

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

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 1338/March 26, 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) March 25, 2014, 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 notice in the *International New York Times*.¹ The Division has shown that this method of service is not prohibited by the law of Brazil.² Accordingly, the Division's request to serve him by this method will be granted. The Division will also send documents to Prado by email to his last known email addresses.

IT IS SO ORDERED.

/S/ Carol Fox Foelak

Carol Fox Foelak

Administrative Law Judge

¹ The Division notes 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).

² See 17 C.F.R. § 201.141(a)(2)(iv) (“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.”).