

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 13-1252

September Term, 2013

SEC-FINRA 3-15056

Filed On: August 13, 2014

Joseph S. Amundsen,

Petitioner

v.

Securities and Exchange Commission,

Respondent

**PETITION FOR REVIEW OF AN ORDER OF
THE SECURITIES AND EXCHANGE COMMISSION**

BEFORE: Brown, Millett, and Pillard, Circuit Judges

J U D G M E N T

This petition for review of an order of the Securities and Exchange Commission was considered on the briefs and appendices filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the petition for review be denied. Petitioner seeks review of an SEC order sustaining the results of a Financial Industry Regulatory Authority (“FINRA”) disciplinary action taken against him due to his failure to disclose, as required by FINRA rules, the final judgment of permanent injunction entered in SEC v. Joseph S. Amundsen, No. 3:83-cv-00711 (N.D. Cal. Feb. 15, 1983), and the resulting 1986 revocation of his California license to practice certified public accounting. Petitioner raises a variety of arguments challenging and seeking relief from the 1983 injunction, but petitioner may not collaterally attack that injunction in this proceeding, cf. Blinder, Robinson, & Co. v. SEC, 837 F.2d 1099, 1108 (D.C. Cir. 1988) (holding that “an attack on the validity of [an underlying] proceeding” that could have been raised in the convicting jurisdiction “is doomed to fail”), and petitioner has failed to demonstrate how his arguments in this regard excuse his failure to disclose the injunction on the relevant FINRA forms. Petitioner also raises a “statute of limitations” argument, apparently contending he was not obligated to disclose the injunction and license revocation because they were more than ten years old, but petitioner failed to raise this

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argument before the Commission and has not provided a reasonable ground for his failure to do so. See 15 U.S.C. § 78y(c)(1). Even if this court could consider this argument, it is without merit because the FINRA rule on which petitioner relies does not govern petitioner's disclosure obligations. See FINRA Rule 8312 (describing the information FINRA shall release through BrokerCheck). Petitioner's remaining arguments fail to identify any legal or factual basis for granting the petition for review.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam