

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940  
Release No. 6376 / August 14, 2023

Admin. Proc. File No. 3-21333

In the Matter of  GUSTAVO A. GUZMAN
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ORDER DIRECTING SUBMISSION OF STATUS REPORT AND SERVICE CERTIFICATE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on March 6, 2023, pursuant to Section 203(f) of the Investment Advisers Act of 1940, against Gustavo A. Guzman (“Respondent”).<sup>1</sup> On March 30, 2023, the Division of Enforcement moved for an extension of time for the parties to hold a prehearing conference until May 1, 2023, and for Respondent to file an answer to the OIP until May 8, 2023. The Division’s motion represented that Respondent was “personally served with the [OIP] for this proceeding by the U.S. Marshals Service.”<sup>2</sup>

On March 31, 2023, the Commission granted the Division’s motion for an extension of time.<sup>3</sup> To date, however, Respondent has not filed an answer to the OIP and neither party has filed a prehearing conference statement or a statement that such a conference was not held. It further appears that, although the Division represents that it served the OIP on Respondent, the Division did not file a proof of service that, as required by Rule 141(a)(3), includes “a *statement by the person who made service certifying* the date and manner of service; the names of the persons served; . . . the addresses of the places of delivery, [and i]f service is made in person . . . the name of the individual to whom the order was given.”<sup>4</sup>

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<sup>1</sup> *Gustavo A. Guzman*, Advisers Act Release No. 6255, 2023 WL 2385776 (Mar. 6, 2023).

<sup>2</sup> Additionally, the OIP appended a “service list,” which stated that Respondent was personally served by the Marshals Service at the Mecklenburg County Detention Center.

<sup>3</sup> *Gustavo A. Guzman*, Advisers Act Release No. 6269, 2023 WL 2732948 (Mar. 31, 2023).

<sup>4</sup> 17 C.F.R. § 141(a)(3) (emphasis added). See *Michael Vax*, Exchange Advisers Act Release No. 94501, 2022 WL 867164, at \*1 (Mar. 23, 2022) (email attached to service declaration did “not appear to comply with Rule 141(a)(3) because it d[id] not contain a statement from the person who made service certifying the information required under the Rule”).

Accordingly, it is ORDERED that, by August 28, 2023, the Division shall file (i) a report addressing the status of this proceeding, and (ii) a certificate of service for the OIP that complies with Commission Rule of Practice 141(a)(3).

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