

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 82970 / March 30, 2018

Admin. Proc. File No. 3-18138

In the Matter of the Application of

PAUL E. TABOADA

For Review of Disciplinary Action Taken by

FINRA

ORDER DISMISSING APPLICATION FOR REVIEW

On July 24, 2017, FINRA found that Paul E. Taboada, formerly an associated person of a FINRA member firm, had violated FINRA Rules 8210, 2150, and 2010 and barred him from associating with any FINRA member firm in any capacity. Taboada filed an application for review of FINRA's decision with the Commission on August 23, 2017. On August 24, 2017, the Commission's Office of the Secretary acknowledged receipt of Taboada's application.

An Order Scheduling Briefs was issued on September 8, 2017, directing Taboada to file his opening brief in support of the application for review by October 10, 2017.¹ The order also notified Taboada that, pursuant to Rule of Practice 180(c),² "failure to file a brief in support of the application may result in dismissal of this review proceeding."³

Taboada has not filed his opening brief. On October 17, 2017, FINRA filed a motion, which it also served on Taboada, to dismiss the application for review as abandoned. FINRA observed that Taboada had not filed an opening brief by the October 10, 2017 deadline or requested an extension of time. FINRA also moved to stay the briefing schedule while its request that the appeal be dismissed remained pending. That request was granted in a November

¹ *Paul E. Taboada*, Exchange Act Release No. 81560, 2017 WL 3953344, at *1 (Sept. 8, 2017).

² 17 C.F.R. § 201.180(c).

³ *Taboada*, 2017 WL 3953344, at *2.

8, 2017 order.⁴ The order noted that Taboada had not filed an opening brief, and extended the filing deadline for the remaining briefs until such time as any opening brief was filed or until the Commission acted on FINRA's motion to dismiss. Even after this order was issued, Taboada still did not file an opening brief.

It appears that Taboada has abandoned his appeal. The Office of the Secretary should have by now received any brief that Taboada intended to timely file. FINRA's motion to dismiss and the order extending the briefing schedule also put Taboada on notice that his opening brief was never received. Taboada did not file a brief in response to either the motion or the order. Under the circumstances, it is appropriate to dismiss this appeal.⁵

Accordingly, IT IS ORDERED that this application for review is dismissed.

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

Brent J. Fields
Secretary

⁴ *Paul E. Taboada*, Exchange Act Release No. 82038, 2017 WL 5167408, at *1 (Nov. 8, 2017).

⁵ *See, e.g., Wilson Chung*, Exchange Act Release No. 82291, 2017 WL 6334062, at *2 (Dec. 11, 2017) (dismissing application for review where applicant failed to file brief in support of his application or respond to FINRA's request that the application be dismissed); *McBarron Capital LLC*, Exchange Act Release No. 80499, 2017 WL 1406911, at *1 (Apr. 20, 2017) (same), *reopening denied*, Exchange Act Release No. 81789, 2017 WL 4350655 (Sept. 29, 2017); *cf. Markland Techs.*, Exchange Act Release No. 59476, 2009 WL 586454, at *1 (Feb. 27, 2009) (dismissing review proceeding *sua sponte* where respondent "failed to file a brief, extension request, or anything else with respect to its appeal subsequent to its petition for review").