

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 100266 / June 4, 2024

Admin. Proc. File No. 3-21726

In the Matter of
BRIAN BARTLETT AMOAH and ELBERT “AL”
ELLIOTT

SECOND ORDER REGARDING SERVICE

On September 26, 2023, the Securities and Exchange Commission issued an order instituting proceedings (“OIP”) against Brian Bartlett Amoah and Elbert “Al” Elliott pursuant to Section 15(b) of the Securities Exchange Act of 1934.¹ On November 22, 2023, we issued an order regarding service directing the Division of Enforcement to file a status report by December 6, 2023, and every 42 days thereafter until service was accomplished.²

On May 7, 2024, the Division filed a status report, in which it represented that it accomplished service of the OIP on Elliott by serving him through the “business office of his current employer” on April 25, 2024. Along with the status report, the Division also filed a process server’s return of service, representing that the OIP was served on April 25, 2024 by personal delivery on the district operations manager at Express Employment Professionals in Lafayette, Indiana.³ In the return of service, the process server declared, upon unspecified “information and belief,” that Express Employment Professionals is Elliott’s “usual place of business or employment.” Although not detailed in either the Division’s status report or the

¹ *Brian Bartlett Amoah*, Exchange Act Release No. 98526, 2023 WL 6290961 (Sept. 26, 2023).

² *Brian Bartlett Amoah*, Exchange Act Release No. 99015 (Nov. 22, 2023), <https://www.sec.gov/files/litigation/opinions/2023/34-99015.pdf>.

³ Express Employment Professionals’ address appears to be 2200 Scott Street, not 2200 Scot Street as represented in the return of service. *See Contact Express*, Express Employment Professionals, <https://www.expresspros.com/LafayetteIN/Contact-Us/Default.aspx> (last visited May 31, 2024).

return of service, Express Employment Professionals appears to be an employment staffing agency and Elliott does not appear on a publicly available list of its staff.⁴

Rule of Practice 141(a)(2)(i) permits service of an OIP by “leaving a copy at the individual’s office with a clerk or other person in charge thereof.”⁵ Neither the status report nor the return of service provides the factual basis for the process server’s belief, nor otherwise contains information from which the Commission can conclude, that Express Employment Professionals is Elliott’s office.⁶

Accordingly, it is ORDERED that by July 2, 2024 the Division file a status report providing additional information regarding its belief that Elliott was validly served under Rule 141.

The parties’ attention is directed to the e-filing requirements in the Commission’s Rules of Practice.⁷

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

Vanessa A. Countryman
Secretary

⁴ *Our Team*, Express Employment Professionals, <https://www.expresspros.com/LafayetteIN/About-Us/Our-Staff.aspx> (last visited May 31, 2024).

⁵ 17 C.F.R. § 201.141(a)(2)(i).

⁶ *See, e.g., Leung v. New York University*, No. 08-cv-05150 (GBD), 2016 WL 1084141, at *5-7 (S.D.N.Y. Mar. 17, 2016) (discussing service under New York law on a defendant’s “actual place of business,” and observing that the fact that a defendant may on occasion “do[] business in a given place does not necessarily make it *his* place of business”) (citation omitted).

⁷ *See Amendments to the Commission’s Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a redaction and omission of sensitive personal information requirement. *Amendments to the Commission’s Rules of Practice*, 85 Fed. Reg. at 86,465–81.