

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 80499 / April 20, 2017

Admin. Proc. File No. 3-17767

In the Matter of

MCBARRON CAPITAL LLC

For Review of Action Taken by

FINRA

ORDER DISMISSING REVIEW PROCEEDING

On December 8, 2016, a FINRA hearing officer issued a decision cancelling McBarron Capital LLC's membership with FINRA after the firm failed to pay outstanding fees owed to FINRA.¹ The hearing officer also rejected McBarron's request for a hearing on the grounds that it was untimely and did not set forth in its request any and all defenses for its failure to pay outstanding fees. FINRA's National Adjudicatory Council did not call the decision for review, and the decision became the final action of FINRA in this proceeding.

On January 3, 2017, McBarron filed an application for review with the Commission. Our Office of the Secretary received it on January 10, 2017. Acting pursuant to delegated authority and Rule of Practice 411,² our Office of the General Counsel issued an order granting the application for review on February 24, 2017. That order directed McBarron to file its opening brief in support of the application for review by March 27, 2017. The order also reminded McBarron that pursuant to Rule of Practice 180(c),³ "failure to file a brief in support of the application may result in dismissal of this review proceeding."

¹ *McBarron Capital LLC*, FINRA Expedited Proceeding No. DFC160001 (Dec. 8, 2016), https://www.finra.org/sites/default/files/OHO_McBarron_DFC160001_120816_0.pdf.

² 17 C.F.R. § 201.411.

³ 17 C.F.R. § 201.180(c).

McBarron has not filed its opening brief. On April 3, 2017, FINRA filed a motion to dismiss McBarron's application for review due to McBarron's failure to file. McBarron had five days to respond to FINRA's motion under Rule of Practice 154(b),⁴ but it has not done so.

It appears that McBarron has abandoned its appeal. The Office of the Secretary should have by now received any brief that McBarron intended to timely file. FINRA's motion to dismiss also put McBarron on notice that its opening brief was never received, yet McBarron did not respond to that motion. Under the circumstances, it is appropriate to dismiss this appeal.⁵

Accordingly, it is ORDERED that this application for review be, and it hereby is, dismissed.

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

Brent J. Fields
Secretary

⁴ 17 C.F.R. § 201.154(b).

⁵ *See, e.g., Steven Neil Barbot*, Exchange Act Release No. 69263, 2013 WL 1290210, at *1 (Apr. 1, 2013) (dismissing an application for review where the applicant failed to file a brief supporting his application or respond to FINRA's motion).