

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 92567 / August 5, 2021

Admin. Proc. File No. 3-20325

In the Matter of

FREESEAS INC.

SUPPLEMENTAL ORDER REGARDING SERVICE

The Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) on May 21, 2021, pursuant to Section 12(j) of the Securities Exchange Act of 1934, against respondent FreeSeas Inc. (“Respondent”).¹

On July 6, 2021, the Division of Enforcement filed a Declaration of Gina Joyce (“Declaration”). The Declaration stated that, pursuant to Commission Rule of Practice 141(a)(2)(ii),² service of the OIP was made on Respondent on June 16, 2021, by mailing the OIP to an address in Athens, Greece taken from Respondent’s “last filing with the Commission.”

On July 15, 2021, we issued an Order Regarding Service in another case instituted pursuant to Exchange Act Section 12(j) in which the OIP had been mailed to a respondent located in Greece.³ Because the declaration of service the Division submitted in that case did not state “what steps the Division took to ensure that this method of serving Respondent was valid, including whether it had determined that mail is an acceptable means of service in Greece, and the basis for that determination,” we ordered the Division to file a declaration or status report in that case by July 29, 2021, providing additional information regarding its efforts to effect service of the OIP.⁴ In the course of preparing a response to that order, the Division became aware that Greece objects to service by mail, although it is a signatory to the Hague Convention.

On July 28, 2021, the Division filed a status report in this case stating that it is working “to effect service that is compliant with the Hague Convention or otherwise permissible under Greek law[,]” which “may involve hiring a specialized third-party vendor to act as intermediary

¹ *FreeSeas Inc.*, Exchange Act Release No. 91970, 2021 WL 2134963 (May 21, 2021).

² 17 C.F.R. § 201.141(a)(2)(ii).

³ *Boston Carriers, Inc.*, Exchange Act Release No. 92422, 2021 WL 2987123 (July 15, 2021).

⁴ *Id.*

in the process.” In light of the Division’s status report, and the potentially lengthy process of pursuing service in a manner compliant with the Hague Service Convention, IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by October 26, 2021, and every 90 days thereafter until service is accomplished.

The parties’ attention is directed to the most recent amendments to the Commission’s Rules of Practice, which took effect on April 12, 2021, and which include new e-filing requirements.⁵

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

Vanessa A. Countryman
Secretary

⁵ *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.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations 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.