

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 5692 / February 26, 2021

Admin. Proc. File No. 3-20086

In the Matter of
GARY EDWARD HAYNES

ORDER REGARDING SERVICE

On September 28, 2020, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Gary Edward Haynes pursuant to Section 203(f) of the Investment Advisers Act of 1940.¹ On February 19, 2021, the Division of Enforcement filed a document showing that UPS delivered the OIP to Haynes’s address in the Ionia Correctional Facility. However, the Commission’s Rules of Practice do not authorize service of an OIP by sending it through a commercial courier service or express delivery service.²

Accordingly, IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by March 12, 2021, and every 28 days thereafter until service is accomplished. The parties’ attention is called to the Commission’s March 18, 2020 order regarding the filing and service of papers, which provides that pending further order of the Commission parties to the extent possible shall submit all filings electronically at

¹ *Gary Edward Haynes*, Advisers Act Release No. 5597, 2020 WL 5766754 (Sept. 28, 2020).

² *See* Rule of Practice 141(a)(2)(i), 17 C.F.R. § 201.141(a)(2)(i); *cf.* Rule of Practice 141(b), 17 C.F.R. § 201.141(b) (providing that orders other than an order instituting proceedings may be served by any method of service authorized under Rule of Practice 150(c) and (d)); Rule of Practice 150(d)(3), 17 C.F.R. § 201.150(d)(3) (authorizing service by sending papers through a commercial courier service or express delivery service).

apfilings@sec.gov.³ Also, the Commission's Rules of Practice were recently amended to include new e-filing requirements, which take effect on April 12, 2021.⁴

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

Vanessa A. Countryman
Secretary

³ *Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001 (Mar. 18, 2020), <https://www.sec.gov/litigation/opinions/2020/33-10767.pdf>.

⁴ *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020); *see also Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020); *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.