

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

Administrative Proceedings Rulings
Release No. 6623 / July 10, 2019

Administrative Proceeding
File No. 3-17693

In the Matter of

**Sean P. Finn and
M. Dwyer LLC**

**Notice Regarding
Respondents' Filing**

I issued an initial decision of default against Respondents on May 8, 2019.¹ The Securities and Exchange Commission has not issued a notice of finality.

At the time of the initial decision, to my knowledge, Respondents had not attempted to participate in the proceeding. My office recently learned of a filing by Respondent Finn that was received by the Commission's Office of the Secretary on May 13, 2019. Although the filing is styled as a response to the Division of Enforcement's motion for summary disposition, it is in substance a request to stay this proceeding pending Finn's motion to dismiss the underlying civil case against him in federal district court. It also states that in the event a stay is not granted, Finn objects to the Division's motion

¹ *Sean P. Finn*, Initial Decision Release No. 1375, 2019 SEC LEXIS 1071.

in its entirety. Because Finn’s stay motion was not received by the Office of the Secretary until after the initial decision was issued, I do not have the authority to consider it.²

James E. Grimes
Administrative Law Judge

² *Alchemy Ventures, Inc.*, Securities Exchange Act of 1934 Release No. 70708, 2013 WL 6173809, at *3 & n.25 (Oct. 17, 2013) (“[O]nce the initial decision is issued, our rules largely divest the law judge of authority over the proceedings (including the authority to set aside the default)”.); see 17 C.F.R. § 201.111. Had I been aware of the filing when it was received, I would have had authority only to rule on a motion to correct a manifest error of fact. But because Finn’s motion does not claim that the initial decision contains a manifest error, this fact is of no consequence.