

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 92788 / August 27, 2021

Admin. Proc. File No. 3-20267

In the Matter of the Application of

PAUL H. GILES

For Review of Action Taken by

FINRA

ORDER REQUESTING ADDITIONAL BRIEFING

Paul H. Giles, formerly an associated person of a FINRA member firm, appeals FINRA's March 24, 2021 determination that he is subject to a statutory disqualification under Section 3(a)(39) of the Securities Exchange Act of 1934.¹ FINRA determined Giles was disqualified due to the California Department of Insurance's issuance of a Default Decision and Order of Revocation ("Default Decision") against him in 2009. The Default Decision revoked Giles's insurance license. In its opposition brief in this proceeding, FINRA argued that the Default Decision subjects Giles to a statutory disqualification "unless and until California grants Giles permission to engage in insurance business." But Giles subsequently represented that this condition has been satisfied, because California reinstated his insurance license on August 4, 2021.²

¹ 15 U.S.C. § 78c(a)(39).

² FINRA attached to its opposition brief a separate May 6, 2021 determination that Giles is statutorily disqualified based on two other states' orders revoking his insurance licenses. But Giles has not filed an application for review as to this second determination, and it is therefore not before us. In addition, Giles's reply brief states that he recently reapplied for his insurance licenses in these two states, and one of these reapplications has been granted.

Upon consideration of the record and the briefs filed, we believe that additional briefing would “significantly aid the decisional process.”³ Specifically, the parties are directed to address whether the Commission should dismiss Giles’s application for review as moot.⁴

Accordingly, it is ORDERED that the parties submit briefs addressing the foregoing issues. Giles’s opening brief shall be filed by September 27, 2021. FINRA’s response shall be filed by October 12, 2021. Giles may file a reply by October 26, 2021. Pursuant to Commission Rule of Practice 180(c), Giles’s failure to file an opening brief on this issue may result in dismissal of this review proceeding.⁵

The parties’ attention is directed to the most recent amendments to the Commission’s Rules of Practice, which took effect on April 12, 2021, and which include new e-filing requirements.⁶

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

Vanessa A. Countryman
Secretary

³ Rule of Practice 421(b), 17 C.F.R. § 201.421(b).

⁴ See, e.g., *Zoom Companies, Inc.*, Exchange Act No. 87383, 2019 WL 5395561, at *1 n.3 (Oct. 22, 2019) (stating that “we decline to resolve [this proceeding] on the merits because no party has a concrete interest in its outcome or any remedy we could provide,” but explaining that “[w]e need not determine whether [the proceeding] is moot in an Article III sense”); *Marshall Fin., Inc.*, Exchange Act Release No. 50343, 2004 WL 2026518, at *3-4 (Sept. 10, 2004) (dismissing appeals as moot because “[w]e perceive no relief that is available here,” and stating that a party’s “desire for helpful precedent, without anything more substantial at stake in the controversy, does not persuade us that this case is not moot”).

⁵ 17 C.F.R. § 201.180(c).

⁶ *Amendments to the Commission’s Rules of Practice*, Exchange Act Release No. 90442, 2020 WL 7013370 (Nov. 17, 2020), 85 Fed. Reg. 86,464, 86,474 (Dec. 30, 2020), <https://www.sec.gov/rules/final/2020/34-90442a.pdf>; *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>. The amendments impose other obligations such as a new redaction and omission of sensitive personal information requirement. *Amendments to the Commission’s Rules of Practice*, 85 Fed. Reg. at 86,465-81.