

HARD COPY

Keith P. Sequeira

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OFFICE OF THE SECRETARY

██████████ • Middletown • NJ ██████████
Telephone: ██████████ • E-Mail: ██████████

December 16, 2016

Office of the Secretary
U.S. Securities and Exchange Commission
100 F Street NE
Mail Stop 1090 – Room # 10915
Washington
DC 20549

3-17734

By Fax (703) 813-9793 & Certified Mail R.R.R.

Dear Sirs,

Application for Review of FINRA's Decision Dated November 18, 2016 in the Matter of Regulatory Operations. v. Keith P. Sequeira; Expedited Proceeding No. ARB160035; STAR No. 20160510627.

I respectfully request that the U.S. Securities and Exchange Commission review FINRA's above stated Decision ("Application").

Please find enclosed:

- 1. Cover Letter;
- 2. Statement of Errors; and
- 3. Certification of Service.

A copy of the Application has been served on the SEC and FINRA by fax and Certified Mail R.R.R.

My address is ██████████, Middletown, NJ ██████████. My telephone number is ██████████.

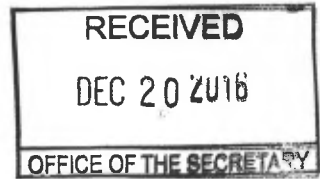
Yours faithfully,



Keith P. Sequeira
Applicant-Respondent

Copy by Fax (202) 728-8264 & Certified Mail R.R.R to:
FINRA, Office of General Counsel.

U.S. Securities and Exchange Commission
File No. [TBA]



In the matter of:

Regulatory Operations,

Complainant,

v.

Keith Patrick Sequeira,

Respondent.

Application for Review of:

FINRA's Decision dated November
18, 2016, Expedited Proceeding No.
ARB160035, STAR No.
20160510627.

Statement of Errors

1. On November 18, 2016, a decision constituting final action was issued by FINRA (“Decision” or “D”), and, pursuant to that Decision, I was suspended from associating in any capacity with any FINRA member for failure to pay an arbitration award (“Award”).

2. The Decision followed a hearing held on September 15, 2016, to determine a single legal issue: namely, whether my “multi—count civil action”¹ (D3) had been “denied”.²

3. The Decision has no support in fact or law.

4. It is well established that the trial court has the inherent power to be exercised in its sound discretion, to review, revise, reconsider and modify its interlocutory orders at any time prior to the entry of final judgment, *Lombardi v. Masso*, 25 A.3d 1080, 1089 (N.J. 2011).

5. Sequeira III was dismissed without prejudice³ pursuant to N.J. Court Rule, R. 1:13—7 for failure to serve. That defect has been cured. On November 7, 2016, I filed a Motion to Reinstate which is presently pending before the Court.⁴

6. Sequeira III was not, therefore, “denied” as FINRA would have it.

7. FINRA incorrectly asserts or implies: that I “did not properly and timely effect service on the defendants” (D4); that I “took no further action with regard” to Sequeira III (Id.); that Sequeira III is a “motion to vacate” (D5, D6, D7); that “FINRA’s arbitration rules” and interpretive materials regarding the “prompt

¹ *Sequeira v. Wells Fargo Advisors, LLC*, MON—L—003393—14 (“Sequeira III”).

² See FINRA’s Order Denying Motion to Dismiss Hearing Request, dated September 13, 2016, at p.3.

³ Typically, “without prejudice” means that there has been no adjudication on the merits of the claim and that a subsequent complaint alleging the same cause of action will not be barred simply by reason of its prior dismissal, *Mason v. Nabisco Brands, Inc.*, 233 N.J. Super. 263, 267—8 (App. Div. 1989) (citing *Melhame v. Borough of Demarest*, 174 N.J. Super. 28, 30—31 (App. Div. 1980)); *Velasquez v. Franz*, 123 N.J. 498, 509 (1991) (stating that the words “without prejudice” generally indicate that “there has been no adjudication on the merits of the claim, and that a subsequent complaint alleging the same cause of action will not be barred simply by reason of its prior dismissal (citation and quotation marks omitted)); *Mystic Isle Development Corp. v. Perskie & Nehmad*, 142 N.J. 310, 331 (1995) (same); *Alan J. Cornblatt, PA v. Barow*, 153 N.J. 218, 243 (1998) (same).

⁴ FINRA was on notice of this filing but nevertheless issued the Decision.

payment of arbitration awards” (D5) condone multiple violations by FINRA’s arbitrators of the Code and the Act; that the “dismissal was the direct result of [my] failure to prosecute” (D6) Sequeira III; that I did not “diligently pursue” (D6) Sequeira III; that I “offered no reason for [the] delay” (D7); that I “presented no evidence to show that [I] could not have perfected service of the complaint” (D7); that Sequeira II⁵ asserted “substantially the same claims as those dismissed in Sequeira I” (D7); that my reasons for non—service were “frivolous” (Id.); that Sequeira I & II, and Sequeira III, were “procedurally independent of one another” (D8); that my inability to serve Wells Fargo Advisors, LLC due to the misconduct of their attorneys was somehow an “Additional Defense” (D8) which was “not well set out” (Id.); and that I have “the ability to pay the award in full”.

8. I respectfully request, therefore, that the U.S. Securities and Exchange Commission (“SEC”) review the Decision on the non—exclusive grounds that FINRA has:

- (1) erred in fact and law;
- (2) disregarded its Code of Arbitration Procedure (“Code”);
- (3) disregarded multiple violations by its arbitrators of:
 - the New Jersey Arbitration Act, N.J.S.A. §§ 2A:23B-1 to -32 (“Act”); and
 - the New Jersey Consumer Fraud Act, N.J.S.A. §§ 56:8-1 *et seq.* (“NJCFA”)

Respectfully submitted.

Dated: 12/16/2016

Signature: Keith P. Sequeira

Keith P. Sequeira
Applicant—Respondent

⁵ “Sequeira II” refers to *Sequeira v. Wells Fargo & Co., et al.*, MON—L—000925—12.

U.S. Securities and Exchange Commission
File No. [TBA]

In the matter of:

Regulatory Operations,

Complainant,

v.

Keith Patrick Sequeira,

Respondent.

Application for Review of:

Decision by FINRA's Hearing Officer,
Andrew H. Perkins, Dated November
18, 2016 in Expedited Proceeding No.
ARB160035; STAR No. 20160510627;

Certification of Service

I, the undersigned, Keith P. Sequeira, Applicant—Respondent, hereby certify as follows:

1. On this 16th day of December, 2016, a true and correct copy of each of:
 - (1) Cover Letter;
 - (2) Statement of Errors;
 - (3) Certification of Service.

was served by Fax & Certified Mail R.R.R. as follows:

- Office of the Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Mail Stop 1090 – Room # 10915, Washington, DC 20549;
- Alan Lawhead, Director – Appellate Group, FINRA, Office of General Counsel, 1735 K Street, NW, Washington, DC 20006.

2. I certify that the forgoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: 12/16/2016

Signature: Keith P. Sequeira

Keith P. Sequeira
Applicant—Respondent