

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 87151 / September 27, 2019

Admin. Proc. File No. 3-19360

In the Matter of the Application of

ALPINE SECURITIES CORP.

and

SCOTTSDALE CAPITAL ADVISORS
CORP.

For Review of Action Taken By

FINRA

ORDER SCHEDULING BRIEFS

On August 16, 2019, Alpine Securities Corp. and Scottsdale Capital Advisors Corp. (collectively, “Applicants”), filed an application for review challenging a decision of the Financial Industry Regulatory Authority (“FINRA”) suspending Applicants’ FINRA memberships.¹ FINRA imposed the suspensions based on its finding that Applicants had failed to submit membership continuance applications pertaining to changes in their ownership structures required by NASD Rule 1017. On August 29, 2019, Applicants filed a notice stating that the parties had agreed that the challenged suspensions were “no longer operative” and that Applicants “may continue to conduct their respective businesses.” FINRA also published notice

¹ *Dep’t of Enf. v. Alpine Sec. Corp.*, Expedited Proceeding No. FPI190001 (Aug. 15, 2019), available at https://www.finra.org/sites/default/files/2019-08/OHO_Alpine-Securities_Scottsdale-Capital_FPI190001-FPI190002_081519.pdf (expedited hearing panel decision).

on its BrokerCheck website that the challenged suspensions had been lifted.² On September 9, 2019, FINRA filed a copy of the index to the record pursuant to Rule of Practice 420(e).³

Neither FINRA nor Applicants have addressed the effect of FINRA's withdrawal of the suspensions on the application for review. At this time, the parties should submit briefs limited to the issue of whether the termination of Applicants' suspensions requires the dismissal of their application. The parties should address, among other things, whether Commission precedent requires dismissal of the application for review,⁴ and whether relief is available under Section 19(f) of the Securities Exchange Act of 1934 in light of the termination of the suspensions.⁵

Accordingly, IT IS ORDERED that each party shall file a brief of no more than ten pages addressing the issues identified above by October 28, 2019.⁶ The parties may each file a response brief of no more than five pages by November 12, 2019. Pursuant to Rule of Practice 180(c), failure to file a brief may result in dismissal of this review proceeding.⁷

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

Vanessa A. Countryman
Secretary

² See https://files.brokercheck.finra.org/firm/firm_14952.pdf at 17 (Alpine BrokerCheck report stating that "the suspension is lifted"); https://files.brokercheck.finra.org/firm/firm_118786.pdf at 17 (same as to Scottsdale).

³ 17 C.F.R. § 201.420(e).

⁴ See, e.g., *Keath Allen Ward*, Exchange Act Release No. 66173, 2012 WL 135298, at *1 (Jan. 18, 2012) (dismissing application to review a FINRA bar order as moot when "FINRA terminated the suspension and vacated the bar imposed on [the applicant]").

⁵ 15 U.S.C. § 78s(f) (providing in relevant part that if the Commission is not able to sustain a challenged action, it "shall set aside the action of the self-regulatory organization and require it to admit such applicant to membership"); cf. *W.C.W. W. Canada Water Enters., Inc.*, Exchange Act Release No. 27254, 1989 WL 992833, at *1 (Sept. 18, 1989) (dismissing appeal as moot where "there is no longer any adverse NASD determination upon which WCW can base an appeal under Section 19(d)(2) of the Securities Exchange Act").

⁶ Attention is called to Rules of Practice 150-153, 17 C.F.R. § 201.150-153, with respect to form and service. Requests for extensions of time to file briefs will be disfavored.

⁷ 17 C.F.R. § 201.180(c).