

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 81355 / August 8, 2017

Admin. Proc. File No. 3-18015

In the Matter of the Application of

DAVID K. MALLETT

For Review of Action Taken by

FINRA

ORDER GRANTING MOTION TO WITHDRAW APPLICATION FOR REVIEW

On May 8, 2017, FINRA barred applicant David Mallett, pursuant to FINRA Rule 9552, from associating with any FINRA member firm for failing to respond to requests for information under FINRA Rule 8210. Mallett filed an application for review of FINRA's decision with the Commission on June 7, 2017. The application claimed that there was no valid basis for the bar, Mallett never received notices from FINRA, and personal circumstances excused his failure to respond.

On June 9, 2017, the Commission's Office of the Secretary wrote to Mallett "acknowledg[ing] receipt on June 7, 2017 of an application seeking review by the Commission of action taken against [Mallett]." Its 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 June 21, 2017, FINRA filed a motion to dismiss Mallett's appeal and to stay issuance of a briefing schedule until its motion to dismiss was resolved. FINRA's motion primarily contended that Mallett was required to respond to FINRA's Rule 8210 requests because he remained subject to FINRA's jurisdiction; that FINRA properly served its requests for information and its Rule 9552 notices; and that Mallett's application should be dismissed because he failed to exhaust his administrative remedies.

On July 11, 2017, the Office of the Secretary received from Mallett a notice regarding his appeal. The notice explained that “[u]pon further consideration, Mallett hereby withdraws his application for review.” Under the circumstances, it is appropriate to grant Mallett’s request.

Accordingly, IT IS ORDERED that the request by David Mallett to withdraw his application for review be, and it hereby is, granted and that this review proceeding be, and hereby is, dismissed.

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

Brent J. Fields
Secretary