

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940  
Release No. 6066 / July 8, 2022

Admin. Proc. File No. 3-20828

In the Matter of  
  
GREGORY LEMELSON

ORDER DIRECTING SUBMISSION FROM THE DIVISION OF ENFORCEMENT

On April 20, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Gregory Lemelson, pursuant to Section 203(f) of the Investment Advisers Act of 1940.<sup>1</sup> Lemelson filed his answer on May 11, 2022. On June 16, 2022, the Division of Enforcement submitted on behalf of the parties a proposed briefing schedule for the Division’s motion for summary disposition pursuant to Commission Rule of Practice 250.<sup>2</sup>

On June 21, 2022, we issued an order scheduling briefs, which noted that the Division’s proposed briefing schedule had not indicated that it was served on Lemelson and therefore ordered the Division to file a certificate of service by June 28, 2022.<sup>3</sup> The Division has not yet filed a certificate of service.

On June 26, 2022, the Division filed a document requesting that individuals it identified as Lemelson’s counsel be added to the service list in this matter. The letter did not indicate that it was served on Lemelson.<sup>4</sup>

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<sup>1</sup> *Gregory Lemelson*, Advisers Act Release No. 6000, 2022 WL 1184458 (Apr. 20, 2022).

<sup>2</sup> 17 C.F.R. § 201.250.

<sup>3</sup> *Gregory Lemelson*, Advisers Act Release No. 6054, 2022 WL 2218172, at \*1 n.3 (June 21, 2022).

<sup>4</sup> The Division also did not explain the basis for its request that the service list be updated to include Lemelson’s counsel. *Cf. Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications 5*, <https://www.sec.gov/efapdocs/instructions.pdf>. (“Until a participant’s Rule [of Practice] 102(d) [notice of appearance] filing is processed and entered in the proceeding’s Record Index, the participant’s email address will not appear on the service list for that proceeding.”).

On June 27, 2022, two Division attorneys filed notices of appearance. The certificate of service for each notice of appearance stated that “the foregoing was filed through the electronic filing system, and accordingly, the document will be sent electronically to all participants registered to receive electronic notice in this case.” However, filing a document through the electronic filing system does not automatically serve the other party.<sup>5</sup>

On June 30, 2022, the Division filed a motion for summary disposition, which included a certificate of service with the same wording as the Division’s notices of appearance.

Accordingly, IT IS ORDERED that the Division file by July 15, 2022 certificates of service that conform with Rule of Practice 151(d)<sup>6</sup> regarding its June 16, 2022 proposed briefing schedule, its June 26, 2022 letter requesting that Lemelson’s counsel be added to the service list, its two June 27, 2022 notices of appearance, and its June 30, 2022 motion for summary disposition.

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

Vanessa A. Countryman  
Secretary

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<sup>5</sup> *Id.* (“Filing documents electronically using eFAP will not constitute service on Commission staff, such as the Division of Enforcement, or other participants in an administrative proceeding. Once you have filed documents using eFAP, you still must serve it on other participants in the proceeding.”).

<sup>6</sup> 17 C.F.R. § 201.151(d).