

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS

Release No. 4335/November 8, 2016

ADMINISTRATIVE PROCEEDING

File No. 3-17558

In the Matter of

BLUFOREST, INC.

ORDER REGARDING SERVICE

On October 26, 2016, the Division of Enforcement filed a declaration of service stating that the order instituting proceedings (OIP) was sent via U.S. Postal Service international express mail to Respondent's last known address in Ecuador. The declaration further indicated that delivery was attempted on September 29, 2016, but that the Division subsequently learned that Respondent had moved and that the post office in Ecuador had no forwarding address for the company and thus returned the package to the United States.

The declaration is insufficient to establish service of the OIP on Respondent in accordance with 17 C.F.R. § 201.141(a)(2). Ecuador is not a party to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents. U.S. Dep't of State Legal Considerations for Ecuador, <https://travel.state.gov/content/travel/en/legal-considerations/judicial/country/ecuador.html>. And it is unclear whether attempted delivery via international mail is a method of service "not prohibited by the law of" Ecuador or a "method that is reasonably calculated to give notice . . . [a]s prescribed by [Ecuador]'s law for service in that country in an action in its courts of general jurisdiction." 17 C.F.R. § 201.141(a)(2)(iv)(A), (C)(1); *compare Ure v. Oceania Cruises, Inc.*, 122 F. Supp. 3d 1351, 1353-54 (S.D. Fla. 2015) (accepting assertion of Ecuadorian attorney that foreign service by registered or certified mail "is not permitted within Ecuadorian legislation"), *with NYKCool A.B. v. Pac. Int'l Servs., Inc.*, No. 12-cv-5754, 2013 WL 6799973, at *7-8 (S.D.N.Y. Dec. 20, 2013) (report and recommendation) (finding service by Federal Express in Ecuador was sufficient because, among other things, the United States and Ecuador are parties to the Inter-American Convention on Letters Rogatory, which "does not foreclose service by means other than letters rogatory"), *adopted by Order* (S.D.N.Y. Mar. 11, 2014), ECF No. 150.

I therefore ORDER the Division to file an updated declaration by November 23, 2016, explaining whether—and if so, why—service has been accomplished under 17 C.F.R. § 201.141(a)(2), and/or detailing what additional steps the Division is taking to accomplish service.

Jason S. Patil
Administrative Law Judge