

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6231 / February 8, 2023

Admin. Proc. File Nos. 3-21098

In the Matters of

GREGORY M. GREENDA

ORDER REGARDING SERVICE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on September 16, 2022, pursuant to Section 203(f) of the Investment Advisers Act of 1940, against Gregory M. Grenda (“Respondent”).¹ On December 6, 2022, the Division of Enforcement filed a status report, which represented that the OIP was served upon Respondent by service on its counsel. The Division further represented that the attorney subsequently stated that he needed an extension of time to file an answer to the OIP, but that the attorney had not filed such a request with the Commission nor communicated with the Division since. Because the Division provided no attachments or exhibits to support its assertion that the OIP was properly served, the Commission issued an Order Regarding Service instructing the Division to file a status report, including any evidence of service of the OIP, by January 20, 2023.²

On January 20, 2023, the Division filed another status report, which explained that the Division had emailed a copy of the OIP to the attorney who had represented Respondent during the civil action leading to this follow-on proceeding. The Division also included an email from that attorney, in which the attorney wrote to the Division that he was “accept[ing] service on behalf of [Respondent].” But the Division has not provided a legal basis for concluding that emailing a copy of the OIP to Respondent’s counsel from a separate civil proceeding constitutes delivery under Rule of Practice 141.³ Nor has the Division described efforts, if any, to serve the OIP directly on Respondent.

¹ *Gregory M. Grenda*, Advisers Act Release No. 6131, 2022 WL 4288988 (Sept. 16, 2022).

² *Gregory M. Grenda*, Advisers Act Release No. 6207, 2022 WL 17886463 (Dec. 23, 2022).

³ *See, e.g.*, Rule of Practice 141(a)(2)(i), 17 C.F.R. § 201.141(a)(2)(i) (providing methods of service on individuals).

Accordingly, IT IS ORDERED that the Division of Enforcement file another status report by March 8, 2023, specifying the legal and factual basis for concluding that service of the OIP has been accomplished or identifying the steps that the Division will take to accomplish it. The Division shall file additional status reports every 28 days thereafter until service is accomplished.⁴

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

Vanessa A. Countryman
Secretary

⁴ The Commission will direct the filing of a motion for default and sanctions if, after proper service of the OIP has been established, Respondent does not file an answer.