

UNITED STATES OF AMERICA  
before the  
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934  
Release No. 82291 / December 11, 2017

Admin. Proc. File No. 3-18025

In the Matter of the Application of  
  
WILSON CHUNG  
  
For Review of Action Taken by  
  
FINRA

ORDER DISMISSING APPLICATION FOR REVIEW

On June 12, 2017, FINRA barred applicant Wilson Chung, formerly an associated person of a FINRA member firm, from associating with any FINRA member firm pursuant to FINRA Rule 9552 for failing to respond to requests for information under FINRA Rule 8210.

Chung filed an application for review of FINRA's decision with the Commission on June 13, 2017. In his application for review, Chung acknowledged that he did "not provid[e] sufficient information to FINRA in a timely manner." Nonetheless, Chung stated that he wished to appeal because the bar was "affecting a huge amount of [his] life."

On June 22, 2017, the Commission's Office of the Secretary wrote to Chung "acknowledg[ing] receipt on June 16, 2017 of an application seeking review by the Commission of action taken against [him]." The letter explained that, after the Commission received a certified copy of the record in the proceeding from FINRA, the Commission would "issue a briefing schedule order." The Office of the Secretary also notified Chung that "failure to file a required brief may result in the dismissal of your application."

The Order Scheduling Briefs was issued on August 10, 2017. That order directed Chung to file his opening brief in support of the application for review by September 11, 2017. The order also reminded Chung that, pursuant to Rule of Practice 180(c),<sup>1</sup> "failure to file a brief in support of the application may result in dismissal of this review proceeding."

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<sup>1</sup> 17 C.F.R. § 210.180(c).

Chung has not filed his opening brief. On September 19, 2017, the Office of the Secretary received from FINRA a letter that it served on Chung observing that Chung had not yet filed an opening brief by the date specified in the Order Scheduling Briefs and “request[ing] that the Commission dismiss the application as abandoned.” Although FINRA should have filed a formal motion under Rule of Practice 154,<sup>2</sup> FINRA’s letter is appropriately construed as a motion to dismiss Chung’s application for review as abandoned due to his failure to make a filing required under the Commission’s Rules of Practice.<sup>3</sup>

On October 5, 2017, FINRA moved to stay the briefing schedule while its request that the appeal be dismissed remained pending. The Office of the Secretary ordered the next day “that, until such time as the Commission acts on FINRA’s motion to dismiss, the time to file the opposition and reply briefs be extended to 30 days and 45 days, respectively, after any opening brief is filed.”<sup>4</sup> Even after this extension order was issued, Chung still did not file an opening brief.

It appears that Chung has abandoned his appeal. The Office of the Secretary should have by now received any brief that Chung intended to timely file. In addition, FINRA’s letter requesting dismissal, its motion to stay the briefing schedule, and the extension order all put Chung on notice that his opening brief was never received. Chung did not file that brief. Under the circumstances, it is appropriate to dismiss this appeal.<sup>5</sup>

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

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<sup>2</sup> 17 C.F.R. § 201.154.

<sup>3</sup> See, e.g., *Bruce M. Zipper*, Exchange Act Release No. 82158, 2017 WL 5712555, at \*3 (Nov. 27, 2017) (treating applicant’s letter request as a motion for a stay).

<sup>4</sup> *Wilson Chung*, Exchange Act Release No. 81840, 2017 WL 4480217, at \*1 (Oct. 6, 2017) (order granting extension of time).

<sup>5</sup> See, e.g., *McBarron Capital LLC*, Exchange Act Release No. 80499, 2017 WL 1406911 (Apr. 20, 2017) (order dismissing review proceeding) (dismissing an application for review where the applicant failed to file a brief supporting its application or respond to FINRA’s motion to dismiss), *reopening denied*, Exchange Act Release No. 81789, 2017 WL 4350655 (Sept. 29, 2017) (order denying reopening of dismissed review proceeding); cf. *Markland Techs.*, Exchange Act Release No. 59476, 2009 WL 586454, at \*1 (Feb. 27, 2009) (dismissing review proceeding *sua sponte* where the respondent “failed to file a brief, extension request, or anything else with respect to its appeal subsequent to its petition for review”).