

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 1263/February 25, 2014

ADMINISTRATIVE PROCEEDING  
File No. 3-15683

In the Matter of

WALDYR DA SILVA PRADO NETO

ORDER

The Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Proceedings (OIP) on January 23, 2014, pursuant to Section 15(b) of the Securities Exchange Act of 1934. The proceeding is a follow-on proceeding based on Respondent Waldyr Da Silva Prado Neto's (Prado) injunction against violation of the antifraud provisions of the federal securities laws in SEC v. Waldyr Da Silva Prado Neto, No. 1:12-cv-7094 (S.D.N.Y. Jan. 7, 2014) (SEC v. Prado). Prado, who has also been criminally charged with insider trading, is believed to be in Brazil.

Prado has not been served with the OIP in accordance with 17 C.F.R. § 201.141(a)(2)(i). Under consideration is the Division of Enforcement's (Division) Motion to Serve Respondent by Publication and Email, pursuant to Commission Rules of Practice 141(a)(2)(i), (iv). Attempts to serve Prado in Brazil have been unsuccessful, and the Division requests permission to effect service on him through email to his last known email addresses and notice in the *International Herald Tribune*, which is now known as the *International New York Times*. The Division states that, after months of fruitless attempts by various methods to serve Prado with the complaint in SEC v. Prado, it was granted leave by the District Court to serve him by alternative means – email and publication in the *International Herald Tribune*, pursuant to Federal Rule of Civil Procedure 4(f)(3).

The Division's request will be denied. The Federal Rules of Civil Procedure do not apply in the Commission's administrative proceedings, and the Division has not made the showing required by 17 C.F.R. § 201.141(a)(2)(iv), which provides, "Notice of a proceeding to a person in a foreign country may be made by any method specified in [17 C.F.R. § 201.141(a)(2)], or by any other method reasonably calculated to give notice, provided that the method of service used is not prohibited by the law of the foreign country" (emphasis added).

IT IS SO ORDERED.

/S/ Carol Fox Foelak \_\_\_\_\_  
Carol Fox Foelak  
Administrative Law Judge