

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 85471 / March 29, 2019

Admin. Proc. File No. 3-19018

In the Matter of the Application of

STEPHEN M. SEEWER

For Review of Action Taken by

FINRA

ORDER GRANTING MOTION TO WITHDRAW APPLICATION FOR REVIEW

On March 4, 2019, Stephen Mark Seewer timely filed with the Commission an application for review of FINRA action. Seewer had submitted a claim for arbitration with FINRA's Office of Dispute Resolution requesting expungement of certain customer dispute information. FINRA notified Seewer that his claim was not eligible for arbitration, and he appealed.

On March 15, 2019, FINRA filed a motion in this and several other proceedings requesting that we stay the issuance of any briefing schedule. FINRA requested a stay pending a decision on whether the Commission has jurisdiction under Section 19(d) of the Securities Exchange Act of 1934¹ to review FINRA's determination that a claim for expungement of a prior adverse arbitration award is not eligible for arbitration. FINRA argued that several other pending appeals presented this same jurisdictional issue, including an earlier group of applications which it had previously moved to consolidate. In its earlier motion to consolidate, FINRA sought a ruling on the jurisdictional issue before further briefing. FINRA requested that we stay briefing on Seewer's application until after a ruling on the common jurisdictional issue.²

Seewer opposed FINRA's motion to stay briefing, explaining that it was based on a factual mistake: no adverse award was ever rendered against him, and he was instead seeking to

¹ 15 U.S.C. § 78s(d).

² This order expresses no view on the merits or outcome of those other motions.

expunge a settlement reported on his public records. There was, according to Seewer, no common jurisdictional issue with the other cases FINRA sought to stay.

On March 25, 2019, FINRA notified the Commission's Office of the Secretary that it was withdrawing its motion to stay because, "[b]ased on conversations with counsel for the applicant, . . . this matter will be resolved and the application for review . . . will not be necessary." The next day, Seewer moved to withdraw his application for review because FINRA had represented that it would "allow [his] case to proceed through FINRA arbitration" and thus his appeal would be "moot." Under the circumstances, it is appropriate to grant Seewer's request.

Accordingly, IT IS ORDERED that the request of Stephen Mark Seewer to withdraw his application for review is granted and that this review proceeding is dismissed.

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

Vanessa A. Countryman
Acting Secretary