

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 96785 / February 1, 2023

Admin. Proc. File No. 3-21039

In the Matter of

LISA GORDON

ORDER REGARDING SERVICE

The Securities and Exchange Commission (“Commission”) issued an order instituting administrative proceedings (“OIP”) on September 7, 2022, pursuant to Section 15(b) of the Securities Exchange Act of 1934, against Lisa Gordon.¹ On January 23, 2023, the Division of Enforcement filed a Status Report Regarding Service, which attaches a declaration by the process service the Division hired to serve the OIP on Gordon. The declaration states that the process service “searched social media; proprietary, non-public electronic databases; and other public records”; through which it discovered that Gordon “is an agent of Wentworth Hightower Community Fund” with a principal address in Tarzana, California. The declaration states that the process service served the OIP by sending it via U.S. mail to Gordon at that address.

Under Commission Rule of Practice 141(a)(2)(i), service of an OIP may be made by sending it “addressed to the individual by US. Postal Service certified, registered or express mail and obtaining a confirmation of receipt.”² The Status Report and the declaration do not state or attach evidence showing how the mailing was addressed or what type of U.S. mail was used; and they do not attach a confirmation of receipt. The Status Report and the declaration also do not explain how the Division determined that Gordon is currently an agent of Wentworth Hightower Community Fund or attach an exhibit evidencing this status; nor do they establish that the OIP was mailed to Gordon’s current address. Under the circumstances, there is an absence of information necessary to confirm that service has been properly made.

The declaration also states that the process service attempted to serve the OIP on Gordon personally over “varying days and times” at her home address in Woodland Hills, California, but that it was unsuccessful, so it instead “posted [the OIP] to the front door” of Gordon’s home. But the Rules of Practice do not authorize service of an OIP by posting it to a respondent’s front

¹ *Lisa Gordon*, Exchange Act Release No. 95690, 2022 WL 4103363 (Sept. 7, 2022).

² 17 C.F.R. § 201.141(a)(2)(i). In the Status Report, the Division cites Rule of Practice 150(d), which concerns service of papers by parties generally, but not service of an OIP.

door.³ Moreover, the Division does not explain why it did not attempt to send the OIP via U.S. mail to Gordon's home address in Woodland Hills, California, and obtain a confirmation of receipt, which as noted above is a valid method of service under Rule 141(a)(2)(i).

Accordingly, IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by March 1, 2023, and every 28 days thereafter until service is accomplished. The parties' attention is also directed to the e-filing requirements in the Rules of Practice.⁴

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

Vanessa A. Countryman
Secretary

³ See, e.g., *Am. Realty Funds Corp.*, Exchange Act Release No. 91250, 2021 WL 824409, at *1 (Mar. 3, 2021) (order regarding service stating that "posting of the OIP" at the main entrance of respondent's address "does not appear" to satisfy the service requirements in Rule 141(a)(2)).

⁴ *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 redaction and omission of sensitive personal information requirement. *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.