

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

Administrative Proceedings Rulings
Release No. 5279 / December 6, 2017

Administrative Proceeding
File No. 3-18271

In the Matter of

**Jeffrey D. Smith,
Joseph Carswell, and
Michael W. Fullard**

Order Regarding Service

On December 4, 2017, the Division of Enforcement filed several declarations regarding service of the order instituting this proceeding (OIP) on Respondents. The declarations do not establish whether Jeffrey D. Smith and Joseph Carswell have been served, and the Division stated that it would continue to attempt to confirm or complete service. But, based on the declaration of a process server, I find that Michael W. Fullard was served with the order instituting proceedings by personal service on November 26, 2017. 17 C.F.R. § 201.141(a)(2)(i).

I ORDER the Division to file a supplemental declaration regarding the status of service of the OIP on Smith and Carswell by January 12, 2018. Once all parties have been served, I will set a schedule providing the parties the opportunity to address the Securities and Exchange Commission's recent order regarding all pending administrative proceedings before I determine "whether to ratify or revise in any respect all prior actions [that I have] taken." *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10440, 2017 SEC LEXIS 3724, at *2-3 (Nov. 30, 2017) (permitting administrative law judges to "modify any of [the order's] deadlines").

Cameron Elliot
Administrative Law Judge