

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
April 8, 2010

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 650/April 8, 2010

ADMINISTRATIVE PROCEEDING
File No. 3-13799

In the Matter of

GRANT IVAN GRIEVE a/k/a GAD GRIEVE : ORDER

The Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Proceedings (OIP) on March 2, 2010. The OIP alleges that Grant Ivan Grieve a/k/a Gad Grieve (Grieve) has been enjoined from violating the antifraud provisions of the securities laws in SEC v. Grieve, No. 09-CV-1198-AKH (S.D.N.Y. Jan. 27, 2010).

Grieve has not been served with the OIP in accordance with 17 C.F.R. § 201.141(a)(2)(i). Under consideration is the Division's Motion to Serve Respondent Grant Ivan Grieve by Alternative Means, Pursuant to Rule 141(a)(2)(iv). Attempts to serve Grieve in Israel, where he is believed to reside, have been unsuccessful, and the Division requests permission to effect service on him through e-mail to his last known e-mail addresses and notice in the *International Herald Tribune*. The Division states that, after months of fruitless attempts by various methods to serve Grieve with the complaint in SEC v. Grieve, it was granted leave by the District Court to serve him by alternative means – e-mail and publication in the *International Herald Tribune*, pursuant to Federal Rule of Civil Procedure 4(f)(3).

The Division's request will be denied. The Federal Rules of Civil Procedure do not apply in the Commission's administrative proceedings, and the Division has not made the showing required by 17 C.F.R. § 201.141(a)(2)(iv), which provides, "Notice of a proceeding to a person in a foreign country may be made by any method specified in [17 C.F.R. § 201.141(a)(2)], or by any other method reasonably calculated to give notice, provided that the method of service used is not prohibited by the law of the foreign country." (emphasis added). Should Grieve in fact be in the United States, alternative methods of service (outside those specified in 17 C.F.R. § 201.141(a)(2)(i)), such as publication, are not permitted. See Rules of Practice, 60 Fed. Reg. 32738, 32750 (June 23, 1995).

IT IS SO ORDERED.

/S/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge