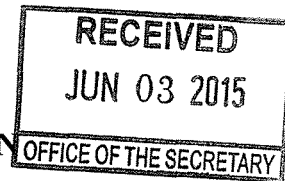


HARD COPY
BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC



In the Matter of the Application of

Curtis Steven Culver

For Review of Disciplinary Action Taken by

Financial Industry Regulatory Authority

File No. 3-16555

**FINRA'S MOTION TO DISMISS APPLICATION FOR REVIEW AND
TO STAY BRIEFING SCHEDULE**

Alan Lawhead
Vice President and
Director – Appellate Group

Colleen E. Durbin
Assistant General Counsel

FINRA
Office of General Counsel
1735 K Street, NW
Washington, DC 20006
(202) 728-8816

June 2, 2015

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**FINRA'S MOTION TO DISMISS APPLICATION FOR REVIEW AND
TO STAY BRIEFING SCHEDULE**

I. INTRODUCTION

The Commission should dismiss Curtis Steven Culver's application for review (the "Application for Review") for his failure to exhaust the administrative remedies available to him in FINRA's forum. This case involves Culver's prolonged failure to respond to FINRA's requests for information and its subsequent notices of proceedings against him. When FINRA learned that JP Morgan Securities LLC ("JP Morgan") had terminated Culver for allegedly issuing a debit card on a bank customer's account and withdrawing funds from an ATM without authorization for personal use, FINRA opened an investigation to determine whether Culver had violated FINRA rules. FINRA served Culver with a FINRA Rule 8210 request for information. Culver, however, failed to provide the requested information, notwithstanding FINRA's warnings that he could face disciplinary action if he refused to cooperate. FINRA then initiated an expedited proceeding against Culver, informing him that he would be suspended if he did not take corrective action. Culver again failed to respond and FINRA suspended him. FINRA notified Culver that he could request termination of the suspension on the ground that he

complied fully with FINRA's requests. Culver took no action, notwithstanding that he admits he received the requests, never provided the requested information, and FINRA barred him. Culver then filed this appeal.

Culver's Application for Review should be dismissed because he failed to follow FINRA's procedures. Culver disregarded the directives in numerous notices from FINRA and did not take corrective action by providing the requested information. Thus, he failed to exhaust his administrative remedies. Further, the record before the Commission contains no valid grounds for an appeal. While Culver claims to have experienced depression and other mental health issues related to his termination and subsequent FINRA investigation, such issues do not excuse Culver's failure to take advantage of the multiple opportunities FINRA provided to respond to its requests. The Commission should follow its well-established precedent in this area, find that Culver failed to avail himself of FINRA's procedures, and dismiss Culver's Application for Review.¹

II. FACTUAL BACKGROUND

A. FINRA's Requests for Information

On December 19, 2014, JP Morgan filed a Uniform Termination Notice for Securities Industry Registration ("Form U5") for Culver. (RP 46.)² The Form U5 reported that Culver had

¹ Pursuant to Commission Rule of Practice 161, FINRA requests that the Commission stay issuance of a briefing schedule in this matter while this motion is pending. *See* 17 C.F.R. § 201.161. The Commission should first evaluate the dispositive argument that Culver's appeal should be dismissed on procedural grounds before it reaches the underlying substance of this appeal.

² "RP ____" refers to the page numbers in the certified record filed by FINRA on May 29, 2015.

been terminated for issuing a debit card on a bank customer's account and withdrawing funds from an ATM without authorization for personal use.

Prompted by JP Morgan's Form U5 filing, on December 31, 2014, FINRA sent a FINRA Rule 8210 request (the "December Rule 8210 Request") for documents and information to Culver.³ (RP 1-2.) The request asked Culver to provide FINRA with documents and information responding to the allegation that he issued a debit card on a bank customer's account and withdrew funds without authorization from an ATM for personal use. (*Id.*) The request also asked Culver to provide copies of account statements for all personal and brokerage accounts, as well as information related to Culver's failure to timely disclose a \$1,940.12 lien. (*Id.*) The request reminded Culver of his obligation to provide the information and documents requested, and warned that "[a]ny failure ... to satisfy these obligations could expose [Culver] to sanctions, including a permanent bar from the securities industry." (RP 2.)

