

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 94004 / January 19, 2022

Admin. Proc. File No. 3-20090

In the Matter of

BRIAN BUCKLEY

SECOND SUPPLEMENTAL ORDER REGARDING SERVICE

On September 28, 2020, the Securities and Exchange Commission (“Commission”) issued an Order Instituting Proceedings (“OIP”) against respondent Brian Buckley pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ On December 13, 2021, the Commission issued a Supplemental Order Regarding Service.² The order directed the Division of Enforcement to file a status report concerning service of the OIP by January 10, 2022, and every 28 days thereafter until service was accomplished.³

On January 10, 2022, the Division filed a status report regarding service. In Exhibit A to the status report, the Division stated that “[a]ccording to the Service Details recorded in the Service Information page of the Office of the Secretary’s Electronic Filings in Administrative Proceedings, Respondent was served by the Office of the Secretary on October 21, 2021.” Contrary to its typical practice for establishing service of an OIP, here the Division did not submit a declaration describing how service was made on Buckley and whether that method of service complied with the requirements of Rule 141(a)(2)(i) of the Commission’s Rules of Practice.⁴ As a result, we cannot determine whether service has been accomplished in this case.

¹ *Brian Buckley*, Exchange Act Release No. 90029, 2020 WL 5766747 (Sept. 28, 2020); *see* 15 U.S.C. § 78o(b).

² *Brian Buckley*, Exchange Act Release No. 93765, 2021 WL 5907841 (Dec. 13, 2021).

³ *Id.* at *1.

⁴ *See* 17 C.F.R. § 201.141(a)(2)(i); *see also* Rule of Practice 141(a)(3), 17 C.F.R. § 201.141(a)(3) (requiring the Secretary to “maintain a record of service on parties” of OIPs, which identifies “the party given notice, the method of service, the date of service, the address to which service was made, and the person who made service”).

Accordingly, IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by February 2, 2022 describing how service was made on Buckley and whether that method of service complied with the requirements of Rule 141(a)(2)(i).

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

Vanessa A. Countryman
Secretary