

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 86337 / July 9, 2019

Admin. Proc. File No. 3-18807

In the Matter of  
  
DAVID HOWARD WELCH  
(a/k/a DAVID HOWARD BRYANT)

ORDER REGARDING SERVICE

On September 20, 2018, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against David Howard Welch (a/k/a David Howard Bryant) pursuant to Section 15(b) of the Securities Exchange Act of 1934.<sup>1</sup> On May 10, 2019, we issued an order directing the Division to file a status report concerning service of the OIP, and to file periodic status reports thereafter until service is complete.<sup>2</sup>

The Division submitted status reports on May 24, 2019, and June 21, 2019. Those status reports recite the Division’s efforts to provide notice to Welch of the proceedings against him consistent with Rule 141 of the Commission’s Rules of Practice, which governs service. The Division states that it has provided notice to Welch under Rule 141(a)(2)(i), which permits “[n]otice of a proceeding [to] be made to an individual” by, among other things, “leaving a copy at the individual’s office with a clerk or other person in charge thereof.”<sup>3</sup> The Division states that it left a copy of the OIP at an address in Oregon that is Welch’s office. The Division states further that, although “it does not have information that Mr. Welch frequents” the Oregon address, “and[,] upon information that it has received[,] believes he lives full time in Costa Rica,” it believes that service was proper at the Oregon address under Rule 141(a)(2)(i).

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<sup>1</sup> *David Howard Welch*, Exchange Act Release No. 84234, 2018 WL 4537200 (Sep. 20, 2018).

<sup>2</sup> *David Howard Welch*, Exchange Act Release No. 85834, 2019 WL 2071385 (May 10, 2019).

<sup>3</sup> 17 C.F.R. § 201.141(a)(2)(i).

The Division's status reports do not address Rule 141(a)(2)(iv). That rule lists permissible methods of providing notice of a proceeding to a person in a foreign country, including "[a]ny method of service specified in paragraph (a)(2) of this rule that is not prohibited by the law of the foreign country."<sup>4</sup> As the Division represents that "Welch resides in Costa Rica," it appears that he is a "person in a foreign country" under Rule 141(a)(2)(iv). Leaving a copy of the OIP at a person's office with a clerk or person in charge thereof is a method of service specified in paragraph (a)(2)(i). The Division's status reports do not, however, say whether Costa Rican law prohibits service on a person in Costa Rica by leaving a copy of papers at the person's office with a clerk or person in charge thereof.

Accordingly, IT IS ORDERED that the Division file an additional submission addressing, in addition to any other relevant arguments, Rule 141(a)(2)(iv) and whether Costa Rican law prohibits service on a person in Costa Rica by leaving a copy of papers at the person's office with a clerk or person in charge thereof. The Division shall file its submission by July 19, 2019. The parties may file opposition and reply briefs within the deadlines provided by the Rules of Practice.<sup>5</sup>

The parties are reminded that an electronic courtesy copy of each filing should be emailed to APFilings@sec.gov in PDF text-searchable format.

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

Vanessa A. Countryman  
Secretary

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<sup>4</sup> 17 C.F.R. § 201.141(a)(2)(iv)(A).

<sup>5</sup> See Rules of Practice 154, 160, 17 C.F.R. §§ 201.154, .160.