

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 98104 / August 10, 2023

Admin. Proc. File No. 3-21302

In the Matter of  
  
EMILIO BARRERA, JR., A/K/A MIKE BARRERA

SECOND ORDER REGARDING SERVICE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on February 14, 2023, pursuant to Section 15(b) of the Securities Exchange Act of 1934, against Emilio Barrera, Jr., a/k/a Mike Barrera.<sup>1</sup> We issued an order regarding service of the OIP on June 15, 2023.<sup>2</sup> On June 29, 2023, the Division of Enforcement filed a status report stating that it had sent the OIP via Express Mail to Barrera at “two last known addresses (Miami, Florida and Amarillo, Texas),” as well as “to Barrera as Registered Agent for PRT Consulting, LLC (Richardson, Texas), at the address listed for service on the Texas Secretary of State website.” The status report also states that “[n]o further information is available regarding the location of [Barrera].”

The Division’s status report states that the OIP “was delivered to both Texas addresses, but the package to Miami was returned.” In fact, however, it has come to the Commission’s attention that the service records maintained by the Office of the Secretary in this proceeding contain a document reflecting that the mailing to the Richardson, Texas address was returned to sender. Accordingly, the mailings to the Richardson, Texas and Miami, Florida addresses appear to be insufficient to establish service under our Rules of Practice because they were apparently not delivered to Barrera.<sup>3</sup>

---

<sup>1</sup> *Emilio Barrera, Jr.*, Exchange Act Release No. 96913, 2023 WL 2012383 (Feb. 14, 2023).

<sup>2</sup> *Emilio Barrera, Jr.*, Exchange Act Release No. 97731, 2023 WL 4051665 (June 15, 2023).

<sup>3</sup> See Rule of Practice 141(a)(2)(i), 17 C.F.R. § 201.141(a)(2)(i) (providing that service of an OIP on an individual can be accomplished by “sending a copy of the order addressed to the individual by U.S. Postal Service certified, registered or express mail *and obtaining a confirmation of receipt*” (emphasis added)); cf. Rule of Practice 141(a)(2)(ii)-(iii), (vi), 17 C.F.R.

Also, the meaning of the phrase “two last known addresses” in the Division’s status report is potentially ambiguous. It is unclear whether both addresses reflect the most current addresses known for Barrera (*i.e.*, Barrera presently resides at both locations) or whether one address is more recent than the other.<sup>4</sup>

To assist the Office of the Secretary in maintaining a record of service that establishes that the OIP has been properly served,<sup>5</sup> IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by August 24, 2023, which addresses whether the Amarillo, Texas address is Barrera’s most recent known address and whether the Division knows or has reason to suspect that the Amarillo, Texas address is outdated. IT IS FURTHER ORDERED that the Division file an additional status report concerning service of the OIP every 28 days thereafter until service is accomplished.

The parties’ attention is directed to the e-filing requirements in the Rules of Practice.<sup>6</sup>

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

Vanessa A. Countryman  
Secretary

---

§ 201.141(a)(2)(ii)-(iii), (vi) (providing, in other circumstances, that “obtaining a confirmation of attempted delivery” is sufficient).

<sup>4</sup> There is no return receipt for the package sent to Amarillo, Texas, as the U.S. Postal Service’s tracking information, which the Division attached as an exhibit to the status report, states that “[w]aiver of signature was exercised at time of delivery.”

<sup>5</sup> See Rule of Practice 141(a)(3), 17 C.F.R. § 201.141(a)(3).

<sup>6</sup> See *Amendments to the Commission’s Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464 (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.