

ADMINISTRATIVE PROCEEDING
FILE NO. 3-13438

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
July 29, 2009

In the Matter of :
: ORDER TO SHOW CAUSE
GLENN MANTERFIELD :
:
:

The Securities and Exchange Commission (Commission) issued its Order Instituting Proceedings (OIP) on April 10, 2009. The Commission ordered that the OIP be served “forthwith” upon Respondent Glenn Manterfield “by personal service, registered mail, or express delivery service.” A hearing was initially scheduled for May 18, 2009; then postponed until June 19, 2009; and then postponed again until July 31, 2009. The Division of Enforcement (Division) is assisting the Office of the Secretary in effectuating service of the OIP. See Rule 141(a)(1) of the Commission’s Rules of Practice.

In its first status report, dated June 16, 2009, the Division advised that efforts to deliver the OIP to Respondent through the British Royal Mail at 28 Elm Crescent, Sheffield, England, United Kingdom, had been unsuccessful. The Division also represented that it was “in the process” of hiring a British process server to deliver the OIP to Respondent.

In its second status report, dated July 24, 2009, the Division advised that it had determined that hiring a British process server would be too expensive. The Division also demonstrated that it had sent the OIP by Federal Express to “B. Hall,” a front desk receptionist at 31 Elm Crescent, Sheffield, England, United Kingdom. “B. Hall” received the Federal Express package on June 18, 2009. The Division initially claimed that delivery of this package to “B. Hall” constituted valid service of the OIP upon Respondent, but it shifted gears at today’s telephonic prehearing conference. The Division no longer contends that 31 Elm Crescent is a valid service address or that “B. Hall” has been shown to be an authorized agent for Respondent.

In its second status report and at today’s telephonic prehearing conference, the Division also contended that it had notified Respondent of the OIP by electronic mail on July 23, 2009. I rejected that argument on the grounds that: (1) electronic mail was not identified in the OIP as a valid method of delivery of this OIP; (2) electronic mail delivery of an OIP is not contemplated by Rule 141(a)(2)(i) of the Commission’s Rules of Practice; and (3) Respondent has not explicitly agreed to accept delivery of the OIP by electronic mail under the “waiver of service” provision in Rule of Practice 141(a)(4).

IT IS ORDERED THAT, on or before September 4, 2009, the Division shall show cause why this proceeding should not be dismissed without prejudice.¹ See Richard Cannistraro, 53 S.E.C. 388 (1998). In the alternative, the Division may wish to consider filing a motion pursuant to 17 C.F.R. § 200.30-10(a)(8); and

IT IS FURTHER ORDERED THAT the hearing is postponed until September 10, 2009, at the time and place previously announced.

James T. Kelly
Administrative Law Judge

¹ September 4, 2009, will be more than 145 days after April 10, 2009, the date the Commission issued the OIP.