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SECURITIES EXCHANGE COMMISSION	
Denial of FINRA Forum for Expungement Arbitration: Applicant: Thomas Christophe Prentice v. Respondent: Financial Industry Regulatory Authority	CASE NO. <u>318894</u>
APPLICATION FOR REVIEW	

On February 5, 2018, Thomas Christophe Prentice (“Prentice”), who resides at [REDACTED] [REDACTED] Mirage, California [REDACTED], submitted a Statement of Claim to the Financial Industry Regulatory Authority (“FINRA”) Office of Dispute Resolution requesting a hearing for the expungement of his CRD record as it relates to two customer dispute disclosures, occurrence numbers 170892 (the “Occurrence”) and 1452693. On October 9, 2018, less than three weeks before his scheduled Expungement Hearing, the Director of FINRA Office of Dispute Resolution (the “Director”) denied FINRA forum for arbitration. This notice stated the Occurrence arises from a “prior adverse Award” and is not eligible for arbitration, citing Industry Code Rule 13203(a).

The language of Rule 13203(a) is excessively vague, and creates too much opportunity for the Director of FINRA to abuse his powers by making egregious decisions. For example, the Director found this case to be ineligible for arbitration; yet no issues were raised in an identical situation where an Associated Person in FINRA arbitration requested expungement of disclosures arising from prior adverse Awards. *Sean Michael Murphey v. Eastbrook Capital Group LLC, et al*, 17-01566 (FINRA February 8, 2018) In the latter case, the Director raised no issues and the Panel, having heard that case on the merits, made recommendation for expungement.

FINRA Rules and Regulations contain no rule barring arbitration for expungement of disclosures arising from a prior adverse Award. FINRA's own Dispute Resolution Expungement Training and Exam packet offers guidance to arbitrators saying that they "should not" grant expungement for these types of occurrences. FINRA does not say disclosures arising from prior adverse Awards are ineligible for arbitration, or that arbitrators cannot grant expungement for these types of occurrences. The language says arbitrators "should not" grant expungement. Therefore, it stands to reason that the decision to recommend expungement for disclosures arising from a prior adverse Award is one that is rightfully left up to the arbitrator, and not for the Director.

As an Associated Person, Prentice is bound to FINRA arbitration for disputes between himself and a Member Firm. The parties to the case spent over eight months in arbitration, held hearings, exchanged pleadings and engaged in discovery of documents and information – during which they incurred significant legal fees. The Director's denial of form at this late state is nothing short of egregious, and the Director has abused his discretion by denying said forum in such an inconsistent and arbitrary manner.

Accordingly, Prentice respectfully submits this Application for Review to the Commission requesting that he be permitted to bring his case to FINRA arbitration.

Dated: November 6, 2018

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Misty Brown, certify that on this 6th day of November 2018, I caused the original and three copies of this Application for Review of Thomas Christophe Prentice, to be served via Certified Mail on:

Brent J. Fields, Secretary
Securities and Exchange Commission
100 F St., NE
Room 10915
Washington, DC 20549-1090

and

General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006



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