FINRA sent the request by certified and first-class mail to Culver's address of record as contained in the Central Registration Depository ("CRD"[®]), 25625 Palma Alta Drive, Valencia, CA 91355 (the "CRD Address"), and requested a response from Culver no later than January 14, 2015. (RP 1.) The certified mail shipment detail for the mailing to the CRD Address indicates that the letter was delivered and signed for by Culver on January 8, 2015. (RP 4.) The first-class mailing was not returned. Culver did not respond.

³ FINRA Rule 8210 requires persons subject to FINRA's jurisdiction to provide documents and written information to FINRA, upon the request of FINRA staff, with respect to any matter involved in an investigation. The rule "provides a means, in the absence of subpoena power, for [FINRA] to obtain from its members information necessary to conduct investigations." *Howard Brett Berger*, Exchange Act Release No. 58950, 2008 SEC LEXIS 3141, at *13 (Nov. 14, 2008), *petition for review denied*, 347 F. App'x 692 (2d Cir. 2009). The Commission has made clear that a person who fails to respond to a request issued under FINRA Rule 8210 impedes FINRA's ability to detect misconduct and protect the investing public. *Id.* at *13-14.

On January 14, 2015, FINRA sent Culver a second FINRA Rule 8210 request (the “January Rule 8210 Request”), enclosing the December Rule 8210 Request. (RP 5.) The January Rule 8210 Request reminded Culver of his obligation to provide documents and information to FINRA under Rule 8210, and directed him to respond by January 28, 2015. (*Id.*) The second request was sent by certified and first-class mail to Culver’s CRD Address. (*Id.*) This second request noted that a “[f]ailure to comply with this request may subject you to disciplinary action.” (*Id.*) The certified mail shipment detail for the mailing to the CRD Address indicates that the letter was delivered and signed for on January 21, 2015.⁴ (RP 7.) Once again, Culver did not respond.

B. The February 2, 2015 Pre-Suspension Notice

After Culver failed to respond to the requests for information and documents, FINRA’s Department of Enforcement (“Enforcement”) sought to suspend Culver from associating with

⁴ The certified mail receipt signature for the January Rule 8210 Request and all subsequent related certified mailings to Culver are different than the signature on the certified mail receipt for the December Rule 8210 request letter (which was clearly signed by Curtis Culver). Culver, however, does not argue that he did not receive these communications, and even if he had, Culver is deemed to have received all FINRA correspondence sent to the “last known residential address,” as reflected in FINRA records. *See* FINRA Rule 8210(d) (providing that any request for information “shall be deemed received” when it is transmitted to the “last known residential address as reflected in the Central Registration Depository”). Similarly, FINRA Rule 9134(b)(1) provides that, “[p]apers served on a natural person may be served at the natural person’s residential address, as reflected in the [CRD], if applicable.” *See, e.g., Mark Steven Steckler*, Exchange Act Release No. 71391, 2014 SEC LEXIS 283, at *10-11 (Jan. 24, 2014) (finding FINRA’s communications were deemed to have been received by applicant, regardless of whether he had actual receipt, when FINRA properly served him at his CRD address); *Gilbert Torres Martinez*, Exchange Act Release No. 69405, 2013 SEC LEXIS 1147, at *7 (Apr. 18, 2013) (noting that Rule 9552 provides for service of notice by mail at an individual’s CRD address).

any FINRA member firm pursuant to FINRA Rule 9552.⁵ (RP 9-10.) On February 2, 2015, Sandra J. Harris (“Harris”), FINRA’s Senior Director of Policy and Expedited Proceedings, warned Culver in a letter (the “Pre-Suspension Notice”) that FINRA planned to suspend him on February 26, 2015, for his failure to respond to the December Rule 8210 Request.⁶ (*Id.*)

