

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 74015 / January 8, 2015

Admin. Proc. File No. 3-15056

In the Matter of the Application of

JOSEPH S. AMUNDSEN

For Review of Disciplinary Action Taken By FINRA

ORDER DENYING REQUEST FOR RECONSIDERATION

On April 18, 2013, we issued an opinion and order in this proceeding (the "April 2013 Order"). In the April 2013 Order, we (1) found that on thirty-six Uniform Applications for Securities Industry Registration or Transfer, known as Forms U4, Joseph S. Amundsen, formerly a registered representative of various FINRA member firms, failed to disclose both an injunction entered against him in connection with investment-related activity and the revocation of his license to act as a certified public accountant and (2) sustained the bar FINRA imposed as a sanction.¹ Amundsen sought review of the April 2013 Order in the United States Court of Appeals for the D.C. Circuit,² which denied his petition on August 13, 2014.³ On August 20, 2014, Amundsen filed petitions for rehearing and rehearing en banc in the D.C. Circuit. On August 25, 2014, while these petitions were pending before the D.C. Circuit, Amundsen asked us to reconsider our April 2013 Order. The D.C. Circuit denied Amundsen's petitions on October 21, 2014 and issued its mandate on November 7, 2014. Amundsen submitted an additional request for reconsideration

¹ *Joseph S. Amundsen*, Exchange Act Release No. 69406, 2013 SEC LEXIS 1148 (Apr. 18, 2013). We also found that Amundsen was subject to a statutory disqualification. *Id.* at *35-37.

² Amundsen originally had sought relief in the U.S. Court of Appeals for the Ninth Circuit; that court found that venue for Amundsen's petition for review was inappropriate and transferred the petition to the D.C. Circuit. *Amundsen v. U.S. Dist. Court*, No. 13-71472 (9th Cir. Sept. 9, 2013) (denying petition to the extent it sought mandamus relief, construing petition in part as petition for review, and transferring petition for review to D.C. Circuit).

³ *Amundsen v. SEC*, 2014 U.S. App. LEXIS 15559 (D.C. Cir. Aug. 13, 2014).

on November 12, 2014.⁴ We have determined to deny both the August 25 and the November 12 requests as untimely.⁵

Our Rule of Practice 470 provides, in relevant part:

A party . . . aggrieved by a determination in a proceeding may file a motion for reconsideration of a final order issued by the Commission. . . . A motion for reconsideration shall be filed within 10 days after service of the order complained of, or within such time as the Commission may prescribe upon motion for extension of time filed by the person seeking reconsideration, if the motion is made within the foregoing 10-day period.⁶

The rule contains no provision for late filings unless an extension is granted based on a request made within the ten-day period.⁷ Amundsen was served with a copy of the April 2013 Order on April 22, 2013,⁸ well over a year before the filing of his motions. As a result, his requests for reconsideration are untimely.⁹

⁴ Amundsen, who appears pro se, made this request in a letter addressed to Chair Mary Jo White and to Richard G. Ketchum, Chairman and Chief Executive Officer of the Financial Industry Regulatory Authority. On November 14, 2014, Amundsen submitted another letter, supplementing his earlier reconsideration request.

⁵ We awaited issuance of the mandate before addressing Amundsen's August 25 request.

⁶ 17 C.F.R. § 201.470. We note, in considering the narrow circumstances where reconsideration will be granted, that the comment to Rule 470 states that "reconsideration is intended to be an exceptional remedy." Rules of Practice, 60 Fed. Reg. 32,738, 32,780 (June 23, 1995).

⁷ Rule 470, 17 C.F.R. § 201.470.

⁸ Our Office of the Secretary served Amundsen with a copy of the April 2013 Order by United States Postal Service certified mail, return receipt requested. See Rules of Practice 141(b), 17 C.F.R. § 201.141(b) (service of certain orders or decisions) and 141(a)(2)(i), 17 C.F.R. § 201.141(a)(2)(i) (methods of service on individuals). After service of the April 2013 Order on Amundsen, a corrected opinion and order was issued, listing the names of the participating Commissioners that had been omitted from the original. Amundsen received both decisions, which he attached to pleadings he filed with the D.C. Circuit in 2013.

⁹ We also note, with respect to the November 12 request (and the November 14 supplement to that request), that our Rules of Practice do not provide for a second motion to reconsider the same decision. *Johnny Clifton*, Exchange Act Release No. 70942, 2013 SEC LEXIS 3712, at *3 (Nov. 25, 2013) (refusing to consider a second motion for reconsideration, among other reasons, because the Rules of Practice do not provide for a second motion to reconsider the same decision). Because any further filings seeking reconsideration of the April 2013 Order would be untimely and would also be inconsistent with our rules, no further such filings will be accepted. See

(continued...)

IT IS therefore ORDERED that the requests for reconsideration of the April 2013 Order, filed by Joseph S. Amundsen, are hereby denied.

By the Commission.

Brent J. Fields
Secretary

(...continued)

Raghavan Sathianathan, Exchange Act Release No. 54975, 2006 SEC LEXIS 3008 (Dec. 20, 2006) (stating that no further filings would be accepted where litigant repeatedly failed to conform filings to Rules of Practice and where period for filing motions for reconsideration had passed).