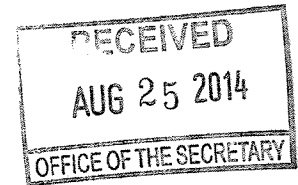


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**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC**



In the Matter of the Application of

Michael Pino

For Review of Disciplinary Action Taken by

FINRA

File No. 3-15935

FINRA'S MOTION TO DISMISS THE APPLICATION FOR REVIEW

Pursuant to SEC Rules of Practice 154 and 180(c), the Financial Industry Regulatory Authority ("FINRA") moves the Commission to dismiss this proceeding as abandoned.

Applicant Michael Pino ("Pino" or "Applicant") has not filed a brief in support of his application for review by the August 7, 2014 deadline established by the Commission. Nor has he requested an extension of time to file a brief. Accordingly, the Commission should dismiss Pino's application for review.

On May 20, 2014, the National Adjudicatory Council ("NAC") issued its decision affirming a Hearing Panel's findings and sanctions. (RP 1293-1302.) The NAC found that Pino exercised discretion in a customer's account without written authorization or firm approval for a discretionary account in violation of NASD Rules 2510(b) and 2110, and FINRA Rule 2010. (RP 1298-1300.) The NAC found that Pino's misconduct, which involved numerous trades over a two-year period, was egregious and imposed a \$5,000 fine and a 30-business-day suspension. (RP 1300-02.)

On June 10, 2014, Pino filed an application for review with the Commission. (RP 1309.) On July 8, 2014, the Commission issued its Order Scheduling Briefs (the “Scheduling Order”). The Scheduling Order directed Pino to file a brief in support of his application for review by August 7, 2014, and directed FINRA to file its brief in opposition by September 8, 2014. The Scheduling Order expressly provided that, “[p]ursuant to Rule 180(c) of the Rules of Practice, failure to file a brief in support of the application may result in dismissal of this review proceeding.”

On August 18, 2014, FINRA learned from a Commission case manager that Pino represented orally that the brief he had purportedly mailed to the Commission was returned due to insufficient postage and that he would resend it. As of the date of this motion, despite the deadlines established by the Scheduling Order, Pino has neither filed a brief with the Commission, nor served it on FINRA. Pino also has not requested an extension of the time in which to file a brief.

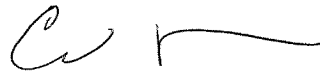
SEC Rule of Practice 180(c) provides that “[t]he Commission . . . may . . . dismiss the case . . . if a person fails: (1) to make a filing required under these Rules of Practice.” Under the circumstances, the Commission should exercise its authority under Rule of Practice 180(c) and dismiss Applicant’s appeal as abandoned because he has failed to file a brief by the deadline in the Scheduling Order. The Commission has correctly taken such action in similar cases in the past. *See, e.g., Robert D. Tucker*, Exchange Act Release No. 71972, 2014 SEC LEXIS 1370 (Apr. 18, 2014) (granting FINRA’s motion to dismiss an application for review where applicant failed to file a brief in the time proscribed and later failed to cure a deficient filing); *Steven Neil Barbot*, Exchange Act Release No. 69263, 2013 SEC LEXIS 953 (Apr. 1, 2013) (granting FINRA’s motion to dismiss an application for review where applicant never served a brief on

FINRA and claimed to have mailed a brief to the Commission which was never received).

For all of these reasons, FINRA requests that the Commission:

1. After allowing Pino 5 days to respond to this Motion to Dismiss under Rule 154(b), the Commission should dismiss Pino's application for review; and
2. Stay the briefing schedule in this matter pending any response from Pino.

Respectfully submitted,



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Dated: August 22, 2014