The Pre-Suspension Notice stated that Culver could avoid imposition of the suspension if he took corrective action by complying with the information request before the suspension date of February 26, 2015. (*Id.*) The Pre-Suspension Notice further explained that Culver had the opportunity to request a hearing before the suspension date of February 26, to contest the imposition of the suspension, and to seek termination of the suspension if he complied fully with the request. (*Id.*) The Pre-Suspension Notice stressed not only that Culver could seek reinstatement during his suspension, but also that if he failed to request termination of the

⁵ FINRA Rule 9552(a) authorizes FINRA to suspend individuals who fail to respond to Rule 8210 requests:

[i]f a member, person associated with a member or person subject to FINRA’s jurisdiction fails to provide any information, report, material, data, or testimony requested or required to be filed pursuant to the FINRA By-Laws or FINRA rules, or fails to keep its membership application or supporting documents current, FINRA staff may provide written notice to such member or person specifying the nature of the failure and stating that the failure to take corrective action within 21 days after service of the notice will result in suspension of membership or of association of the person with any member.

⁶ The Pre-Suspension Notice also included a copy of the December Rule 8210 Request. (RP 11-12.)

suspension within three months, he would be in default, and barred on May 5, 2015. (RP 10); *see also* FINRA Rule 9552(h).⁷

FINRA sent the Pre-Suspension Notice to the CRD Address by certified and first-class mail. (RP 15.) The certified mail shipment detail for the mailing to the CRD Address indicates that the letter was delivered and signed for on February 4, 2015. (RP 15-16.) The first-class mailing was not returned. Culver did not respond to the Pre-Suspension Notice, nor did he answer FINRA's outstanding request for information.

C. The February 26, 2015 Suspension Notice

Because Culver failed to take any action in response to the Pre-Suspension Notice, on February 26, 2015, Harris notified Culver in a letter (the "Suspension Notice") that he was suspended, effective immediately, from association with any FINRA member firm in any capacity. (RP 19-20.) The Suspension Notice advised Culver that he could file a written request to terminate the suspension based on fully providing the information and documents that FINRA requested in the December Rule 8210 Request. (*Id.*) The Suspension Notice reiterated the warning that Culver's failure to seek relief from the suspension by May 5, 2015, would result in a default and an automatic bar pursuant to FINRA Rule 9552. (*Id.*)

FINRA sent the Suspension Notice by certified and first-class mail to the CRD Address.⁸ (RP 21.) The certified mail shipment detail for the mailing to the CRD Address indicates that the

⁷ FINRA Rule 9552(h) states, "[a] member or person who is suspended under this Rule and fails to request termination of the suspension within three months of issuance of the original notice of suspension will automatically be expelled or barred."

⁸ Prior to mailing the Suspension Notice, FINRA staff searched a comprehensive public records database in LexisNexis to determine Culver's current mailing address, which FINRA staff determined was the CRD Address. (RP 17.)

letter was delivered and signed for February 28, 2015. (RP 22-23.) The first-class mailing was not returned. Nevertheless, Culver did not respond to the Suspension Notice.

D. The May 5, 2015 Bar Notice

In the three months following the Pre-Suspension Notice, Culver did not provide FINRA with the requested information, challenge his suspension, or otherwise communicate with FINRA. Accordingly, on May 5, 2015, Harris notified Culver that, effective immediately, he was in default and barred (the “Bar Notice”). (RP 27-28.)

FINRA sent the Bar Notice by certified and first-class mail to Culver’s CRD Address.⁹ (RP 27.) The certified mail shipment detail for the mailing to the CRD Address indicates that the letter was delivered and signed for on May 7, 2015. (RP 29-31.) The first-class letter to the CRD Address was not returned.

