

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1781/September 9, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15989

In the Matter of

SELECT FIDELITY TRANSFER SERVICES, LTD.

ORDER FOLLOWING
PREHEARING CONFERENCE

On July 29, 2014, the Securities and Exchange Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings (OIP) pursuant to Sections 17A(c)(3) and 21C of the Securities Exchange Act of 1934. On September 2, 2014, this Office received the Division of Enforcement's letter regarding service of the OIP on Respondent. Attached to the letter were five exhibits. On September 3, 2014, I issued an order notifying the parties that I would hold a telephonic prehearing conference on September 8, 2014. *Select Fidelity Transfer Servs., Ltd.*, Admin. Proc. Rulings Release No. 1753, 2014 SEC LEXIS 3127.

At the prehearing conference held on September 8, Division counsel appeared. Also in attendance was an individual named Michel Van Herreweghe, who represented that at one point he was given power of attorney for Respondent, but did not indicate that he was authorized to speak on behalf of or represent Respondent. Mr. Van Herreweghe made statements to the effect that Respondent is no longer in existence.

At the conference, the Division asserted that service of the OIP was effected on August 29, 2014. It based this assertion on its having received confirmation of attempted service on that date. Exhibit 4 to the Division's September 2, 2014, letter is a confirmation receipt, which establishes attempted delivery by registered mail at Respondent's most recent business address shown on its registration form. Inasmuch as the Division's evidence demonstrates service in accordance with Rule of Practice 141(a)(2)(iii) and (iv), I find the Division has established service of the OIP as of August, 29, 2014.¹ See 17 C.F.R. § 201.141(a)(2)(iii), (iv). Because

¹ Although U.S. Postal Service tracking information indicates that delivery was attempted in Canada on August 19, 2014, Respondent is not prejudiced by reliance on August 29, 2014, as the date of service. To the extent that Rule of Practice 141(a)(2)(iv), 17 C.F.R. § 201.141(a)(2)(iv) (regarding service upon persons in a foreign country) applies, Canada is a signatory to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters, but does not object to service by mail. See *Heredia v. Transport S.A.S., Inc.*, 101 F. Supp. 2d 158, 161 (S.D.N.Y. 2000); cf. *Brockmeyer v.*

service was effected by mail, Respondent's answer is due Monday, September 22, 2014. *See* OIP at 4; 17 C.F.R. §§ 201.160(a)-(b), .220(b).

Mr. Van Herreweghe's representations show that it is unlikely Respondent will appear in this matter or answer the allegations in the OIP. I therefore set the following summary disposition schedule:

October 20, 2014:	Division files its motion for summary disposition, with supporting evidence and legal authority.
November 19, 2014:	Respondent files its opposition.
December 3, 2014:	If Respondent files an opposition, the Division may file a reply.

James E. Grimes
Administrative Law Judge

May, 383 F.3d 798, 803 (9th Cir. 2004) (holding that the Hague Convention permits service of process by international mail, so long as the receiving country does not object).