

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 6401 / September 8, 2023

Admin. Proc. File No. 3-20235

In the Matter of

GREGORY MOATS SAMPSON

SECOND ORDER REGARDING SERVICE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on March 2, 2021, pursuant to Section 203(f) of the Investment Advisers Act of 1940 against Gregory Moats Sampson.¹ On August 23, 2023, the Division of Enforcement filed a status report concerning service of the OIP.

The status report states that the Division “sent the OIP to the Respondent via Fedex on March 11, 2021 at the FCI Englewood Federal Correctional Institution, where Respondent was incarcerated.” The status report includes an exhibit described as a “FedEx confirmation of delivery . . . show[ing] that the package was delivered on March 11, 2021, when an individual picked the package up from the postal facility.” However, the exhibit itself is a printout of tracking information from the United States Postal Service website. The exhibit does not specify the address to which the package was mailed or identify the individual who picked it up.

Commission Rule of Practice 141(a)(3) states that “[i]f a division serves a copy of an order instituting proceedings, the division shall file with the Secretary . . . proof of service consisting of a statement by the person who made service certifying the date and manner of service; the names of the persons served; and their mail or electronic addresses, facsimile numbers, or the addresses of the places of delivery, as appropriate for the manner of service.”² It does not appear that the August 23 status report complies with Rule 141(a)(3) because, *inter alia*, (1) it contains an internal inconsistency as to the “manner of service” (i.e., whether the OIP was served by FedEx or by the United States Postal Service); (2) it does not specify the “address[] of the place[] of delivery”; and (3) it is not clear it was submitted by the “person who made service” (or otherwise explain how the affiant has knowledge of the relevant facts establishing service).

¹ *Gregory Moats Sampson*, Advisers Act Release No. 5694, 2021 WL 796053 (Mar. 2, 2021).

² 17 C.F.R. § 201.141(a)(3).

Accordingly, it is ORDERED that by September 22, 2023, the Division shall file a proof of service of the OIP that complies with Rule of Practice 141(a)(3).³ If such a proof of service cannot be filed, the Division shall file a status report by October 6, 2023, and every 28 days thereafter until service is accomplished.

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

³ See, e.g., *Gustavo A. Guzman*, Advisers Act Release No. 6376, 2023 WL 5203106, at *1 (Aug. 14, 2023) (requiring compliance with Rule 141(a)(3)); *Michael Vax*, Exchange Advisers Act Release No. 94501, 2022 WL 867164, at *1 (Mar. 23, 2022) (same).

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.").