On May 15, 2015, approximately ten days after FINRA mailed the Bar Notice and a week after Culver accepted delivery of the certified mailing, Culver submitted his Application for Review to the Commission. (RP 33-36.) In his Application for Review, Culver provides some, but not all, of the information originally requested in the December Rule 8210 Request. (*Id.*) Culver also acknowledges that he received the FINRA Rule 8210 requests, but argues that he was too distraught over his termination to respond. (RP 35.)

III. ARGUMENT

The Commission should dismiss Culver’s Application for Review because he failed to exhaust his administrative remedies by providing the requested information or requesting a

⁹ Prior to mailing the Bar Notice, FINRA staff again searched a comprehensive public records database in LexisNexis to determine Culver’s current mailing address, which FINRA staff determined was the CRD Address. (RP 25.)

hearing. Despite receiving notice of these proceedings in accordance with FINRA rules, Culver ignored numerous letters and notices from FINRA, failed to follow FINRA procedures to challenge his suspension, and defaulted. Culver took no action until he was barred, and the action that he did take was deficient under FINRA rules. Culver failed to exhaust his administrative remedies. The Commission therefore should dismiss this appeal.

A. Culver Failed to Exhaust His Administrative Remedies

The Commission is precluded from considering Culver's Application for Review because he failed to follow FINRA procedures, and consequently, failed to exhaust his administrative remedies. As the Commission recently emphasized, "[i]t is clearly proper to require that a statutory right to review be exercised in an orderly fashion, and to specify procedural steps which must be observed as a condition to securing the review." *Ricky D. Mullins*, Exchange Act Release No. 71926, 2014 SEC LEXIS 1268, at *10 (Apr. 10, 2014). The Commission has repeatedly held that requiring respondents to exhaust their administrative remedies before FINRA is necessary to FINRA's important regulatory functions, promotes development of the record, allows FINRA the opportunity to correct any error in its earlier decisions, and promotes the efficient resolution of disputes between FINRA and its members. *See, e.g., Caryl Trewyn Lenahan*, Exchange Act Release No. 73146, 2014 SEC LEXIS 3503, at *6-7 (Sept. 19, 2014) (*quoting MFS Sec. Corp. v. SEC*, 380 F.3d 611, 621-22 (2d Cir. 2004)); *Martinez*, 2013 SEC LEXIS 1147, at *12 (same); *Mullins*, 2014 SEC LEXIS 1268, at *10 (same).

Culver was required to exhaust his administrative remedies before resorting to an appeal. *See Gregory S. Profeta*, Exchange Act Release No. 62055, 2010 SEC LEXIS 1563, at *5 (May 6, 2010) (explaining that the Commission "will not consider an application for review if the applicant failed to exhaust FINRA's procedures for contesting the sanction at issue"). Those

who fail to exercise their rights to administrative review cannot claim that they have exhausted their administrative remedies. *Royal Sec. Corp.*, 36 S.E.C. 275, 277 n.3 (1955). This doctrine applies with equal force to FINRA proceedings. *See Lang v. French*, 154 F.3d 217, 220 (5th Cir. 1998) (holding that “[NASD] disciplinary orders are reviewable by the [Commission] after administrative remedies within the NASD are exhausted”); *Swirsky v. NASD*, 124 F.3d 59, 62 (1st Cir. 1997) (noting that the court “agree[s] with other circuits that have considered the question” and concludes that the doctrine of exhaustion of administrative remedies applies in NASD disciplinary actions).

The precedent with respect to FINRA Rule 9552 expedited proceedings is well-settled, and the Commission has consistently dismissed respondents’ applications for review where respondents failed to exhaust their administrative remedies under FINRA Rule 9552. *See, e.g., Gerald J. Lodovico*, Exchange Act Release No. 73748, 2014 SEC LEXIS 4732, at *7-8 (Dec. 4, 2014) (dismissing applicant’s appeal for failure to exhaust administrative remedies where FINRA barred applicant under Rule 9552 for failing to respond to Rule 8210 requests); *Mullins*, 2014 SEC LEXIS 1268, at *13-14 (same); *Steckler*, 2014 SEC LEXIS 283, at *9-13 (same); *Martinez*, 2013 SEC LEXIS 1147, at *11-15 (same); *Norman Chen*, Exchange Act Release No. 65345, 2011 SEC LEXIS 3224, at *6, 11 (Sept. 16, 2011) (same); *Profeta*, 2010 SEC LEXIS 1563, at *5, 8 (same).

