

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-19647

<p>In the Matter of</p> <p>Trimerica Energy Corporation f/k/a Treaty Energy Corporation, <i>et al.</i></p> <p>Respondents.</p>
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DIVISION OF ENFORCEMENT'S MOTION FOR
DEFAULT AND BRIEF IN SUPPORT

The Division of Enforcement (“Division”), by counsel, pursuant to Commission Rules of Practice Rules 154(a) and 155(a)(2) respectfully moves the Securities and Exchange Commission (“Commission”) for an order entering a default against Trimerica Energy Corporation f/k/a Treaty Energy Corporation (“TECO” or “Respondent”) (CIK No. 1075773) in this proceeding and ordering the revocation of the registration of each class of Respondent’s securities registered pursuant to Section 12 of the Securities Exchange Act of 1934 (“Exchange Act”).

Argument

On January 10, 2020, the Commission issued an Order Instituting Proceedings (“OIP”) against Respondents which have securities registered with the Commission under Section 12(g) of the Exchange Act. The OIP alleges the Respondent is delinquent in filing its mandated periodic reports. Because the Respondent failed to answer or otherwise respond to

the OIP, the Division now seeks entry of an order finding respondent to be in default in this proceeding.

Commission Rule of Practice 220(b) states that where an answer is required to be filed by rule or order, the respondent “shall do so within 20 days after service upon the respondent of the order instituting proceedings” unless a different period is provided by rule or order. Here, the OIP requires “an Answer [to be filed] to the allegations contained in this Order within ten (10) days after service of this Order.” OIP at IV. Commission Rule of Practice 160(a) provides that Saturdays, Sundays and Federal legal holidays are to be counted as part of the 10 day period, and Commission Rule of Practice 160(b) extends that time by three days if service is made by mail.

The Declaration of Gina Joyce to Assist Secretary with Record of Service (attached hereto as Exhibit A) establishes that on January 14, 2020, service upon TECO of the OIP, along with a letter from the Commission’s Secretary, and a letter from the Division offering discovery pursuant to Rule of Practice 230, was attempted by Express Mail delivery at the address provided in its last EDGAR filing with the Commission, in accordance with Commission Rule of Practice 141(a)(2)(ii). TECO’s answer to the OIP was due by Monday, January 27, 2020. However, TECO has neither filed an answer nor made any other response to the OIP in this proceeding.

The Respondent at issue is delinquent in its filings with the Commission and has been delinquent for over two years. In addition, the Respondent’s failure to answer supports revocation of the registration of each class of the Respondent’s securities. Accordingly, the Division moves for an order, pursuant to Rule 155(a)(2), finding this Respondent to be 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:

1) grant the Division's Motion; 2) enter an order of default against Trimerica Energy Corporation f/k/a Treaty Energy Corporation; and 3) revoke the registration of each class of its securities registered pursuant to Section 12 of the Exchange Act.

Dated: December 17, 2020

Respectfully submitted,

Gina Joyce

David Misler (202) 551-2210
Gina Joyce (202) 551-4850
Securities and Exchange Commission
100 F Street, N.E., Room 5120
Washington, D.C. 20549-5010

COUNSEL FOR
DIVISION OF ENFORCEMENT

CERTIFICATE OF SERVICE

I hereby certify that true copies of the Division of Enforcement's Motion for Default and Brief in Support were served on the following on this 17th day of December, 2020, in the manner indicated below:

By Email:

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

By UPS:

Trimerica Energy Corporation
f/k/a Treaty Energy Corporation
201 St. Charles Avenue
Suite 2513
New Orleans, Louisiana 70170

Gina Joyce

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ADMINISTRATIVE PROCEEDING
File No. 3-19647

In the Matter of

Trimerica Energy Corporation
f/k/a Treaty Energy Corporation,

Respondents.

DECLARATION OF GINA JOYCE
TO ASSIST SECRETARY WITH RECORD OF SERVICE

GINA JOYCE, 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 respondents in the captioned proceedings pursuant to Rule 141(a)(3).

2. Among other means, 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 service or, in the case of an issuer with a class of securities registered with the Commission, by sending the OIP via U.S. Postal Service certified, registered, or Express Mail and obtaining a confirmation of attempted delivery on the most recent address shown on the entity’s most recent filing with the Commission.

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”)¹ that were mailed by the Secretary to the respondent in these proceedings. I input the tracking number into the U.S. Postal Service’s (“USPS’s”) package tracking system on its Internet website located at www.usps.com, and printed out the tracking confirmation in order to obtain confirmation of the delivery or attempted delivery of the OIP on the respondent. A true copy of the tracking confirmation for the respondent for whom express mail service was attempted is attached as Exhibit 1, hereto.

4. The Secretary mailed the OIP to respondent Trimerica Energy Corporation f/k/a Treaty Energy Corporation, CIK 1075773 (“TECO”), via Priority Mail Express, Tracking No. EJ 140717976 US, to the address shown on its most recent EDGAR filing at 201 St. Charles Avenue, Suite 2513, New Orleans, Louisiana 70170. This address is taken from TECO’s last filing with the Commission, which was a Form 8-K filed with the Commission on November 17, 2015. The USPS tracking system confirms that delivery was attempted on January 14, 2020. The addressee had moved, and left no forwarding address. The package was returned to the SEC. See Exhibit 1 at pp. 1 - 3.

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

Executed on February 10, 2020.


Gina Joyce

¹The 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.

Track Another Package +

Tracking Number: EJ140717976US

Remove X

Your item was delivered at 11:26 am on January 31, 2020 in WASHINGTON, DC 20549 to SEC 20549 R26. The item was signed for by D HANDON.

Delivered

January 31, 2020 at 11:26 am
Delivered
WASHINGTON, DC 20549

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Text & Email Updates



Proof of Delivery



Tracking History



January 31, 2020, 11:26 am

Delivered

WASHINGTON, DC 20549

Your item was delivered at 11:26 am on January 31, 2020 in WASHINGTON, DC 20549 to SEC 20549 R26. The item was signed for by D HANDON.

January 31, 2020, 10:49 am

Available for Pickup

WASHINGTON, DC 20549

January 31, 2020, 10:38 am

Out for Delivery

WASHINGTON, DC 20018

January 31, 2020, 10:27 am

Arrived at Post Office

WASHINGTON, DC 20018

January 31, 2020, 8:01 am

Arrived at USPS Regional Facility

WASHINGTON DC V STREET DISTRIBUTION CENTER

January 30, 2020, 5:35 pm

Departed USPS Regional Facility

NEW ORLEANS LA DISTRIBUTION CENTER

January 29, 2020, 3:29 pm

Moved, Left no Address

NEW ORLEANS, LA 70130

January 14, 2020, 12:40 pm

Delivered

NEW ORLEANS, LA 70130

January 14, 2020, 9:40 am

Available for Pickup

NEW ORLEANS, LA 70130

January 14, 2020, 9:39 am

Arrived at Post Office

NEW ORLEANS, LA 70113

Feedback

January 14, 2020, 7:57 am
Arrived at USPS Regional Facility
NEW ORLEANS LA DISTRIBUTION CENTER

January 13, 2020, 11:27 pm
Departed USPS Regional Facility
LINTHICUM HEIGHTS MD DISTRIBUTION CENTER

January 13, 2020, 7:45 pm
Arrived at USPS Regional Facility
LINTHICUM HEIGHTS MD DISTRIBUTION CENTER

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