

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99585 / February 22, 2024

Admin. Proc. File No. 3-21529

In the Matter of RONALD SHANE FLYNN
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ORDER GRANTING MOTION FOR ALTERNATIVE MEANS OF SERVICE

The Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) on July 14, 2023, pursuant to Section 15(b) of the Securities Exchange Act of 1934,¹ against respondent Ronald Shane Flynn.² On January 29, 2024, the Commission granted a motion by the Division of Enforcement seeking to amend the OIP.³ According to the amended OIP, Flynn was permanently enjoined from violating antifraud and registration provisions of the federal securities laws.⁴

On February 1, 2024, the Division filed a motion for leave to serve the amended OIP on Flynn by alternative means. According to the motion, Flynn is a United States citizen whose last known address is in the United Arab Emirates (“UAE”) and the Division attempted to serve the original OIP on him by mail to that address. That mailing was returned unopened, and all other documents filed by the Division in this proceeding were mailed to that address and similarly returned or else are being returned. Because service by mail was unsuccessful, the Division requests leave to serve Flynn by email at an email address known to be used by Flynn and which the federal district court in the underlying civil action found adequate for service on Flynn.⁵ The

¹ 15 U.S.C. § 78o(b).

² *Ronald Shane Flynn*, Exchange Act Release No. 97907, 2023 WL 4546119 (July 14, 2023).

³ *Ronald Shane Flynn*, Exchange Act Release No. 99443, 2024 WL 360868 (Jan. 29, 2024).

⁴ *Id.* at *5–6.

⁵ The district court originally authorized alternative service on a different email address, which Flynn deactivated during the civil action. The district court found that service on Flynn was adequate, however, because after he deactivated the first email address, the Commission

motion states that Flynn used this email address to communicate with investors at least as recently as June 2022. The Division further represents that it has been sending copies of the filings in this proceeding to this email address and has not received any indication that the email address has been deactivated.

Commission Rule of Practice 141(a)(2)(iv)(D) provides that service of an OIP on persons in a foreign country may be accomplished “[b]y any other means not prohibited by international agreement, as the Commission or hearing officer orders.”⁶ The UAE “is not a signatory to the Hague Convention or any other international agreement with the United States regarding service of process.”⁷ Service by email upon Flynn therefore is not prohibited by international agreement.⁸ Moreover, service by email under the circumstances described in the Division’s motion complies with due process.⁹ Thus, we find it appropriate to grant the motion.

served filings on Flynn at the email address that the Division proposes to use here. *See SEC v. Vuuzle Media Corp.*, 2023 WL 4118438, at *4 & n.4 (D.N.J. June 22, 2023).

⁶ 17 C.F.R. § 201.141(a)(2)(iv)(D).

⁷ *Facebook, Inc. v. Trabi*, 2021 WL 4942678, at *1 (N.D. Cal. May 3, 2021) (citing *CKR Law LLP v. Anderson Invs. Int’l, LLC*, 525 F. Supp. 3d 518, 524 (S.D.N.Y. 2021), and *Spencer v. Caracal Int’l, LLC*, 2021 WL 1341237, at *3 (M.D. Tenn. Apr. 9, 2021)).

⁸ *See CKR LAW*, 525 F. Supp. 3d at 524.

⁹ *See, e.g., CKR LAW*, 525 F. Supp. 3d at 525 (holding that service by email and WhatsApp on respondent located in UAE complied with due process where petitioner introduced evidence that messages to a specific email address and phone number had reached respondent); *Lexmark Int’l, Inc. v. Ink Techs. Printer Supplies, LLC*, 295 F.R.D. 259, 262 (S.D. Ohio 2013) (concluding that service by email complied with due process where plaintiff “demonstrated that it has verified that each of the email addresses at which it seeks to serve those Defendants is valid, and that communication has occurred with a representative of the respective Defendant at those email addresses”); *cf. Vuuzle Media*, 2023 4118438, at *4 n.4 (holding that emailing filings to email address known to be used by Flynn in UAE established service for purpose of default judgment).

Accordingly, IT IS ORDERED that the Division of Enforcement may serve the amended OIP via email upon Flynn at the email address it set forth for Flynn in its motion and file a status report concerning service of the Amended OIP by March 21, 2024.

The parties' attention is directed to the e-filing requirements in the Rules of Practice.¹⁰

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

Vanessa A. Countryman
Secretary

¹⁰ See *Amendments to the Commission's Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464 (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 amended rules require, among other things, the redaction and omission of sensitive personal information, and provide alternative procedures if a person cannot reasonably comply with the electronic filing requirements due to lack of access to electronic transmission devices. See *Amendments to the Commission's Rules of Practice*, 85 Fed. Reg. at 86,465–81.