Culver failed repeatedly to comply with FINRA procedures to prevent or challenge his suspension. Culver chose not to respond to the December Rule 8210 Request, in which he was informed that a failure to respond could result in a disciplinary action and serious sanctions, including a bar. (RP 1-2.) After issuance of the Pre-Suspension Notice, Culver had the opportunity to take corrective action by complying with the December Rule 8210 Request or,

alternatively, to request a hearing and set forth the reasons why he believed his suspension should not be imposed. (RP 9-10.) But Culver did not take corrective action or request a hearing.

Likewise, after issuance of the Suspension Notice, Culver had the opportunity to move for reinstatement on the ground that he had complied with the Pre-Suspension Notice. (RP 19-20.) Similar to his decision not to respond to FINRA's December Rule 8210 Request or the Pre-Suspension Notice, Culver did not ask for reinstatement. Accordingly, pursuant to FINRA Rule 9552(h), Culver was barred. (RP 27-28.)

In his Application for Review, Culver does not dispute that he received FINRA's communications. Instead, he maintains that stress and anxiety related to his termination rendered him unable to respond to FINRA's December Rule 8210. As discussed in greater detail below, Culver's purported mental health issues do not excuse his failure to avail himself of FINRA's procedures.

In addition, to the extent the narrative contained in Culver's Application for Review purports to be a response to FINRA's December Rule 8210 Request, the response is not only untimely, it is incomplete. FINRA sought to investigate whether Culver deposited the customer's funds into his own account. The December Rule 8210 Request therefore asked for statements from Culver's personal bank accounts and brokerage accounts. Culver, however, fails to provide the account statements for his personal accounts. (RP 33-36.) Moreover, it is not clear whether Culver has provided all the documents requested by FINRA.

Even assuming Culver has made an attempt at compliance—albeit incomplete—his efforts are irrelevant for purposes of the Commission's consideration of his Application for Review. The issue before the Commission is not Culver's underlying misconduct—his failure to

respond to the December Rule 8210 Request—but rather, whether Culver failed to follow FINRA procedures to challenge his suspension, and consequently, forfeited his ability to challenge FINRA’s actions before the Commission. *See Marcos A. Santana*, Exchange Act Release No. 74138, 2015 SEC LEXIS 312, at *10-11 (Jan, 26, 2015) (dismissing an application for review for failure to exhaust administrative remedies under FINRA Rule 9552 where respondent claimed to have complied with the FINRA Rule 8210 request). Here, the record is undisputed that Culver did not follow the required procedural steps as a condition of applying for review and, thus, failed to exhaust his administrative remedies. Culver could have previously provided the information at issue, requested a hearing, or contested the suspension during the three-month suspension period. He took none of these steps. Culver instead filed this appeal more than three months after he received the Suspension Notice and after FINRA notified him that, consistent with the explicit language of FINRA Rule 9552 (as well as the Pre-Suspension, Suspension, and Bar Notices), his suspension had converted to a bar.

By repeatedly failing to respond to the FINRA’s requests for information and disregarding the directions set forth in the Pre-Suspension and Suspension Notices, Culver is precluded from challenging FINRA’s action before the Commission. *See, e.g., Mullins*, 2014 SEC LEXIS 1268, at *13-14 (relying on “well-established precedent” when dismissing an application for review in a FINRA Rule 9552 proceeding where applicant failed to request a hearing or take corrective action in FINRA’s forum); *Steckler*, 2014 SEC LEXIS 283, at *8 (same); *Martinez*, 2013 SEC LEXIS 1147, at *15 (same); *Chen*, 2011 SEC LEXIS 3224, at *10 (finding that applicant’s conduct “amounted to a complete failure to respond and [FINRA] acted consistently with the purposes of the Exchange Act in imposing the bar”); *Profeta*, 2010 SEC LEXIS 1563, at *6 (finding in a Rule 9552 proceeding that “FINRA’s actions were in

accordance with its rules and the purposes of the Exchange Act [when] rules set forth the procedures for suspending and ultimately barring individuals who fail to supply requested information or take corrective action”). Culver should have considered the implications of a bar rather than choosing to ignore the December Rule 8210 Request and FINRA’s repeated notices.

