

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

Administrative Proceedings Rulings
Release No. 6272 / October 31, 2018

Administrative Proceeding
File No. 3-17029

In the Matter of

**Changda International Holdings,
Inc.**

Order Regarding Service

The Division of Enforcement filed a declaration on May 18, 2018, regarding service of the order instituting proceedings (OIP) on Respondent. Respondent is a revoked Nevada corporation located in China. The Division attempted to serve Respondent through the process specified by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, *done* Nov. 15, 1965, 20 U.S.T. 361, 658 U.N.T.S. 163. The Division sent a request to the Chinese central authority for service on Respondent on December 29, 2015. On March 19, 2018, the Chinese central authority returned a certificate stating “No such company at the address provided.” Div. Decl. Ex. 4 at 1. An additional certificate of service from the local court, dated December 19, 2017, states, “The company is not located at the address for service, so these documents can’t be delivered.” *Id.* at 2.¹

The Division argues that March 19, 2018, “should be treated as the date of service for the purposes of this proceeding.” Div. Decl. 2. The Chinese certificates state, however, that the OIP was not delivered to Respondent. Under the current version of the Rules of Practice, I doubt that I can find service based on attempted but unsuccessful Hague Convention delivery. *See* 17 C.F.R. § 201.141(a)(2)(ii), (iv) (limiting service by attempted delivery to U.S. Postal Service mail and providing specific methods for serving the OIP

¹ Both certificates were translated from Chinese and accompanied by a certification of translation accuracy. Div. Decl. Ex. 4 at 3.

to a person in a foreign country). *But see New Dragon Asia Corp.*, Admin. Proc. Rulings Release No. 1624, 2014 SEC LEXIS 2566 (ALJ July 17, 2014) (finding service based on a similar certificate of attempted delivery under the pre-2016 amendments to the Rules of Practice, which did not explicitly reference the Hague Convention).²

The Division shall file a status report regarding service by November 26, 2018. I leave further efforts regarding service to the discretion of the Division. However, such status report may include: (1) a brief explaining how the Chinese certificates are evidence of service that complies with Rule 141;³ (2) a description of service efforts as authorized by Nevada law;⁴ and/or (3) a request for alternative service pursuant to 17 C.F.R. § 201.141(a)(2)(iv)(D).

Cameron Elliot
Administrative Law Judge

² This proceeding began on December 29, 2015, before the effective date for the amended Rules of Practice, September 27, 2016. Accordingly, old Rule 141 continued to apply to this proceeding. *See* Amendments to the Commission’s Rules of Practice, 81 Fed. Reg. 50,212, 50,229 (July 29, 2016). On remand, however, the Commission directed me to apply the amended rules in total. *Pending Admin. Proc.*, Securities Act of 1933 Release No. 10536, 2018 SEC LEXIS 2058, at *4-5 (Aug. 22, 2018).

³ Specifically, the brief should address whether attempted (but not actual) delivery through the Hague Convention process is an “internationally agreed means of service” or otherwise complies with Chinese law. *See* 17 C.F.R. § 201.141(a)(2)(iv)(B), (C)(1).

⁴ *See ANV Sec. Grp.*, Admin. Proc. Rulings Release No. 6255, 2018 SEC LEXIS 2974, at *5-7 (ALJ Oct. 25, 2018) (finding service, under similar circumstances, by delivery of the OIP to the Nevada secretary of state’s office under Nev. Rev. Stat. § 14.030).