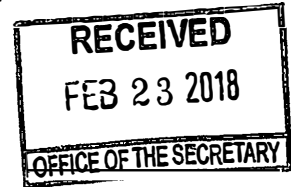


Hard Copy

UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING  
File No. 3-18271



In the Matter of

JEFFREY D. SMITH,  
JOSEPH CARSWELL, and  
MICHAEL W. FULLARD

:  
: DIVISION OF  
: ENFORCEMENT'S  
: RESPONSE TO ORDER  
: REQUIRING IT TO FILE  
: SUPPLEMENTAL  
: DECLARATION REGARDING  
: STATUS OF SERVICE ON  
: JEFFREY D. SMITH  
:  
:

The Division of Enforcement hereby files this response to Judge Elliot's Order directing the Division to file a supplemental declaration regarding the status of service of the order instituting proceedings (OIP) on Respondent Jeffrey D. Smith ("Smith").

Attached hereto, as Exhibit 1, is the Supplemental Declaration of Robert F. Schroeder. *See* Exhibit 1 (Schroeder Decl.).

As set forth in Mr. Schroeder's Declaration and attachment, Smith was served by substitution on February 5, 2018, in accordance with SEC Rule of Practice 150(c)(1). *See* Exhibit 1 (Schroeder Decl.), Attachment A. Smith was served at 1438 Smithson Drive, Lithonia, Georgia 30058, the residence of his mother, Cynthia Ford, where Smith also resides along with a man who identified himself as "Greg". *Id.* "Greg" is believed to be Gregory Ford, Jr. *Id.*

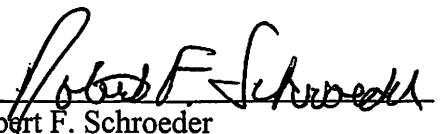
Specifically, Smith was served by substitution at the above-referenced address on February 5, 2018, by serving "Greg", after "Greg" answered the door and confirmed to

the process server that both he and Smith resided there, and that Smith was not home at that time. *Id.*

WHEREFORE, the Division requests an Order to the effect that Smith was served with the OIP, Notice of Hearing and Service List in the above-referenced matter on February 5, 2018.

This 22 day of February 2018.

Respectfully submitted,

  
Robert F. Schroeder  
Senior Trial Counsel  
Division of Enforcement  
Securities and Exchange Commission  
950 E. Paces Ferry Road NE  
Atlanta, Georgia 30326-1232  
(404) 942-0688  
[schroederr@sec.gov](mailto:schroederr@sec.gov)

# EXHIBIT

1

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-18271**

**In the Matter of**

**JEFFREY D. SMITH,**  
**JOSEPH CARSWELL, and**  
**MICHAEL W. FULLARD**

**:**  
**:** **DIVISION OF**  
**:** **ENFORCEMENT'S**  
**:** **RESPONSE TO ORDER**  
**:** **REQUIRING IT TO FILE**  
**:** **SUPPLEMENTAL**  
**:** **DECLARATION REGARDING**  
**:** **STATUS OF SERVICE ON**  
**:** **JEFFREY D. SMITH**  
**:**  
**:**  
**:**

**SUPPLEMENTAL DECLARATION OF ROBERT F. SCHROEDER (EXHIBIT 1)**

1. My name is Robert F. Schroeder. I am over the age of eighteen years of age and have personal knowledge of the facts set forth herein.

2. I am the attorney representing the Division of Enforcement ("Division") in this proceeding.

3. I make this Supplemental Declaration as part of the Division's response to Judge Elliot's Order directing it to file a supplemental declaration regarding the status of service of the order instituting proceedings (OIP) on Respondent Jeffrey D. Smith ("Smith").

4. Cavalier Courier & Process Service ("CCPS") has been utilized by the Division to serve Respondents Smith, Joseph Carswell and Michael W. Fullard with the order instituting proceedings (OIP) in the above-referenced matter.

5. Attached hereto as Attachment A is the declaration of Kevin Lewis, a process server contracted by CCPS.

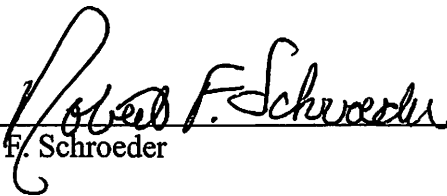
6. Mr. Lewis served Smith by substitution, by serving a man who identified himself as “Greg” at [REDACTED], Lithonia, Georgia [REDACTED] on February 5, 2018. That address is the residence of Smith’s mother, Cynthia Ford. *See* Attachment A (Lewis Decl.).

