

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 81787 / September 29, 2017

Admin. Proc. File No. 3-18069

In the Matter of the Application of

MICHAEL A. SPARKS
For Review of Action Taken by

FINRA

ORDER DISMISSING APPLICATION FOR REVIEW

On June 12, 2017, FINRA barred applicant Michael A. Sparks, formerly an associated person of a FINRA member firm, pursuant to FINRA Rule 9552, from associating with any FINRA member firm for failing to respond to requests for information under FINRA Rule 8210. Sparks filed an application for review of FINRA's decision with the Commission on July 9, 2017. In his application for review, Sparks acknowledged that he "first received a letter [from FINRA] in March 2016." Sparks claimed that he forwarded the letter to his former employer and was assured that "someone within the company [would] look into this matter." Sparks further acknowledged missing "several letters from FINRA in the past year," but attributed the lapse to personal circumstances.

On July 20, 2017, the Commission's Office of the Secretary wrote to Sparks "acknowledg[ing] receipt on July 17, 2017 of an application seeking review by the Commission of action taken against [him]." The letter stated that "FINRA is required to file a certified copy of the record" in this matter, and explained that "[the Commission] will issue a briefing schedule order."

On August 2, 2017, FINRA filed a motion to dismiss the proceeding as moot, stay the requirement to file a certified record and index, and stay the briefing schedule. FINRA's motion attached a letter dated July 31, 2017, in which FINRA vacated the bar imposed on Sparks. That letter explained that "FINRA staff received [Spark's] written responses to FINRA's prior requests for information" on or about July 17, 2017, and "[a]ccordingly, pursuant to FINRA Rule 9552(f)," was "vacating the bar." FINRA's motion asserted that Sparks's application for review was moot as a result and requested that the Commission dismiss the application on that ground. FINRA's motion specified that its counsel had "informed Sparks that . . . [it] would be filing this motion," but did not specify whether Sparks opposed the relief FINRA requested. In any event,

Sparks did not respond to FINRA's motion. Under the circumstances, we find it appropriate to grant FINRA's motion to dismiss Sparks's application for review as moot.

Accordingly, IT IS ORDERED that Michael A. Sparks's application for review be, and it hereby is, dismissed.¹

By the Commission.

Brent J. Fields
Secretary

¹ In light of our disposition, we deny as moot FINRA's requests that the Commission stay the requirement to file a certified record and index and stay the briefing schedule.