

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

Release No. 69263 / April 1, 2013

Admin. Proc. File No. 3-15164

In the Matter of

STEVEN NEIL BARBOT

1519 Benson Street

Bronx, NY 10461

for Review of Disciplinary Action Taken by
FINRA

ORDER DISMISSING APPLICATION

On January 4, 2013, Steven Neil Barbot filed an application for review of a hearing panel decision in a FINRA expedited disciplinary proceeding that sanctioned him for failing to respond to five requests for information issued by the staff pursuant to FINRA Rule 8210.¹ On January 23, the Commission issued a scheduling order stating that a brief in support of the application for review was due on February 22. That order further stated, pursuant to Commission Rule of Practice 180(c),² that "failure to file a brief in support of the application may result in dismissal of this review proceeding." To date, nothing has been filed.³

On March 1, the Commission's Office of the Secretary contacted Barbot by telephone to ask whether he intended to file a brief. During that call, Barbot represented that he had mailed the brief several weeks earlier, but did not say where he had sent it. Barbot also acknowledged that he had not served the brief on FINRA, as required by Rule of Practice 150(a).⁴ On March 4, having received nothing, the Secretary's office again contacted Barbot by telephone. During that conversation, Barbot promised to mail the brief the following day. On March 5, the Office of the Secretary sent Barbot a letter by e-mail, overnight courier, and U.S. mail, summarizing these events, warning that "if our

¹ *Dep't of Enf. v. Steven Barbot*, Expedited Proceeding No. FP1120012 (Dec. 6, 2012). That decision suspended Barbot from FINRA membership with the added provision that the suspension would convert to a bar if he did not fully respond to the staff's requests for information within thirty days. The association also assessed costs.

² 17 C.F.R. § 201.180(c).

³ Barbot never requested an extension of time to file his brief.

⁴ 17 C.F.R. § 201.150(a).

office does not receive your brief by this Wednesday, March 6, your application for review is at risk of being dismissed."⁵

Two weeks later, on March 20, FINRA filed a motion requesting that the Commission dismiss Barbot's application as abandoned, citing Barbot's failure to file his brief "despite numerous written and verbal warnings from the Secretary's office that such a failure could lead to the dismissal of his appeal." Under Rule of Practice 154(b),⁶ Barbot had five days to respond to FINRA's motion. He has not done so. Nor has he filed and served any brief in support of his review application. It therefore appears that Barbot's appeal has been abandoned and, under the circumstances, it is appropriate that it be dismissed.

Accordingly, it is ORDERED that the application for review filed by Steven Neil Barbot is dismissed.

For the Commission by the Office of the General Counsel pursuant to delegated authority.⁷

Elizabeth M. Murphy
Secretary

⁵ Barbot did not provide a facsimile number in connection with his application for review. The tracking information for the shipment of the letter via overnight courier shows that the letter was received with a signature at Barbot's residence on March 6.

⁶ 17 C.F.R. § 201.154(b).

⁷ *See id.*, 17 C.F.R. § 200.30-14(g)(4).