

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

Administrative Proceedings Rulings
Release No. 5732 / May 16, 2018

Administrative Proceeding
File No. 3-18176

In the Matter of
ANV Security Group, Inc.

Order Regarding Service

The Securities and Exchange Commission instituted this proceeding in September 2017, when it issued an order instituting proceedings (OIP) against Respondent under Section 12(j) of the Securities Exchange Act of 1934.¹ After the Division of Enforcement filed a declaration explaining that it was attempting to serve Respondent in the People's Republic of China through the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters,² I directed the Division to update my office "on the status of service by January 16, 2018, and every three months thereafter until service is accomplished."³ The Division has not provided any updates.

In light of the foregoing, the Division shall by May 23, 2018, submit an update regarding the status of its efforts to serve Respondent. If it has been

¹ See 15 U.S.C. § 78l(j).

² Nov. 15, 1965, 20 U.S.T. 361, 658 U.N.T.S. 163.

³ *ANV Security Grp.*, Admin. Proc. Ruling Release No. 5181, 2017 SEC LEXIS 3307 (ALJ Oct. 17, 2017). I ratified this order after the Commission ratified my appointment. See *ANV Security Grp.*, Admin. Proc. Ruling Release No. 5256, 2017 SEC LEXIS 3819 (ALJ Dec. 5, 2017).

unsuccessful in its efforts, it should explain whether it would be appropriate under Commission precedent to dismiss this proceeding.⁴

Alternatively, because Respondent appears to be a revoked Nevada corporation,⁵ the Division could attempt to serve Respondent under Nevada Revised Statutes § 78.750(2) by sending a copy by certified mail to (1) each officer and director named in Respondent's last filing with the Nevada Secretary of State; or (2) the corporation's registered agent, if there is one.⁶ The Division could also accomplish service under Nevada Revised Statutes § 14.030 by sending a copy of the OIP to the Secretary of State, if it finds it can meet all the requirements of that section.⁷ The Division should provide notice in its update if it plans to pursue an alternative means of service, and if so, it need not address at this time whether dismissal is appropriate.

James E. Grimes
Administrative Law Judge

⁴ See *Richard Cannistraro*, Exchange Act Release No. 39521, 1998 WL 2614 (Jan. 7, 1998).

⁵ OIP at 1.

⁶ Section 78.750(2) provides that service on a revoked Nevada corporation can be accomplished by serving both the corporation's agent, if there is one, *and* the named officers and directors. The Nevada Supreme Court, however, has interpreted § 78.750 to permit service on *either* the registered agent or each officer and director. *Canarelli v. Eighth Jud. Dist. Ct. of Nev.*, 265 P.3d 673, 675 n.2 (Nev. 2011). The Division stated in its service declaration from October 2017 that it mailed the OIP to an officer of Respondent but that delivery was unsuccessful. It has not indicated whether it has tried again or if it has attempted personal service on the officer. See Nev. Rev. Stat. § 78.750 ("The manner of serving process described in this subsection does not affect the validity of any other service authorized by law.").

⁷ Section 14.030 allows service on the Nevada Secretary of State, but only if service upon or notice to the officers of the corporation has been unsuccessful. Nev. Rev. Stat. § 14.030(3).