B. FINRA Provided Culver with Proper Notice of These Proceedings

Culver does not contest that FINRA properly notified him of the December Rule 8210 Request and these proceedings pursuant to FINRA’s rules. Indeed, the record shows that FINRA properly served Culver with the December Rule 8210 Request, the January Rule 8210 Request, the Pre-Suspension Notice, the Suspension Notice, and the Bar Notice. (RP 3-4, 6-7, 14-16, 21-23, 29-31.)

FINRA Rule 8210(d) provides that “[w]ith respect to a person subject to FINRA’s jurisdiction who was formerly associated with a member in an unregistered capacity,” a request under FINRA Rule 8210 “shall be deemed received by the person upon personal service, as set forth in FINRA Rule 9134(a)(1).” FINRA Rule 9134(a)(1) states that “[p]ersonal service may be accomplished by handing a copy of the papers to the person required to be served.”

FINRA Rule 9134(b)(1) governs service of notices of suspension in FINRA Rule 9552 proceedings. *See* FINRA Rule 9552(b). FINRA Rule 9134(b)(1) provides that, “[p]apers served on a natural person may be served at the natural person’s residential address, as reflected in the [CRD], if applicable.” FINRA Rule 9134(a)(2) provides that service may be accomplished by “mailing the papers through the U.S. Postal Services by using first class mail [or] first class certified mail.”

The record reflects that FINRA sent the December Rule 8210 Request, the January Rule 8210 Request, the Pre-Suspension Notice, the Suspension Notice, and the Bar Notice to Culver’s

CRD Address by first-class and certified mail, as required by FINRA Rule 9134(b)(1).¹⁰

Therefore, the record demonstrates that FINRA properly served Culver.

The Commission should follow established precedent and reject Culver's appeal because he failed to exhaust the FINRA administrative remedies that were available to him.

C. Culver's Mental Health Issues Do Not Excuse His Failures to Respond

Culver explains that the accusations of theft and the loss of his job left him "in a state of severe depression, with crippling bouts of anxiety and panic attacks" and incapable of responding to FINRA's requests for information and documents. (RP 35.) Although it's understandable that such events would be unsettling and stressful, it does not excuse Culver's failure to avail himself of one of the many opportunities FINRA provided to respond to its December Rule 8210 requests.

When an applicant contends that personal problems such as stress and health issues should excuse or mitigate violations of FINRA rules, the applicant must demonstrate with reliable evidence both that the health issues were present and that they caused the applicant to violate FINRA's rules.¹¹ *See, e.g., Jeffrey A. King*, 58 S.E.C. 839, 844 (2005) (finding that

¹⁰ Both Culver's Application for Review and the envelope in which Culver submitted his Application for Review to the Commission references the CRD Address as his return address. (RP 33, 38.)

¹¹ Personal problems might give rise to some mitigation *if* there is evidence that such problems interfered with an ability to comply with FINRA rules or that violations resulted from, or were exacerbated by, such problems. For example, in *Paul David Pack*, the SEC found that "uncontroverted expert medical evidence that [the applicant's] misconduct was the product of stress compounded by clinical depression and a chronic sleep disorder" mitigated the applicant's submission to a prospective employer of an altered production statement and his false representation that the statement reflected his own sales. 51 S.E.C. 1279, 1283 (1994). Culver provides no such evidence that his anxiety and stress interfered with his *ability* to comply with FINRA rules or his understanding of what those rules required.

