

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 91898 / May 14, 2021

Admin. Proc. File No. 3-20028

In the Matter of  TRI CLEAN ENTERPRISES INC.
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ORDER REGARDING SERVICE

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on September 18, 2020, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against respondent Tri Clean Enterprises Inc. (“Respondent”).<sup>1</sup>

On November 6, 2020, the Division of Enforcement filed a declaration, which stated that, pursuant to Commission Rule of Practice 141(a)(2)(ii),<sup>2</sup> service of the OIP was made on Respondent on October 7, 2020.<sup>3</sup> The declaration stated that service of the OIP was made by mailing the OIP to “14 Pico Crescent Thornhill, ON L3T 4R9 Canada,” an address taken from Respondent’s “last filing with the Commission,” a Form 10QSB filed with the Commission on May 15, 2003. The Form 10QSB in the EDGAR database shows a different postal code; it shows “14 Pico Crescent, Thornhill, Ontario L4J 8P4.”<sup>4</sup> Thus, it appears that a copy of the OIP was not mailed to “the most recent address shown on the entity’s most recent filing with the Commission” and that service has not been accomplished under Rule of Practice 141(a)(2)(ii).<sup>5</sup>

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<sup>1</sup> *Tri Clean Enterprises Inc.*, Exchange Act Release No. 89922, 2020 WL 5592774 (Sept. 18, 2020).

<sup>2</sup> 17 C.F.R. § 201.141(a)(2)(ii).

<sup>3</sup> 17 C.F.R. § 201.141(a)(2)(ii), .141(a)(2)(iv); *see Water Splash, Inc. v. Menon*, 137 S. Ct. 1504, 1513 & n.7 (2017) (holding that “in cases governed by the Hague Service Convention, service by mail is permissible if two conditions are met: first, the receiving state has not objected to service by mail; and second, service by mail is authorized under otherwise-applicable law” and noting that Canada does not object to service by mail).

<sup>4</sup> *See* Rule of Practice 323, 17 C.F.R. § 201.323 (permitting the Commission to take official notice of, among other things, “any matter in the public official records of the Commission”).

<sup>5</sup> 17 C.F.R. § 201.141(a)(2)(ii).

Accordingly, it is ORDERED that by May 28, 2021, the Division of Enforcement shall file a declaration or status report providing additional information regarding its efforts to effect service of the OIP on Respondent.

The parties' attention is called to the Commission's March 18, 2020 order regarding the filing and service of papers and stating that pending further order of the Commission parties to the extent possible shall submit all filings electronically at [apfilings@sec.gov](mailto:apfilings@sec.gov).<sup>6</sup> Also, the Commission's Rules of Practice were recently amended to include new e-filing requirements, which took effect on April 12, 2021.<sup>7</sup>

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman  
Secretary

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<sup>6</sup> See *Pending Administrative Proceedings*, Exchange Act Release No. 88415, <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.

<sup>7</sup> *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.govinfo.gov/content/pkg/FR-2020-12-30/pdf/2020-25747.pdf>; see also *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments also impose other obligations on parties to administrative proceedings such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465-81.