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# UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION

# ADMINISTRATIVE PROCEEDING File No. 3-19449

## In the Matter of

New Environmental Solutions Inc., et al.,

**Respondents.** 

# DIVISION OF ENFORCEMENT'S MOTION FOR DEFAULT AS TO NEW ENVIRONMENTAL SOLUTIONS INC.

#### <u>Motion</u>

On September 13, 2019, the Commission issued an Order Instituting Proceedings against New Environmental Solutions Inc. (the "Respondent"), which has securities registered with the Commission under Section 12(g) of the Securities Exchange Act of 1934 ("Exchange Act") and is delinquent in filing its mandated periodic reports. The Division hereby moves that the Commission find that Respondent is in default in this proceeding and enter an order revoking the registration of each class of its securities registered pursuant to Exchange Act Section 12(g).

#### Brief in Support

# I. <u>Status of the Proceeding</u>

As shown in the Declaration of Charles Davis to Assist Secretary with Record of Service, a copy of which is attached as Exhibit 1, hereto, Respondent was served by Priority Mail Express on September 17, 2019, in accordance with Rule 141(a)(2)(ii) of the Commission's Rules of Practice. The Defaulting Respondent did not file an answer on or before the deadline for filing answers based on the date of service, and thus is in default.

# III. Motion for Default.

Respondent is delinquent in its filings with the Commission. The issuer has a class of securities registered pursuant to Exchange Act Section 12(g). New Environmental Solutions Inc. has failed to file any periodic reports for 13 years. Further, Respondent failed to file an answer or otherwise appear in this proceeding. Accordingly, the Division moves for an order, pursuant to Rule 155(a)(2), finding Respondent in default in this proceeding and ordering that the registration of each class of its securities registered pursuant to Exchange Act Section 12 be revoked.

## **Conclusion**

For the reasons set forth above, the Division respectfully requests that the Commission grant the Division's Motion for Default as to the Respondent, and enter an order revoking the registration of each class of its securities registered pursuant to Exchange Act Section 12(g).

Dated: October 28, 2019

Respectfully submitted,

Charles Davis

Securities and Exchange Commission 100 F Street, N.E. Washington, D.C. 20549-5553 202-551-4444

COUNSEL FOR DIVISION OF ENFORCEMENT

#### **CERTIFICATE OF SERVICE**

I hereby certify that I caused true copies of the Division of Enforcement's Motion for Default as to New Environmental Solutions Inc. and Brief in Support, and Exhibits thereto, to be served on the following on October 28, 2019, in the manner indicated below:

By Hand:

Office of the Secretary Securities and Exchange Commission 100 F Street, N.E. Washington, D.C. 20549-2557

By First Class Mail

New Environmental Solutions Inc. 89 Lowell Road Salem, NH 03079

Charles Davis

# Exhibit 1

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In the Matter of

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New Environmental Solutions Inc.,

**Respondent.** 

#### DECLARATION OF CHARLES DAVIS TO ASSIST THE SECRETARY WITH RECORD OF SERVICE

CHARLES DAVIS, pursuant to 28 U.S.C. § 1746, declares:

1. I am a Senior Counsel with the Division of Enforcement ("Division") of the Securities and Exchange Commission, and co-counsel for the Division in the captioned administrative proceeding. I am submitting this Declaration to assist the Secretary in maintaining a record of service on the respondent in the captioned proceedings pursuant to Rule 141(a)(3).

2. Securities and Exchange Commission ("Commission") Rule of Practice

141(a)(2)(ii) permits service on a corporation or entity by delivering a copy of an Order Instituting Administrative Proceedings ("OIP") to an agent authorized by appointment or law to receive such notice, or, in the case of an issuer with a class of securities registered with the Commission, by sending the OIP addressed to the most recent address shown on the entity's most recent filing with the Commission by U.S. Postal Service certified, registered, or Express Mail and obtaining a confirmation of attempted delivery. Further, the OIP in this matter authorizes service of the OIP "by any means permitted by the Commission's Rules of Practice." Therefore, the Division asked the Commission's Secretary to first attempt service on the Respondent via U.S. Priority Mail Express.

3. The Office of the Secretary provided me with the U.S. Priority Mail Express tracking number for the copy of the Order Instituting Proceedings ("OIP")<sup>1</sup> that was mailed by the Secretary to the respondent in these proceedings. J input the tracking number into the U.S. Postal Service's ("USPS's") package tracking system on its Internet website located at <u>www.usps.com</u>, and printed out the tracking confirmation in order to obtain confirmation of the delivery or attempted delivery of the OIP on respondent. A true copy of the tracking confirmation is attached as Exhibit 1, hereto.

4. The Secretary mailed the OIP to respondent New Environmental Solutions Inc., CIK 1382649 ("New Environmental"), via Priority Mail Express, Tracking No. ER006877799US, to the address shown on its most recent EDGAR filing at 89 Lowell Road, Salem, NH 03079. This address is taken from New Environmental's last filing with the Commission, which was a Form 10SB12G filed with the Commission on December 6, 2006. The USPS tracking system confirms that the mailing was delivered to the mailbox on September 17, 2019. *See* Exhibit 1 at page 1.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2019. Charles Davis

<sup>&</sup>lt;sup>1</sup>The service package included the OIP, a letter from the Commission's Secretary, and a letter from the Division offering discovery pursuant to Rule of Practice 230.