

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

Administrative Proceedings Rulings
Release No. 6385 / December 3, 2018

Administrative Proceeding
File No. 3-17031

In the Matter of

**China Domestica Bio-technology
Holdings, Inc.**

**Order Finding
Service and Directing
Submission of Proposals**

On December 30, 2015, the Securities and Exchange Commission issued an order instituting proceedings (OIP) against Respondent China Domestica Bio-technology Holdings, Inc., under Section 12(j) of the Securities Exchange Act of 1934, alleging that China Domestica is a defaulted Nevada corporation located in China with a class of securities registered with the Commission and that it has violated provisions of the Exchange Act by failing to file required periodic reports.

The Division of Enforcement has been attempting to serve China Domestica with the OIP under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters,¹ since January 2016. Due to the length of that process, the Division has pursued other methods of service. On November 15, 2018, the Division submitted a declaration and exhibits describing its efforts to serve the OIP on China Domestica under Nevada Revised Statutes section 14.030.

Rule 141(a)(2)(ii) of the Commission's Rules of Practice provides that service can be accomplished on corporations by, among other methods, delivering a copy of the OIP to an "agent authorized by appointment or law to receive such notice."² However, China Domestica no longer has a registered

¹ *Done* Nov. 15, 1965, 20 U.S.T. 361, 658 U.N.T.S. 163.

² 17 C.F.R. § 201.141(a)(2)(ii).

agent in Nevada.³ The address provided for all of the listed officers and directors of China Domestica is the same address in China provided on the company's most recent filing with the Commission at which Hague service is being attempted, meaning that service on an officer or director would have to be accomplished through the Hague Convention.⁴

Under such circumstances, Nevada provides procedures through which service can be made on the Secretary of State—making the Secretary of State an “agent authorized by . . . law to receive” service for the purposes of Rule 141(a)(2)(ii).⁵ Section 14.030(1) provides that the corporation can be served with legal process by delivering a copy of the service papers to the Secretary of State with a citation to section 14.030 and a \$10 filing fee. Before service is authorized, the person requesting service must file an affidavit setting forth facts showing the exercise of due diligence in ascertaining the whereabouts of the corporate officers to be served, and that it cannot accomplish “direct or personal service on, or notice to,” the corporation.⁶ After filing the affidavit and serving the Secretary, the person seeking service must mail the served materials to the corporation or officer by registered or certified mail to the last known address.⁷

The Division's filing establishes that it has satisfied all the requirements of the Nevada statute. Accordingly, China Domestica was served with the OIP on October 19, 2018.⁸ Per the OIP, its answer was due October 29, 2018.

Although I previously directed the parties to submit proposals for the further conduct of this proceeding, because China Domestica had not yet been served with the OIP, I ORDER the parties to submit such proposals by December 18, 2018. Respondent shall also submit an answer by December

³ Decl. Ex. 1 at 7, 8. The state of Nevada requires every business entity registered in the state to designate a registered agent residing in the state. Nev. Rev. Stat. § 78.090(1).

⁴ Decl. Ex. 1 at 8–9.

⁵ Nev. Rev. Stat. § 14.030.

⁶ Nev. Rev. Stat. § 14.030(3).

⁷ Nev. Rev. Stat. § 14.030(4).

⁸ Decl. Ex. 3 at 2.

18.⁹ If China Domestica fails to participate by not submitting a proposal or an answer, it may be found to be in default.¹⁰

James E. Grimes
Administrative Law Judge

⁹ Nevada Revised Statutes section 14.030(2), (4) allows China Domestica forty days from the filing with the Nevada Secretary of State and the mailing to the last known address of the officers to appear in the proceeding. Whether or not those time periods apply in this proceeding, forty days have passed.

¹⁰ See *Pending Admin. Proc.*, 2018 SEC LEXIS 2058, at *4; 17 C.F.R. §§ 201.155(a)(2), .220(f).