

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 86115 / June 14, 2019

Admin. Proc. File No. 3-19006

In the Matter of
ERNEST J. ROMER, III

SUPPLEMENTAL ORDER REGARDING SERVICE

On February 22, 2019, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Ernest J. Romer, III, pursuant to Section 15(b) of the Securities Exchange Act of 1934,¹ and on May 23, 2019, we issued an order noting that there had been no filings in the case since the OIP and requiring the Division of Enforcement to file a status report concerning service of the OIP by June 6, 2019.²

On June 6, 2019, the Division filed a declaration regarding service of the OIP. The declaration stated that the Commission’s Office of the Secretary provided the Division with a return receipt for a copy of the OIP mailed to Romer at Kinross Correctional Facility in Kincheloe, Michigan. The receipt appears to have been signed by someone at the Kinross facility. The declaration’s certificate of service showed that service of the declaration was directed to a different correctional facility located in Newberry, Michigan. We take official notice of state records reflecting that Romer is currently incarcerated at the Newberry facility.³

Commission Rule of Practice Rule 141(a)(2)(i) requires that service of an OIP be made upon an individual by “delivering a copy of the [OIP] to the individual” or “sending a copy of the [OIP] addressed to the individual by U.S. Postal Service certified, registered or Express Mail and obtaining a confirmation of receipt.”⁴ The declaration does not address the apparent

¹ *Ernest J. Romer, III*, Exchange Act Release No. 85177, 2019 WL 857541; *see* 15 U.S.C. § 78o(b).

² *Ernest J. Romer, III*, Exchange Act Release No. 85929, 2019 WL 2224029.

³ *See* 17 C.F.R. § 201.323; <http://mdocweb.state.mi.us/otis2/otis2.html> (Michigan Department of Corrections Offender Tracking System).

⁴ 17 C.F.R. § 201.141(a)(2)(i).

inconsistency between service of the OIP to the Kinross facility and service of the declaration to the Newberry facility, where public records indicate Romer is, at least currently, located.

Accordingly, IT IS ORDERED that the Division of Enforcement file a supplemental status report concerning service of the OIP by June 21, 2019. The supplemental report shall address the service standards of Rule of Practice Rule 141(a)(2)(i) and the discrepancy of addresses in the declaration. To the extent that service has not yet been made, the Division shall continue reporting on service every 28 days thereafter until service is accomplished.

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

Vanessa A. Countryman
Acting Secretary