

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-21683

<p>In the Matter of</p> <p>Action Industries, Inc.,</p> <p>Respondent.</p>

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 Respondent 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 Certified Mail.

3. The Office of the Secretary provided me with the Certified Mail tracking number for the copy of the Order Instituting Proceedings (“OIP”)¹ that was mailed by the Secretary to the Respondent in these proceedings. I input the tracking number into the package tracking system of the U.S. Postal Service (“USPS”) 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 on which Certified Mail service was attempted is attached as Exhibit 1, hereto.

4. The Secretary mailed the OIP to Respondent Action Industries, Inc., CIK 2145 (“Action Industries”), via Certified Mail, Tracking No. 7015 3430 0000 9275 3258, to the address shown on its most recent EDGAR filing at 330 West 42nd Street, New York, NY 10036. This address is taken from Action Industries’s last filing with the Commission, which was a Form 8-K filed with the Commission on September 22, 1999. The USPS tracking system confirms that delivery of the package was attempted on September 26, 2023, but the location was vacant and the addressee was unknown. The package was returned to the SEC. *See* Exhibit 1.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on October 18, 2023.

/s/ Gina Joyce
Gina Joyce

¹ Each service package includes the OIP, a letter from the Commission’s Secretary, and AP filing instructions.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copies of the Division of Enforcement's Declaration of Gina Joyce to Assist Secretary with Record of Service, and Exhibit thereto, to be served on the following on October 18, 2023, in the manner indicated below:

Via eFap:

Office of the Secretary

By UPS:

Action Industries, Inc.
330 West 42nd Street
New York, NY 10036

/s/ Gina Joyce
Gina Joyce