

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 95370 / July 27, 2022

Admin. Proc. File No. 3-20682

In the Matter of the Application of

DEREK RUDOLF D'ALONZO

For Review of Action Taken by

FINRA

SECOND ORDER REQUESTING BRIEFING

On December 1, 2021, we received FINRA's motion to dismiss an application for review of FINRA action that Derek Rudolf D'Alonzo apparently attempted to file with the Commission. According to the motion, on November 19, 2021, FINRA received D'Alonzo's application for review by email. D'Alonzo apparently sought to appeal an October 21, 2021 Expedited Decision by FINRA's Office of Hearing Officers suspending D'Alonzo from associating with any FINRA member due to his failure to pay an arbitration award or establish a bona fide inability to pay the award. FINRA's motion indicates that D'Alonzo attempted to file his application for review by emailing it to the Commission at apfilings@sec.gov. FINRA contends that D'Alonzo's attempted filing does not comply with the Commission's Rules of Practice and should therefore be dismissed without prejudice. D'Alonzo has not responded to FINRA's motion.

On March 18, 2020, the Commission issued an order stating that "pending further order of the Commission" parties to administrative proceedings before the Commission should submit all filings by sending them to the Commission electronically at apfilings@sec.gov.¹ But on November 17, 2020, the Commission issued a further order directing all such parties to submit filings to the Commission through its Electronic Filings in Administrative Proceedings (eFAP) system.² As a result, the apfilings@sec.gov email address is no longer active, and D'Alonzo

¹ *In re: Pending Administrative Proceedings*, Exchange Act Release No. 88415, 2020 WL 1322001, at *1 (Mar. 18, 2020).

² *See 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>.

must comply with the requirements for filing documents through the eFAP system if he wishes to file an application for review with the Commission.³

On January 5, 2022, we ordered that D'Alonzo either file an application for review that complies with the Commission's Rules of Practice or file a brief addressing FINRA's motion to dismiss by January 19, 2022.⁴ D'Alonzo has not responded to that order.

Under Rule of Practice 180(c), the Commission may dismiss a case "if a person fails to make a filing required under these Rules of Practice."⁵ D'Alonzo's continued failure to respond to the Commission's orders may therefore result in the dismissal of his appeal as abandoned.⁶

Accordingly, it is ORDERED that Derek Rudolf D'Alonzo either file an application for review that complies with the Commission's Rules of Practice or file a brief addressing FINRA's motion to dismiss by August 10, 2022. To the extent that D'Alonzo files a brief addressing FINRA's motion, FINRA may file a reply by August 17, 2022.

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

Vanessa A. Countryman
Secretary

³ See *Instructions for Electronic Filing and Service of Documents in SEC Administrative Proceedings and Technical Specifications*, <https://www.sec.gov/efapdocs/instructions.pdf>.

⁴ *Derek Rudolf D'Alonzo*, Exchange Act Release No. 93910, 2022 WL 44343 (Jan. 5, 2022).

⁵ Rule of Practice 180(c), 17 C.F.R. § 201.180(c).

⁶ See, e.g., *Michael Patrick Nanto*, Exchange Act Release No. 85436, 2019 WL 1424349 (Mar. 28, 2019) (dismissing application for review of FINRA action as abandoned where applicant failed to respond to FINRA's motion to dismiss).