

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

Administrative Proceedings Rulings  
Release No. 5044 / September 12, 2017

Administrative Proceeding  
File No. 3-18095

In the Matter of

**AV Therapeutics, Inc.,  
Balqon Corporation,  
Empress Mining Inc. (f/k/a  
Penola, Inc.), and  
Passport Potash, Inc.**

**Order Regarding Service  
and to Show Cause**

On August 30, 2017, the Division of Enforcement filed a declaration regarding service of the order instituting this proceeding (OIP) on Respondents Empress Mining Inc. (f/k/a Penola, Inc.) and Passport Potash, Inc.

According to the OIP, Empress Mining is a Nevada corporation located in West Preston, Victoria, Australia. OIP ¶ 3. After the Division submitted a declaration stating that it had sent the OIP to Empress Mining in Australia at the address on its most recent filing with the Commission, I ordered the Division to submit evidence that service by mail is permitted within Australia. *AV Therapeutics, Inc.*, Admin. Proc. Rulings Release No. 4983, 2017 SEC LEXIS 2545 (ALJ Aug. 18, 2017). The Division's most recent declaration satisfies me that Empress Mining was properly served on August 16, 2017, *see* 17 C.F.R. § 201.141(a)(2)(ii), (iv), making the deadline for its answer August 29, 2017. OIP at 3; 17 C.F.R. §§ 201.160(b), .220(b).

To date, neither Empress Mining nor Respondent Balqon Corporation, whose answer was due August 28, 2017, has filed an answer. Accordingly, I ORDER those two Respondents to SHOW CAUSE by September 22, 2017, why the registrations of their securities should not be revoked by default due to their failures to file answers or otherwise defend this proceeding. If either fails to respond to this order, it shall be deemed in default, the proceeding

will be determined against it, and the registration of its securities will be revoked. *See* OIP at 3; 17 C.F.R. §§ 201.155(a)(2), .220(f).

In addition, the Division's declaration states that UPS delivered a copy of the OIP to Passport Potash's address, as shown on its most recent filing with the Commission, in British Columbia, Canada. However, the OIP was also sent to Passport Potash via U.S. Postal Service international express mail and registered mail, and those packages were returned to sender because the business was closed or the addressee could not be located, creating a lack of clarity as to whether Passport Potash still maintains the British Columbia office. Accordingly, I ORDER the Division to file a supplemental declaration regarding the status of service of the OIP on Passport Potash by September 26, 2017.

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Cameron Elliot  
Administrative Law Judge