

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

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-21344**

**In the Matter of**

**JOHN CUCINELLA,**

**Respondent.**

**DECLARATION TO ASSIST WITH RECORD OF SERVICE**

I, Preethi Krishnamurthy, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am Co-Regional Trial Counsel in the New York Regional Office, Division of Enforcement (“Division”), of the Securities and Exchange Commission (“the Commission”), and I serve as Division counsel in this administrative proceeding.

2. I submit this Declaration to assist the Commission’s Secretary in maintaining a record of service on Respondent John Cucinella (“Cucinella”) in these proceedings, pursuant to Commission Rule of Practice (“Rule”) 141(a)(3).

3. On March 17, 2023, the Commission issued its Order Instituting Proceedings (the “OIP”) in this matter.

4. Last month, I learned that previous attempts to serve Cucinella with the OIP by mail were likely directed to an outdated address.

5. On May 19, 2023, the federal Bureau of Prisons provided the Division with Cucinella’s “home confinement” address in Brooklyn, New York.

6. Soon afterwards, I arranged for a process server to serve Cucinella personally at that address.

7. On May 24, 2023, a process server hired by the Division served Cucinella with the OIP by handing it to him at his Brooklyn address. The process server's affidavit of service is attached as Exhibit A, redacted with respect to the house number and street, pursuant to Rule 151(e).

8. On May 25, 2023, the Division mailed a copy of a discovery letter (attached, with the cover letter but without further attachments, as Exhibit B), among other things, to Cucinella at his Brooklyn address via U.S. Postal Service ("USPS") certified mail (tracking number 7017240000008069190). According to the USPS tracking information, the USPS delivered the letter on May 30, 2023, at 12:58 p.m.

9. Service of the OIP on Cucinella was therefore completed on May 24, 2023, pursuant to Rule 141(a)(2)(i).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 1, 2023

/s/ Preethi Krishnamurthy  
Preethi Krishnamurthy

## **CERTIFICATE OF SERVICE**

I hereby certify that I caused the Division of Enforcement's Declaration to Assist with Record of Service and the attachments thereto to be served on June 1, 2023, in the manner set forth below:

Via eFAP:  
Office of the Secretary

Via mail to:  
Respondent John Cucinella

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**DIVISION OF ENFORCEMENT'S INDEX OF EXHIBITS  
TO ITS DECLARATION TO ASSIST WITH RECORD OF SERVICE**

**Attachment**

**Description**

Exhibit A

Process Server's Affidavit of Service (Redacted)

Exhibit B

Cover Letter and Discovery Letter Mailed to Respondent