

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 4852/June 5, 2017

ADMINISTRATIVE PROCEEDING
File No. 3-17959

In the Matter of

GREGORY REYFTMANN

ORDER ON SERVICE

On May 1, 2017, the Securities and Exchange Commission issued an order instituting proceedings (OIP) pursuant to Section 15(b) of the Securities Exchange Act of 1934, alleging that a final judgment by default was entered against Respondent Gregory Reyftmann on February 9, 2015, in *SEC v. Leszczynski*, No. 1:12-cv-7488 (S.D.N.Y.). OIP at 3. The OIP alleges that the court enjoined Reyftmann from future violations of Section 17(a) of the Securities Act of 1933 and Section 10(b) of the Exchange Act and Rule 10b-5. *Id.* I postponed the hearing scheduled to begin on May 31, 2017, and directed the Division of Enforcement to file a declaration as to service on Reyftmann, who allegedly lives in France. *Id.* at 1; *Gregory Reyftmann*, Admin. Proc. Rulings Release No. 4811, 2017 SEC LEXIS 1466 (ALJ May 18, 2017).

On May 26, 2017, the Division filed the sworn declaration of John V. Donnelly, III, with three attachments showing that, pursuant to Rule of Practice 141(a)(2)(iv), UPS delivered a package containing the OIP, a cover letter from Division counsel, a letter regarding documents available for copying and inspection, my order dated May 18, 2017, and other material to Gregory Reyftmann in Vendargues, France, on May 24, 2017. Exs. 1-3. The declaration represents that Reyftmann signed for the package of documents and that French law does not prohibit service in this manner.

Ruling

Commission Rule 141(a)(2)(iv) provides for several means of service on persons in a foreign country, including that service of the OIP can be accomplished by “using any form of mail that the Secretary or the interested division addresses and sends the individual and that requires a signed receipt” as long as it is not prohibited by the foreign country’s law. *See* 17 C.F.R. § 201.141(a)(2)(iv)(C)(3).

I have two concerns concerning the Division’s service representation. First, there is nothing in this record that establishes that the address to which the Division sent the OIP and

other material is Reyftmann's address, other than the copy of the receipt signed with the initials "G R." Second, the copy of the receipt only shows the initials, "G R." Ex. 3. I will order a prehearing conference more than twenty days from when the Division believes it achieved service. If Reyftmann answers the OIP then we can proceed; if not, then I will order the Division to provide more information to establish service or suggest how it wants to proceed.

I ORDER a telephonic prehearing conference on Friday, July 7, 2017, at 10:00 a.m. EDT/4:00 p.m. CEST.

Brenda P. Murray
Chief Administrative Law Judge