applicant had “not provided any evidence substantiating his claims that his divorce [or the stress it caused] prevented him from responding to NASD’s request for information, or from requesting a hearing as authorized under NASD’s rules”); *Lee Gura*, 57 S.E.C. 972, 976-77 (2004) (finding that applicant “has not provided any evidence substantiating his claims of depression so severe that he could not respond in any manner to NASD’s multiple requests for information”); *John A. Malach*, 51 S.E.C. 618, 620 (1993) (holding that an applicant’s alleged personal problems “could not excuse his extended failure, over the course of a two-year period, to furnish the information requested” by FINRA). Here, Culver has failed on both points. He submitted no evidence of his medical discharge nor has he submitted evidence that his mental health issues caused him to be unable to respond to FINRA’s requests.¹²

Moreover, if Culver was unable to meet the FINRA examiner’s deadline to respond because of his mental health issues, he was obligated to contact the examiner and explain why he was unable to respond. *See Charles C. Fawcett, IV*, Exchange Act Release No. 56770, 2007 SEC LEXIS 2598, at * 18 (“As we have often noted, recipients of requests under FINRA Rule 8210 must promptly respond to the requests or explain why they cannot.”). Therefore, Culver’s attempts to excuse his violation of FINRA Rule 8210 before the Commission, when he did not do so to FINRA must fail.


IV. CONCLUSION

Culver failed to respond to FINRA’s request for information, disregarded the directives set forth in FINRA’s notices, and failed to follow FINRA’s procedures to terminate the

¹² Culver’s Application for Review states that Culver included a copy of his bank statements and a copy of his medical discharge paperwork related to his [REDACTED] hospitalization in his filing to the Commission, however none of these documents have been provided. (RP 36.)

suspension. As a result, Culver was barred in accordance with FINRA's rules. Culver failed to exhaust his administrative remedies. Accordingly, the Commission should dismiss Culver's Application for Review.

Respectfully submitted,



Colleen E. Durbin
Assistant General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006
(202) 728-8816

June 2, 2015

CERTIFICATE OF SERVICE

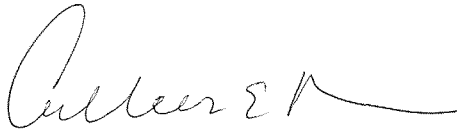
I, Colleen E. Durbin, certify that on this 2nd day of June 2015, I caused a copy of FINRA's Motion to Dismiss Application for Review and to Stay Briefing Schedule, in the matter of Application for Review of Curtis Steven Culver, Administrative Proceeding No. 3-16555, to be served by messenger and fax on:

Brent J. Fields, Secretary
Securities and Exchange Commission
100 F St., NE
Washington, DC 20549-1090
Fax: (202) 772-9324

and via FedEx and certified mail on:

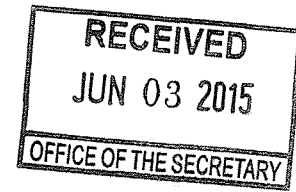
Curtis Steven Culver
25625 Palma Alta Dr.
Valencia, CA 91355

Service was made on the Commission by messenger and fax and on the Applicant by FedEx and certified mail due to the distance between the office of FINRA and the Applicant.



Colleen E. Durbin
Assistant General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006
(202) 728-8816

HARD COPY



Colleen Durbin
Assistant General Counsel

Direct: (202) 728-8816
Fax: (202) 728-8264

June 2, 2015

VIA MESSENGER AND FACSIMILE

Brent J. Fields, Secretary
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090
Fax: (202) 772-9324

RE: In the Matter of the Application for Review of Curtis Steven Culver
Administrative Proceeding No. 3-16555

Dear Mr. Fields:

Enclosed please find the original and three (3) copies of FINRA's Motion to Dismiss Application for Review and to Stay Briefing Schedule in the above-captioned matter.

Please contact me at (202) 728-8816 if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Colleen E. Durbin".

Colleen E. Durbin

Enclosures

cc: Curtis Steven Culver