

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99139 / December 11, 2023

Admin. Proc. File No. 3-21162

In the Matter of LEE SOBEL

SECOND ORDER REGARDING SERVICE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on September 27, 2022, pursuant to Section 15(b) of the Securities Exchange Act of 1934, against Lee Sobel.¹ On February 14, 2023, we issued an order regarding service directing the Division of Enforcement to file a status report by February 28, 2023, and every 28 days thereafter until service on Sobel was accomplished.²

On September 28, 2023, the Division filed a Status Report and Notice of Service (the “Status Report”) in which it represented that, after it was unable to confirm that it successfully served Sobel by mail, it retained a process server, who was likewise unable to effect service. The Division then stated that the process server “learned that Sobel had recently opened a post office box.” And the Division mailed the OIP to Sobel at that post office box via certified mail and provided confirmation that an individual associated with the post office box picked up the mailing containing the OIP on September 7, 2023. The Division represents that it had thus accomplished service of the OIP on Sobel.

Rule of Practice 141(a)(2)(i) permits service of an OIP 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.”³ Although the Status Report states that the process server “learned” that Sobel opened a post office box, the Status Report does not provide the basis for the process server’s belief, or otherwise contain information, such as a declaration from the process server, from which the Commission can conclude that the OIP was sent to Sobel’s address.

¹ *Lee Sobel*, Exchange Act Release No. 95918, 2022 WL 4484042 (Sept. 27, 2022).

² *Lee Sobel*, Exchange Act Release No. 96907, 2023 WL 2012268 (Feb. 14, 2023).

³ 17 C.F.R. 201.141(a)(2)(i).

Accordingly, it is ORDERED that by January 8, 2024 the Division of Enforcement file a status report providing additional information regarding its belief that Sobel was validly served under Rule 141.

The parties' attention is directed to the e-filing requirements in the Rules of Practice.⁴ 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.⁵

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

Vanessa A. Countryman
Secretary

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.

⁵ 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.”).