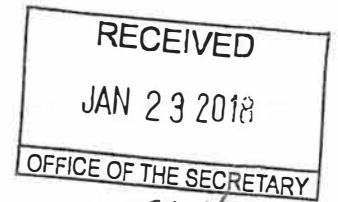


Keith P. Sequeira

██████████ • Middletown • NJ ██████████  
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January 19, 2018

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

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

Dear Mr. Fields,

Application for review of action taken by FINRA following remand,  
Expedited Proc. No. ARB160035, STAR No. 20160510627.

Please find enclosed:

1. Letter dated January 19, 2018;
2. Statement of Errors; and
3. Certification of Service.

A copy of the foregoing has been served on the SEC and FINRA by  
fax and Certified Mail R.R.R. My address for service and my  
telephone number is set forth above.

Yours sincerely,

A handwritten signature in blue ink that reads "Keith P. Sequeira". The signature is written in a cursive style with a horizontal line underneath.

Keith P. Sequeira  
Applicant

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

United States of America  
before the  
Securities and Exchange Commission

Administrative Proceeding File No. [TBA]

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In the matter of the	:	Application for Review of:
application of	:	
	:	FINRA's decision dated
Keith Patrick Sequeira	:	December 21, 2017 following
	:	remand
for review of action taken by	:	Exp. Proc. No. ARB160035
	:	STAR No. 20160510627
FINRA	:	

Statement of Errors

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Keith Patrick Sequeira ("Applicant") respectfully requests that the U.S. Securities and Exchange Commission ("SEC") review FINRA's decision following remand ("Remand Decision" or "Rd").

FINRA compelled Applicant to arbitration on the alleged basis of a "mandatory arbitration clause" (D7) in a promissory note. Applicant "preserved the issue of arbitrability for the court"<sup>1</sup>. FINRA issued an "Award" (D3). Applicant refused to pay. He filed suit in state court<sup>2</sup> (D2). FINRA served notice of suspension (D1). A "Hearing" was held (D3). FINRA suspended and, 30 days later, barred Applicant from associating in any capacity with any FINRA member ("Decision" or "D"). Applicant appealed. SEC remanded<sup>3</sup>. FINRA's Remand Decision imposed a perpetual suspension.

It is a sufficient and independent ground for the SEC to reverse the Remand Decision and sanction FINRA<sup>4</sup>:

- that the so-called "mandatory arbitration clause" (D7) did NOT "identify the general substantive area that the arbitration clause covers"<sup>5</sup> NOR "reference the types of claims waived by the provision"<sup>Ibid.</sup> NOR "explain the difference between arbitration and litigation"<sup>Ibid.</sup> and, therefore, that the aforestated clause was "unenforceable"<sup>6</sup>. FINRA nevertheless compelled Applicant to arbitration and engaged in "regulatory or disciplinary functions"<sup>7</sup> that were NOT "statutorily-delegated"<sup>Id.</sup> by the Securities Exchange

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<sup>1</sup> *Laborers' Local Union v. Interstate Curb & Sidewalk*, 90 N.J. 456, 465-6 (1982)(citing *In the Matter of Arbitration Between Grover & Universal Underwriters Ins. Co.*, 80 N.J. 221, 230 (1979)).

<sup>2</sup> *Sequeira v. Wells Fargo Advisors, LLC*, MON-L-003393-14 ("Sequeira III").

<sup>3</sup> *Keith Patrick Sequeira*, Exchange Act Release No. 81786, 2017 SEC LEXIS 3105 (Sept. 29, 2017) ("SEC I").

<sup>4</sup> References to FINRA are references to Kristine Vo, Matthew Campbell, Andrew H. Perkins, Ann-Marie Mason, Meredith MacVicar, Sora Lee, Jante C. Turner, Alan Lawhead, Michael Garawski.

<sup>5</sup> *Moon v. Breathless Inc.*, 868 F.3d 209, 214 (3d Cir. 2017) (quotations to binding New Jersey Supreme Court cases omitted).

<sup>6</sup> *Atalese v. U.S. Legal Serv. Group*, 219 N.J. 430, 436 (2014), cert. denied, 135 S. Ct. 2804 (2015).

<sup>7</sup> *Weissman v. National Ass'n of Securities Dealers*, 500 F.3d 1293, 1294 (11th Cir. 2007).

Act, 15 U.S.C. §78a et seq.<sup>1d</sup>. ("Act"). The Award, therefore, "by very definition . . . [was] ultra vires"<sup>8</sup>;

- that FINRA's Notice of Reassignment of Hearing Officer (Perkins for Campbell) dated September 13, 2016 expressly nominated the Hearing a "disciplinary proceeding". FINRA's Rd thus committed fraud<sup>9</sup> upon the SEC by representing that the sanction imposed upon Applicant was NOT "disciplinary" in nature<sup>10</sup>;
- that FINRA was on notice that the "mandatory arbitration clause" was "unenforceable"<sup>11</sup> and that the Award was ultra vires, void, and outside FINRA's "statutorily-delegated"<sup>7</sup> authority. FINRA nevertheless committed fraud<sup>9</sup> upon Applicant by applying disciplinary sanctions and causing him irreparable harm, that is, the loss of his livelihood;
- that FINRA libeled Applicant by asserting - without basis - that his conduct was "unethical" (D7,9 & Rd2); and
- that Applicant's "multi-count civil action" (D3) had never been "denied"<sup>12</sup> as FINRA would have it.

Respectfully submitted.

Dated: 1/19/2012

Signature: Keith P. Sequeira

Keith P. Sequeira  
Applicant

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<sup>8</sup> *Steel Co. v. Citizens for Better Environment*, 523 US 83, 102 (1998).

<sup>9</sup> As to the five elements of common law fraud, see *Gennari v. Weichert Co. Realtors*, 148 N.J. 582, 610 (1997)(citing *Jewish Ctr. of Sussex County v. Whale*, 86 N.J. 619, 624-25 (1981)).

<sup>10</sup> SEC reviews a non-disciplinary sanction under the three-pronged 19(f) whereas a disciplinary sanction (however nominated) is reviewed under the four-pronged 19(e) which, clearly, presents a higher bar to FINRA.

<sup>11</sup> See Applicant's Reply Brief in Admin. Proc. File No. 3-17734.

<sup>12</sup> See FINRA's Order Denying Motion to Dismiss Hearing Request, dated September 13, 2016, at p.3.

United States of America  
before the  
Securities and Exchange Commission

Administrative Proceeding File No. [TBA]

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In the matter of the :  
application of :  
 :  
 Keith Patrick Sequeira :  
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 for review of action taken by :  
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 FINRA :  
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Certification of Service

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Keith P. Sequeira

████████████████████  
Middletown  
NJ ██████████

Tel: ██████████ ██████████

E-Mail: ██████████@comcast.net

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

1. On this 19<sup>th</sup> day of January, 2018, a true and correct copy of each of:

- (1) Letter to Secretary Fields dated January 19, 2018;
- (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; Fax No. (703) 813-9793;
- Alan Lawhead, Director – Appellate Group, FINRA, Office of General Counsel, 1735 K Street, NW, Washington, DC 20006; Fax No. (202) 728-8264.

2. The word count of the Statement of Errors is 420.

3. 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: 1/19/2018

Signature: Keith P. Sequeira

Keith P. Sequeira  
Applicant