

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

ADMINISTRATIVE PROCEEDINGS RULINGS  
Release No. 6101/September 27, 2018

ADMINISTRATIVE PROCEEDING  
File No. 3-17558

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In the Matter of :  
:   
BLUFOREST, INC. : ORDER

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The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on September 20, 2016. On October 25, 2017, an Initial Decision of Default revoked the registration of the registered securities of Bluforest, Inc. *Bluforest, Inc.*, Initial Decision Release No. 1202, 2017 SEC LEXIS 3398 (A.L.J.).

Thereafter, the proceeding was stayed: On June 21, 2018, “[i]n light of the Supreme Court’s decision in *Lucia v. SEC*,” 138 S. Ct. 2044 (2018), the Commission stayed all pending administrative proceedings, including this one; the stay was operative through August 22, 2018. *Pending Admin. Proc.*, Securities Act of 1933 Release Nos. 10510, 2018 SEC LEXIS 1490; 10522, 2018 SEC LEXIS 1774 (July 20, 2018). On August 22, 2018, the Commission ended the stay and ordered a new hearing in each affected proceeding before an administrative law judge who had not previously participated in the proceeding, unless the parties expressly agreed to alternative procedures, including agreeing that the proceeding remain with the previous presiding administrative law judge. *Pending Admin. Proc.*, Securities Act Release No. 10536, 2018 SEC LEXIS 2058, at \*2-3 (August 22 Order). Accordingly, the proceeding was reassigned to the undersigned. *Pending Admin. Proc.*, Admin. Proc. Rulings Release No. 5955, 2018 SEC LEXIS 2264 (C.A.L.J. Sept. 12, 2018).

The OIP alleges that Bluforest is located in Ecuador and provides that its Answer is due within ten days of service of the OIP on it. *See* OIP at 2; 17 C.F.R. § 201.220(b). Service must comply with 17 C.F.R. § 201.141(a)(iv) (Rule 141(a)(iv)). Rule 141(a)(iv) was amended effective September 27, 2016; the amended rule, which expanded permissible methods of service on a person in a foreign country, is among those that apply only to proceedings instituted on or after that date. *See* Amendments to the Commission’s Rules of Practice, 81 Fed. Reg. 50212, 50228-29 (July 29, 2016). The August 22 Order, however, suggests the possibility that the amended rule applies to this proceeding (which was instituted before September 27, 2016). *See* August 22 Order, 2018 SEC LEXIS 2058, at \*4-5 & n.7.

To ensure fairness to Bluforest, the Division should comply with the old rule, which provided:

Notice of a proceeding to a person in a foreign country may be made by any method specified in paragraph (a)(2) of this rule, or by any other method reasonably calculated to give notice, provided that the method of service used is not prohibited by the law of the foreign country.

The Division of Enforcement's December 1, 2016, filing concerning service does not include a showing that "the method of service used is not prohibited by the law of" Ecuador. By December 3, 2018, the Division should provide such a showing or provide a status report on a renewed attempt to serve the OIP on Bluforest.

IT IS SO ORDERED.

/S/ Carol Fox Foelak

Carol Fox Foelak  
Administrative Law Judge