

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99236 / December 22, 2023

INVESTMENT ADVISERS ACT OF 1940
Release No. 6513 / December 22, 2023

Admin. Proc. File No. 3-20823

In the Matter of

LYNN D. CAWTHORNE

ORDER REGARDING SERVICE

On April 15, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings against Lynn D. Cawthorne pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Section 203(f) of the Investment Advisers Act of 1940.¹ On July 25, 2022, the Division of Enforcement filed a status report regarding service of the OIP, which appended a process server's affidavit.

Commission Rule of Practice 141(a)(2)(i) provides that service may be made by handing a copy of the OIP to an agent authorized by appointment or law to receive notice of a proceeding.² The process server's affidavit states that she personally served the OIP on the officer in charge at the prison where Cawthorne was incarcerated but did not serve Cawthorne personally. Accordingly, it is ORDERED that the Division file additional proof of service clarifying whether the prison official is authorized to accept service of process of the OIP by January 5, 2024; and, if the Division does not have such proof, the Division shall file a status report concerning service of the OIP by January 5, 2024, and every 28 days thereafter until service is accomplished.

¹ *Lynn D. Cawthorne*, Exchange Act Release No. 94734, 2022 WL 1127102 (Apr. 15, 2022).

² *See* Rule of Practice 141(a)(2)(i), 17 C.F.R. § 201.141(a)(2)(i).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.³ 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.⁴

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

Vanessa A. Countryman
Secretary

³ 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.

⁴ 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.").