

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 100251 / May 31, 2024

Admin. Proc. File No. 3-21925

In the Matter of  
  
TIMOTHY A. NEMECKAY

ORDER DIRECTING SUBMISSION FROM THE DIVISION OF ENFORCEMENT

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on May 1, 2024, pursuant to Section 15(b) of the Securities Exchange Act of 1934, against Timothy A. Nemeckay.<sup>1</sup> On May 7, 2024, the Division of Enforcement filed a return of service document signed by a process server who averred that Nemeckay was personally served on May 3, 2024. However, the Division did not accompany this return of service with a filing signed by a Division attorney or with a certificate of service showing that the document was served on Nemeckay.<sup>2</sup> Accordingly, IT IS ORDERED that, by June 11, 2024, the Division of Enforcement re-file the return of service accompanied by a filing signed by a Division attorney and a certificate of service.

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<sup>1</sup> *Timothy A. Nemeckay*, Exchange Act Release No. 100045, 2024 WL 1907755 (May 1, 2024).

<sup>2</sup> *See* Rule of Practice 151(d), 152(c), 153(a), 17 C.F.R. § 201.151(d), .152(c), .153(a).

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

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

Vanessa A. Countryman  
Secretary

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<sup>3</sup> See Rules of Practice 151, 152(a), 17 C.F.R. §§ 201.151, .152(a) (providing procedure for filing papers with the Commission and mandating electronic filing in the form and manner posted on the Commission's website); *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. Parties generally also must certify that they have redacted or omitted sensitive personal information from any filing. Rule of Practice 151(e), 17 C.F.R. § 201.151(e).

<sup>4</sup> 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.").