

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20521

<p>In the Matter of</p> <p>NVCN Corporation</p> <p>Respondent.</p>

DIVISION OF ENFORCEMENT’S MOTION FOR DEFAULT AND BRIEF IN SUPPORT

The Division of Enforcement (“Division”), by counsel, pursuant to Commission Rules of Practice 154(a) and 155(a)(2) respectfully moves the Securities and Exchange Commission (“Commission”) for an order entering a default against NVfCN Corporation (ticker symbol “NVCP”)¹ (CIK No. 0000740571) in this proceeding and ordering the revocation of the registration of each class of NVCP’s securities registered pursuant to Section 12 of the Securities Exchange Act of 1934 (“Exchange Act”).

Argument

On September 2, 2021, the Commission issued an Order Instituting Proceedings (“OIP”) against NVCP, which has securities registered with the Commission under Section 12(g) of the Exchange Act. The OIP alleges that NVCP is delinquent in filing its mandated periodic reports. Because NVCP failed to answer or otherwise respond to the OIP, the Division now seeks entry of an order finding NVCP to be in default in this proceeding.

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 Julie Russo to Assist Secretary with Record of Service (attached hereto as Exhibit A) establishes that on September 7, 2021, NVCP was served by attempted delivery via USPS Certified Mail, at the address provided in its last EDGAR filing with the Commission,¹ in accordance with Commission Rule of Practice 141(a)(2)(ii). NVCP's answer to the OIP was due by, at the latest, September 21, 2021. However, NVCP has neither filed an answer nor made any other response to the OIP in this proceeding.

NVCP is delinquent in its filings with the Commission and has been delinquent for over three years. In addition, NVCP's failure to answer supports revocation of the registration of each class of NVCP's securities. Accordingly, the Division moves for an order, pursuant to Rule 155(a)(2), finding NVCP 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 NVCP; and 3) revoke the registration of each class of its securities registered pursuant to Section 12 of the Exchange Act.

Dated: December 29, 2021

Respectfully submitted,

Andrew O. Schiff
Regional Trial Counsel
Direct Line: (305) 982-6390
schiffa@sec.gov

DIVISION OF ENFORCEMENT
SECURITIES AND EXCHANGE COMMISSION

¹ NVCP's most recent filing was a Form 12b-25 filed on August 30, 2013.

801 Brickell Avenue, Suite 1950
Miami, FL 33131
Phone: (305) 982-6300
Fax: (305) 536-4154

CERTIFICATE OF SERVICE

I hereby certify that an original and three copies of the foregoing were filed with the Securities and Exchange Commission, Office of the Secretary, 100 F Street, N.E., Washington, D.C. 20549-9303, and that a true and correct copy of the foregoing has been served on this 29th day of December 2021, on the following persons entitled to notice:

VIA UPS OVERNIGHT DELIVERY

NVCN Corporation
7616 Currell Blvd., Suite 200
Woodbury, Minnesota 55125

Andrew O. Schiff
Regional Trial Counsel

EXHIBIT A

UNITED STATES OF AMERICA
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SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-20521

<p>In the Matter of</p> <p>NVCN Corporation,</p> <p>Respondent.</p>

DECLARATION OF JULIE RUSSO
TO ASSIST SECRETARY WITH RECORD OF SERVICE

JULIE RUSSO, 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 above-captioned administrative proceeding. I am submitting this Declaration to assist the Secretary in maintaining a record of service on the respondent in the above-captioned proceedings pursuant to Rule 141(a)(3).
2. The Office of the Secretary provided the Division with the U.S. Certified Mail tracking number for the copy of the Order Instituting Proceedings (“OIP”) that was mailed by the Secretary to the respondent in this proceeding. I inputted 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 of the respondent for whom certified mail service was attempted is attached as Exhibit 1, hereto. Rule 141(a)(2)(ii) provides that

service on a corporation or entity may be obtained by confirmation of attempted delivery on the most recent address shown on the entity's most recent filing with the Commission.

3. The Secretary mailed the OIP to respondent NVCN Corporation ("NVCN") via Certified Mail, Tracking No. 7017 2400 0000 0834 5362, to the address shown on its most recent EDGAR filing at 7616 Currell Blvd., Suite 200, Woodbury, Minnesota 55125. This address is taken from NVCN's last filing with the Commission, which was a Form 12b-25 filed with the Commission on August 30, 2013. The USPS tracking system confirms that delivery was attempted on September 7, 2021, but the package was returned. *See Exhibit 1 at 2.*

4. The Postal Service was unable to deliver the OIP, and it was returned to the Office of the Secretary. *See Exhibit 1 at 2.*

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

Executed on December 28, 2021.

Julie Russo
Julie Russo

EXHIBIT 1

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 8.56
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$ 0.50
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature	\$

Postmark
" "

Postage \$
Total Postage \$
Sent To
Street and
City, State,
CERTIFIED MAIL
NVCN Corporation
3-20521 / 34-92862 / OIP-2901 / TQ
Gary Borglund
President and CEO
7616 Currell Blvd.
Suite 200
Woodbury, Minnesota 55125

7017 2400 0000 0834 5362

EXHIBIT 2

Track Another Package +

Tracking Number: 70172400000008345362

[Remove X](#)

Your item has been delivered to the original sender at 8:42 am on October 4, 2021 in WASHINGTON, DC 20549.

Delivered, To Original Sender

October 4, 2021 at 8:42 am
WASHINGTON, DC 20549

Feedback

Get Updates v

Text & Email Updates



Tracking History



October 4, 2021, 8:42 am

Delivered, To Original Sender
WASHINGTON, DC 20549

Your item has been delivered to the original sender at 8 42 am on October 4, 2021 in WASHINGTON, DC 20549

October 3, 2021, 9:57 am

Available for Pickup
WASHINGTON, DC 20549

October 3, 2021, 7:33 amOut for Delivery
WASHINGTON, DC 20018**October 3, 2021, 7:22 am**Arrived at Hub
WASHINGTON, DC 20018**October 2, 2021**

In Transit to Next Facility

September 28, 2021, 2:32 amDeparted USPS Regional Facility
HONOLULU HI DISTRIBUTION CENTER**September 26, 2021, 11:43 am**Arrived at USPS Regional Facility
HONOLULU HI DISTRIBUTION CENTER**September 21, 2021, 11:57 pm**Departed USPS Regional Facility
MINNEAPOLIS MN DISTRIBUTION CENTER**September 21, 2021, 11:10 pm**Arrived at USPS Regional Facility
MINNEAPOLIS MN DISTRIBUTION CENTER**September 17, 2021, 11:17 am**Moved, Left no Addre
SAINT PAUL, MN 55125**September 7, 2021, 10:36 am**Delivered, Front Desk/Reception/Mail Room
SAINT PAUL, MN 55125**September 6, 2021, 11:32 pm**Departed USPS Regional Facility
SAINT PAUL MN NETWORK DISTRIBUTION CENTER

Feedback

September 6, 2021, 11:35 am

Arrived at USPS Regional Facility

SAINT PAUL MN NETWORK DISTRIBUTION CENTER

September 4, 2021, 12:01 am

Departed USPS Regional Facility

GAITHERSBURG MD DISTRIBUTION CENTER

September 3, 2021, 11:47 pm

Arrived at USPS Regional Facility

GAITHERSBURG MD DISTRIBUTION CENTER

Product Information



See Less ^

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs