

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 98283 / September 5, 2023

INVESTMENT ADVISERS ACT OF 1940  
Release No. 6397 / September 5, 2023

Admin. Proc. File No. 3-20695

In the Matter of  
  
STEPHEN SCOTT MOLESKI

ORDER DISCHARGING ORDER TO SHOW CAUSE AND DIRECTING DIVISION OF  
ENFORCEMENT TO FILE STATUS REPORT CONCERNING SERVICE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on January 7, 2022, pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940, against respondent Stephen Scott Moleski.<sup>1</sup> On February 15, 2022, the Division of Enforcement filed a Notice of Service stating that the OIP had been served by sending it via certified mail to Moleski care of his attorney at the office of his attorney. Moleski did not file an answer to the OIP.

On April 4, 2022, the Commission ordered Moleski to show cause why he should not be deemed to be in default and why this proceeding should not be determined against him.<sup>2</sup> But it appears the OIP may not have been properly served on Moleski. No attorney has made an appearance for Moleski in this proceeding, and the Division has provided no legal or evidentiary basis for concluding that the attorney to whom the OIP was sent is “authorized by appointment or by law to receive such notice.”<sup>3</sup> Nor has the Division described efforts, if any, to serve the OIP directly on Moleski.

Accordingly, it is ORDERED that the order to show cause is discharged. It is also ORDERED that the Division of Enforcement file a status report concerning service of the OIP by October 3, 2023, and every 28 days thereafter until service is accomplished.

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<sup>1</sup> *Stephen Scott Moleski*, Exchange Act Release No. 93923, 2022 WL 73837 (Jan. 7, 2022).

<sup>2</sup> *Stephen Scott Moleski*, Exchange Act Release No. 94604, 2022 WL 1014882 (Apr. 4, 2022).

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

The parties' attention is directed to the e-filing requirements in the Rules of Practice.<sup>4</sup> We also remind the parties that any document filed with the Commission must be served upon all participants in the proceeding and be accompanied by a certificate of service.<sup>5</sup>

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

Vanessa A. Countryman  
Secretary

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

<sup>5</sup> *See* Rule of Practice 150, 17 C.F.R. § 201.150 (generally requiring parties to serve each other with their filings); Rule of Practice 151(d), 17 C.F.R. § 201.151(d) (“Papers filed with the Commission . . . shall be accompanied by a certificate stating the name of the person or persons served, the date of service, the method of service, and the mailing address or email address to which service was made, if not made in person.”).