7. “Greg” is believed to be Gregory Ford Jr., who also resides at the above-referenced address. *Id.*

8. Specifically, Smith was served by substitution at the above-referenced address on February 5, 2018, by serving “Greg”, after “Greg” answered the door and confirmed to the process server that both he and Smith resided there, and that Smith was not home at that time. *Id.*

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

This 22 day of February 2018.

  
\_\_\_\_\_  
Robert F. Schroeder

# ATTACHMENT

A

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

Case Number: 3-18271

In the Matter of:  
**Smith, Jeffery D.; et al**

Received by Cavalier Courier & Process Service on the 7th day of November, 2017 at 1:03 pm to be served on Jeffery D. Smith, 230 18th Street N.W., Unit 11221, Atlanta, GA 30363.

I, Kevin Lewis, do hereby affirm that on the 5th day of February, 2018 at 2:32 pm, I:

Served Party Letter; Order Instituting Administrative Proceedings Pursuant to Section 15(b) of the Securities Exchange Act of 1934 and Notice of Hearing; and Service List to Gregory Ford as co-resident of Jeffery D. Smith at [REDACTED], Lithonia, GA [REDACTED], being of suitable age and discretion to accept service in the absence of Jeffery D. Smith. Upon information and belief, [REDACTED], Lithonia, GA [REDACTED] is the usual place of abode of Jeffery D. Smith.

**Additional information pertaining to this Service:**

Cynthia Ford, who is the mother of respondent Jeffery D Smith resides at [REDACTED], Lithonia, GA [REDACTED]. When I knocked at [REDACTED], GA [REDACTED] to attempt service on respondent Smith, a tall, slim man opened the door. I asked if Jeffery D Smith was home, and the man said that Jeffery D Smith was not home at the moment. Upon further questioning, the man confirmed that Jeffery Smith does indeed live at [REDACTED], Lithonia, GA [REDACTED]. The man affirmed that he himself lives at [REDACTED], Lithonia, GA as well. I then made service by substitution, in accordance with SEC Rule of Practice 150(c)(1). When I inquired about the man's name and his relationship to Jeffery D Smith, he merely gave his name as "Greg" but refused to state his last name or connection to Jeffery D Smith. Previously, a neighbor had informed me that "Greg Ford" lived at [REDACTED], Lithonia, GA [REDACTED]. The neighbor's information aligned with my further research, which indicated that Gregory Ford Jr was listed at [REDACTED], Lithonia, GA [REDACTED]. Therefore, I believe that the man I served was Gregory Ford Jr, a co-resident of respondent Jeffery D Smith.

I am a natural person over the age of eighteen and am not a party to or otherwise interested in the subject matter in controversy. I am a private process server authorized to serve this process in accordance with relevant law. Under penalty of perjury, I declare that the foregoing is true and correct.



Kevin Lewis  
Process Server

Cavalier Courier & Process Service  
823-C South King Street  
Leesburg, VA 20176  
(703) 431-7085

Our Job Serial Number: CAV-2017008310  
Ref: ARO-53084



**CERTIFICATE OF SERVICE**

The undersigned counsel for the Division of Enforcement hereby certifies that he has served the foregoing document as specified below:

Honorable Cameron Elliot (via electronic mail and UPS overnight mail)  
Administrative Law Judge  
Securities and Exchange Commission  
100 F Street NE  
Room 2557  
Washington, D.C. 20549-2557

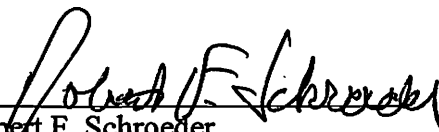
Secretary Brent J. Fields (via facsimile and UPS overnight mail)  
Securities and Exchange Commission  
100 F Street N.E.  
Washington, DC 20549-1090

Mr. Jeffrey D. Smith (via UPS overnight mail)  
[REDACTED]  
Lithonia, Georgia [REDACTED]

Mr. Joseph Carswell (via UPS overnight mail)  
901 Roswell Street  
Marietta, Georgia 30060

Mr. Michael W. Fullard (via UPS overnight mail)  
[REDACTED]  
Apartment [REDACTED]  
Sedona, Arizona [REDACTED]

Dated: February 22, 2018

  
Robert F. Schroeder  
Senior Trial Counsel