

**BEFORE THE  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC**

In the Matter of the Application of

Wilfredo Felix


For Review of Action Taken By

FINRA

File No. 3-21246

**WIL FELIX RESPONSE TO FINRA'S BRIEF IN OPPOSITION TO THE APPLICATION  
FOR REVIEW**

Wil Felix



March 16, 2023

**OS Received 03/17/2023**

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**Introduction and Facts**

First Id like to begin with the pure fact that FINRA again is trying to rewrite history. My goodness how blatant can you be. Its as if FINRA has not read or responded to the documents that have been sent and created its own narrative of events. It has been stated in the NAC on the record that these requests were not received and ultimately when received were responded to via FedEx hence the existence of a FedEx tracking information with a receipt by FINRA.

Shall we game play a game?®

To me this is serious, and a process that should be respected. FINRA mentions gamesmanship and the only game being played is for the respect of your mind as they have not addressed the fact that they received a FedEx with the paperwork requested. As evidenced by the provided tracking label via FedEx. I don't reference any cases as there are no such cases that exist or even remotely exist as there has not been a situation such as COVID since times of prior to the Great Depression or the Black Plague there are no times to compare this to. I never received documentation stating they didn't receive my FedEx. Yet to this date they don't refute or even mention it in their responses. This is called textbook misdirection. Misdirection is defined as **that which directs the audience toward the effect and away from the method**", extending its scope beyond the simple manipulation of attentional processes. I don't need to make this sound pretty or reference cases as I never received this paperwork and even cited in FINRA own response they clearly admit that they received the documents returned as undeliverable. FINRA's own response speaks for itself and proves my case. They state their defense is notices sent to the CRD address constitutes service, **however** my children send letters to Santa at the North Pole and that doesn't mean he received them. FINRA was provided an updated address and updated email address as they were explicitly told this through the first bar proceeding. It is not my fault that they didn't take heed to the address changes which I priory supplied FINRA and FINRA responded to these updated addresses with its response to my first bar proceeding.

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The whole argument that I shouldn't be able to produce documentation is a moot point simply because there should never have been an enforcement action in the first place as they received the documents and till this point as I sit here to respond to a useless 21-page response from FINRA they are not addressing the elephant in the room. That they received the paperwork via FedEx. Stop it. They had a duty to make sure I received the paperwork especially during a pandemic as well if they respected the process. I was already barred, and I withdrew my firm, it was closed so there was no effect I could have had on the public and they rushed an enforcement action during a pandemic. This should show FINRA's objective. I was already barred there was no need to rush to a second bar. What was the rush? FINRA also received notification as admitted that the documents were not delivered. Shouldn't that ring a bell to internal administration that they had a wrong address. FINRA's enforcement, as well sent documentation from a different department of FINRA to the right location to answer my first bar proceeding and to send billing information. So thereby admitting they were aware of the updating of address changes. The problem is haste makes waste and rather than admit they erred. They'd rather reverse psychology and make it my fault that I didn't receive paperwork sent to the wrong location during the greatest pause on the planet ever.

It doesn't take a rocket scientist to clearly see what FINRA is doing and defaulted me after barring me and receiving notification of me overturning my first bar with irrefutable arguments. It's very clear they don't want evidence heard or the mere smoking gun that proves my case and destroys FINRA's. There should have never been a proceeding to bar as the documents were received by FINRA.

I respect the process but clearly you can see these individuals in this enforcement proceeding had an exuberance to make sure I was not in the business. Coinciding response exactly at the times I was to receive documentation back from the SEC on my first case. All in an effort to create a false sense of a recidivist. Which my first 8210 case is not about me not supplying documentation however its standing up and challenging the overreach of FINRA in the use of 8210 to coerce me to sign documentation outside of the purview of powers FINRA maintains. I have much respect for enforcement individuals however the ones in this case really need to be looked at. They received a FedEx in September and according to them raised an enforcement action in December and then defaulted and are now arguing that we should just sweep that under the rug. Realize my office of jurisdiction was New York and I had just finished an exam in December of 2019. And was cleared with no action in an exam by FINRA in July of 2019. In January 2020 another exam was opened for the same information. Wow the harassment. FINRA also replies that I have no arguments on record. Isn't that the definition of a default decision? As there would be no record created, as I wasn't afforded notification hence I didn't know about a proceeding, hence I didn't respond, hence there is no record. Wow. This has to be the craziest argument I've ever seen. They defaulted me knowing that they sent the documents to a place that which I was not located and now the argument is since I don't have anything on the record to a proceeding I had no involvement or knowledge

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of, that I should not be able to answer it. My answer to all of this is - life is a timeline of events and prior to all of this enforcement action, FINRA received a response via FedEx and at that point FINRA's request had been satisfied. They don't mention any new requests for information after September's receipt of the FedEx. So any proceeding should not exist. The only thing rings clear here. FINRA was unorganized throughout the pandemic and needs to own up to it. Lastly how did FINRA believe that if I am fighting to lift a bar. That I would allow another bar a "double bar" to take place. Are you serious? Please bring some common sense back to this process and some respect back this forum as FINRA's gamesmanship is the only thing at play here timing responses to tie out with the first bar proceeding and insulting the intelligence of this SEC process. Lift the "double bar" or defaulted bar as it is referenced.

Respectfully submitted,

/s/ [REDACTED]  
Wil Felix  
[REDACTED]

Date: March 16, 2023

**CERTIFICATE OF COMPLIANCE**

I, Wil Felix, certify that on this 17th day of March 2023, I caused a copy of Wilfredo Felix's Response to FINRA's Brief in Opposition to the Application for Review, in the matter of Wilfredo Felix, Administrative Proceeding File No. 3-21246, to be filed through the SEC's eFAP system on:

Vanessa A. Countryman, Secretary  
Securities and Exchange Commission  
100 F Street, NE  
Washington, DC 20549-1090

On this date, I also caused a copy to be served by email on:

FINRA

[tanya.doctornixon@finra.org](mailto:tanya.doctornixon@finra.org)

/s/ [REDACTED]  
\_\_\_\_\_  
Wil Felix  
[REDACTED]

Dated: March 16, 2023