

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6276 / April 7, 2023

Admin. Proc. File No. 3-21121

In the Matter of

RON K. HARRISON

ORDER REGARDING SERVICE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on September 21, 2022, pursuant to Section 203(f) of the Investment Advisers Act of 1940, against Ron K. Harrison.¹ On March 9, 2023, in response to an order regarding service,² the Division of Enforcement filed a Status Report Regarding Service, which attaches the Declaration of Kathryn C. Wanner (the “Declaration”), a Division trial counsel.

The Declaration states that the OIP was sent via certified mail to Harrison’s last known address on September 21, 2022. However, the Office of the Secretary informed the Division that it failed to receive a “return receipt” for that mailing. The Declaration also attaches a process server’s declaration, which states that the OIP was served on an adult resident identified only by his first name at Harrison’s last known address on October 21, 2022. But the process server’s declaration states that the resident told him that Harrison had moved out of the address several months earlier.³

The Declaration also attaches two documents from the Commission’s ongoing civil litigation against Harrison—namely, a court filing made by Harrison on October 25, 2021, and the first page of the docket sheet—which both provide the address that was used for the mailing

¹ *Ron K. Harrison*, Advisers Act Release No. 6142, 2022 WL 4445431 (Sept. 21, 2022).

² *Ron K. Harrison*, Advisers Act Release No. 6246, 2023 WL 2212490 (Feb. 23, 2023).

³ According to the process server’s declaration, the resident also stated that his mother was dating Harrison and that she could ensure that Harrison received the documents. To the extent the Division believes that leaving the OIP at the outdated address satisfied the Rules of Practice, it should provide authority to support that position.

and by the process server. The Declaration further points out that Harrison has an obligation to keep his address up-to-date with the court.⁴

Under the circumstances, it appears that the Division has not yet demonstrated that it has effectuated service of the OIP on Harrison under the Commission's Rules of Practice. Rule of Practice 141(a)(2)(i) provides that an OIP can be served by "leaving a copy at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein."⁵ However, the resident of Harrison's last known address stated that Harrison had moved out several months earlier, indicating that this address was no longer Harrison's "dwelling house or usual place of abode."⁶ Although the docket in the federal civil case against Harrison lists that same address, and the court's local rules require him to keep his address up-to-date, neither assertion would appear to counter the statement made to the process server or otherwise establish that, in fact, the address at issue is Harrison's usual place of abode because he could have disregarded the court's requirement and moved without apprising it of the change.⁷

Rule of Practice 141(a)(2)(i) also provides that an OIP can be served 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."⁸ Here, the Division has not produced a confirmation of receipt of the mailing to Harrison's last known address.⁹

Accordingly, to assist the Office of the Secretary in maintaining a record of service that establishes that the OIP has been properly served,¹⁰ IT IS ORDERED that the Division of Enforcement file a status report concerning service of the OIP by May 5, 2023, and every 28 days thereafter until service is accomplished.

⁴ See C.D. Cal. Local Rule 41-6 ("A party proceeding *pro se* must keep the Court and all other parties informed of the party's current address").

⁵ 17 C.F.R. § 201.141(a)(2)(i).

⁶ *Id.*

⁷ The Division may submit additional evidence that, contrary to the resident's statement, Harrison's last known address was his dwelling house or usual place of abode as of October 21, 2022.

⁸ 17 C.F.R. § 201.141(a)(2)(i).

⁹ Because, as noted, the resident told the process server on October 21, 2022, that Harrison had moved out of that same address several months earlier, it seems likely that the mailing was sent to an outdated address on September 21, 2022. Given the lack of a confirmation of receipt for that mailing, we need not determine whether mailing an OIP to an apparently outdated address would satisfy Rule of Practice 141(a)(2)(i) or the requirements of due process. But if the Division again attempts to serve the OIP by mailing it to the apparently outdated address, it should brief the appropriateness of doing so, considering both the Rules of Practice and the requirements of due process.

¹⁰ See Rule of Practice 141(a)(3), 17 C.F.R. § 201.141(a)(3).

The parties' attention is directed to the e-filing requirements in the Rules of Practice.¹¹

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

Vanessa A. Countryman
Secretary

¹¹ *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.