

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 94501 / March 23, 2022

Admin. Proc. File No. 3-20504

In the Matter of  
  
MICHAEL VAX

ORDER REGARDING SERVICE

The Securities and Exchange Commission (“Commission”) issued an order instituting administrative proceedings (“OIP”) on August 30, 2021, pursuant to Section 15(b) of the Securities Exchange Act of 1934, against respondent Michael Vax (“Respondent”).<sup>1</sup> On March 9, 2022, the Division of Enforcement filed a Declaration of Rhonda L. Jung, stating that “the Division hired Cavalier Courier & Process Service (“Cavalier”) to serve the OIP at Mr. Vax’s usual place of abode,” and that “Cavalier left a copy of the OIP with Mr. Vax’s wife.” The Declaration attached an exhibit described as “the notice of service,” which consisted of an automated email from Cavalier to the Division stating that the OIP was served on Respondent by leaving a copy of it with his “co-resident/wife” at “the usual place of abode of” Respondent..

Commission Rule of Practice 141(a)(3) states that “[i]f a division serves a copy of an order instituting proceedings, the division shall file with the Secretary . . . proof of service consisting of a *statement by the person who made service certifying* the date and manner of service; the names of the persons served; and their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service” (emphasis added).<sup>2</sup> The email from Cavalier attached as an exhibit to the Declaration does not appear to comply with Rule 141(a)(3) because it does not contain a statement from the person who made service certifying the information required under the Rule.

Accordingly, IT IS ORDERED that the Division of Enforcement file a proof of service consisting of a statement by the person who made service certifying the information required by Rule 141(a)(3) by April 6, 2022; and, if the Division cannot file such a proof of service, it file a status report concerning service of the OIP by April 6, 2022, and every 28 days thereafter until service is accomplished.

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<sup>1</sup> *Michael Vax*, Exchange Act Release No. 92819, 2021 WL 3894484 (Aug. 30, 2021).

<sup>2</sup> 17 C.F.R. § 201.141(a)(3).

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.<sup>3</sup>

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

Vanessa A. Countryman  
Secretary

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<sup>3</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.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.