacted

Redacted

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIM

The Claims Review Staff (“CRS”) issued a Preliminary Determination recommending that ^{Redacted} (“Claimant”) receive a whistleblower award in the amount of ^{Redacted} percent (^{***} %) of the monetary sanctions collected in the above-referenced Covered Action for a payout of approximately \$500,000. Claimant provided written notice of Claimant’s decision not to contest the Preliminary Determination.

The recommendation of the CRS is adopted. The record demonstrates that Claimant, a foreign resident, voluntarily provided original information to the Commission that led to the successful enforcement of the above-referenced Covered Action pursuant to Section

21F(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”)¹ and Rule 21F-3(a) thereunder.²

Applying the award criteria specified in Rule 21F-6 of the Exchange Act to the specific facts and circumstances here, we find the proposed award amount is appropriate.³ In reaching that determination, we positively assessed the following facts: Claimant’s tip was the first information on the charged misconduct that the Commission received; Claimant expeditiously reported to the Commission and pointed Enforcement staff to an important witness; and without Claimant’s tip, the violations at issue would have been difficult to identify and prove, in part because the misconduct occurred abroad. We also took into account that Claimant was not in a position to provide continuing assistance, and other witnesses provided the information to substantiate Claimant’s tip.

Upon due consideration under Rules 21F-10(f) and (h) of the Exchange Act, the Preliminary Determination of the CRS is adopted. Accordingly, for the reasons set forth in the Preliminary Determination, it is hereby ORDERED that Claimant shall receive an award of Redacted percent (%) of the monetary sanctions collected in the Covered Action.

By the Commission.

Vanessa A. Countryman
Secretary

¹ 15 U.S.C. § 78u-6(b)(1). Although not the sole source of information, Claimant’s tip was a principal motivating factor in the decision to investigate the misconduct. *See* Proposed Rules for Implementing the Whistleblower Provisions of Section 21F of the Securities Exchange Act of 1934, Release No. 34-63237, 75 FR 70488, 70497 (Nov. 3, 2010) (Rule 21F-4(c)(1) “does not necessarily contemplate that the whistleblower’s information will be the only information that the staff obtains before deciding to proceed. However, the proposed rule would apply when the whistleblower gave the staff information about conduct that the staff is not already investigating or examining, and that information was a principal motivating factor behind the staff’s decision to begin looking into the whistleblower’s allegations.”).

² 17 C.F.R. § 240.21F-3(a).

³ In assessing the appropriate award amount, Rule 21F-6 provides that the Commission consider: (1) the significance of information provided to the Commission; (2) the assistance provided in the Commission action; (3) law enforcement interest in deterring violations by granting awards; (4) participation in internal compliance systems; (5) culpability; (6) unreasonable reporting delay; and (7) interference with internal compliance and reporting systems. 17 C.F.R. § 240.21F-6.