

FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON APRIL 30, 2024 PURSUANT TO SECTION 165.7(h) OF THE WHISTLEBLOWER RULES, 17 C.F.R. PART 165, ADOPTED PURSUANT TO SECTION 23 OF THE COMMODITY EXCHANGE ACT, 7 U.S.C. § 26.

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In the Matter of Claims for Award by: )  
 )  
 Redacted (“Claimant 1”), )  
 Redacted )  
 )  
 Redacted (“Claimant 2”), )  
 Redacted )  
 )  
 Redacted (“Claimant 3”), )  
 Redacted )  
 )  
 In Connection with )  
 Notice of Covered Action No. Redacted )  
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**PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF**

The Commodity Futures Trading Commission (“Commission”) received whistleblower award applications from Claimant 1, Claimant 2, and Claimant 3 (collectively, “Claimants”) submitted in response to Notice of Covered Action No. Redacted . The corresponding enforcement action is Redacted

(“Covered Action”), in which the Commission Redacted

. The Commission Redacted

Redacted monetary sanctions it imposed Redacted .

The Claims Review Staff (“CRS”) has evaluated Claimants’ award claims for the Covered Action in accordance with the Commission’s Whistleblower Rules (“Rules”), 17 C.F.R. pt. 165, promulgated pursuant to Section 23 of the Commodity Exchange Act (“CEA” or “Act”), 7 U.S.C. § 26. The CRS sets forth its Preliminary Determination for each Claimant as follows:

## PUBLIC VERSION

1. The CRS has determined to recommend that the Commission deny all three applications because they do not meet the requirements for an award.

2. In order to meet the requirements for consideration of a whistleblower award, a claimant must, among other things, provide a voluntary submission of original information to the Commission that “leads to the successful resolution of a covered judicial or administrative action.” 17 C.F.R. § 165.5(a).

3. Claimants 2 and 3 do not meet the requirements for consideration of a whistleblower award because neither claimant provided information to the Commission that led to the successful resolution of the Covered Action. As an initial matter, Claimant 2 and Claimant 3 are both unknown to staff in the CFTC’s Division of Enforcement (“Division staff”) in connection with the investigation that resulted in the Covered Action. Division staff did not contact either Claimant 2 or Claimant 3 during the investigation or use any information provided by either claimant. Further, while Claimant 2 submitted a Form TCR to the CFTC, the Form TCR was submitted after the CFTC announced the Covered Action and the Commission never received any information from Claimant 2 prior to the notice of Covered Action. Moreover, the information provided was unrelated to the charges brought in the Covered Action. For these reasons, Claimant 2’s information did not lead, and could not have led, to the successful resolution of the Covered Action. Claimant 3 did not make a submission to the CFTC at all, but instead submitted information to another federal agency. Moreover, that information was unrelated to the charges brought in the Covered Action. As a result, it did not lead, and could not have led, to the successful resolution of the Covered Action. Accordingly, Claimants 2 and 3 do not meet Regulation 165.5(a)’s requirements for consideration of a whistleblower award.

**PUBLIC VERSION**

4. Claimant 1 also does not meet the requirements for consideration of a whistleblower award, because the information Claimant 1 provided did not lead to the successful resolution of the Covered Action. Although the Division opened an unrelated investigation because of Claimant 1's information, the Covered Action was not based at all on conduct that was the subject of Claimant 1's information. Claimant 1's Form TCR stated that as a result of Redacted

. The Division opened an investigation Redacted

5. Redacted

6. As part of the Division's investigation of Claimant 1's complaint, Redacted

Redacted

7. At that time, the team determined there was no more conduct to investigate based on the allegations. Claimant 1 had made very general allegations without clearly identifying the entities Redacted . Moreover, documents Redacted contradicted certain facts alleged by Claimant 1. For example, Redacted . These individuals were different from individuals Claimant 1 identified Redacted

. Without more specific allegations, it was unclear what Claimant 1 thought Division staff should be investigating.

8. Subsequently, Redacted additional documents to the Division that further contradicted Claimant 1's claims. Consequently, Division staff decided to close the investigation initiated as a result of Claimant 1's complaint. Redacted

Redacted

9. Redacted

Redacted concerned a different Redacted entity and Redacted neither of which were identified in the Form TCR, in discussions with Claimant 1, or in discussions with Redacted . Division staff did not have any further contact with Claimant 1 Redacted . All of the evidence Division staff needed to bring the Covered Action came Redacted , and none of the evidence came from Claimant 1. Moreover, there is no evidence that Claimant 1 Redacted had any knowledge about Redacted which was the subject of the Covered Action. Accordingly, Claimant 1 did not provide any information that led

**PUBLIC VERSION**

to the successful resolution of the Covered Action, and therefore Claimant 1 does not meet Regulation 165.5(a)'s requirements for consideration of a whistleblower award.

By: Whistleblower Claims Review Staff  
Commodity Futures Trading Commission

Dated: February 27, 2024